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Price: EUR 3

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<sup>(1)</sup> Text with EEA relevance

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<sup>(1)</sup> Text with EEA relevance

## II

*(Non-legislative acts)*

## INTERNATIONAL AGREEMENTS

**Information relating to the entry into force of the Agreement between the European Union and Pakistan on the readmission of persons residing without authorisation**

The Agreement between the European Union and Pakistan on the readmission of persons residing without authorisation entered into force on 1 December 2010, the procedure provided for in Article 20 of the Agreement having been completed on 8 October 2010.

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# REGULATIONS

## COUNCIL IMPLEMENTING REGULATION (EU) No 457/2011

of 10 May 2011

### imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of melamine originating in the People's Republic of China

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community <sup>(1)</sup> (the basic Regulation), and in particular Article 9 thereof,

Having regard to the proposal submitted by the European Commission (Commission) after having consulted the Advisory Committee,

Whereas:

#### A. PROCEDURE

##### 1. Provisional measures

- (1) By Regulation (EU) No 1035/2010 <sup>(2)</sup> (the provisional Regulation) the Commission imposed a provisional anti-dumping duty on imports of melamine originating in the People's Republic of China (PRC). The provisional anti-dumping duties ranged from 44,9 % to 65,2 %.
- (2) The proceedings were initiated as a result of a complaint lodged on 4 January 2010 by EU producers Borealis Agrolinz Melamine GmbH, DSM Melamine BV and Zakłady Azotowe Puławy (the complainant), representing a major proportion, in this case more than 50 %, of the total Union production of melamine.
- (3) The investigation of dumping and injury covered the period from 1 January 2009 to 31 December 2009 ('investigation period' or 'IP'). The examination of the trends relevant for the assessment of injury covered the period from 1 January 2006 to the end of the IP (period considered).

##### 2. Subsequent procedure

- (4) Subsequent to the disclosure of the essential facts and considerations on the basis of which it was decided to

impose provisional anti-dumping measures (provisional disclosure), several interested parties made written submissions making their views known on the provisional findings. The parties who so requested were granted an opportunity to be heard.

- (5) The Commission sought and verified all information it deemed necessary for its definitive findings. To this end a verification visit was carried out at the premises of the following user company in order to assess the possible impact of the imposition of definitive anti-dumping measures:

— Coveright Surfaces Spain, Martorelles (Barcelona), Spain.

- (6) Subsequently all parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of a definitive anti-dumping duty on imports of melamine originating in the PRC and the definitive collection of the amounts secured by way of the provisional duty (final disclosure). All parties were granted a period within which they could make comments on the final disclosure.

- (7) The oral and written comments submitted by the interested parties were considered and taken into account where appropriate.

##### 3. Parties concerned by the proceeding

- (8) In the absence of any comments with regard to the parties concerned by the proceeding, recitals 4 to 10 of the provisional Regulation are hereby confirmed.

#### B. PRODUCT CONCERNED AND LIKE PRODUCT

##### 1. Product concerned

- (9) It is recalled that in recital 12 of the provisional Regulation the product concerned is defined as melamine, currently falling within CN code 2933 61 00 and originating in the PRC.
- (10) Melamine is a white crystalline powder obtained from urea. It is used mainly in laminates, moulding powders, wood-based panels and coating resins.

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

<sup>(2)</sup> OJ L 298, 16.11.2010, p. 10.

## 2. Like product

- (11) One exporting producer reiterated the claim made in recital 65 of the provisional Regulation that the melamine produced and exported from the PRC was in general of a slightly lower quality compared to the melamine produced by the Union industry and could not be used for certain surface applications. The argument of difference in quality was also brought forward by several users located in the Union.
- (12) The investigation has shown that although melamine may vary slightly in colour, it is not sold on the basis of different quality standards, either on the domestic market or on export markets. No evidence was provided which would point to the fact that possible slight variations in melamine would lead to different basic physical and chemical characteristics and end uses. The issue was not raised by the other exporting producers. Moreover, the investigation has also shown that the exporting producer in question was using a similar production process as the Union industry.
- (13) Based on the above, the claim is rejected and it is hereby confirmed that melamine produced and sold by the Union industry in the Union, melamine produced and sold on the domestic market of the PRC and melamine imported into the Union from the PRC, as well as that produced and sold in Indonesia, which served as the analogue country, are considered to be alike within the meaning of Article 1(4) of the basic Regulation.
- (14) In the absence of any other comments regarding the like product, recitals 12 to 15 of the provisional Regulation are hereby confirmed.

## C. DUMPING

### 1. Market economy treatment

- (15) Market economy treatment (MET) was initially refused to all exporting producers that requested it on the grounds that the costs of the major inputs did not substantially reflect market values as required under Article 2(7)(c) of the basic Regulation. As set out in recitals 20 to 24 of the provisional Regulation, the MET investigation determined that this was due to State interference in both the natural gas market and the urea market in the PRC. In addition to this general situation, there were also company-specific reasons for refusing MET as set out in recitals 25 to 28 of the provisional Regulation.
- (16) One exporting producer argued that the urea price in the PRC was in line with the prices in other parts of the world, such as Indonesia and the Middle East, therefore

the conclusion that the costs of major inputs were distorted was not correct.

- (17) However, the initial conclusion that the urea market in the PRC was subject to significant State interference, as set out in recitals 23 and 24 of the provisional Regulation, was not questioned. This element is already sufficient to conclude that criterion 1 of point (c) of Article 2(7) of the basic Regulation is not fulfilled. This conclusion is not affected by the fact that at a certain point in time urea prices in the PRC and in some other parts of the world prices might have been roughly at the same level.
- (18) One exporting group disagreed with the refusal of MET and individual treatment (IT) based on the fact that the Commission did not receive full MET claim forms for all related companies. In its comments on the disclosure, this group offered full cooperation but did not question the fact that one of its related companies did not provide a MET claim form at the same time as the rest of the group. Therefore this claim is rejected.
- (19) In the absence of any other comments concerning MET, recitals 16 to 32 are hereby confirmed.

### 2. Individual treatment

- (20) It was provisionally established that three of the five exporting producer companies or groups in the PRC met all the requirements for IT.
- (21) The Union industry questioned the decision to grant IT to three groups of companies by arguing that one exporting producer was owned by the Chinese State and another exporting producer had various links at management level to companies that were ultimately controlled by the State. In addition, the extent of State interference was such that it would allow circumvention of the measures with respect to all three exporting producers.
- (22) The investigation has shown that none of the exporting producers initially granted IT were State-owned. In addition, the claim that the management of one exporting producer had links to State-controlled companies was not substantiated. With regard to the possible risk of circumvention, it should be noted that the investigation showed that export prices, quantities, conditions and terms of sale were freely negotiated and determined and that the exporting producers were neither State-owned nor otherwise subject to dominant State influence at management level. Hence it may be concluded that State interference is not such as to permit circumvention of measures.

- (23) In view of the above, the claims of the Union industry are rejected. The initial conclusion that three of the five exporting producers meet all requirements for IT is therefore confirmed.

### 3. Normal value

#### (a) Choice of the analogue country

- (24) Indonesia was chosen as the analogue country. The data submitted in the cooperating Indonesian producer's reply were verified *in situ* and found to be reliable and a suitable basis for the normal value.
- (25) One exporting producer questioned the choice of Indonesia as analogue country on the grounds that interested parties had not had the opportunity to comment on this choice. However, since May 2010 the file open for inspection had contained a note explaining why Indonesia had been chosen as analogue country. Thus, as parties had had ample opportunity to comment on this choice, their procedural rights had been respected in full. No further comments were received on the choice of the analogue country.
- (26) It is therefore confirmed that Indonesia is an appropriate and reasonable analogue country in accordance with Article 2(7) of the basic Regulation.

#### (b) Determination of normal value

- (27) It is recalled that normal value was constructed using the cost of manufacturing of the Indonesian producer plus a reasonable amount for SG & A and for profit on the domestic market.
- (28) One exporting producer questioned the level of the constructed normal value, in particular the SG & A and profit that were based on those of the Union industry. However, this method is in line with point (c) of Article 2(6) and considered appropriate. No other data were available that could be used as a basis for SG & A and profit as there were no other exporters or producers subject to investigation in the analogue country and the producer subject to the investigation did not sell any other category of products in the IP.
- (29) Therefore this claim is rejected. Recitals 35 to 45 with regard to the determination of the normal value are hereby confirmed.

#### (c) Export prices for the exporting producers granted IT

- (30) In the absence of any comments with regard to the determination of the export price, recital 46 of the provisional Regulation is hereby confirmed.

#### (d) Comparison

- (31) One exporting producer questioned the comparison of the normal value and the export price with regard to the issue of VAT. However, as normal value and export price were compared at the same level of indirect taxation, i.e. VAT included, in line with point (c) of Article 2(10), no change to this method is needed. Therefore recitals 47 and 48 of the provisional Regulation are hereby confirmed.

### 4. Dumping margins

#### (a) For the cooperating exporting producers granted IT

- (32) In the absence of any comments with regard to the dumping margins, recital 49 of the provisional Regulation is hereby confirmed.
- (33) On that basis the definitive dumping margins expressed as a percentage of the CIF Union frontier price, duty unpaid, are as follows:

Company	Definitive dumping margin
Sichuan Jade Elephant Melamine S&T Co. Ltd	44,9 %
Shandong Liaherd Chemical Industry Co. Ltd	47,6 %
Henan Junhua Development Company Ltd	49,0 %

#### (b) For all other exporting producers

- (34) In the absence of any comments with regard to the dumping margins recitals 51 to 52 of the provisional Regulation are hereby confirmed.

On this basis the country-wide level of dumping is definitely established at 65,6 % of the CIF Union frontier price, duty unpaid, and recital 53 of the provisional Regulation is hereby confirmed.

## D. INJURY

### 1. Injury

#### 1.1. Union production and Union industry

- (35) In the absence of any comments concerning the Union production and the Union industry, recitals 54 to 56 of the provisional Regulation are hereby confirmed.

#### 1.2. Union consumption

- (36) Some parties claimed that Eurostat figures concerning imports of melamine from the PRC were not reliable in terms of quantity. A verification of Eurostat data

led to minor changes in the import figures and consequently in the Union consumption as shown in the tables below. These changes are not such as to affect the analysis of the Union consumption in recitals 57 to 59 of the provisional Regulation which can thus be confirmed.

Table 1

	2006	2007	2008	IP
Volume (tonnes)	368 873	392 691	326 409	267 226
Indexed	100	106	88	72

Source: Updated Eurostat data and questionnaire replies.

