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I

(Acts whose publication is obligatory)

**REGULATION (EC) No 648/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 31 March 2004
on detergents
(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

(1) Council Directives 73/404/EEC of 22 November 1973 on the approximation of the laws of the Member States relating to detergents ⁽³⁾, 73/405/EEC of 22 November 1973 on the approximation of the laws of the Member States relating to methods of testing the biodegradability of anionic surfactants ⁽⁴⁾, 82/242/EEC of 31 March 1982 on the approximation of the laws of the Member States relating to methods of testing the biodegradability of non-ionic surfactants ⁽⁵⁾, 82/243/EEC of 31 March 1982 amending Directive 73/405/EEC on the approximation of the laws of the Member States relating to methods of testing the biodegradability of anionic surfactants ⁽⁶⁾ and 86/94/EEC of 10 March 1986 amending for the second time Directive 73/404/EEC on the approximation of the laws of the Member States relating to detergents ⁽⁷⁾, have been significantly amended on several occasions. It is desirable, for reasons of clarity and rationalisation, that the provisions in question should be recast by bringing them all together in a single text. Commission Recommendation 89/542/EEC of 13 September 1989 ⁽⁸⁾, as

regards labelling provisions concerning detergents and cleaning products, should also be included in the single text.

(2) Since the objective of this Regulation, to ensure the internal market in detergents, cannot be sufficiently achieved by the Member States, if there is no common technical criteria throughout the Community, and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective. A Regulation is the appropriate legal instrument as it imposes directly on manufacturers precise requirements to be implemented at the same time and in the same manner throughout the Community; in the area of technical legislation, uniformity of application in the Member States is needed, and this can only be guaranteed by a Regulation.

(3) A new definition for detergents is needed to cover equivalent uses and be in line with developments at Member State level.

(4) It is necessary to introduce a surfactant definition, which was lacking in the existing legislation.

(5) It is important to give a clear and precise description of the relevant types of biodegradability.

(6) Measures concerning detergents should be adopted to ensure the functioning of the internal market and avoid restricting competition in the Community.

⁽¹⁾ OJ C 95, 23.4.2003, p. 24.

⁽²⁾ Opinion of the European Parliament of 10 April 2003 (not yet published in the Official Journal), Council Common Position of 4 November 2003 (OJ C 305 E, 16.12.2003, p. 11) and Position of the European Parliament of 14 January 2004 (not yet published in the Official Journal). Decision of the Council of 11 March 2004.

⁽³⁾ OJ L 347, 17.12.1973, p. 51. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

⁽⁴⁾ OJ L 347, 17.12.1973, p. 53. Directive as amended by Directive 82/243/EEC (OJ L 109, 22.4.1982, p. 11).

⁽⁵⁾ OJ L 109, 22.4.1982, p. 1.

⁽⁶⁾ OJ L 109, 22.4.1982, p. 18.

⁽⁷⁾ OJ L 80, 25.3.1986, p. 51.

⁽⁸⁾ OJ L 291, 10.10.1989, p. 55.

- (7) As confirmed by the Commission White Paper on the strategy for a future Chemical Policy, appropriate measures concerning detergents should ensure a high level of environmental protection, especially of the aquatic environment.
- (8) Detergents are already subject to certain Community provisions concerning their manufacture, proper handling, usage and labelling, in particular with reference to Commission Recommendation 89/542/EEC and Commission Recommendation 98/480/EC of 22 July 1998 concerning good environmental practice for household laundry detergents ⁽¹⁾; Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations ⁽²⁾ applies to detergents.
- (9) Ditolow-dimethyl-ammonium-chloride (DTDMAC) and nonylphenol (including ethoxylates derivatives-APEs) are priority substances undergoing at Community level risk assessment activities, in accordance with Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances ⁽³⁾, and if necessary adequate strategies to limit the risks of exposure to these substances should therefore be recommended and implemented in the framework of other Community provisions.
- (10) The existing legislation on biodegradability of surfactants in detergents only covers primary biodegradability ⁽⁴⁾ and it is only applicable to anionic ⁽⁵⁾ and non-ionic ⁽⁶⁾ surfactants; therefore it should be replaced by new legislation, which lays the main emphasis on ultimate biodegradability and meets the important concerns related to the potential toxicity of persistent metabolites.
- (11) This requires the introduction of a new set of tests based on EN ISO standards and OECD guidelines, which governs the granting of direct permission for placing detergents on the market.
- (12) To provide a high level of protection of the environment, detergents not fulfilling requirements laid down by this Regulation should not be placed on the market.
- (13) On 25 November 1999 the Scientific Committee on Toxicity, Ecotoxicity and the Environment issued an opinion on biodegradability of surfactants in detergents and relevance of test-methods for regulatory control in this area.
- (14) The existing requirements regarding primary biodegradability should be maintained on a second hierarchy level and supplemented by a complementary risk assessment, for those surfactants failing ultimate biodegradability tests; furthermore surfactants failing primary biodegradability tests should not obtain marketing authorisation by way of derogation
- (15) The primary biodegradability requirements should be extended to all surfactants, in particular cationic and amphoteric, whilst allowing the possibility of applying instrumental analyses in those cases in which semi-specific analytical methods are not suitable.
- (16) The determination of biodegradability test-methods and the record-keeping of lists of derogations are technical matters and should be revised taking into account technical and scientific developments as well as regulatory developments.
- (17) Test-methods should produce data that give sufficient assurance of aerobic biodegradability of surfactants in detergents.
- (18) Methods to test biodegradability of surfactants in detergents may produce variable results. In such cases they should be complemented by additional assessments in order to determine the risks of continued use.
- (19) Provisions should also be laid down regarding the placing on the market in exceptional cases of surfactants in detergents failing ultimate biodegradability tests and this should take place on the basis of all relevant information to ensure environmental protection and on a case by case basis.
- (20) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁷⁾.

⁽¹⁾ OJ L 215, 1.8.1998, p. 73.

⁽²⁾ OJ L 200, 30.7.1999, p. 1. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

⁽³⁾ OJ L 84, 5.4.1993, p. 1. Regulation as amended by Regulation (EC) No 1882/2003.

⁽⁴⁾ Directives 73/404/EEC and 86/94/EEC.

⁽⁵⁾ Directives 73/405/EEC and 82/243/EEC.

⁽⁶⁾ Directive 82/242/EEC.

⁽⁷⁾ OJ L 184, 17.7.1999, p. 23.

- (21) It is appropriate to recall that other horizontal legislation is applicable to detergent surfactants, in particular Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations⁽¹⁾ by which the marketing and use of dangerous substances covered by this Regulation might be banned or restricted, Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances⁽²⁾, Commission Directive 93/67/EEC of 20 July 1993 laying down the principles for assessment of risks to man and the environment of substances notified in accordance with Council Directive 67/548/EEC⁽³⁾, Regulation (EEC) No 793/93, and Commission Regulation (EC) No 1488/94 of 28 June 1994 laying down the principles for the assessment of risks to man and the environment of existing substances⁽⁴⁾; Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market⁽⁵⁾; Directive 2004/10/EC of the European Parliament and of the Council of 11 February 2004 on the harmonisation of laws, regulations and administrative provisions relating to the application of the principles of good laboratory practice and the verification of their application for tests on chemical substances (codified version)⁽⁶⁾; Directive 2004/9/EC of the European Parliament and of the Council of 11 February 2004 on the inspection and verification of good laboratory practice (GLP) (codified version)⁽⁷⁾; and Council Directive 86/609/EEC of 24 November 1986 on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes⁽⁸⁾.
- (22) It should be the responsibility of manufacturers to refrain from marketing detergents not complying with this Regulation and to have at the disposal of the national authorities the technical files for all substances and preparations covered by this Regulation; this should also apply to surfactants that have failed to pass the tests mentioned in Annex III.
- (23) Manufacturers should be able to request a derogation from the Commission, which should have the possibility to grant such derogation in accordance with the procedure referred to in Article 12(2).
- (24) Member States' competent authorities should be able to apply control measures to detergents on the market, but should avoid repeating tests made by the competent laboratories.
- (25) The existing labelling provisions for detergents should be continued, including those in Recommendation 89/542/EEC, which are included in this Regulation in order to fulfil the objective of modernising the rules on detergents. Specific labelling is introduced to inform consumers about fragrance substances and preservation agents that are present in detergents. Medical personnel should be able to obtain from the manufacturer upon request a full listing of all ingredients of a detergent to assist them investigate whether a causal link exists between the development of an allergic response and exposure to a particular chemical substance, and Member States should be able to require that such a listing is also made available to a specific public body designated to provide this information to medical personnel.
- (26) All the above points call for new legislation replacing the existing legislation; however, for a certain period, Member States can continue to apply their existing laws.
- (27) The technical Annexes to this Regulation should be adapted in accordance with the procedure referred to in Article 12(2).
- (28) Detergents complying with this Regulation should be allowed to be placed on the market without prejudice to other relevant Community provisions.
- (29) In order to ensure the protection of man and the environment from unforeseen risks of detergents, a safeguard clause is needed.
- (30) The tests specified for the biodegradability of surfactants should be carried out in laboratories meeting an internationally recognised standard, namely EN/ISO/IEC/17025 or the principles of good laboratory practice; it would not be justified to ask for the application of this latter requirement to existing surfactants to the extent that the available tests on them had been performed before the entering into force of the above standard and still provide a comparable level of scientific quality.

⁽¹⁾ OJ L 262, 27.9.1976, p. 201. Directive as last amended by Commission Directive 2004/21/EC (OJ L 57, 25.2.2004, p. 4).

⁽²⁾ OJ L 196, 16.8.1967, p. 1. Directive as last amended by Regulation (EC) No 807/2003.

⁽³⁾ OJ L 227, 8.9.1993, p. 9.

⁽⁴⁾ OJ L 161, 29.6.1994, p. 3.

⁽⁵⁾ OJ L 123, 24.4.1998, p. 1. Directive as amended by Regulation (EC) No 1882/2003.

⁽⁶⁾ OJ L 50, 20.2.2004, p. 44.

⁽⁷⁾ OJ L 50, 20.2.2004, p. 28.