### 1.3. Imports into the European Union from the country concerned

#### 1.3.1. Volume, price and market share of imports from the PRC

Table 2

Imports from the PRC	2006	2007	2008	IP
Volume (tonnes)	26 962	46 874	37 366	18 482
Indexed	100	174	139	69

Source: Updated Eurostat data.

(37) The above changes in the import volumes of the countries concerned are not as such as to affect the findings in recitals 61 and 62 of the provisional Regulation which can thus be confirmed.

(38) Several users claimed that they did not import melamine from the PRC in 2009 and 2010 because the Chinese prices were too high compared to the prices prevailing in the EU. They were therefore questioning the undercutting by Chinese exporters found during the IP.

(39) As mentioned in recitals 63 and 64 of the provisional Regulation, cooperation from Chinese exporters was low. Hence, the information verified on the spot with the cooperating Chinese companies was used to establish undercutting. As mentioned in recitals 66 and 67 of the provisional Regulation the imports of the cooperating exporting producers were undercutting the Union industry prices during the IP by 10,3 %. Given that no new evidence is provided compared to that available at the time of the imposition of the provisional measures, this claim is rejected.

#### 1.3.2. Price undercutting

(40) Some users claimed that an allowance should be made for extra work involved with the handling of imported

melamine from the PRC. They alleged that the purchase price of Chinese melamine did not include this type of cost.

(41) The examination of this claim showed that there was no reliable basis to establish under what conditions melamine from the PRC was imported and the possible amount of costs which may have been incurred in addition to the purchase price. In addition, no evidence was provided de by the above parties, hence, the claim is rejected.

(42) As was the case at the time of imposition of provisional measures, some parties claimed that the undercutting calculation should be based on Eurostat data instead of the data verified from only 30 % of cooperating Chinese companies.

(43) As mentioned in recital 66 of the provisional Regulation, the data of cooperating exporters was used for the undercutting calculation. This data has been verified and is therefore considered to be more reliable than data retrieved from Eurostat. This claim is therefore rejected.

(44) In the absence of any other comments concerning price undercutting, the methodology described in recitals 66 and 67 of the provisional Regulation to establish price undercutting is hereby confirmed.

### 1.4. Economic situation of the Union industry

(45) In the absence of any comments regarding the economic situation of the Union industry, recitals 68 to 82 of the provisional Regulation are hereby confirmed.

### 1.5. Conclusion on injury

(46) In the absence of any comments regarding the conclusion on injury, recitals 83 to 86 of the provisional Regulation are hereby confirmed.

## 2. Causality

### 2.1. Preliminary remark

(47) As mentioned in recital 87 of the provisional Regulation it was examined whether the dumped imports of the product concerned originating in the PRC caused injury to the Union industry to a degree that can be considered as material. In addition, known factors other than the dumped imports, which could at the same time be injuring the Union industry, were also examined to ensure that possible injury caused by these other factors was not attributed to the dumped imports.

### 2.2. Effect of the dumped imports

(48) Based on the revised import data shown in table 2 above, the comments made in recitals 88 to 95 of the provisional Regulation remain valid. Overall, imports from



the PRC decreased significantly by 31 % during the period considered following the decrease in Union consumption (-28 %). With regard to prices, the export price verified at the premises of the cooperating Chinese producers was lower than the average import price reported in Eurostat. The verified cooperating Chinese exporters, representing about 30 % of total imports from the PRC, were found to be undercutting the Union industry price during the IP by 10,3 %.

- (49) The investigation revealed that in certain months of the IP the Chinese exporters were selling their surplus of melamine on the Union market when prices were attractive for them, and withdrawing when prices started to fall. This policy of targeted pricing continued to have negative effects on the Union market during the whole IP given that prices may be fixed for a period of three to six months. Thus it is confirmed that the presence of low-priced dumped imports on the Union market played a role in further exacerbating the negative trend in sales prices on the market in the medium term after they withdrew. The low level of sales prices contributed to the dramatic level of losses incurred by the Union industry and was identified as a major factor in the material injury found.
- (50) On this basis, the causal link between the dumped imports and the injury suffered by the Union industry can be confirmed.

### 2.3. *Effect of other factors*

- (51) On this point, interested parties basically reiterated most of the comments made at the provisional stage. As far as the effect of dumped imports are concerned, some parties claimed again that Eurostat figures should prevail over the data verified at the premises of the cooperating exporting producers. Such a claim would render the on-spot investigations meaningless and could therefore not be accepted. No evidence was provided to show that the data used in this investigation were unreliable. This claim is therefore rejected.
- (52) Some parties claimed that the injury suffered by the Union industry is not caused by the imports from the PRC, but by the global economic crisis. However, there was no evidence submitted by these parties showing that the data used in this investigation was unreliable. In addition, the dumped imports have intensified the effect of the economic crisis and consequently further exacerbated the situation of the Union industry. This claim is therefore rejected.
- (53) The comments received and the evidence provided regarding other factors were not such as to change the conclusion made in recitals 108 to 110 of the provisional Regulation that none of these factors could break the link between the dumped imports and the injury suffered by the Union industry. The provisional

conclusion that dumped imports caused material injury to the Union industry is therefore confirmed.

## 3. *Union interest*

### 3.1. *Interest of the Union industry*

- (54) It is recalled that the Union industry is composed of three producers located in different Member States, employing directly over 600 people in activities related to melamine.
- (55) Some users claimed that the employment figures of the complainants were overstated. No evidence was provided to show that the verified data used in this investigation was unreliable and therefore the claim is rejected.
- (56) One user claimed that the Union industry closed production sites due to technical problems, and not as a result of allegedly dumped imports.
- (57) Some plants of the Union industry indeed incurred some technical difficulties, but this was mainly after the IP. Following the imposition of provisional measures, the Union industry has submitted evidence that factories that had been idle due to the dumped imports have recently been reopened. This shows that measures have already had a positive impact on the Union industry.
- (58) It is expected that the imposition of definitive anti-dumping duties against imports originating in the PRC would have a further positive impact on the economic situation of the Union industry and would enable it to regain at least part of its lost profitability.
- (59) In the absence of any other comments with regard to the interest of the Union industry, recitals 112 to 115 of the provisional Regulation are hereby confirmed.

### 3.2. *Interest of importers*

- (60) In the absence of comments on the interest of importers, it was concluded that the imposition of definitive measures on imports of melamine originating in the PRC would not be against the interests of importers.

### 3.3. *Interest of users*

- (61) At the provisional stage cooperation by the users was relatively low. Of the 44 questionnaires sent, only seven replies which could be considered meaningful were received. Imports by the cooperating users represented around 10 % of Union consumption. It was concluded at that stage that the impact of the proposed measures would be relatively limited.



- (62) After provisional measures were imposed a verification visit was made to the premises of the main cooperating user in the Union. The investigation showed that the share of melamine in its cost of production is between 8 % and 15 %, depending on the activity. The possible impact of measures may therefore be relatively significant depending on the share of melamine in the costs and the level of profitability, which was relatively low.
- (63) In submissions received from a number of users it was alleged that after the imposition of provisional measures, a shortage of melamine in the Union market occurred and that this led to significant and continuous price increases. Whilst the sales price of melamine was around EUR 900 per tonne during the IP, post IP prices vary between EUR 1 200 and EUR 1 500 per tonne.
- (64) The verification visit carried out at the premises of the cooperating user confirmed that the provisional measures have had an impact on its activities, combined with the price increase which the Union industry has applied to its melamine. Indeed, the Union industry holds a market share of around 85 % in the Union market and thus basically all users are sourcing large part of their melamine from Union producers.
- (65) The information gathered during the investigation also suggests that prices are still expected to increase in the period following the IP. Hence, it would appear to be justified, in the Union interest, to change the form of the provisional measures to limit any further price increase of melamine which would seriously affect the overall users' business.
- (66) Some users claim that in 2010 a melamine shortage developed on the market and that EU producers were not able to meet demand on the Union market and that the imposition of provisional measures increased this shortage.
- (67) Analysis of the available data showed that the melamine market was indeed short for a certain period, but that this was not caused by the provisional duties, but was due to the worldwide evolution of the market.
- (68) Some users claim that the EU producers failed to supply the required quantities of melamine to maintain their production.
- (69) Analysis of the available data showed that the shortage only appeared on the 'spot-market', but that contractual agreed quantities were supplied.
- (70) Moreover, additional production capacity has been put online by the EU producers and by producers in third countries, ensuring a stable supply of melamine to Union users.
- (71) One user claimed that it stopped building a new production plant because it realised that they would no longer be competitive on their main export markets with the level of the provisional measures imposed.
- (72) Some users claimed that if provisional measures are confirmed, the downstream products in the Union will no longer be competitive compared to imports of the same downstream products from the PRC. Hence, these users will either close down or move their production facilities outside the Union.
- (73) One association of users claimed that only the sector of wood-based panel producers generates thousands of jobs so a much higher number compared to the EU melamine producers. Hence the imposition of definitive measures were therefore not in the interest of the Union.
- (74) The parties above did not provide convincing evidence to support their claims, recitals 116 to 121 of the provisional Regulation are therefore hereby confirmed.
- 3.4. Conclusion on Union interest**
- (75) Based on the above, it was concluded that there are no compelling reasons against the imposition of definitive anti-dumping duties against imports of melamine originating in the PRC.
- (76) However, based on the above, it appears to be in the Union interest to change the form of the proposed measures to limit any possible serious impact on the overall users' business which is heavily dependent on melamine supply.
- 4. Definitive anti-dumping measures**
- 4.1. Injury elimination level**
- (77) In the absence of any substantiated comments that would alter the conclusion regarding the injury elimination level, recitals 123 to 127 of the provisional Regulation are hereby confirmed.
- 4.2. Definitive measures**
- (78) In the light of the foregoing, it is concluded to change the form of the measures by imposing definitive measures in the form of a minimum import price (MIP) for the cooperating exporters who are granted IT and a fixed duty of EUR 415 per tonne net product weight for all the others. Imports from the cooperating exporters who are granted IT would be subject to a MIP of EUR 1 153 per tonne net product weight.
- (79) That MIP is based on the normal value established in the analogue country, increased to a CIF Union border price level using export data from the cooperating Chinese exporters and then expressed in EUR/tonne net product weight.

- (80) Where imports are undertaken at a CIF Union border price equal to or above the minimum import price established, no duty would be payable. If imports are undertaken at a lower price, the difference between the actual price and the minimum import price established would become payable.
- (81) Non-cooperating exporters and exporters not granted IT would be subject to the residual duty of EUR 415 per tonne net product weight (based the difference between the non-injurious price as mentioned in recital 126 of the provisional Regulation and the most injurious transaction of a cooperating exporter during the IP) regardless of the import price.
- (82) That form of measures would allow EU producers to recover from the effects of injurious dumping and should also prevent any undue price increases which could have a significant negative impact on the users' business.
- (83) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping duties. They were also granted a period of time within which they could make representations following this disclosure. The Union industry subsequently contested the allegations made by the users concerning the shortage of the product concerned as well as the evolution of prices after the IP on the Union market. With regard to the shortage, the Union industry argued that their industry was cyclical and that there were other sources of supply such as Trinidad and Qatar. As to the trend in prices, they contended that the increase had started well before the imposition of provisional measures. However, it cannot be denied that prices have continued to increase since the imposition of the provisional measures and that the imports from other sources are not significant. The comments submitted by other parties were duly considered but were not such as to change the conclusions.
- (84) The individual company anti-dumping duty rates specified in this Regulation are solely applicable to imports of the product concerned produced by these companies and thus by the specific legal entities mentioned. Imports of the product concerned manufactured by any other company not specifically mentioned in Article 1 with its name and address, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.
- (85) Any claim requesting the application of these individual anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission <sup>(1)</sup> forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with, for instance, that name change or that change in the production and sales entities. If appropriate, this Regulation will then be amended accordingly by updating the list of companies benefiting from individual anti-dumping duty rates.
- (86) In order to minimise the risks of circumvention, it is considered that special measures are needed in this case to ensure the proper application of the anti-dumping duties. These special measures include the following: The presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in the Annex to this Regulation. Imports not accompanied by such an invoice shall be made subject to the residual anti-dumping duty applicable to all other exporters.
- (87) Should the exports by one of the companies benefiting from the MIP increase significantly in volume after the imposition of the measures concerned, such an increase in volume could be considered as constituting in itself a change in the pattern of trade due to the imposition of measures within the meaning of Article 13(1) of the basic Regulation. In such circumstances, and provided the conditions are met, an anti-circumvention investigation may be initiated. This investigation may, inter alia, examine the need for the removal of the MIP and the consequent imposition of a duty.
- (88) If market conditions change significantly after the imposition of definitive measures, the Commission may, on its own initiative, review the form of the measures in order to assess whether the measures are achieving the intended results in removing the injury and whether a change in the form of the measures is warranted.
- 4.3. Definitive collection of provisional anti-dumping duties**
- (89) In view of the magnitude of the dumping margins found and in the light of the level of the injury caused to the Union industry, it is considered necessary that the amounts secured by way of the provisional anti-dumping duty, imposed by the provisional Regulation, should be definitively collected to the extent of the amount of the definitive duties imposed. Where the definitive duties are lower than the provisional duties, amounts provisionally secured in excess of the definitive rate of anti-dumping duties shall be released. Where the definitive duties are higher than the provisional duties, only the amounts secured at the level of the provisional duties shall be definitively collected,

<sup>(1)</sup> European Commission, Directorate-General for Trade, Directorate H, NERV-105, 1049 Bruxelles/Brussel, BELGIUM.

HAS ADOPTED THIS REGULATION:

*Article 1*

1. A definitive anti-dumping duty is hereby imposed on imports of melamine, currently falling within CN code 2933 61 00 and originating in the People's Republic of China.

2. The rate of the definitive anti-dumping duty applicable to the product described in paragraph 1 and produced by the companies below shall be as follows:

Company	Minimum import price (EUR/tonne net product weight)	Duty (EUR/tonne net product weight)	TARIC additional code
Sichuan Jade Elephant Melamine S&T Co. Ltd	1 153	—	A986
Shandong Liaherd Chemical Industry Co. Ltd	1 153	—	A987
Henan Junhua Development Company Ltd	1 153	—	A988
All other companies	—	415	A999

For the individually named producers, the amount of the definitive anti-dumping duty applicable to the product described in paragraph 1 shall be the difference between the minimum import price and the net, free-at-Union-frontier price, before duty, in all cases where the latter is less than the minimum import price. For these individually named producers, no duty shall be collected where the net free-at-Union-frontier price, before duty, is equal to or higher than the corresponding minimum import price.

The application of the minimum import price specified for the companies mentioned in this paragraph shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the

requirements set out in the Annex. If no such invoice is presented, the duty applicable to all other companies shall apply.

3. For the individually named producers and in cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value pursuant to Article 145 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code<sup>(1)</sup>, the minimum import price set out above shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable. The duty payable will then be equal to the difference between the reduced minimum import price and the reduced net, free-at-Union-frontier price, before customs clearance.

For all other companies and in cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value pursuant to Article 145 of Regulation (EEC) No 2454/93, the amount of the anti-dumping duty, calculated on the basis of paragraph 2 above, shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable.

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

*Article 2*

The amounts secured by way of the provisional anti-dumping duty pursuant to Regulation (EU) No 1035/2010 shall be definitively collected. The amounts secured in excess of the definitive rates of the anti-dumping duty shall be released. Where the definitive duties are higher than the provisional duties, only the amounts secured at the level of the provisional duties shall be definitively collected.

*Article 3*

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

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

Done at Brussels, 10 May 2011.

For the Council  
The President  
MARTONYI J.

<sup>(1)</sup> OJ L 253, 11.10.1993, p. 1.



## COMMISSION REGULATION (EU) No 458/2011

of 12 May 2011

**concerning type-approval requirements for motor vehicles and their trailers with regard to the installation of their tyres and implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Scope**

This Regulation applies to vehicles of categories M, N and O, as defined in Annex II to Directive 2007/46/EC.

Having regard to Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor<sup>(1)</sup>, and in particular Article 14(1)(a) thereof,

*Article 2***Definitions**

Whereas:

For the purposes of this Regulation, the following definitions shall apply:

- (1) Regulation (EC) No 661/2009 is a separate Regulation for the purposes of the type-approval procedure provided for by Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive)<sup>(2)</sup>.
  - (2) Regulation (EC) No 661/2009 repeals Council Directive 92/23/EEC of 31 March 1992 relating to tyres for motor vehicles and their trailers and to their fitting<sup>(3)</sup>. The requirements set out in that Directive should be carried over to this Regulation and, where necessary, adapted to the development of scientific and technical knowledge.
  - (3) The scope of this Regulation should be in line with that of Directive 92/23/EEC. The Regulation should therefore cover vehicles of categories M, N and O.
  - (4) Regulation (EC) No 661/2009 lays down basic requirements for the type-approval of motor vehicles with regard to the installation of tyres. Therefore, it is necessary to set out the specific procedures, tests and requirements for such type-approval to ensure that the tyres used on a vehicle are appropriate for the load, speed and use characteristics of that vehicle.
  - (5) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee — Motor Vehicles,
- (1) 'vehicle type with regard to the installation of its tyres' means vehicles which do not differ in such essential respects as the types of tyres, minimum and maximum tyre size designations, wheel dimensions and off-sets as well as speed and load capabilities suitable for fitment, and the characteristics of the wheel guards;
  - (2) 'type of tyre' means a range of tyres which do not differ in the following essential characteristics:
    - (a) the tyre class: C1, C2 or C3, as described in Article 8(1) of Regulation (EC) No 661/2009; and
    - (b) in the case of class C1, tyres, the characteristics of a type of pneumatic tyre as defined in paragraph 2.1 of UNECE Regulation No 30<sup>(4)</sup>;
    - (c) in the case of class C2 or C3 tyres, the characteristics of a type of pneumatic tyre as defined in paragraph 2.1 of UNECE Regulation No 54<sup>(5)</sup>;
  - (3) 'tyre size designation' means the designation as defined in paragraph 2.17 of UNECE Regulation No 30 for class C1 tyres and paragraph 2.17 of UNECE Regulation No 54 for class C2 and C3 tyres;
  - (4) 'wheel off-set' means the distance from the hub abutment face to the centre line of the rim;

<sup>(1)</sup> OJ L 200, 31.7.2009, p. 1.<sup>(2)</sup> OJ L 263, 9.10.2007, p. 1.<sup>(3)</sup> OJ L 129, 14.5.1992, p. 95.<sup>(4)</sup> OJ L 201, 30.7.2008, p. 70.<sup>(5)</sup> OJ L 183, 11.7.2008, p. 41.

- (5) 'pneumatic-tyre structure' means the technical characteristics of the tyre's carcass;
- (6) 'normal tyre' means a tyre or run flat tyre intended for normal on-road use;
- (7) 'run flat tyre' means a tyre as defined in paragraph 2.4.3 of UNECE Regulation No 64 <sup>(1)</sup>;
- (8) 'temporary-use spare tyre' means a tyre different from a tyre intended to be fitted to any vehicle for normal driving conditions but intended only for temporary-use under restricted driving conditions;
- (9) 'wheel' means a complete wheel consisting of a rim and a wheel disc;
- (10) 'temporary-use spare wheel' means a wheel different from one of the normal wheels on the vehicle type;
- (11) 'unit' means an assembly of a wheel and tyre;
- (12) 'standard unit' means a unit which is capable of being fitted to the vehicle for normal operation;
- (13) 'spare unit' means a unit which is intended to be exchanged for a standard unit in case of malfunction of the latter and may be either of the following;
- (14) 'standard spare unit' means an assembly of a wheel and tyre identical in terms of wheel and tyre size designation, wheel offset and tyre structure to that fitted in the same axle position and to the particular vehicle variant and version for normal operation, including wheels produced from a different material and which may use different wheel fixing nut or bolt designs, but which is otherwise identical to the wheel intended for normal operation;
- (15) 'temporary-use spare unit' means an assembly of any wheel and tyre that does not fall within the definition of standard spare unit and which falls within one of the temporary-use spare unit type descriptions as defined in paragraph 2.10 of UNECE Regulation No 64;
- (16) 'speed category symbol' means the symbol as defined in paragraph 2.29 of UNECE Regulation No 30 for class C1 tyres and paragraph 2.28 of UNECE Regulation No 54 for class C2 and C3;
- (17) 'load capacity index' means a number associated to the maximum load rating of the tyre in relation to the definition in paragraph 2.28 of UNECE Regulation No 30 for class C1 tyres and paragraph 2.27 of UNECE Regulation No 54 for class C2 and C3 tyres;
- (18) 'maximum load rating' means the mass which a tyre can carry when operated in conformity with requirements governing utilisation specified by the tyre manufacturer.

#### Article 3

#### **Provisions for EC type-approval of a vehicle with regard to the installation of its tyres**

1. The manufacturer or the representative of the manufacturer shall submit to the type-approval authority the application for EC type-approval of a vehicle with regard to the installation of its tyres.

2. The application shall be drawn up in accordance with the model of the information document set out in Part 1 of Annex I.