⁽⁸⁾ OJ L 358, 18.12.1986, p. 1. Directive as amended by Directive 2003/65/EC of the European Parliament and of the Council (OJ L 230, 16.9.2003, p. 32).

- (31) The issues relating to anaerobic biodegradation, the biodegradation of the main non-surfactant organic detergent ingredients, and phosphate content, which are not dealt with in this Regulation should be examined by the Commission and, where this is justified, a proposal should be presented to the European Parliament and the Council. Pending further harmonisation, the Member States may maintain or lay down national rules concerning the above issues.
- (32) The five Directives and the Commission Recommendation mentioned in recital (1) which are replaced by this Regulation should be repealed,
- ‘Laundry fabric-softener’, intended to modify the feel of fabrics in processes which are to complement the washing of fabrics;
 - ‘Cleaning preparation’, intended for domestic all purposes cleaners and/or other cleaning of surfaces (e.g.: materials, products, machinery, mechanical appliances, means of transport and associated equipment, instruments, apparatus, etc.);
 - ‘Other cleaning and washing preparations’, intended for any other washing and cleaning processes.

HAVE ADOPTED THIS REGULATION:

Article 1

Objectives and scope

1. This Regulation establishes rules designed to achieve the free movement of detergents and surfactants for detergents in the internal market while, at the same time, ensuring a high degree of protection of the environment and human health.
2. For this purpose, this Regulation harmonises the following rules for the placing on the market of detergents and of surfactants for detergents:
 - the biodegradability of surfactants in detergents;
 - restrictions or bans on surfactants on grounds of biodegradability;
 - the additional labelling of detergents, including fragrance allergens; and
 - the information that manufacturers must hold at the disposal of the Member States competent authorities and medical personnel.

Article 2

Definitions

For the purpose of this Regulation:

1. ‘Detergent’ means any substance or preparation containing soaps and/or other surfactants intended for washing and cleaning processes. Detergents may be in any form (liquid, powder, paste, bar, cake, moulded piece, shape, etc.) and marketed for or used in household, or institutional or industrial purposes.

Other products to be considered as detergents are:

- ‘Auxiliary washing preparation’, intended for soaking (pre-washing), rinsing or bleaching clothes, household linen, etc.;

2. ‘Washing’ means the cleaning of laundry, fabrics, dishes and other hard surfaces.
3. ‘Cleaning’ has the meaning defined by EN ISO 862.
4. ‘Substance’ means chemical elements and their compounds in the natural state or obtained by any production process, including any additive necessary to preserve the stability of the products and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition.
5. ‘Preparation’ means a mixture or solution composed of two or more substances.
6. ‘Surfactant’ means any organic substance and/or preparation used in detergents, which has surface-active properties and which consists of one or more hydrophilic and one or more hydrophobic groups of such a nature and size that it is capable of reducing the surface tension of water, and of forming spreading or adsorption monolayers at the water-air interface, and of forming emulsions and/or microemulsions and/or micelles, and of adsorption at water-solid interfaces.
7. ‘Primary biodegradation’ means the structural change (transformation) of a surfactant by micro-organisms resulting in the loss of its surface-active properties due to the degradation of the parent substance and consequential loss of the surface-active property as measured by test methods listed in Annex II.
8. ‘Ultimate aerobic biodegradation’ means the level of biodegradation achieved when the surfactant is totally used by micro-organisms in the presence of oxygen resulting in its breakdown to carbon dioxide, water and mineral salts of any other elements present (mineralisation), as measured by test methods listed in Annex III, and new microbial cellular constituents (biomass).
9. ‘Placing on the market’ means introducing onto the Community market, thereby making available to third parties, whether in exchange for payment or not. Import into the Community customs territory shall be deemed to be placing on the market.

10. 'Manufacturer' means the natural or legal person responsible for placing a detergent or a surfactant for a detergent on the market; in particular, a producer, an importer, a packager working for his own account, or any person changing the characteristics of a detergent or of a surfactant for a detergent, or creating or changing the labelling thereof, shall be deemed to be a manufacturer. A distributor who does not change the characteristics, labelling or packaging of a detergent, or of a surfactant for a detergent, shall not be deemed to be a manufacturer, except where he acts as an importer.
11. 'Medical personnel' means a registered medical practitioner, or a person working under the direction of a registered medical practitioner, acting to provide patient care, make a diagnosis or administer treatment, and who is bound by professional confidentiality.
12. 'Industrial and institutional detergent' means a detergent for washing and cleaning outside the domestic sphere, carried out by specialised personnel using specific products.

Article 3

The placing on the market

1. When placed on the market, detergents and surfactants for detergents referred to in Article 1 shall conform with the conditions, characteristics and limits laid down in this Regulation and its Annexes and, where relevant, with Directive 98/8/EC and with any other relevant Community legislation. Surfactants that are also active substances within the meaning of Directive 98/8/EC and that are used as disinfectants are exempt from the provisions of Annexes II, III, IV and VIII of this Regulation provided:

- (a) they are listed in Annex I or IA of Directive 98/8/EC, or
- (b) they are constituents of biocidal products authorised under Article 15(1) or 15(2) of Directive 98/8/EC, or
- (c) they are constituents of biocidal products allowed under the transitional measures or subject to the 10 year work programme provided for in Article 16 of Directive 98/8/EC.

Instead, such surfactants are deemed to be disinfectants and the detergents of which they are ingredients are subject to the labelling provisions for disinfectants of Annex VII A.

2. Manufacturers of detergents and/or of surfactants for detergents shall be established within the Community.

3. Manufacturers shall be responsible for the conformity of detergents and/or of surfactants for detergents with the provisions of this Regulation and its Annexes.

Article 4

Limitations based on the biodegradability of surfactants

1. Under this Regulation, surfactants and detergents containing surfactants that meet the criteria for ultimate aerobic biodegradation as laid down in Annex III may be placed on the market without further limitations relating to biodegradability.

2. If a detergent contains surfactants for which the level of ultimate aerobic biodegradation is lower than that stipulated in Annex III, manufacturers of industrial or institutional detergents containing surfactants, and/or of surfactants for industrial or institutional detergents, may ask for derogation. Requests for derogation shall be made and decided in accordance with Articles 5, 6 and 9.

3. The level of primary biodegradability shall be measured for all surfactants in detergents failing ultimate aerobic biodegradation tests. Detergent surfactants, for which the level of primary biodegradability is lower than that stipulated in Annex II, shall not be granted derogation.

Article 5

Granting of derogation

1. The request by a manufacturer for derogation shall be made by sending an application to the competent authority of the Member State concerned, referred to in Article 8(1), and to the Commission, providing evidence relating to the criteria mentioned under Article 6(1). Member States can make the request for derogation dependent upon the payment to the Member State's competent authority of a fee. Such fees, if any, shall be levied in a non-discriminatory way and shall not exceed the cost of processing the application.

2. Applications shall include a technical file supplying all the information and justifications necessary for evaluating the safety aspects related to the specific use of surfactants in detergents failing to comply with the biodegradability limits, as set out in Annex III.

In addition to the results of tests stipulated in Annex III, the technical file shall include information and results of tests, as stipulated in Annexes II and IV.

The tests laid down in Annex IV, point 4 shall be carried out on the basis of a tiered approach. The tiered approach will be defined in a technical guidance document to be adopted in accordance with the procedure referred to in Article 12(2) by 8 April 2007. This guidance document will also specify, where appropriate, those tests for which the principles of good laboratory practice should be applied.

3. The competent authority of the Member State, receiving applications for derogation in accordance with paragraphs 1 and 2, shall examine the requests, evaluate their compliance with the conditions for derogation and inform the Commission about the results within six months of receiving the complete application.

If the competent authority of the Member State deems it necessary for the evaluation of the risk which may be caused by a substance and/or a preparation, it shall, within three months of receiving the application, ask for further information, verification and/or confirmatory tests concerning these substances and/or preparations or their transformation products, of which they have been notified or have received information under this Regulation. The time period for the evaluation of the dossier by the competent authority of the Member State will start only after the dossier is completed with the additional information. If the requested information is not provided within 12 months, the application shall be considered incomplete and thus invalid. In such a case Article 6(2) shall not apply.

If further information on metabolites is sought, stepwise testing strategies should be employed to ensure maximum use of in-vitro and other non-animal test methods.

4. On the basis of, in particular, the evaluation carried out by the Member State, the Commission may grant a derogation in accordance with the procedure referred to in Article 12(2). If necessary, before granting such derogation the Commission shall evaluate further the matters indicated in paragraph 3 of this Article. It shall take its decision within 12 months of receiving the evaluation from the Member State, except in the case of Article 5(4) and (6) of Decision 1999/468/EC where the period shall be 18 months.

5. Such derogations may allow, limit or severely restrict the placing on the market and the use of surfactants as ingredients in detergents, depending on the results of the complementary risk assessment, as defined in Annex IV. They may include a phase-out period for placing on the market and the use of surfactants as ingredients in detergents. The Commission may review a derogation as soon as information comes to light which would justify a significant revision of the technical file that was included in the application for derogation. For this purpose, the manufacturer shall, upon request, supply to the Commission a technical file that has been updated regarding the items mentioned in Annex IV, point 2. On the basis of this updated information, the Commission may decide to prolong, modify or terminate the derogation. Paragraphs 1 to 4 and 6 of this Article and Article 6 shall apply *mutatis mutandis*.

6. The Commission shall publish the list of surfactants that have obtained derogation, with the corresponding conditions or limitations of use, as provided in Annex V.

Article 6

Conditions for granting a derogation

1. Where the Commission considers granting a derogation, it shall do so in accordance with the procedure referred to in Article 12(2), and on the basis of the following criteria:

- use in low-dispersive applications, rather than in wide-dispersive applications;
- use in specific industrial and/or institutional applications only;
- the risk to the environment or to health posed by the volume of sales and the pattern of use throughout the Community is small compared to the socio-economic benefits, including food safety and hygiene standards.

2. As long as the Commission has not decided on a request for derogation, the placing on the market and use of the surfactant in question may be maintained, provided the manufacturer can show that the surfactant was already in use on the Community market at the date of entry into force of this Regulation and that the request for derogation was made within two years from that date.