3. If the relevant requirements set out in Annex II to this Regulation are met, the type-approval authority shall grant an EC type-approval and issue a type-approval number in accordance with the numbering system set out in Annex VII to Directive 2007/46/EC.

A Member State may not assign the same number to another vehicle type.

4. For the purposes of paragraph 3, the approval authority shall deliver an EC type-approval certificate established in accordance with the model set out in Part 2 of Annex I.

#### Article 4

#### **Entry into force**

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

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

Done at Brussels, 12 May 2011.

For the Commission  
The President  
José Manuel BARROSO

<sup>(1)</sup> OJ L 310, 26.11.2010, p. 18.



*ANNEX I*

**Administrative provisions for the type-approval of vehicles with regard to the installation of their tyres**

## PART 1

**Information document**

## MODEL

Information document No ... relating to the EC type-approval of a vehicle with regard to the installation of its tyres.

The following information, if applicable, shall be supplied in triplicate and include a list of contents. Any drawings shall be supplied in appropriate scale and in sufficient detail on size A4 or on a folder of A4 format. Photographs, if any, shall show sufficient detail.

If the systems, components or separate technical units referred to in this information document have electronic controls, information concerning their performance shall be supplied.

0. GENERAL
  - 0.1. Make (trade name of manufacturer): .....
  - 0.2. Type: .....
  - 0.2.1. Commercial name(s) (if available): .....
  - 0.3. Means of identification of type, if marked on the vehicle <sup>(b)</sup>: .....
  - 0.3.1. Location of that marking: .....
  - 0.4. Category of vehicle <sup>(c)</sup>: .....
  - 0.5. Name and address of manufacturer: .....
  - 0.8. Name(s) and address(es) of assembly plant(s): .....
  - 0.9. Name and address of the manufacturer's representative (if any): .....
1. GENERAL CONSTRUCTION CHARACTERISTICS OF THE VEHICLE
  - 1.1. Photographs and/or drawings of a representative vehicle: .....
  - 1.3. Number of axles and wheels: .....
  - 1.3.1. Number and position of axles with tyres in dual (twin) formation: .....
  - 1.3.2. Number and position of steered axles: .....
  - 1.3.3. Powered axles (number, position, interconnection): .....
2. MASSES AND DIMENSIONS <sup>(f)</sup> <sup>(g)</sup>
  - 2.3. Axle track(s) and width(s)
    - 2.3.1. Track of each steered axle <sup>(g4)</sup>: .....
    - 2.3.2. Track of all other axles <sup>(g4)</sup>: .....
    - 2.3.3. Width of the widest rear axle: .....
    - 2.3.4. Width of the foremost axle (measured at the outermost part of the tyres excluding the bulging of the tyres close to the ground): .....
  - 2.8. Technically permissible maximum laden mass stated by the manufacturer <sup>(i)</sup> <sup>(3)</sup>: .....
  - 2.9. Technically permissible maximum mass on each axle: .....

- 2.11.5. Vehicle is/is not <sup>(1)</sup> suitable for towing loads
- 4.7. Maximum vehicle design speed (in km/h) <sup>(9)</sup>: .....
6. SUSPENSION
- 6.6. Tyres and wheels
- 6.6.1. Tyre/wheel combination(s) <sup>(†)</sup>
- (a) for tyres indicate;
- size designation(s),
  - load-capacity index <sup>(3)</sup>,
  - speed category symbol <sup>(3)</sup>,
  - rolling resistance coefficient (measured in accordance with ISO 28580);
- (b) for wheels indicate rim size(s) and off-set(s).
- 6.6.1.1. Axles
- 6.6.1.1.1. Axle 1: .....
- 6.6.1.1.2. Axle 2: .....
- etc.
- 6.6.3. Tyre pressure(s) as recommended by the vehicle manufacturer (kPa): .....
- 6.6.4. Description of the snow traction device(s) and the tyre/wheel combination(s) on the front and/or rear axle(s) suitable for the type of vehicle, as recommended by the manufacturer: .....
- 6.6.5. Brief description of temporary-use spare unit (if any): .....
- 6.6.6. Brief description of tyre pressure monitoring system (TPMS) (if fitted): .....
9. BODYWORK
- 9.16. Wheel guards
- 9.16.1. Brief description of the vehicle with regard to its wheel guards: .....
12. MISCELLANEOUS
- 12.6. Speed limitation devices
- 12.6.1. Manufacturer(s): .....
- 12.6.2. Type(s): .....
- 12.6.3. Type-approval number(s), if available: .....
- 12.6.4. Speed or range of speeds at which the speed limitation may be set: ... km/h

*Explanatory notes:*

<sup>(1)</sup> Delete where not applicable.

<sup>(3)</sup> Please fill in here the upper and lower values for each variant.

<sup>(b)</sup> If the means of identification of type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by this information document, such characters shall be represented in the documentation by the symbol '?' (e.g. ABC??123??).

<sup>(c)</sup> Classified according to the definitions set out in Directive 2007/46/EC Part A of Annex II.

<sup>(f)</sup> Where there is one version with a normal cab and another with a sleeper cab, both sets of masses and dimensions are to be stated.

<sup>(8)</sup> Standard ISO 612: 1978 — Road vehicles — Dimensions of motor vehicles and towed vehicles — terms and definitions.

<sup>(84)</sup> Term No 6.5.

<sup>(f)</sup> For trailers or semi-trailers, and for vehicles coupled with a trailer or a semi-trailer, which exert a significant vertical load on the coupling device or the fifth wheel, this load, divided by standard acceleration of gravity, is included in the maximum technically permissible mass.

<sup>(9)</sup> With respect to motor vehicles, if the vehicle manufacturer permits that certain controller functions are modified (e.g. by means of software, hardware, upgrading, selection, enabling, disabling) before or after the vehicle has been put into service, resulting in the vehicle having an increased maximum speed, the maximum possible speed achievable by means of adjustment of these controller functions is declared. With respect to trailers, the maximum speed as permitted by the vehicle manufacturer is declared.

<sup>(†)</sup> For tyres marked with the inscription ZR before the rim diameter code, intended to be fitted on vehicles whose maximum vehicle design speed exceeds 300 km/h, equivalent information shall be provided.

PART 2

EC type-approval certificate

MODEL

Format: A4 (210 × 297 mm)

EC TYPE-APPROVAL CERTIFICATE

Stamp of type-approval authority

Communication concerning:

- EC type-approval <sup>(1)</sup>
  - extension of EC type-approval <sup>(1)</sup>
  - refusal of EC type-approval <sup>(1)</sup>
  - withdrawal of EC type-approval <sup>(1)</sup>
- } of a type of vehicle with regard to the installation of its tyres

with regard to Regulation (EU) No .../2011

EC type-approval number: .....

Reason for extension: .....

SECTION I

- 0.1. Make (trade name of manufacturer): .....
- 0.2. Type: .....
- 0.2.1. Commercial name(s) (if available): .....
- 0.3. Means of identification of type, if marked on the vehicle <sup>(2)</sup>: .....
- 0.3.1. Location of that marking: .....
- 0.4. Category of vehicle <sup>(3)</sup>: .....
- 0.5. Name and address of manufacturer: .....
- 0.8. Name(s) and address(es) of assembly plant(s): .....
- 0.9. Name and address of the manufacturer's representative (if any): .....

SECTION II

- 1. Additional information: see Addendum.
- 2. Technical service responsible for carrying out the tests: .....
- 3. Date of test report: .....
- 4. Number of test report: .....
- 5. Remarks (if any): see Addendum.
- 6. Place: .....
- 7. Date: .....
- 8. Signature: .....

Attachments: Information package.

Test report

<sup>(1)</sup> Delete where not applicable.

<sup>(2)</sup> If the means of identification of type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by this information document, such characters shall be represented in the documentation by the symbol '?' (e.g. ABC??123??).

<sup>(3)</sup> As defined in Directive 2007/46/EC, Annex II, Section A.

*Addendum*  
**to EC type-approval certificate No ...**

1. Additional information:
  - 1.1. Brief description of the vehicle type as regards its structure, dimensions, lines and constituent materials: .....
  - 1.2. Tyre/wheel combination(s) (including tyre size, rim size and wheel off-set): .....
  - 1.3. The minimum speed category symbol compatible with the maximum vehicle design speed (of each variant) (for tyres marked with the inscription ZR before the rim diameter code, intended to be fitted on vehicles whose maximum vehicle design speed exceeds 300 km/h, equivalent information shall be provided) .....
  - 1.4. The minimum load-capacity index compatible with the technically permissible maximum mass on each axle (of each variant) (if applicable adjusted according to paragraph 3.2.2 of Annex II) .....
  - 1.5. Tyre/wheel combination(s) (including tyre size, rim size and wheel off-set) to be used with the snow traction device(s): .....
2. Vehicle of category M<sub>1</sub> is/is not <sup>(1)</sup> suitable for towing loads and the load rating of the rear tyres is exceeded by ... %
3. The vehicle is/is not <sup>(1)</sup> approved according to UNECE Regulation No 64 with regard to its temporary-use spare unit.
  - 3.1. Vehicle category M<sub>1</sub>: yes/no <sup>(1)</sup>, type 1/2/3/4/5 <sup>(1)</sup>
  - 3.2. Vehicle category N<sub>1</sub>: yes/no <sup>(1)</sup>, type 1/2/3/5 <sup>(1)</sup>
4. Vehicle is/is not <sup>(1)</sup> approved according to UNECE Regulation No 64 with regard to its tyre pressure monitoring system (TPMS).
  - 4.1. Brief description of the tyre pressure monitoring system (TPMS) (if fitted): .....
5. Remarks: .....

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<sup>(1)</sup> Delete where not applicable.

## ANNEX II

**Requirements for vehicles with regard to the installation of their tyres**

## 1. GENERAL REQUIREMENTS

- 1.1. Subject to the provisions of paragraph 5.4, every tyre fitted to a vehicle, including where applicable any spare tyre, shall meet the requirements of Regulation (EC) No 661/2009 and its implementing measures.

## 2. TYRE FITMENT

- 2.1. All tyres normally fitted to the vehicle, thus excluding any temporary-use spare unit, shall have the same structure.
- 2.2. All of the tyres normally fitted to one axle shall be of the same type.
- 2.3. The space in which the wheel revolves shall be such as to allow unrestricted movement when using the maximum permissible size of tyres and rim widths, taking into account the minimum and maximum wheel off-sets, within the minimum and maximum suspension and steering constraints as declared by the vehicle manufacturer. This shall be verified by performing the checks with the largest and the widest tyres, taking into account the applicable dimensional tolerances (i.e. maximum envelope) related to the tyre size designation as specified in the relevant UNECE Regulation.
- 2.4. The technical service may agree to an alternative test procedure (e.g. virtual testing) to verify that the requirements of paragraph 2.3 of this Annex are met.

## 3. LOAD CAPACITY

- 3.1. Subject to the provisions of paragraph 5 of this Annex, the maximum load rating of every tyre as determined in paragraph 3.2 of this Annex, including a spare tyre (if provided), with which the vehicle is fitted shall be:
- 3.1.1. In the case of a vehicle fitted with tyres of the same type in single formation: at least equal to half of the technically permissible maximum axle mass for the most heavily loaded axle, as declared by the manufacturer of the vehicle.
- 3.1.2. In the case of a vehicle fitted with tyres of more than one type, in single formation: at least equal to half of the technically permissible maximum axle mass as declared by the manufacturer of the vehicle, in respect of the relevant axle.
- 3.1.3. In the case of a vehicle fitted with tyres of class C1 in dual (twin) formation: at least equal to 0,27 times the technically permissible maximum axle mass, as declared by the manufacturer of the vehicle, in respect of the relevant axle.
- 3.1.4. In the case of axles fitted with tyres of class C2 or C3 in dual (twin) formation: at least equal to 0,25 times, with reference to the load capacity index for dual application, the technically permissible maximum axle mass as declared by the manufacturer of the vehicle, in respect of the relevant axle.
- 3.2. The maximum load rating of a tyre is determined as follows:
- 3.2.1. In the case of tyres of class C1, the 'maximum load rating' as referred to in paragraph 2.31 of UNECE Regulation No 30 is taken into account.
- 3.2.2. In the case of tyres of class C2 or C3, the 'table load-capacity variation with speed' as referred to in paragraph 2.29 of UNECE Regulation No 54 is taken into account, which shows, as a function of the load-capacity indices and nominal-speed-category symbols, the load variations which a pneumatic tyre can withstand taking into account the maximum design speed of the vehicle.
- 3.3. The relevant information shall be stated clearly in the vehicle owner's handbook in order to ensure that suitable replacement tyres with an appropriate load capacity shall be fitted when necessary, once the vehicle has been put into service.

## 4. SPEED CAPACITY

- 4.1. Every tyre with which the vehicle is normally fitted shall bear a speed category symbol.
- 4.1.1. In the case of a tyre of class C1, the speed category symbol shall be compatible with the maximum vehicle design speed and shall take into account, in the case of tyres of speed categories V, W and Y, the maximum load rating as described in UNECE Regulation No 30.
- 4.1.2. In the case of a tyre of class C2 or C3, the speed category symbol shall be compatible with the maximum vehicle design speed and the applicable load/speed combination derived from the 'table load-capacity variation with speed' as described in paragraph 3.2.2 of this Annex.



- 4.2. The requirements of paragraphs 4.1.1 and 4.1.2 shall not apply in the following situations:
- 4.2.1. In the case of temporary-use spare units for which paragraph 6 of this Annex applies.
- 4.2.2. In the case of vehicles normally equipped with ordinary tyres and occasionally fitted with snow tyres (i.e. with the alpine or three-peaked mountain snowflake symbol marking) where in such a case the speed category symbol of the snow tyre shall correspond to a speed either greater than the maximum vehicle design speed or not less than 160 km/h (or both). However, if the maximum vehicle design speed is greater than the speed corresponding to the lowest speed category symbol of the fitted snow tyres, a maximum speed warning label, specifying the lowest value of the maximum speed capability of the fitted snow tyres, shall be displayed inside the vehicle in a prominent position readily and permanently visible to the driver. Other tyres with improved snow traction (i.e. with the M+S marking, but without the alpine or three-peaked mountain snowflake symbol marking) shall comply with the requirements of paragraphs 4.1.1 and 4.1.2 of this Annex.
- 4.2.3. In the case of vehicles equipped with professional off-road tyres with the POR marking. However, if the maximum vehicle design speed is greater than the speed corresponding to the lowest speed category symbol of the fitted special use tyres, a maximum speed warning label, specifying the lowest value of the maximum speed capability of the fitted special use tyres, shall be displayed inside the vehicle in a prominent position readily and permanently visible to the driver.
- 4.2.4. In the case of vehicles of categories M<sub>2</sub>, M<sub>3</sub>, N<sub>2</sub> or N<sub>3</sub> equipped with a speed limitation device (SLD) approved according to UNECE Regulation No 89 <sup>(1)</sup> where in such a case the speed symbol of the tyres shall be compatible with the speed at which the limitation is set. However, if the vehicle manufacturer has foreseen that the maximum vehicle design speed is greater than the speed corresponding to the lowest speed category symbol of the fitted tyres, a maximum speed warning label, specifying the maximum speed capability of the tyres, shall be displayed inside the vehicle in a prominent position readily and permanently visible to the driver.
- 4.2.5. In the case of vehicles of categories M<sub>1</sub> or N<sub>1</sub> equipped with an on-board system fulfilling a speed limitation function where in such a case the speed symbol of the tyres shall be compatible with the speed at which the limitation is set. However, if the vehicle manufacturer has foreseen that the maximum vehicle design speed is greater than the speed corresponding to the lowest speed category symbol of the fitted tyres, a maximum speed warning label, specifying the maximum speed capability of the tyres, shall be displayed inside the vehicle in a prominent position readily and permanently visible to the driver.
- 4.3. The relevant information shall be stated clearly in the vehicle owner's handbook in order to ensure that suitable replacement tyres with an appropriate speed capacity shall be fitted when necessary, once the vehicle has been put into service.
5. SPECIAL CASES
- 5.1. In the case of trailers of categories O<sub>1</sub> and O<sub>2</sub>, with a maximum vehicle design speed of 100 km/h or less and fitted with tyres of class C1 in single formation, the maximum load rating of every tyre shall be at least equal to 0,45 times the technically permissible maximum axle mass for the most heavily loaded axle, as declared by the manufacturer of the trailer. For tyres in dual (twin) formation this factor shall be at least equal to 0,24. In such cases a maximum operating speed warning label, specifying the maximum vehicle design speed, shall be permanently and durably affixed near the front coupling device of the trailer.
- 5.2. In the case of vehicles of categories M<sub>1</sub> and N<sub>1</sub>, which are designed to be capable of towing a trailer, the additional load imposed at the trailer coupling device may cause the rear tyre maximum load ratings to be exceeded in case of class C1 tyres, but not by more than 15 %. In such a case, the vehicle owner's handbook shall contain clear information and advice on the maximum permissible vehicle speed when towing a trailer, in any case not exceeding 100 km/h, and on the rear tyre pressure, at least 20 kPa (0,2 bar) above the tyre pressure(s) as recommended for normal use (i.e. without a trailer attached).
- 5.3. In the case of some special vehicles, as listed below, fitted with tyres of class C2 or C3, the 'table load-capacity variation with speed' as described in paragraph 3.2.2 of this Annex shall not be applied. In such a case, the tyre maximum load rating to check against the technically permissible maximum axle mass (see paragraphs 3.1.2 to 3.1.4) shall be determined by multiplying the load corresponding to the load capacity index by an appropriate coefficient which is related to the type of vehicle and its use, rather than to the maximum vehicle design speed, and the requirements of paragraphs 4.1.1 and 4.1.2 of this Annex shall not apply.

The appropriate coefficients shall be the following:

- 5.3.1. 1,15 in the case of a Class I or Class A vehicle (M<sub>2</sub> or M<sub>3</sub>), as referred to in paragraphs 2.1.1.1 (Class I) and 2.1.2.1 (Class A) of UNECE Regulation No 107 <sup>(2)</sup>.

<sup>(1)</sup> OJ L 158, 19.5.2007, p. 1.

<sup>(2)</sup> OJ L 255, 29.9.2010, p. 1.

- 5.3.2. 1,10 in the case of vehicles of category N which are specifically designed for use over short distances in urban and suburban applications, such as street and road sweepers or refuse collection vehicles, provided that the maximum vehicle design speed does not exceed 60 km/h.
- 5.4. In exceptional cases, where vehicles are designed for conditions of use which are incompatible with the characteristics of tyres of class C1, C2 or C3 and it is therefore necessary to fit tyres with different characteristics, the requirements of paragraph 1.1 of this Annex shall not apply, provided that all of the following conditions are met:
- 5.4.1. the tyres shall be approved according to either UNECE Regulation No 75 <sup>(1)</sup> or UNECE Regulation No 106 <sup>(2)</sup>; and
- 5.4.2. the type-approval authority and technical service are satisfied that the tyres fitted are suitable for the operating conditions of the vehicle. The nature of the exemption and motivation of acceptance shall be stated in the test report as well as under the remarks on the type-approval certificate.
6. SPARE WHEELS AND TYRES
- 6.1. In cases where a vehicle is provided with a spare unit, it shall be one of the following:
- 6.1.1. A standard spare unit in the same size as the tyres actually fitted to the vehicle.
- 6.1.2. A temporary-use spare unit of a type suitable for use on the vehicle, however, vehicles of categories other than M<sub>1</sub> or N<sub>1</sub> shall not be equipped or fitted with a temporary-use spare unit.
- 6.1.2.1. If specific precautions have to be taken in order to fit a temporary-use spare unit to the vehicle (e.g. temporary-use spare unit is only to be fitted on the front axle and therefore a front standard unit must first be fitted on the rear axle in order to address a malfunction of a rear standard unit) this shall be stated clearly in the vehicle owner's handbook and compliance with the appropriate aspects of paragraph 2.3 of this Annex shall be verified.
- 6.2. Every vehicle provided with a temporary-use spare unit or run flat tyres shall hold a valid type-approval under UNECE Regulation No 64 with respect to the requirements concerning the equipment of vehicles with temporary-use spare units and run flat tyres.
- 

<sup>(1)</sup> Has not been published yet. Will be published by May 2011.

<sup>(2)</sup> OJ L 257, 30.9.2010, p. 231.

## COMMISSION REGULATION (EU) No 459/2011

of 12 May 2011

**amending the Annex to Regulation (EC) No 631/2009 laying down detailed rules for the implementation of Annex I to Regulation (EC) No 78/2009 of the European Parliament and of the Council on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 78/2009 of the European Parliament and of the Council of 14 January 2009 on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users, amending Directive 2007/46/EC and repealing Directives 2003/102/EC and 2005/66/EC <sup>(1)</sup>, in particular Article 4(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 631/2009 of 22 July 2009 laying down detailed rules for the implementation of Annex I to Regulation (EC) No 78/2009 of the European Parliament and of the Council on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users, amending Directive 2007/46/EC and repealing Directives 2003/102/EC and 2005/66/EC <sup>(2)</sup>, lays down detailed rules for the implementation of Annex I to Regulation (EC) No 78/2009 which is a separate regulatory act for the purposes of the type-approval procedure provided for by Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) <sup>(3)</sup>.
- (2) The technical prescriptions necessary to implement the requirements of Regulation (EC) No 78/2009 should be based on the specifications provided for in Commission Decision 2004/90/EC of 23 December 2003 on the technical prescriptions for the implementation of

Article 3 of Directive 2003/102/EC of the European Parliament and of the Council relating to the protection of pedestrians and other vulnerable road users before and in the event of a collision with a motor vehicle and amending Directive 70/156/EEC <sup>(4)</sup>.