3. If the Commission refuses to grant a derogation, it shall do so within 12 months of receiving from a Member State the evaluation mentioned in Article 5(3), except in the case of Article 5(4) and (6) of Decision 1999/468/EC where the period shall be 18 months. It may set a transitional period during which the placing on the market and use of the surfactant in question shall be phased out. This transitional period shall not exceed two years from the date of the Commission's decision.

4. The Commission shall publish in Annex VI the list of surfactants that have been identified as not complying with this Regulation.

Article 7

Testing of surfactants

All tests referred to in Articles 3 and 4 and in Annexes II, III, IV and VIII shall be conducted in compliance with the standards mentioned in Annex I.1 and in accordance with testing requirements under Article 10(5) of Regulation (EEC) No 793/93. For this purpose, it is sufficient to apply either the EN ISO/IEC standard or the principles of good laboratory practice, except for those tests for which the principles of good laboratory practice have been made mandatory. In cases where surfactants are used in detergents which were placed on the market before the entry into force of the above standard, existing tests that were performed using the best scientific knowledge available, and that were performed to a standard comparable to those of the standards mentioned in Annex I may be accepted on a case-by-case basis. The manufacturer or the Member State may submit to the Commission any case over which there is doubt or dispute. A decision shall then be taken in accordance with the procedure laid down in Article 12(2).

Article 8

Duties of the Member States

1. Member States shall appoint the competent authority or authorities responsible for communicating and exchanging information relating to the management of this Regulation and inform the Commission of the full name and address of these authorities.

2. Each Member State shall notify to the other Member States and to the Commission the list of approved laboratories, with their full name and address, that are competent and authorised to carry out the tests required by this Regulation. Member States shall demonstrate the competence of the above laboratories according to the standard EN ISO/IEC 17025 mentioned in Annex I.1. This requirement shall be deemed to be fulfilled if the Member State has verified the compliance of laboratories with the principles of good laboratory practice in accordance with Article 2 of Directive 2004/9/EC.

3. Where the competent authority of a Member State has grounds for believing that an approved laboratory does not possess the competence referred to in paragraph 2, it shall raise the matter in the Committee referred to in Article 12. If the Commission decides that the laboratory does not possess the required competence, the name of the approved laboratory shall be removed from the list referred to in paragraph 4. Article 15(2) shall apply, except in the case of laboratories claiming compliance with the requirements of good laboratory practice, for which the non-compliance provisions of Articles 5 and 6 of Directive 2004/9/EC shall apply.

4. The Commission shall publish the lists of competent authorities, mentioned in paragraph 1, and of approved laboratories, mentioned in paragraph 2, once a year in the *Official Journal of the European Union* to the extent that changes have occurred.

Article 9

Information to be provided by manufacturers

1. Without prejudice to Article 17 of Directive 1999/45/EC, manufacturers placing on the market the substances and/or preparations covered by this Regulation shall hold at the disposal of the competent authorities of the Member States:

- information on one or more results of the tests mentioned in Annex III;
- for those surfactants failing to pass tests mentioned in Annex III, and for which a request for derogation was made as referred to in Article 5:
 - (i) a technical file on results of the tests mentioned in Annex II,
 - (ii) a technical file on results of the tests and information mentioned in Annex IV.

2. Whenever substances and/or preparations covered by this Regulation are placed on the market, the manufacturer shall be responsible for the correct performance of the relevant tests mentioned above. He shall also have available documentation on the testing carried out to demonstrate compliance with this Regulation, and to show that he is allowed to benefit from the property rights concerning the test results, other than for those test results already in the public domain.

3. Manufacturers placing on the market the preparations covered by this Regulation shall, upon request, make available without delay and free of charge, to any medical personnel, an ingredient datasheet as stipulated in Annex VII C.

This is without prejudice to the right of a Member State to request that such a datasheet be made available to a specific public body to which the Member State has assigned the task of providing this information to medical personnel.

The information contained in the datasheet shall be kept confidential by the specific public body and by the medical personnel, and shall be used only for medical purposes.

Article 10

Control measures

1. Member States' competent authorities may apply, as appropriate, all necessary control measures to detergents placed on the market which ensure the compliance of the product with the provisions of this Regulation. The reference method shall be the test and analytical methods referred to in Annex VIII. These control measures shall not oblige manufacturers to repeat tests made by laboratories fulfilling the conditions indicated in Article 8(2), or to pay for any repeat or additional test, provided the initial test has shown compliance of detergents, or surfactants used as ingredients in detergents, with this Regulation.

2. In cases of concern that a test carried out in accordance with the methods listed in Annex II, III, IV or VIII has produced false positive results, the Member States' competent authorities shall notify the Commission and the Commission shall, in accordance with the procedure laid down in Article 12(2), verify those results and take the necessary measures.

Article 11

Labelling

1. The provisions of this Article are without prejudice to the provisions relating to the classification, packaging and labelling of dangerous substances and preparations in Directives 67/548/EEC and 1999/45/EC.

2. The following information must appear in legible, visible and indelible characters on the packaging in which the detergents are put up for sale to the consumer:

- (a) the name and trade name of the product;
- (b) the name or trade name or trademark and full address and telephone number of the party responsible for placing the product on the market;
- (c) the address, email address, where available, and telephone number from which the datasheet referred to in Article 9(3) can be obtained.

The same information must appear on all documents accompanying detergents transported in bulk.

3. The packaging of detergents shall indicate the content, in accordance with the specifications provided for in Annex VII A. It shall also indicate instructions for use and special precautions, if required.

4. Additionally, the packaging of detergents sold to the general public intended to be used as laundry detergents shall bear the information provided for in Annex VII B.

5. In cases where a Member State has a national requirement to label in the national language(s), the manufacturer and distributor shall comply with that requirement for the information specified in paragraphs 3 and 4.

6. Paragraphs 1 to 5 are without prejudice to existing national rules according to which graphic representations of fruits which may lead the user into error as to the use of liquid products, shall not appear on the packaging in which the detergents are put up for sale to the consumer.

Article 12

Committee procedure

- 1. The Commission shall be assisted by a committee.
- 2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

- 3. The committee shall adopt its Rules of Procedure.

Article 13

Adaptation of the Annexes

1. The amendments necessary for adapting the Annexes shall be adopted in accordance with the procedure referred to in Article 12(2), and shall, wherever possible, use European Standards.

2. In particular, the amendments or additions necessary for applying the rules of this Regulation to solvent-based detergents shall be adopted in accordance with the procedure referred to in Article 12(2).

Article 14

Free movement clause

Members States shall not prohibit, restrict or impede the placing on the market of detergents, and/or of surfactants for detergents, which comply with the requirements of this Regulation, on grounds that are dealt with in this Regulation.

Pending further harmonisation, Member States may maintain or lay down national rules concerning the use of phosphates in detergents.

Article 15

Safeguard clause

1. Where a Member State has justifiable grounds for believing that a specific detergent, although complying with the requirements of this Regulation, constitutes a risk to safety or health of humans or of animals or a risk to the environment, it may temporarily prohibit the placing on the market of that detergent in its territory or make it temporarily subject to special conditions.

It shall immediately inform the other Member States and the Commission thereof, giving the reasons for its decision.

2. After consultation of the Member States, or, if appropriate, of the relevant technical or scientific committee of the Commission, a decision shall be taken on the matter within ninety days in accordance with the procedure referred to in Article 12(2).

Article 16

Review

1. By 8 April 2007, the Commission shall evaluate, submit a report on and, where justified, present a legislative proposal on the use of phosphates with a view to their gradual phase-out or restriction to specific applications.

2. By 8 April 2009, the Commission shall carry out a review of the application of this Regulation, paying particular regard to the biodegradability of surfactants, and shall evaluate, submit a report on, and, where justified, present legislative proposals relating to:

- anaerobic biodegradation,
- the biodegradation of main non-surfactant organic detergent ingredients.

*Article 17***Legislation to be repealed**

1. The following Directives are hereby repealed with effect from 8 October 2005.

- Directive 73/404/EEC;
- Directive 73/405/EEC;
- Directive 82/242/EEC;
- Directive 82/243/EEC and
- Directive 86/94/EEC.

2. Recommendation 89/542/EEC is hereby repealed with effect from 8 October 2005.

3. References made to the repealed Directives shall be construed as being references to this Regulation.

4. On the day of entry into force of this Regulation, Member States shall repeal their laws, regulations and administrative provisions adopted pursuant to the Directives provided for in paragraph 1 or to the Recommendation referred to in paragraph 2.

*Article 18***Sanctions**

1. No later than 8 October 2005.

- appropriate legal or administrative measures in order to deal with any infringement of this Regulation and;
- dissuasive, effective and proportionate sanctions for any such infringement.

This shall include measures allowing them to detain consignments of detergents that fail to comply with this Regulation.

2. They shall immediately inform the Commission thereof.

*Article 19***Entry into force**

This Regulation shall enter into force 8 October 2005.

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

Done at Strasbourg, 31 March 2004.

For the European Parliament

The President

P. COX

For the Council

The President

D. ROCHE

ANNEX I

Standards of accreditation, good laboratory practice and animal protection concerning the laboratories that are competent and authorised to provide the necessary service for checking compliance of detergents with the requirements of this Regulation and its Annexes1. *Standards applicable at the level of the laboratories:*

EN ISO/IEC 17025, General requirements for the competence of testing and calibration laboratories;

Directive 2004/10/EC;

Council Directive 86/609/EEC.

2. *Standards applicable at the level of the accreditation bodies and good laboratory practice monitoring authorities:*

EN 45003, Calibration and testing laboratory accreditation system, general requirements for operation and recognition;

Directive 2004/9/EC.

ANNEX II

PRIMARY BIODEGRADABILITY TEST METHODS FOR SURFACTANTS IN DETERGENTS

Primary biodegradability is measured by the determination in biodegraded liquors of the remaining level of parent surfactants. This Annex begins with a list of the test-methods common to all classes of surfactants, and then lists under headings A to D the analytical test procedures specific to each class of surfactant.

The pass criterion for primary biodegradability shall be a level of at least 80 %, as measured according to the test methods below.