- (3) Based on experience gained through initial assessments, as carried out by vehicle manufacturers and technical services and in accordance with Regulation (EC) No 631/2009, four different areas have been identified where specific requirements should be further clarified. The provisions which should be amended concern the general requirements which are based on the existing first phase requirements, as set out in Directive 2003/102/EC of the European Parliament and of the Council <sup>(5)</sup>. Certain important assessment boundaries in the general requirements need to be adapted to take account of scientific and technical developments and in order to align the requirements of the first phase in Regulation (EC) No 78/2009 with those as laid down concerning the first phase in Directive 2003/102/EC.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee — Motor Vehicles,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 631/2009 is amended in accordance with the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 12 May 2011.

For the Commission  
The President  
José Manuel BARROSO

<sup>(1)</sup> OJ L 35, 4.2.2009, p. 1.

<sup>(2)</sup> OJ L 195, 25.7.2009, p. 1.

<sup>(3)</sup> OJ L 263, 9.10.2007, p. 1.

<sup>(4)</sup> OJ L 31, 4.2.2004, p. 21.

<sup>(5)</sup> OJ L 321, 6.12.2003, p. 15.

## ANNEX

The Annex to Regulation (EC) No 631/2009 is amended as follows:

(1) Part II is amended as follows:

(a) Chapter II is amended as follows:

(i) in point 3.2, the second paragraph is replaced by the following:

‘For vehicles with a lower bumper height which is equal to, or greater than, 425 mm and less than 500 mm, the manufacturer may choose to apply either this test or the test set out in Chapter III.’;

(ii) in point 3.3, the following paragraph is added after the first paragraph:

‘In case the vehicle is tested in accordance with Section 2.1(a) or (b) of Annex I to Regulation (EC) No 78/2009, the manufacturer may apply for derogation concerning an exemption zone of a maximum width of 132 mm at the location of a removable towing hook.’;

(iii) in point 4.6, the following paragraph is inserted after the first paragraph:

‘In case the vehicle is tested in accordance with Section 2.1(a) of Annex I to Regulation (EC) No 78/2009, the bottom of the impactor may also be at the ground reference level at the time of first contact with the bumper, with a  $\pm 10$  mm tolerance.’;

(b) Chapter V is amended as follows:

(i) in point 3.2, the fifth paragraph is replaced by the following:

‘Each selected test point for the child/small adult headform shall also be a minimum of 165 mm rearwards of the bonnet leading edge reference line, or rearward of a wrap around distance of 1 000 mm, whichever is more rearward at the selected test point, unless no point in the bonnet leading edge test area within 165 mm laterally would, if chosen for an upper legform to bonnet leading edge test, require a kinetic energy of impact of more than 200 J.’;

(ii) in point 3.2.3, the following sentence is added at the end of the paragraph:

‘The determination of the impacted zone is done by the first contact point of the headform with the bonnet top.’;

(c) in Chapter VI, point 3.2, the second paragraph is replaced by the following:

‘The selected test points for the adult headform impactor to the windscreen shall be a minimum of 165 mm apart, a minimum of 82,5 mm inside the outline of the complete windscreen, including transparent and non-transparent glazing material regardless of vision area zones, a minimum of 82,5 mm forward of the rear windscreen reference line or forward of the wrap around distance of 2 100 mm, whichever is most forward at the selected test point, and it shall be ensured that the headform does not contact any exterior bodywork structure (e.g. rear edge of the bonnet, wiper arms) prior to initial contact with the windscreen (see Figure 8).’;

(d) in Chapter VII, point 3.3.2, the following sentence is added at the end of the paragraph:

‘The determination of the impacted zone is done by the first contact point of the headform with the bonnet top.’;

(2) Part V is amended as follows:

(a) point 3.7 is replaced by the following:

‘3.7. The first natural frequency of the impactor shall be over 5 000 Hz and it is recommended to use damped accelerometers with a damping ratio of approximately 0,7.’;

(b) point 4.7 is replaced by the following:

‘4.7. The first natural frequency of the impactor shall be over 5 000 Hz and it is recommended to use damped accelerometers with a damping ratio of approximately 0,7.’.

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## COMMISSION REGULATION (EU) No 460/2011

of 12 May 2011

amending Annex III to Regulation (EC) No 396/2005 of the European Parliament and of the Council  
as regards the maximum residue level for chlorantraniliprole (DPX E-2Y45) in or on carrots

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC<sup>(1)</sup>, and in particular Article 18(4) thereof,

Whereas:

(1) For chlorantraniliprole (DPX E-2Y45) MRLs are set in Part A of Annex III to Regulation (EC) No 396/2005.

(2) In accordance with Article 8(4) of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market<sup>(2)</sup>, on 23 August 2010 France notified to the Commission the temporary authorisation of a plant protection product containing chlorantraniliprole (DPX E-2Y45) to be used on carrots to control carrot flies, a danger that was unforeseeable and could not be contained by any other means. Consequently, France has notified to the other Member States, the Commission and the European Food Safety Authority (hereinafter 'the Authority') in accordance with Article 18(4) of Regulation (EC) No 396/2005 that it has authorised the placing on the market in its territory of carrots containing pesticide residues higher than the applicable MRL. France also submitted an appropriate risk assessment concluding that such carrots do not constitute an unacceptable risk, in particular that the proposed increased residue level does not lead to a risk for any consumer.(3) The Authority assessed the risk assessment submitted by France, examining in particular the risks to the consumer and where relevant to animals. The Authority gave a reasoned opinion on the proposed MRL<sup>(3)</sup>. In this opinion the Authority found the proposed MRL acceptable with regard to consumer safety on the basis of a consumer exposure assessment for 27 specific European consumer groups.

(4) Based on the reasoned opinion of the Authority and taking into account the factors relevant to the matter, it is considered that the proposed MRL fulfils the requirements of Article 18(4) of Regulation (EC) No 396/2005.

(5) Regulation (EC) No 396/2005 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council has opposed them,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex III to Regulation (EC) No 396/2005 is amended in accordance with the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.<sup>(1)</sup> OJ L 70, 16.3.2005, p. 1.<sup>(2)</sup> OJ L 230, 19.8.1991, p. 1.<sup>(3)</sup> EFSA scientific report available on <http://www.efsa.europa.eu>: Reasoned opinion of EFSA: Modification of the existing MRL for chlorantraniliprole in carrots. *EFSA Journal* 2010; 8(10): 1859. Published 11 October 2010. Adopted 8 October 2010.

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

Done at Brussels, 12 May 2011.

*For the Commission*

*The President*

José Manuel BARROSO

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## ANNEX

In Part A of Annex III to Regulation (EC) No 396/2005 the column for chlorantraniliprole (DPX E-2Y45) is replaced by the following:

**'Pesticide residues and maximum residue levels (mg/kg)**

Code number	Groups and examples of individual products to which the MRLs apply (*)	Chlorantraniliprole (DPX E-2Y45)
(1)	(2)	(3)
0100000	<b>1. FRUIT FRESH OR FROZEN; NUTS</b>	
0110000	<b>(i) Citrus fruit</b>	0,01 (*)
0110010	Grapefruit (shaddocks, pomelos, sweeties, tangelo (except mineola), ugli and other hybrids)	
0110020	Oranges (bergamot, bitter orange, chinotto and other hybrids)	
0110030	Lemons (citron, lemon)	
0110040	Limes	
0110050	Mandarins (clementine, tangerine, mineola and other hybrids)	
0110990	Others	
0120000	<b>(ii) Tree nuts (shelled or unshelled)</b>	0,05
0120010	Almonds	
0120020	Brazil nuts	
0120030	Cashew nuts	
0120040	Chestnuts	
0120050	Coconuts	
0120060	Hazelnuts (filbert)	
0120070	Macadamia	
0120080	Pecans	
0120090	Pine nuts	
0120100	Pistachios	
0120110	Walnuts	
0120990	Others	

(1)	(2)	(3)
0130000	(iii) <b>Pome fruit</b>	0,5
0130010	Apples (crab apple)	
0130020	Pears (oriental pear)	
0130030	Quinces	
0130040	Medlar	
0130050	Loquat	
0130990	Others	
0140000	(iv) <b>Stone fruit</b>	1
0140010	Apricots	
0140020	Cherries (sweet cherries, sour cherries)	
0140030	Peaches (nectarines and similar hybrids)	
0140040	Plums (damson, greengage, mirabelle, sloe)	
0140990	Others	
0150000	(v) <b>Berries and small fruit</b>	
0151000	(a) <i>Table and wine grapes</i>	1
0151010	Table grapes	
0151020	Wine grapes	
0152000	(b) <i>Strawberries</i>	0,01 (*)
0153000	(c) <i>Cane fruit</i>	0,01 (*)
0153010	Blackberries	
0153020	Dewberries (loganberries, boysenberries, and cloudberries)	
0153030	Raspberries (wineberries, arctic bramble/raspberry, ( <i>Rubus arcticus</i> ), nectar raspberries ( <i>Rubus arcticus</i> x <i>idaeus</i> ))	
0153990	Others	

(1)	(2)	(3)
0154000	(d) <i>Other small fruit and berries</i>	0,01 (*)
0154010	Blueberries (bilberries)	
0154020	Cranberries (cowberries (red bilberries))	
0154030	Currants (red, black and white)	
0154040	Gooseberries (including hybrids with other ribes species)	
0154050	Rose hips	
0154060	Mulberries (arbutus berry)	
0154070	Azarole (Mediterranean medlar) (kiwiberry ( <i>Actinidia arguta</i> ))	
0154080	Elderberries (black chokeberry (appleberry), mountain ash, buckthorn (sea sallowthorn), hawthorn, service berries, and other treeberries)	
0154990	Others	
0160000	(vi) <b>Miscellaneous fruit</b>	0,01 (*)
0161000	(a) <i>Edible peel</i>	
0161010	Dates	
0161020	Figs	
0161030	Table olives	
0161040	Kumquats (marumi kumquats, nagami kumquats, limequats ( <i>Citrus aurantifolia</i> x <i>Fortunella</i> spp.))	
0161050	Carambola (bilimbi)	
0161060	Persimmon	
0161070	Jambolan (Java plum) (Java apple (water apple), pomerac, rose apple, Brazilian cherry, Surinam cherry ( <i>grumichama Eugenia uniflora</i> ))	
0161990	Others	
0162000	(b) <i>Inedible peel, small</i>	
0162010	Kiwi	
0162020	Lychee (litchi) (pulasan, rambutan (hairy litchi), mangosteen)	
0162030	Passion fruit	