The reference method for the laboratory testing of surfactants in this Regulation is based on the Confirmatory test procedure in the OECD method, described in Annex VIII.1. Changes to the Confirmatory test procedure are permissible provided that they comply with EN ISO 11733.

Test methods

- (1) The OECD method published in the OECD's technical report of 11 June 1976 on the 'Proposed Method for the Determination of the Biodegradability of Surfactants in Synthetic Detergents'.
- (2) The method in use in France, approved by the 'arrêté du 24 décembre 1987' published in the Journal officiel de la République française of 30 December 1987, p. 15385, and by the standard NF 73-260 of June 1981, published by the Association française de normalisation (AFNOR).
- (3) The method in use in Germany, established by the 'Verordnung über die Abbaubarkeit anionischer und nichtionischer grenzflächenaktiver Stoffe in Wasch- und Reinigungsmitteln' of 30 January 1977, published in the Bundesgesetzblatt of 1977, Part I, p. 244, as set out in the Regulation amending that Regulation of 4 June 1986, published in the Bundesgesetzblatt of 1986, Part I, p. 851.
- (4) The method in use in the United Kingdom called the 'Porous Pot Test' and described in Technical Report No 70 (1978) of the Water Research Centre.
- (5) The 'Confirmatory test procedure' in the OECD method, described in Annex VIII.1 (including possible changes in operating conditions as proposed in EN ISO 11733). This is also the reference method used for the settlement of litigation.

A. ANALYTICAL METHODS FOR ANIONIC SURFACTANTS

The determination of anionic surfactants in the tests shall be done by the Methylene Blue Active Substance (MBAS) analysis according to the criteria established in Annex VIII.2. For those anionic surfactants not reacting to the abovementioned MBAS method, or if it seems more appropriate for reasons of efficiency or precision, appropriate specific instrumental analyses such as high performance liquid chromatography (HPLC) or gas chromatography (GC) are to be applied. Samples of the pure surfactant of interest shall be provided by the manufacturer to the competent authorities of the Member States upon request.

B. ANALYTICAL METHODS FOR NON-IONIC SURFACTANTS

The determination of non-ionic surfactants in the tests shall be done by the Bismuth Active Substance (BiAS) method, according to the analytical procedure established in Annex VIII.3.

For those non-ionic surfactants not reacting to the abovementioned BiAS method, or if it seems more appropriate for reasons of efficiency or precision, appropriate specific instrumental analyses such as HPLC or GC are to be applied. Samples of the pure surfactant of interest shall be provided by the manufacturer to the competent authorities of the Member States upon request.

C. ANALYTICAL METHODS FOR CATIONIC SURFACTANTS

The determination of cationic surfactants in the tests shall be done by the Disulfine Blue Active Substance (DBAS) analysis according to the following DBAS procedures:

The method in use in the Federal Republic of Germany, (1989) DIN 38 409 — Ausgabe: 1989-07.

For those cationic surfactants not reacting to the abovementioned test method, or if it seems more appropriate for reasons of efficiency or precision (this must be justified), appropriate specific instrumental analyses such as HPLC or GC are to be applied. Samples of the pure surfactant of interest shall be provided by the manufacturer to the competent national authorities of the Member States upon request.

D. ANALYTICAL METHODS FOR AMPHOTERIC SURFACTANTS

The determination of amphoteric surfactants in the tests shall be done by analysis following the procedures listed below:

1. If cationics absent:

The method in use in the Federal Republic of Germany, (1989) DIN 38 409-Teil 20.

2. Otherwise:

Orange II method (Boiteux, 1984).

For those amphoteric surfactants not reacting to the abovementioned tests, or if it seems more appropriate for reasons of efficiency or precision (this must be justified), appropriate specific instrumental analyses such as HPLC or GC are to be applied. Samples of the pure surfactant of interest shall be provided by the manufacturer to the competent authorities of the Member States upon request.

ANNEX III

ULTIMATE BIODEGRADABILITY (MINERALISATION) TEST METHODS FOR SURFACTANTS IN DETERGENTS

- A. The reference method for laboratory testing of surfactant ultimate biodegradability in this regulation is based on the en iso standard 14593: 1999 (CO₂ headspace test).

Surfactants in detergents shall be considered as biodegradable if the level of biodegradability (mineralisation) measured according to one of the five following tests ⁽¹⁾ is at least 60 % within twenty-eight days:

1. EN ISO Standard 14593: 1999. Water quality. — Evaluation of ultimate aerobic biodegradability of organic compounds in aqueous medium. — Method by analysis of inorganic carbon in sealed vessels (CO₂ headspace test). Pre-adaptation is not to be used. The ten days window principle is not applied. (Reference method).
2. Method of the Directive 67/548/EEC Annex V.C.4-C [Carbon dioxide (CO₂) Evolution Modified Sturm Test]: Pre-adaptation is not to be used. The ten days window principle is not applied.
3. Method of the Directive 67/548/EEC Annex V.C.4-E (Closed Bottle): Pre-adaptation is not to be used. The ten days window principle is not applied.
4. Method of the Directive 67/548/EEC Annex V.C.4-D (Manometric Respirometry): Pre-adaptation is not to be used. The ten days window principle is not applied.
5. Method of the Directive 67/548/EEC Annex V.C.4-F (MITI: Ministry of International Trade and Industry-Japan): Pre-adaptation is not to be used. The ten days window principle is not applied.

- B. Depending on the physical characteristics of the surfactant, one of the methods listed below might be used if appropriately justified ⁽²⁾. It should be noted that the pass criterion of at least 70 % of these methods is to be considered as equivalent to the pass criterion of at least 60 % referred to in methods listed in point A. The adequacy of the choice of the methods listed below shall be decided on a case by case confirmation, in accordance with Article 5 of this Regulation.

1. Method of the Directive 67/548/EEC Annex V.C.4-A (Dissolved Organic Carbon DOC Die-Away): Pre-adaptation is not to be used. The ten days window principle is not applied. The pass criteria for biodegradability measured according to the test shall be at least 70 % within twenty-eight days.
2. Method of the Directive 67/548/EEC Annex V.C.4-B (Modified OECD Screening-DOC Die-Away): Pre-adaptation is not to be used. The ten days window principle is not applied. The pass criteria for biodegradability measured according to the test shall be at least 70 % within twenty-eight days.

- N.B. — All the abovementioned methods, taken from Council Directive 67/548/EEC, can also be found in the publication 'Classification, Packaging and Labelling of Dangerous Substances in the European Union', Part 2: 'Testing Methods'. European Commission 1997. ISBN 92-828-0076-8.

⁽¹⁾ These five tests are identified as the most suitable for surfactants.

⁽²⁾ The DOC methods could give results on the removal and not on the ultimate biodegradation. The Manometric Respirometry and the MITI would not be appropriate in some cases because the high initial test concentration could be inhibitory.

ANNEX IV

COMPLEMENTARY RISK ASSESSMENT FOR SURFACTANTS IN DETERGENTS

For those surfactants for which an environmental risk assessment is available in the context of Directive 93/67/EEC, or Regulation (EEC) No 793/93 and Regulation (EC) No 1488/94, and Technical Guidance Documents, this risk assessment shall be considered together with the complementary risk assessment run in the scope of this Regulation.

The complementary risk assessment run in the scope of this Regulation, in case it is likely that recalcitrant metabolites are produced, shall be considered in the context of assessments made on the basis of Directive 93/67/EEC or Regulation (EEC) No 793/93. This is to be assessed case by case and in particular on the basis of the results of the tests referred to in part 3.

The study shall cover the aquatic environmental compartment. Additional information relating to specific risk assessment concerns might be required by the Committee referred to in Article 12(2) on a case by case basis. Additional information might include other environmental compartments such as sewage sludge and soil. A tiered approach shall be adopted concerning the information required for the technical file referred to in Articles 5 and 9. The file shall contain at least the information described under points 1, 2 and 3 below.

However, to minimise testing, and especially to avoid unnecessary animal testing, the additional studies listed under point 4.2.2 should be requested only where such information is necessary and proportionate. In case of dispute concerning the extent of additional information required, a Decision may be taken in accordance with the procedure laid down in Article 12(2).

As noted in Article 13, the guidelines included in this Annex for the Decisions on derogation may be adapted as appropriate on the basis of the accumulated experience.

1. *Identity of the surfactant (in accordance with the provisions laid down by Annex VII.A of Directive 67/548/EEC).*
 - 1.1. Name
 - 1.1.1. Names in the IUPAC nomenclature
 - 1.1.2. Other names
 - 1.1.3. CAS number and CAS name (if available)
 - 1.1.4. EINECS ⁽¹⁾ or ELINCS ⁽²⁾ numbers (if available)
 - 1.2. Molecular and structural formula
 - 1.3. Composition of the surfactant
2. *Information on the surfactant*
 - 2.1. Quantities of the surfactant used in detergents
 - 2.2. The information on use patterns given in this section shall be sufficient to allow an approximate but realistic estimate of function and environmental exposure to the surfactant as associated with its use in detergents. It shall include the following:
 - importance of the application (societal value),
 - use conditions (release scenario),
 - use volume,
 - availability and suitability of alternatives (performance and economic considerations),
 - assessment of relevant environmental information.
3. *Information on the potential recalcitrant metabolites*

Toxicity information on test liquors shall be provided. If no data are available on residue identity, the information referred to in point 4.2.1 may be requested, depending on the potential risk, the importance and the quantity of the surfactant used in detergents. In conflicting cases concerning this information, a Decision may be taken in accordance with the procedure laid down in Article 12(2).

⁽¹⁾ European Inventory of Existing Commercial Substances.

⁽²⁾ European List of Notified Chemical Substances.

4. Additional studies

4.1. Biodegradability tests

4.1.1. Pre-adapted inoculum

Any of the tests described in Annex III, may be run with pre adapted inoculum in order to provide evidence of the relevance of pre-adaptation for the surfactant.

4.1.2. Inherent Biodegradability Tests

At least one of the tests referred to below shall be included:

- method of the Directive 67/548/EEC, Annex V.C.12 (Modified SCAS test),
- method of the Directive 67/548/EEC, Annex V.C.9 (Zahn-Wellens).

Failure to pass the inherent biodegradability test would indicate potential for persistency which may be considered, in general terms, as sufficient to prohibit the placing on the market of such a surfactant except in cases where the criteria set out in Article 6 indicate that there is no justification for refusing a derogation.

4.1.3. Activated Sludge Simulation Biodegradability Tests

The following tests referred below shall be included:

- method of the Directive 67/548/EEC, Annex V.C.10 (including possible changes in operating conditions as proposed in EN ISO 11733).

Failure to pass the activated sludge simulation biodegradability test would indicate potential for the release of the metabolites by sewage treatment, which may be considered, in general terms, as evidence of need for a more complete risk assessment.

4.2. Toxicity testing of biodegradation test liquors

Toxicity information on test liquors is to be provided on:

4.2.1. Chemical and physical information, such as:

- identity of the metabolite (and analytical means by which it was obtained);
- key physical chemical properties (water solubility, Octanol: Water partition coefficient (Log Po/w, etc.).

4.2.2. Effects on organisms. Tests to be conducted in compliance with the principles of good laboratory practice.

Fish: the test recommended is that in Annex V.C.1 of Directive 67/548/EEC

Daphnia: the test recommended is that in Annex V.C.2 of Directive 67/548/EEC

Algae: the test recommended is that in Annex V.C.3 of Directive 67/548/EEC

Bacteria: the test recommended is that in Annex V.C.11 of Directive 67/548/EEC

4.2.3. Degradation

Biotic: the test recommended is that in Annex V.C.5 of Directive 67/548/EEC

Abiotic: the test recommended is that in Annex V.C.7 of Directive 67/548/EEC. The information to be provided will consider as well the potential of metabolites for bio-concentration and their partitioning to the sediment phase.

Moreover, if some metabolites are suspected for endocrine disrupting activity, it is recommended to determine if these have potential to result in adverse affects as soon as validated testing schemes to assess such adverse effects are available.

N.B. All the abovementioned tests can also be consulted in the publication Classification, Packaging and Labelling of Dangerous Substances in the European Union; Part 2: 'Testing Methods'. European Commission 1997. ISBN 92-828-0076-8.

ANNEX V

LIST OF SURFACTANTS THAT HAVE OBTAINED A DEROGATION

The following detergent surfactants passing tests stipulated in Annex II, but not passing tests stipulated in Annex III, may be placed on the market by means of derogation stipulated in Article 5 and in accordance with the procedure laid down in Article 12(2):

Name in the IUPAC nomenclature	EINECS or ELINCS number	CAS number and CAS name	Limitations

'EINECS' means the European Inventory of Existing Commercial Substances. This inventory contains the definitive list of all substances deemed to be on the Community market on 18 September 1981.

'ELINCS' means the list of new substances as defined in Council Directive 92/32/EEC of 30 April 1992 amending for the seventh time Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances ⁽¹⁾.

ANNEX VI

LIST OF BANNED OR RESTRICTED DETERGENT SURFACTANTS

The following detergent surfactants have been identified as not complying with the provisions of this Regulation:

NAME in the IUPAC NOMENCLATURE	EINECS or ELINCS NUMBER	CAS NUMBER and CAS NAME	LIMITATIONS

'EINECS' means the European Inventory of Existing Commercial Substances. This inventory contains the definitive list of all substances deemed to be on the Community market on 18 September 1981.

'ELINCS' means the list of new substances, as defined in Directive 92/32/EEC.

⁽¹⁾ OJ L 154, 5.6.1992, p. 1.

ANNEX VII

LABELLING AND INGREDIENT DATASHEET

A. Labelling for contents

The following provisions on labelling shall apply to the packaging of detergents sold to the general public.

The following weight percentage ranges:

- less than 5 %,
- 5 % or over but less than 15 %,
- 15 % or over but less than 30 %,
- 30 % and more,

shall be used to indicate the content of the constituents listed below where they are added in a concentration above 0,2 % by weight:

- phosphates,
- phosphonates,
- anionic surfactants,
- cationic surfactants,
- amphoteric surfactants,
- non-ionic surfactants,
- oxygen-based bleaching agents,
- chlorine-based bleaching agents,
- EDTA and salts thereof,
- NTA (nitrilotriacetic acid) and salts thereof,
- phenols and halogenated phenols,
- paradichlorobenzene,
- aromatic hydrocarbons,
- aliphatic hydrocarbons,
- halogenated hydrocarbons,
- soap,
- zeolites,
- polycarboxylates.

The following classes of constituent, if added, shall be listed irrespective of their concentration:

- enzymes,
- disinfectants,
- optical brighteners,
- perfumes.

If added, preservation agents shall be listed, irrespective of their concentration, using where possible the common nomenclature established under Article 8 of Council Directive 76/768/EEC of 27 July 1976 on the approximation of laws of the Member States relating to cosmetic products ⁽¹⁾.

If added, as such, at concentrations exceeding 0,01 % by weight, the allergenic fragrances that appear on the list of substances in Annex III, Part 1 of Directive 76/768/EEC, as a result of its amendment by Directive 2003/15/EC of the European Parliament and of the Council ⁽²⁾ to include the allergenic perfume ingredients from the list first established by the Scientific Committee on Cosmetics and Non Food Products (SCCNFP) in its opinion SCCNFP/0017/98, shall be listed using the nomenclature of that Directive, as shall any other fragrances that are subsequently added to Annex III, Part 1 of Directive 76/768/EEC by adaptation of that Annex to technical progress.

⁽¹⁾ OJ L 262, 27.9.1976, p. 169. Directive as last amended by Commission Directive 2003/83/EC (OJ L 238, 25.9.2003, p. 23).

⁽²⁾ OJ L 66, 11.3.2003, p. 26.

If individual risk-based concentration limits for the fragrance allergens are subsequently established by the SCCNFP, the Commission shall propose the adoption, in accordance with Article 12(2), of such limits to replace the limit of 0,01 % mentioned above.

For detergents intended to be used in the industrial sector, and not made available to members of the general public, the abovementioned requirements do not have to be fulfilled if the equivalent information is provided by means of technical data sheets, safety data sheets, or in a similar appropriate manner.

B. Labelling for dosage information

As prescribed in Article 11(4), the following provisions on labelling shall apply to the packaging of detergents sold to the general public. The packaging of detergents sold to the general public intended to be used as laundry detergents shall bear the following information:

- The recommended quantities and/or dosage instructions expressed in millilitres or grams appropriate to a standard washing machine load, for soft, medium and hard water hardness classes and making provision for one or two cycle washing processes;
- For heavy-duty detergents, the number of standard washing machine loads of 'normally soiled' fabrics, and, for detergents for delicate fabrics, the number of standard washing machine loads of lightly-soiled fabrics, that can be washed with the contents of the package using water of medium hardness, corresponding to 2,5 millimoles CaCO_3/l ;
- The capacity of any measuring cup, if provided, shall be indicated in millilitres or grams, and markings shall be provided to indicate the dose of detergent appropriate for a standard washing machine load for soft, medium and hard water hardness classes.

The standard washing machine loads are 4,5 kg dry fabric for heavy-duty detergents and 2,5 kg dry fabric for low-duty detergents in line with the definitions of Commission Decision 1999/476/EC of 10 June 1999 establishing the Ecological Criteria for the award of the Community eco-label to Laundry Detergents. ⁽¹⁾ A detergent shall be considered to be a heavy-duty detergent unless the claims of the manufacturer predominantly promotes fabric care i.e. low temperature wash, delicate fibres and colours.

C. Ingredient datasheet

The following provisions shall apply to the listing of ingredients on the datasheet referred to in Article 9(3).

The datasheet shall list the name of the detergent and of the manufacturer.

All ingredients shall be listed; in order of decreasing abundance by weight, and the list shall be sub-divided into the following weight percentage ranges:

- 10 % or more,
- 1 % or over, but less than 10 %,
- 0,1 % or over, but less than 1 %,
- less than 0,1 %.

Impurities shall not be considered to be ingredients.

The common chemical name or IUPAC ⁽²⁾ name, the CAS number, and, where available, the INCI ⁽³⁾ name, and the European Pharmacopoeia name, shall be given for each ingredient.

D. Publication of list of ingredients

Manufacturers shall make available on a website the ingredient datasheet mentioned above except for the following information:

- weight percentage ranges
- constituents of perfumes and essential oils,
- constituents of colouring agents.

This obligation shall not apply to industrial or institutional detergents containing surfactants, or to surfactants for industrial or institutional detergents, for which a technical data sheet or safety data sheet is available.

⁽¹⁾ OJ L 187, 20.7.1999, p. 52. Decision as last amended by Decision 2003/200/EC (OJ L 76, 22.3.2003, p. 25).

⁽²⁾ International Union of Pure and Applied Chemistry.

⁽³⁾ International Nomenclature Cosmetic Ingredient.

ANNEX VIII

TEST METHODS AND ANALYTICAL METHODS

The following test and analytical methods apply to control procedures for detergents on the market carried out by Member States:

1. **Reference method (confirmatory test)**

1.1. *Definition*

This method describes a laboratory model of the activated sludge + secondary settler which is designed to simulate municipal sewage treatment. The conditions described are those from the Directives that preceded this Regulation. Improved state-of-the-art operating conditions can be applied to this test method as described in EN ISO 11733.

1.2. *Equipment needed for measurement*

The method of measurement employs the small-activated sludge plant shown in Figure 1, and in greater detail in Figure 2. The equipment consists of a sewage vessel A for synthetic sewage, dosing pump B, aeration vessel C, settling vessel D, air-lift pump E to recycle the activated sludge, and vessel F for collecting the treated effluent.

Vessels A and F must be of glass or suitable plastic and hold at least twenty-four litres. Pump B must provide a constant flow of synthetic sewage to the aeration vessel; this vessel, during normal operation, contains three litres of mixed liquor. A sintered aeration cube G is suspended in the vessel C at the apex of the cone. The quantity of air blown through the aerator shall be monitored by means of a flow meter H.