(1)	(2)	(3)
0162040	Prickly pear (cactus fruit)	
0162050	Star apple	
0162060	American persimmon (Virginia kaki) (black sapote, white sapote, green sapote, canistel (yellow sapote), and mamme sapote)	
0162990	Others	
0163000	(c) <i>Inedible peel, large</i>	
0163010	Avocados	
0163020	Bananas (dwarf banana, plantain, apple banana)	
0163030	Mangoes	
0163040	Papaya	
0163050	Pomegranate	
0163060	Cherimoya (custard apple, sugar apple (sweetsop), llama and other medium sized Annonaceae)	
0163070	Guava (red pitaya or dragon fruit ( <i>Hylocereus undatus</i> ))	
0163080	Pineapples	
0163090	Bread fruit (jackfruit)	
0163100	Durian	
0163110	Soursop (guanabana)	
0163990	Others	
0200000	<b>2. VEGETABLES FRESH OR FROZEN</b>	
0210000	<b>(i) Root and tuber vegetables</b>	
0211000	(a) <i>Potatoes</i>	0,02
0212000	(b) <i>Tropical root and tuber vegetables</i>	0,02
0212010	Cassava (dasheen, eddoe (Japanese taro), tannia)	
0212020	Sweet potatoes	
0212030	Yams (potato bean (yam bean), Mexican yam bean)	

(1)	(2)	(3)
0212040	Arrowroot	
0212990	Others	
0213000	(c) <i>Other root and tuber vegetables except sugar beet</i>	
0213010	Beetroot	0,02
0213020	Carrots	<b>0,08 (+)</b>
0213030	Celeriac	0,02
0213040	Horseradish (angelica roots, lovage roots, gentiana roots)	0,02
0213050	Jerusalem artichokes	0,02
0213060	Parsnips	0,02
0213070	Parsley root	0,02
0213080	Radishes (black radish, Japanese radish, small radish and similar varieties, tiger nut ( <i>Cyperus esculentus</i> ))	0,02
0213090	Salsify (scorzoneria, Spanish salsify (Spanish oysterplant))	0,02
0213100	Swedes	0,02
0213110	Turnips	0,02
0213990	Others	0,02
0220000	(ii) <b>Bulb vegetables</b>	0,01 (*)
0220010	Garlic	
0220020	Onions (silverskin onions)	
0220030	Shallots	
0220040	Spring onions (Welsh onion and similar varieties)	
0220990	Others	
0230000	(iii) <b>Fruiting vegetables</b>	
0231000	(a) <i>Solanacea</i>	
0231010	Tomatoes (cherry tomatoes, tree tomato, physalis, gojiberry, wolfberry ( <i>Lycium barbarum</i> and <i>L. chinense</i> ))	0,6

(1)	(2)	(3)
0231020	Peppers (chilli peppers)	1
0231030	Aubergines (egg plants) (pepino)	0,6
0231040	Okra, lady's fingers	0,6
0231990	Others	0,6
0232000	(b) <i>Cucurbits — edible peel</i>	0,3
0232010	Cucumbers	
0232020	Gherkins	
0232030	Courgettes (summer squash, marrow (patisson))	
0232990	Others	
0233000	(c) <i>Cucurbits — inedible peel</i>	0,3
0233010	Melons (kiwano)	
0233020	Pumpkins (winter squash)	
0233030	Watermelons	
0233990	Others	
0234000	(d) <i>Sweet corn</i>	0,2
0239000	(e) <i>Other fruiting vegetables</i>	0,2
0240000	(iv) <b>Brassica vegetables</b>	
0241000	(a) <i>Flowering brassica</i>	
0241010	Broccoli (calabrese, Chinese broccoli, broccoli raab)	1
0241020	Cauliflower	0,01 (*)
0241990	Others	0,01 (*)
0242000	(b) <i>Head brassica</i>	
0242010	Brussels sprouts	0,01 (*)
0242020	Head cabbage (pointed head cabbage, red cabbage, savoy cabbage, white cabbage)	2

(1)	(2)	(3)
0242990	Others	0,01 (*)
0243000	(c) <i>Leafy brassica</i>	20
0243010	Chinese cabbage (Indian (Chinese) mustard, pak choi, Chinese flat cabbage (tai goo choi), choi sum, peking cabbage (pe-tsai))	
0243020	Kale (borecole (curly kale), collards, Portuguese kale, Portuguese cabbage, cow cabbage)	
0243990	Others	
0244000	(d) <i>Kohlrabi</i>	0,01 (*)
0250000	(v) <b>Leaf vegetables &amp; fresh herbs</b>	20
0251000	(a) <i>Lettuce and other salad plants including brassicacea</i>	
0251010	Lamb's lettuce (Italian cornsalad)	
0251020	Lettuce (head lettuce, lollo rosso (cutting lettuce), iceberg lettuce, romaine (cos) lettuce)	
0251030	Scarole (broad-leaf endive) (wild chicory, red-leaved chicory, radicchio, curld leave endive, sugar loaf)	
0251040	Cress	
0251050	Land cress	
0251060	Rocket, rucola (wild rocket)	
0251070	Red mustard	
0251080	Leaves and sprouts of <i>Brassica</i> spp. (mizuna, leaves of peas and radish and other babyleaf brassica crops (crops harvested up to 8 true leaf stage))	
0251990	Others	
0252000	(b) <i>Spinach and similar (leaves)</i>	
0252010	Spinach (New Zealand spinach, amaranthus spinach)	
0252020	Purslane (winter purslane (miner's lettuce), garden purslane, common purslane, sorrel, glassworth, agretti (salsola soda))	
0252030	Beet leaves (chard) (leaves of beetroot)	
0252990	Others	



(1)	(2)	(3)
0253000	(c) <i>Vine leaves (grape leaves)</i>	
0254000	(d) <i>Water cress</i>	
0255000	(e) <i>Witloof</i>	
0256000	(f) <i>Herbs</i>	
0256010	Chervil	
0256020	Chives	
0256030	Celery leaves (fennel leaves, coriander leaves, dill leaves, caraway leaves, lovage, angelica, sweet cicely and other apiacea leaves)	
0256040	Parsley	
0256050	Sage (winter savory, summer savory)	
0256060	Rosemary	
0256070	Thyme (marjoram, oregano)	
0256080	Basil (balm leaves, mint, peppermint)	
0256090	Bay leaves (laurel)	
0256100	Tarragon (hyssop)	
0256990	Others (edible flowers)	
0260000	(vi) <b>Legume vegetables (fresh)</b>	0,01 (*)
0260010	Beans (with pods) (green bean (french beans, snap beans), scarlet runner bean, slicing bean, yardlong beans)	
0260020	Beans (without pods) (broad beans, flageolets, jack bean, lima bean, cowpea)	
0260030	Peas (with pods) (mangetout (sugar peas, snow peas))	
0260040	Peas (without pods) (garden pea, green pea, chickpea)	
0260050	Lentils	
0260990	Others	
0270000	(vii) <b>Stem vegetables (fresh)</b>	
0270010	Asparagus	0,01 (*)
0270020	Cardoons	0,01 (*)

(1)	(2)	(3)
0270030	Celery	10
0270040	Fennel	0,01 (*)
0270050	Globe artichokes	0,01 (*)
0270060	Leek	0,01 (*)
0270070	Rhubarb	0,01 (*)
0270080	Bamboo shoots	0,01 (*)
0270090	Palm hearts	0,01 (*)
0270990	Others	0,01 (*)
0280000	(viii) <b>Fungi</b>	0,01 (*)
0280010	Cultivated (common mushroom, oyster mushroom, shi-take)	
0280020	Wild (chanterelle, truffle, morel, cep)	
0280990	Others	
0290000	(ix) <b>Sea weeds</b>	0,01 (*)
0300000	<b>3. PULSES, DRY</b>	0,01 (*)
0300010	Beans (broad beans, navy beans, flageolets, jack beans, lima beans, field beans, cowpeas)	
0300020	Lentils	
0300030	Peas (chickpeas, field peas, chickling vetch)	
0300040	Lupins	
0300990	Others	
0400000	<b>4. OILSEEDS AND OILFRUITS</b>	
0401000	(i) <b>Oilseeds</b>	
0401010	Linseed	0,01 (*)
0401020	Peanuts	0,01 (*)
0401030	Poppy seed	0,01 (*)
0401040	Sesame seed	0,01 (*)
0401050	Sunflower seed	0,01 (*)

(1)	(2)	(3)
0401060	Rape seed (bird rapeseed, turnip rape)	0,01 (*)
0401070	Soya bean	0,01 (*)
0401080	Mustard seed	0,01 (*)
0401090	Cotton seed	0,3
0401100	Pumpkin seeds (other seeds of cucurbitacea)	0,01 (*)
0401110	Safflower	0,01 (*)
0401120	Borage	0,01 (*)
0401130	Gold of pleasure	0,01 (*)
0401140	Hempseed	0,01 (*)
0401150	Castor bean	0,01 (*)
0401990	Others	0,01 (*)
0402000	<b>(ii) Oilfruits</b>	0,01 (*)
0402010	Olives for oil production	
0402020	Palm nuts (palmoil kernels)	
0402030	Palmfruit	
0402040	Kapok	
0402990	Others	
0500000	<b>5. CEREALS</b>	0,02
0500010	Barley	
0500020	Buckwheat (amaranthus, quinoa)	
0500030	Maize	
0500040	Millet (foxtail millet, teff)	
0500050	Oats	
0500060	Rice	
0500070	Rye	

(1)	(2)	(3)
0500080	Sorghum	
0500090	Wheat (spelt, triticale)	
0500990	Others	
0600000	<b>6. TEA, COFFEE, HERBAL INFUSIONS AND COCOA</b>	0,02 (*)
0610000	<b>(i) Tea (dried leaves and stalks, fermented or otherwise of <i>Camellia sinensis</i>)</b>	
0620000	<b>(ii) Coffee beans</b>	
0630000	<b>(iii) Herbal infusions (dried)</b>	
0631000	<b>(a) Flowers</b>	
0631010	Camomile flowers	
0631020	Hybiscus flowers	
0631030	Rose petals	
0631040	Jasmine flowers (elderflowers ( <i>Sambucus nigra</i> ))	
0631050	Lime (linden)	
0631990	Others	
0632000	<b>(b) Leaves</b>	
0632010	Strawberry leaves	
0632020	Rooibos leaves (ginkgo leaves)	
0632030	Maté	
0632990	Others	
0633000	<b>(c) Roots</b>	
0633010	Valerian root	
0633020	Ginseng root	
0633990	Others	
0639000	<b>(d) Other herbal infusions</b>	