1.3. *Synthetic sewage*

A synthetic sewage is employed for the test. Dissolve in each litre of tap water:

- 160 mg peptone;
- 110 mg meat extract;
- 30 mg urea, $\text{CO}(\text{NH}_2)_2$;
- 7 mg sodium chloride, NaCl ;
- 4 mg calcium chloride, $\text{CaCl}_2 \cdot 2\text{H}_2\text{O}$;
- 2 mg magnesium sulphate, $\text{MgSO}_4 \cdot 7\text{H}_2\text{O}$;
- 28 mg of di-potassium hydrogen phosphate, K_2HPO_4 ;
- and 10 ± 1 mg of the surfactant.

The synthetic sewage is freshly prepared daily.

1.4. *Preparation of samples*

Uncompounded surfactants are examined in the original state. Active content of surfactant samples must be determined in order to prepare the synthetic sewage (1.3).

1.5. *Operation of equipment*

Initially, fill aeration vessel C and settling vessel D with synthetic sewage. The height of the vessel D should be so fixed that the volume contained in the aeration vessel C is three litres. Inoculation is made by introducing 3 ml of a secondary effluent of good quality, freshly collected from a treatment plant dealing with a predominantly domestic sewage. The effluent must be kept under aerobic conditions in the period between sampling and application. Then set the aerator G, air-lift E and dosing device B in operation. The synthetic sewage must pass through the aeration vessel C at a rate of one litre per hour; this gives a mean retention time of three hours.

The rate of aeration should be so regulated that the contents of vessel C are kept constantly in suspension and the dissolved oxygen content is at least 2 mg/l. Foaming must be prevented by appropriate means. Anti-foaming agents that inhibit the activated sludge or contain surfactants must not be used. The air-lift pump E must be set so that the activated sludge from the settling vessel is continually and regularly recycled to aeration vessel C. Sludge which has accumulated around the top of the aeration vessel C, in the base of the settling vessel D, or in the circulation circuit must be returned to the circulation at least once each day by brushing or some other appropriate means. When the sludge fails to settle, its settleability may be increased by the addition of 2 ml portions of a 5 % solution of ferric chloride, repeated as necessary.

The effluent from the settling vessel D is accumulated in vessel F for twenty-four hours, following which a sample is taken after thorough mixing. Vessel F must then be carefully cleaned.

1.6. *Checking measuring equipment*

The surfactant content (in mg/l) of the synthetic sewage is determined immediately before use.

The surfactant content (in mg/l) of the effluent collected over twenty-four hours in vessel F should be determined analytically by the same method, immediately after collection; otherwise the samples must be preserved, preferably by freezing. The concentrations must be determined to the nearest 0,1 mg/l surfactant

As a check on the efficiency of the process, the chemical oxygen demand (COD) or the dissolved organic carbon (DOC) of the glass fibre filtered effluent accumulated in vessel F and of the filtered synthetic sewage in vessel A is measured at least twice per week.

The reduction in COD or DOC should level off when a roughly regular daily surfactant degradation is obtained at the end of the running-in period shown in Figure 3.

The content of dry matter in the activated sludge contained in the aeration vessel should be determined twice a week in g/l. If it is more than 2,5 g/l, the excess activated sludge must be discarded.

The degradation test is performed at room temperature; this should be steady and kept between 19-24 ° C.

1.7. *Calculation of biodegradability*

The percentage degradation of surfactant must be calculated every day on the basis of the surfactant content in mg/l of the synthetic sewage and of the corresponding effluent accumulated in vessel F.

The degradability values thus obtained should be presented graphically as in Figure 3.

The degradability of the surfactant should be calculated as the arithmetic mean of the values obtained over the twenty-one days that follow the running-in and acclimatisation period, during which degradation has been regular and the operation of the plant trouble-free. In any event the duration of the running-in period should not exceed six weeks.

The daily degradation values are calculated to the nearest 0,1 % but the final result is given to the nearest whole number.

In some cases it may be permissible to reduce the frequency of sampling but at least fourteen results collected over the twenty-one days which follow the running-in period should be used in calculating the average.

2. **Determination of anionic surfactants in biodegradability tests**

2.1. *Principle*

The method is based on the fact that the cationic dye methylene blue forms blue salts with anionic surfactants (MBAS), which can be extracted with chloroform. To eliminate interference, the extraction is first effected from alkaline solution and the extract is then shaken with acidic methylene blue solution. The absorbency of the separated organic phase is measured photometrically at the wavelength of maximum absorption of 650 nm.

2.2. *Reagents and equipment*

2.2.1. Buffer solution pH 10

Dissolve 24 g sodium bicarbonate, NaHCO_3 AR, and 27 g anhydrous sodium carbonate (Na_2CO_3) AR in deionised water and dilute to 1 000 ml.

2.2.2. Neutral methylene blue solution

Dissolve 0,35 g methylene blue AR in deionised water and dilute to 1 000 ml. Prepare the solution at least twenty-four hours before use. The absorbency of the blank chloroform phase, measured against chloroform must not exceed 0,015 per 1 cm of layer thickness at 650 nm.

2.2.3. Acidic methylene blue solution

Dissolve 0,35 g methylene blue AR in 500 ml deionised water and mix with 6,5 ml H_2SO_4 ($d = 1,84 \text{ g/ml}$). Dilute to 1 000 ml with deionised water. Prepare the solution at least twenty-four hours before use. The absorbency of the blank chloroform phase, measured against chloroform must not exceed 0,015 per 1 cm of layer thickness at 650 nm.

2.2.4. Chloroform (trichloromethane) AR freshly distilled

2.2.5. Dodecyl benzene sulphonic acid methyl ester

2.2.6. Ethanolic potassium hydroxide solution, KOH 0,1 M

2.2.7. Ethanol pure, $\text{C}_2\text{H}_5\text{OH}$ 2.2.8. sulphuric acid, H_2SO_4 0,5 M

2.2.9. Phenolphthalein solution

Dissolve 1 g phenolphthalein in 50 ml ethanol and add 50 ml deionised water while stirring continuously. Filter off any precipitate obtained.

2.2.10. Methanolic hydrochloric acid: 250 ml hydrochloric acid AR and 750 ml methanol

2.2.11. Separating funnel, 250 ml

2.2.12. Graduated flask, 50 ml

2.2.13. Graduated flask, 500 ml

2.2.14. Graduated flask, 1 000 ml

2.2.15. Round-bottomed flask with ground glass stopper and reflux condenser, 250 ml; boiling granules

2.2.16. pH meter

2.2.17. Photometer for measurements at 650 nm, with 1 to 5 cm cells

2.2.18. Qualitative grade filter paper

2.3. Procedure

The samples for analysis must not be taken through a layer of foam.

After thorough cleaning with water, the equipment used for the analysis must be thoroughly rinsed with methanolic hydrochloric acid (2.2.10) and then with deionised water before using.

Filter the activated sludge plant influent and effluent to be examined immediately on sampling. Discard the first 100 ml of the filtrates.

Place a measured volume of the sample, neutralised if necessary, into a 250 ml separating funnel (2.2.11). The volume of sample should contain between 20 and 150 g of MBAS. At the lower MBAS content, up to 100 ml of sample may be used. When using less than 100 ml, dilute to 100 ml with deionised water. Add to the sample 10 ml of buffer solution (2.2.1), 5 ml of neutral methylene blue solution (2.2.2) and 15 ml of chloroform (2.2.4). Shake the mixture uniformly and not too vigorously for one minute. After phase separation, run the chloroform layer into a second separating funnel, containing 110 ml of deionised water and 5 ml of acidic methylene blue solution (2.2.3). Shake the mixture for one minute. Pass the chloroform layer through a cotton-wool filter previously cleaned and wetted with chloroform into a graduated flask (2.2.12).

Extract the alkaline and acid solutions three times, using 10 ml of chloroform for the second and third extractions. Filter the combined chloroform extracts through the same cotton wool filter and dilute to the mark in the 50 ml flask (2.2.12) with chloroform used for rewashing the cotton wool. Measure the absorbency of the chloroform solution with a photometer at 650 nm in 1 to 5 cm cells against chloroform. Run a blank determination through the whole procedure.

2.4. Calibration curve

Prepare a calibration solution from the standard substance dodecylbenzene sulphonic acid methyl ester (tetra-propylene type mol. wt. 340) after saponification into the potassium salt. The MBAS is calculated as sodium dodecyl benzene sulphonate (mol. wt. 348).

From a weighing pipette, weigh 400 to 450 mg of dodecyl-benzene-sulphonic-acid-methyl-ester (2.2.5) to the nearest 0,1 mg in a round-bottomed flask and add 50 ml of ethanolic potassium hydroxide solution (2.2.6) and some boiling granules. After mounting the reflux condenser, boil for one hour. After cooling, wash the condenser and ground glass joint with about 30 ml of ethanol, and add these washings to the contents of the flask. Titrate the solution with sulphuric acid against phenolphthalein until it becomes colourless. Transfer this solution to a 1 000 ml graduated flask (2.2.14), dilute to the mark with deionised water and mix.

Part of this surfactant stock solution is then further diluted. Withdraw 25 ml, transfer to a 500 ml graduated flask (2.2.13), dilute to the mark with deionised water and mix.

This standard solution contains:

$$\frac{E \times 1,023 \text{ mg MBAS per ml}}{20\,000}$$

where E is the sample weight in mg.

To establish the calibration curve, withdraw 1, 2, 4, 6, 8 ml portions of the standard solution and dilute each to 100 ml with deionised water. Then proceed as stated under item 2.3 including a blank determination.

2.5. Calculation of results

The amount of anionic surfactant (MBAS) in the sample is read from the calibration curve (2.4). The MBAS content of the sample is given by:

$$\frac{\text{mg MBAS} \times 1\,000}{V} = \text{MBAS mg/l}$$

where: V = ml volume of the sample used.

Express the results as sodium dodecylbenzene sulphonate (MW 348).

2.6. Expression of results

Express the results as MBAS mg/l to the nearest 0,1.

3. Determination of non-ionic surfactants in biodegradation test liquors

3.1. Principle

Surface active agents are concentrated and isolated by gas stripping. In the sample used, the quantity of non-ionic surfactant should be in the range 250-800 g.

The stripped surfactant is dissolved in ethyl acetate.