(1)	(2)	(3)
0640000	(iv) <b>Cocoa (fermented beans)</b>	
0650000	(v) <b>Carob (St Johns bread)</b>	
0700000	<b>7. HOPS (dried), including hop pellets and unconcentrated powder</b>	0,02 (*)
0800000	<b>8. SPICES</b>	0,02 (*)
0810000	(i) <b>Seeds</b>	
0810010	Anise	
0810020	Black caraway	
0810030	Celery seed (lovage seed)	
0810040	Coriander seed	
0810050	Cumin seed	
0810060	Dill seed	
0810070	Fennel seed	
0810080	Fenugreek	
0810090	Nutmeg	
0810990	Others	
0820000	(ii) <b>Fruits and berries</b>	
0820010	Allspice	
0820020	Anise pepper (Japan pepper)	
0820030	Caraway	
0820040	Cardamom	
0820050	Juniper berries	
0820060	Pepper, black and white (long pepper, pink pepper)	
0820070	Vanilla pods	
0820080	Tamarind	
0820990	Others	

(1)	(2)	(3)
0830000	(iii) <b>Bark</b>	
0830010	Cinnamon (cassia)	
0830990	Others	
0840000	(iv) <b>Roots or rhizome</b>	
0840010	Liquorice	
0840020	Ginger	
0840030	Turmeric (curcuma)	
0840040	Horseradish	
0840990	Others	
0850000	(v) <b>Buds</b>	
0850010	Cloves	
0850020	Capers	
0850990	Others	
0860000	(vi) <b>Flower stigma</b>	
0860010	Saffron	
0860990	Others	
0870000	(vii) <b>Aril</b>	
0870010	Mace	
0870990	Others	
0900000	<b>9. SUGAR PLANTS</b>	
0900010	Sugar beet (root)	0,02
0900020	Sugar cane	0,01 (*)
0900030	Chicory roots	0,02
0900990	Others	0,01 (*)

(1)	(2)	(3)
1000000	10. PRODUCTS OF ANIMAL ORIGIN — TERRESTRIAL ANIMALS	0,01 (*)
1010000	(i) <b>Meat, preparations of meat, offals, blood, animal fats fresh chilled or frozen, salted, in brine, dried or smoked or processed as flours or meals other processed products such as sausages and food preparations based on these</b>	
1011000	(a) <i>Swine</i>	
1011010	Meat	
1011020	Fat free of lean meat	
1011030	Liver	
1011040	Kidney	
1011050	Edible offal	
1011990	Others	
1012000	(b) <i>Bovine</i>	
1012010	Meat	
1012020	Fat	
1012030	Liver	
1012040	Kidney	
1012050	Edible offal	
1012990	Others	
1013000	(c) <i>Sheep</i>	
1013010	Meat	
1013020	Fat	
1013030	Liver	
1013040	Kidney	
1013050	Edible offal	
1013990	Others	
1014000	(d) <i>Goat</i>	
1014010	Meat	
1014020	Fat	



(1)	(2)	(3)
1014030	Liver	
1014040	Kidney	
1014050	Edible offal	
1014990	Others	
1015000	<i>(e) Horses, asses, mules or hinnies</i>	
1015010	Meat	
1015020	Fat	
1015030	Liver	
1015040	Kidney	
1015050	Edible offal	
1015990	Others	
1016000	<i>(f) Poultry — chicken, geese, duck, turkey and guinea fowl — ostrich, pigeon</i>	
1016010	Meat	
1016020	Fat	
1016030	Liver	
1016040	Kidney	
1016050	Edible offal	
1016990	Others	
1017000	<i>(g) Other farm animals (rabbit, kangaroo)</i>	
1017010	Meat	
1017020	Fat	
1017030	Liver	
1017040	Kidney	
1017050	Edible offal	
1017990	Others	

(1)	(2)	(3)
1020000	(ii) <b>Milk and cream, not concentrated, nor containing added sugar or sweetening matter, butter and other fats derived from milk, cheese and curd</b>	
1020010	Cattle	
1020020	Sheep	
1020030	Goat	
1020040	Horse	
1020990	Others	
1030000	(iii) <b>Birds' eggs, fresh preserved or cooked, shelled eggs and egg yolks fresh, dried, cooked by steaming or boiling in water, moulded, frozen or otherwise preserved whether or not containing added sugar or sweetening matter</b>	
1030010	Chicken	
1030020	Duck	
1030030	Goose	
1030040	Quail	
1030990	Others	
1040000	(iv) <b>Honey (royal jelly, pollen)</b>	
1050000	(v) <b>Amphibians and reptiles (frog legs, crocodiles)</b>	
1060000	(vi) <b>Snails</b>	
1070000	(vii) <b>Other terrestrial animal products</b>	

(<sup>o</sup>) For the complete list of products of plant and animal origin to which MRLs apply, reference should be made to Annex I.

(\*) Indicates lower limit of analytical determination.

#### **Chlorantraniliprole (DPX E-2Y45)**

(+) **0213020 Carrots**

MRL applicable until 31 December 2012, after that date 0,02 will be applicable unless modified by a Regulation.

## COMMISSION IMPLEMENTING REGULATION (EU) No 461/2011

of 12 May 2011

## amending Regulation (EU) No 397/2010 fixing the quantitative limit for the exports of out-of-quota sugar and isoglucose until the end of the 2010/2011 marketing year

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>, and in particular Article 61, first paragraph, point (d), in conjunction with Article 4 thereof,

Whereas:

(1) According to Article 61, first paragraph, point (d) of Regulation (EC) No 1234/2007, the sugar produced during a marketing year in excess of the quota referred to in Article 56 of that Regulation may be exported only within the quantitative limit to be fixed.

(2) Detailed implementing rules for out-of-quota exports, in particular concerning the issue of export licences, are laid down by Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector <sup>(2)</sup>. However, the quantitative limit should be fixed per marketing year in view of the possible opportunities on the export markets.

(3) Commission Regulation (EU) No 397/2010 of 7 May 2010 fixing the quantitative limit for exports of out-of-quota sugar and isoglucose until the end of the 2010/2011 marketing year <sup>(3)</sup> fixed the quantitative limit for the exports of out-of-quota sugar at 650 000 tonnes. This quantity was quickly used. Current high sugar prices provide an incentive for growers to sow additional areas of sugar beet in 2011. Taking into account that the WTO ceiling for exports in the 2010/2011 marketing year has not been fully used, it is appropriate to increase the export quantitative limit by 700 000 tonnes, to exploit all possible outlet for the product available. This measure will provide additional business opportunities for the Union sugar sector, including prospective opportunities for growers in relation to present sowings, and should further stabilise the market.

(4) In order to enable economic actors to do the necessary planning of their operations, applications for export licences should be allowed as from the first week of July. It is appropriate to set the period of validity for these licences from 1 September 2011 to 31 December 2011 for this measure to cover only sugar produced under the new, September harvest.

(5) Regulation (EU) No 397/2010 should be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EU) No 397/2010 is amended as follows:

(1) in Article 1, paragraph 1 is replaced by the following:

'1. For the 2010/2011 marketing year, running from 1 October 2010 to 30 September 2011, the quantitative limit referred to in Article 61, first paragraph, point (d) of Regulation (EC) No 1234/2007 shall be 1 350 000 tonnes for exports without refund of out-of-quota white sugar falling within CN code 1701 99.;

(2) the following Article 2a is inserted:

*Article 2a*

By way of derogation from Article 8a of Regulation (EC) No 951/2006, the export licences issued as of 4 July 2011 for the quantities fixed by Article 1 shall be valid from 1 September 2011 until 31 December 2011.'

*Article 2*

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

It shall apply from 4 July 2011.

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 178, 1.7.2006, p. 24.

<sup>(3)</sup> OJ L 115, 8.5.2010, p. 26.

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

Done at Brussels, 12 May 2011.

*For the Commission*

*The President*

José Manuel BARROSO

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**COMMISSION IMPLEMENTING REGULATION (EU) No 462/2011****of 12 May 2011****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>,Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector <sup>(2)</sup>, and in particular Article 138(1) thereof,

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 13 May 2011.

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

Done at Brussels, 12 May 2011.

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

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<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 350, 31.12.2007, p. 1.

## ANNEX

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

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	MA	52,1
	TN	107,9
	TR	72,3
	ZZ	77,4
0707 00 05	TR	108,2
	ZZ	108,2
0709 90 70	MA	86,8
	TR	107,0
	ZZ	96,9
0709 90 80	EC	27,0
	ZZ	27,0
0805 10 20	EG	56,7
	IL	55,0
	MA	47,3
	TN	54,9
	TR	71,5
	ZZ	57,1
0805 50 10	TR	54,8
	ZZ	54,8
0808 10 80	AR	78,7
	BR	70,0
	CA	107,1
	CL	86,9
	CN	95,4
	NZ	120,9
	US	145,0
	UY	54,3
	ZA	85,2
ZZ	93,7	

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

**COMMISSION IMPLEMENTING REGULATION (EU) No 463/2011****of 12 May 2011****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation) <sup>(1)</sup>,Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector <sup>(2)</sup>, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

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

for the 2010/11 marketing year are fixed by Commission Regulation (EU) No 867/2010 <sup>(3)</sup>. These prices and duties have been last amended by Commission Regulation (EU) No 456/2011 <sup>(4)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 13 May 2011.

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

Done at Brussels, 12 May 2011.

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

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.<sup>(2)</sup> OJ L 178, 1.7.2006, p. 24.<sup>(3)</sup> OJ L 259, 1.10.2010, p. 3.<sup>(4)</sup> OJ L 123, 12.5.2011, p. 70.



## ANNEX

**Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 13 May 2011**

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 <sup>(1)</sup>	43,09	0,00
1701 11 90 <sup>(1)</sup>	43,09	1,98
1701 12 10 <sup>(1)</sup>	43,09	0,00
1701 12 90 <sup>(1)</sup>	43,09	1,68
1701 91 00 <sup>(2)</sup>	41,36	5,06
1701 99 10 <sup>(2)</sup>	41,36	1,93
1701 99 90 <sup>(2)</sup>	41,36	1,93
1702 90 95 <sup>(3)</sup>	0,41	0,27

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

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

<sup>(3)</sup> Per 1 % sucrose content.







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