After phase separation and evaporation of the solvent, the non-ionic surfactant is precipitated in aqueous solution with modified Dragendorff reagent ($\text{KBiI}_4 + \text{BaCl}_2 + \text{glacial acetic acid}$).

The precipitate is filtered, washed with glacial acetic acid and dissolved in ammonium tartrate solution. The bismuth in the solution is titrated potentiometrically with pyrrolidinedithiocarbamate solution at pH 4-5 using a bright platinum indicator electrode and a calomel or silver/silver chloride reference electrode. The method is applicable to non-ionic surfactants containing 6-30 alkylene oxide groups.

The titration result is multiplied by the empirical factor of 54 for conversion to the reference substance nonyl-phenol condensed with 10 mols ethylene oxide (NP 10).

3.2. Reagents and Equipment

Reagents are to be made up in deionised water.

3.2.1. Pure ethyl acetate, freshly distilled.

3.2.2. Sodium bicarbonate, NaHCO_3 AR.

- 3.2.3. Dilute hydrochloric acid [20 ml concentrated acid (HCl) diluted to 1 000 ml with water]
- 3.2.4. Methanol AR, freshly distilled, stored in a glass bottle.
- 3.2.5. Bromocresol purple, 0,1 g in 100 ml methanol.
- 3.2.6. Precipitating agent: the precipitating agent is a mixture of two volumes of solution A and one volume of solution B. The mixture is stored in a brown bottle and can be used for up to one week after mixing.

3.2.6.1. Solution A

Dissolve 1,7 g bismuth nitrate, $\text{BiONO}_3 \cdot \text{H}_2\text{O}$ AR, in 20 ml glacial acetic acid, and make up to 100 ml with water. Then dissolve 65 g potassium iodide AR in 200 ml water. Mix these two solutions in a 1 000 ml measuring flask, add 200 ml glacial acetic acid (3.2.7) and make up to 1 000 ml with water.

3.2.6.2. Solution B

Dissolve 290 g barium chloride, $\text{BaCl}_2 \cdot 2\text{H}_2\text{O}$ AR, in 1 000 ml of water.

- 3.2.7. Glacial acetic acid 99-100 % (lower concentrations are unsuitable).
- 3.2.8. Ammonium tartrate solution: mix 12,4 g tartaric acid AR and 12,4 ml of ammonia solution AR ($d = 0,910 \text{ g/ml}$) and make up to 1 000 ml with water (or use the equivalent amount of ammonium tartrate AR).
- 3.2.9. Dilute ammonia solution: 40 ml ammonia solution AR ($d = 0,910 \text{ g/ml}$) diluted to 1 000 ml with water.
- 3.2.10. Standard acetate buffer: dissolve 40 g solid sodium hydroxide AR, in 500 ml water in a beaker and allow to cool. Add 120 ml glacial acetic acid (3.2.7). Mix thoroughly, cool and transfer to a 1 000 ml volumetric flask. Make up to the mark with water.
- 3.2.11. Pyrrolidinedithiocarbamate solution (known as 'carbate solution'): dissolve 103 mg sodium pyrrolidinedithiocarbamate, $\text{C}_5\text{H}_8\text{NNaS}_2 \cdot 2\text{H}_2\text{O}$, in about 500 ml water, add 10 ml of n-amyl alcohol AR and 0,5 g NaHCO_3 AR, and make up to 1 000 ml with water.
- 3.2.12. Copper sulphate solution (for standardisation of 3.2.11).

STOCK SOLUTION

Mix 1,249 g copper sulphate, $\text{CuSO}_4 \cdot 5\text{H}_2\text{O}$ AR, with 50 ml 0,5 M sulphuric acid and make up to 1 000 ml with water.

STANDARD SOLUTION

Mix 50 ml stock solution with 10 ml 0,5 M H_2SO_4 and make up to 1 000 ml with water.

- 3.2.13. Sodium chloride AR.
- 3.2.14. Gas-stripping apparatus (see Figure 5).
The diameter of the sintered disc must be the same as the internal diameter of the cylinder.
- 3.2.15. Separating funnel, 250 ml.
- 3.2.16. Magnetic stirrer with magnet 25-30 mm.
- 3.2.17. Gooch crucible, diameter of the perforated base = 25 mm, Type G4.
- 3.2.18. Circular glass-fibre filter papers, 27 mm diameter with fibre diameter 0,3-1,5 μm .
- 3.2.19. Two filter flasks with adapters and rubber collars, 500 and 250 ml respectively.
- 3.2.20. Recording potentiometer fitted with a bright platinum indicator electrode and a calomel or silver/silver chloride reference electrode with a 250 mV range, with automatic burette of 20-25 ml capacity, or alternative manual equipment.

3.3. Method

3.3.1. Concentration and separation of the surfactant

Filter the aqueous sample through a qualitative filter paper. Discard the first 100 ml of the filtrate.

Into the stripping apparatus, previously rinsed with ethyl acetate, place a measured quantity of the sample, such that it contains between 250-800 g non-ionic surfactant.

To improve the separation add 100 g sodium chloride and 5 g sodium bicarbonate.

If the volume of the sample exceeds 500 ml, add these salts to the stripping apparatus in solid form, and dissolve by passing nitrogen or air through.

If a smaller-sized sample is used, dissolve the salts in 400 ml water and then add to the stripping apparatus.

Add water to bring the level to the upper stopcock.

Cautiously add 100 ml ethyl acetate on top of the water.

Fill the wash-bottle in the gas-line (nitrogen or air) two-thirds full with ethyl acetate.

Pass a gas stream of 30-60 l/h through the apparatus; the use of a flowmeter is recommended. The rate of aeration must be increased gradually at the beginning. The gas rate must be so adjusted that the phases remain noticeably separate to minimise the mixing of the phases and the solution of the ethyl acetate in the water. Stop the gas flow after five minutes.

If there is a reduction of more than 20 % in the volume of the organic phase through solution in water, the sublation must be repeated paying special attention to the rate of gas flow.

Run off the organic phase into a separating funnel. Return any water in the separating funnel from the aqueous phase — it should only be a few ml — to the stripping apparatus. Filter the ethyl acetate phase through a dry qualitative filter paper into a 250 ml beaker.

Put a further 100 ml ethyl acetate into the stripping apparatus and again pass nitrogen or air through for five minutes. Draw off the organic phase into the separating funnel used for the first separation, reject the aqueous phase and run the organic phase through the same filter as the first ethyl acetate portion. Rinse both the separating funnel and the filter with about 20 ml ethyl acetate.

Evaporate the ethyl acetate extract to dryness using a water-bath (fume cupboard). Direct a gentle stream of air over the surface of the solution to accelerate the evaporation.

3.3.2. Precipitation and filtration

Dissolve the dry residue from 3.3.1 in 5 ml methanol, add 40 ml water and 0,5 ml dilute HCl (3.2.3) and stir the mixture with a magnetic stirrer.

To this solution add 30 ml of precipitating agent (3.2.6) from a measuring cylinder. The precipitate forms after repeated stirring. After stirring for ten minutes leave the mixture to stand for at least five minutes.

Filter the mixture through a Gooch crucible, the base of which is covered with a glass-fibre filter paper. First wash the filter under suction with about 2 ml glacial acetic acid. Then thoroughly wash the beaker, magnet, and crucible with glacial acetic acid, of which about 40-50 ml is necessary. It is not necessary to quantitatively transfer the precipitate adhering to the sides of the beaker, to the filter, because the solution of the precipitate for the titration is returned to the precipitating beaker, and the remaining precipitate will then be dissolved.

3.3.3. Dissolution of the precipitate

Dissolve the precipitate in the filter crucible by the addition of hot ammonium tartrate solution (about 80 ° C) (3.2.8) in three portions of 10 ml each. Allow each portion to stand in the crucible for some minutes before being sucked through the filter into the flask.

Put the contents of the filter flask into the beaker used for the precipitation. Rinse the sides of the beaker with a further 20 ml of tartrate solution to dissolve the rest of the precipitate.

Carefully wash the crucible, adapter and filter flask with 150-200 ml water, and return the rinsing water to the beaker used for the precipitation.

3.3.4. The titration

Stir the solution using a magnetic stirrer (3.2.16), add a few drops of bromocresol purple (3.2.5) and add the dilute ammonia solution (3.2.9) until the colour turns violet (the solution is initially weakly acid from the residue of acetic acid used for rinsing).

Then add 10 ml standard acetate buffer (3.2.10), immerse the electrodes in the solution, and titrate potentiometrically with standard 'carbate solution' (3.2.11), the burette tip being immersed in the solution.

The titration rate should not exceed 2 ml/min.

The endpoint is the intersection of the tangents to the two branches of the potential curve.

It will be observed occasionally that the inflection in the potential curve becomes flattened; this can be eliminated by carefully cleaning the platinum electrode (by polishing with emery paper).

3.3.5. Blank determinations

At the same time run a blank determination through the whole procedure with 5 ml methanol and 40 ml water, according to the instructions in 3.3.2. The blank titration should be below 1 ml, otherwise the purity of the reagents (3.2.3, 3.2.7, 3.2.8, 3.2.9, 3.2.10) is suspect, especially their content of heavy metals, and they must be replaced. The blank must be taken into account in the calculation of the results.

3.3.6. Control of the factor of the 'carbate solution'

Determine the factor for the carbate solution on the day of use. To do this, titrate 10 ml of the copper sulphate solution (3.2.12) with 'carbate solution' after the addition of 100 ml water and 10 ml standard acetate buffer (3.2.10). If the amount used is a ml, the factor f is:

$$f = \frac{10}{a}$$

and all the results of the titration are multiplied by this factor.

3.4. Calculation of results

Every non-ionic surfactant has its own factor, depending on its composition, particularly on the length of the alkene oxide chain. The concentration of non-ionic surfactant is expressed in relation to a standard substance — a nonyl phenol with ten ethylene oxide units (NP 10) — for which the conversion factor is 0,054.

Using this factor the amount of surfactant present in the sample is found expressed as mg of NP 10 equivalent, as follows:

$$(b - c) \times f \times 0,054 = \text{mg non-ionic surfactant as NP 10}$$

where:

b = volume of 'carbate solution' used by the sample (ml),

c = volume of 'carbate solution' used by the blank (ml),

f = factor of the 'carbate solution'.

3.5. Expression of results

Express the results in mg/l as NP 10 to the nearest 0,1.

4. Preliminary treatment of anionic surfactants to be tested

4.1. Preliminary notes

4.1.1. Treatment of samples

The treatment of anionic surface-active agents and formulated detergents prior to the determination of primary biodegradability in the confirmatory test is:

Products	Treatment
Anionic surfactants	None
Formulated detergents	Alcoholic extraction followed by separation of the anionic surfactants by ion exchange

The purpose of the alcoholic extraction is to eliminate the insoluble and inorganic ingredients of the commercial product, which in some circumstances might upset the biodegradability test.

4.1.2. Ion-exchange procedure

Isolation and separation of anionic surface active agents from soap, non-ionic and cationic surfactants are required for correct biodegradability tests.

This is achieved by an ion-exchange technique using a macro-porous exchange resin and suitable eluants for fractional elution. Thus soap, anionic and non-ionic surfactants may be isolated in one procedure.

4.1.3. Analytical control

After homogenising, the concentration of anionic surfactants in the synthetic detergent is determined according to the MBAS analytical procedure. The soap content is determined by a suitable analytical method.

This analysis of the products is necessary to calculate the quantities required for preparing fractions for the biodegradability test.

Quantitative extraction is not necessary; however, at least 80 % of the anionic surfactants should be extracted. Usually, 90 % or more is obtained.

4.2. Principle

From a homogeneous sample (powders, dried pastes and dried liquids) an ethanol extract is obtained which contains the surfactants, soap and other alcohol-soluble constituents of the synthetic detergent sample.

The ethanol extract is evaporated to dryness, dissolved in an isopropanol/water mixture and the solution obtained is passed through a strongly acidic cation exchange/macro-porous anion exchange combination heated to 50 ° C. This temperature is necessary to prevent the precipitation of any fatty acids which may be present in acidic media.

Any non-ionic surfactants remain in the effluent.

Soap fatty acids are separated by extraction with ethanol containing CO₂. The anionic surfactants are then obtained as ammonium salts, by elution with an aqueous isopropanolic solution of ammonium bicarbonate. These ammonium salts are used for the degradation test.

Cationic surfactants that might upset the biodegradability test and the analytical procedure are eliminated by the cation exchanger placed above the anion exchanger.

4.3. Chemicals and equipment

4.3.1. Deionised water

4.3.2. Ethanol, 95 % (v/v) C₂H₅OH (permissible denaturant: methyl ethyl ketone or methanol)

4.3.3. Isopropanol/water mixture (50/50 v/v):

- 50 parts by volume isopropanol, CH₃CHOH.CH₃, and
- 50 parts by volume water (4.3.1)

4.3.4. Solution of carbon dioxide in ethanol (approximately 0,1 % CO₂): using a delivery tube with a built-in sinter, pass carbon dioxide, CO₂, through the ethanol (4.3.2) for ten minutes. Use fresh solutions only

4.3.5. Ammonium bicarbonate solution (60/40 v/v): 0,3 mol NH₄HCO₃ in 1 000 ml of an isopropanol/water mixture consisting of 60 parts by volume isopropanol and 40 parts by volume water (4.3.1)

4.3.6. Cation exchanger (KAT), strongly acidic, resistant to alcohol (50-100 mesh)

4.3.7. Anion exchanger (AAT), macro-porous, Merck Lewatit MP 7080 (70-150 mesh) or equivalent

4.3.8. Hydrochloric acid, 10 % HCl (w/w)

4.3.9. 2 000 ml round-bottomed flask with ground glass stopper and reflux condenser

4.3.10. 90 mm diameter suction filter (heatable) for filter papers

4.3.11. 2 000 ml filter flask

4.3.12. Exchange columns with heating jacket and tap: inner tube 60 mm in diameter and 450 mm in height (see Figure 4)

4.3.13. Water-bath

4.3.14. Vacuum drying oven

4.3.15. Thermostat

4.3.16. Rotary evaporator

4.4. *Preparation of extract and separation of anionic active agents*

4.4.1. Preparation of extract

The quantity of surfactants necessary for the biodegradation test is about 50 g MBAS.

Normally, the quantity of product to be extracted will not exceed 1 000 g, but it may be necessary to extract further quantities of sample. For practical reasons, the quantity of product used should in most cases be limited to 5 000 g in preparing extracts for the biodegradation test.

Experience has shown that there are advantages in using a number of small extractions rather than one large extraction. The exchanger quantities specified are designed for a working capacity of 600-700 mmoles of surfactants and soap.

4.4.2. Isolation of alcohol-soluble constituents

Add 250 g of the synthetic detergent to be analysed to 1 250 ml ethanol, heat the mixture to boiling point and reflux for one hour with stirring. Pass the hot alcoholic solution through a coarse-pored suction filter heated to 50 ° C and filter rapidly. Wash the flask and suction filter with approximately 200 ml hot ethanol. Collect the filtrate and filter washings in a filter flask.

In the case of pastes or liquid products to be analysed, make sure that not more than 55 g anionic surfactants and 35 g soap are contained in the sample. Evaporate this weighed sample to dryness. Dissolve the residue in 2 000 ml ethanol and proceed as described above. In the case of powders of low apparent density (< 300 g/l) it is recommended to increase the ethanol ratio in the relation 20:1. Evaporate the ethanolic filtrate to dryness, preferably by means of a rotary evaporator. Repeat the operation if a greater quantity of extract is required. Dissolve the residue in 5 000 ml isopropanol/water mixture.

Preparation of ion-exchange columns

4.4.3. CATION-EXCHANGE COLUMN

Place 600 ml cation-exchange resin (4.3.6) in a 3 000 ml beaker and cover by adding 2 000 ml hydrochloric acid (4.3.8). Allow to stand for at least two hours, with occasional stirring.

Decant the acid and transfer the resin into the column (4.3.12) by means of deionised water. The column should contain a glass-wool plug.

Wash the column with deionised water at a rate of 10-30 ml/min until the eluate is free of chloride.

Displace the water with 2 000 ml isopropanol/water mixture (4.3.3) at a rate of 10-30 ml/min. The exchange column is now ready for operation.

ANION-EXCHANGE COLUMN

Place 600 ml anion-exchange resin (4.3.7) in a 3 000 ml beaker and cover by adding 2 000 ml deionised water.

Allow the resin to swell for at least two hours.

Transfer the resin into the column by means of deionised water. The column should contain a glass-wool plug.

Wash the column with 0,3 M ammonium bicarbonate solution (4.3.5) until free of chloride. This requires about 5 000 ml solution. Wash again with 2 000 ml deionised water. Displace the water with 2 000 ml isopropanol/water mixture (4.3.3) at a rate of 10-30 ml/min. The exchange column is now in the OH-form and ready for operation.

Ion-exchange procedure

- 4.4.4. Connect the exchange columns so that the cation-exchange column is placed on top of the anion-exchange column.

Heat the exchange columns to 50 ° C using thermostatic control.

Heat 5 000 ml of the solution obtained in item 4.4.2 to 60 ° C and pass the solution through the exchanger combination at a rate of 20 ml/min. Wash the columns with 1 000 ml hot isopropanol/water mixture (4.3.3).

To obtain the anionic surface active agents (MBAS), disconnect the KAT column. Using 5 000 ml ethanol/CO₂ solution at 50 ° C (4.3.4), elute the soap fatty acids out of the KAT column. Reject the eluate.

Then elute the MBAS out of the AAT column with 5 000 ml ammonium bicarbonate solution (4.3.5). Evaporate the eluate to dryness using a steam bath or in a rotary evaporator.

The residue contains the MBAS (as ammonium salt) and possible non-surfactant anionics that have no detrimental effect on the biodegradation test. Add deionised water to the residue until a definite volume is obtained and determine the MBAS content in an aliquot. The solution is used as a standard solution of the anionic synthetic detergents for the biodegradation test. The solution should be kept at a temperature below 5 ° C.

Regeneration of ion exchange resins

- 4.4.5. The cation exchanger is rejected after use.

Passing an additional quantity of ammonium bicarbonate solution (4.3.5) down the column at a flow rate of approximately 10 ml/min until the eluate is free from anionic surfactants (methylene blue test) regenerates the anion-exchange resin.

Then pass 2 000 ml isopropanol/water mixture (4.3.3) down the anion exchanger to wash. The anion exchanger is again ready for operation.

Preliminary treatment of non-ionic surfactants to be tested

5. Preliminary notes

5.1. Treatment of samples

- 5.1.1. The treatment of non-ionic surface-active agents and formulated detergents prior to the determination of primary biodegradability in the confirmatory test is:

The purpose of the alcoholic extraction is to eliminate the insoluble and inorganic ingredients of the commercial product, which in some circumstances might upset the biodegradability test.

Products	Treatment
Non-ionic surfactants	None
Formulated detergents	Alcoholic extraction followed by separation of the non-ionic surfactants by ion exchange

Ion-exchange procedure

- 5.1.2. Isolation and separation of non-ionic surface active agents from soap, anionic and cationic surfactants are required for correct biodegradability tests.

This is achieved by an ion exchange technique using a macro-porous exchange resin and suitable eluants for fractional elution. Thus soap, anionic and non-ionic surfactants may be isolated in one procedure.

Analytical control

- 5.1.3. After homogenising, the concentration of anionic and non-ionic surfactants in the detergent is determined according to the MBAS and BiAS analytical procedure. The soap content is determined by a suitable analytical method.

This analysis of the product is necessary to calculate the quantities required preparing fractions for the biodegradability tests.

Quantitative extraction is not necessary; however, at least 80 % of the non-ionic surfactants should be extracted. Usually, 90 % or more is obtained.

Principle

- 5.2. *From a homogeneous sample (powders, dried paste and dried liquids) an ethanol extract is obtained which contains the surfactants, soap and other alcohol-soluble constituents of the detergent sample.*

The ethanol extract is evaporated to dryness, dissolved in an isopropanol/water mixture and the solution obtained is passed through a strongly acidic cation exchange/macro-porous anion exchange combination heated to 50 ° C. This temperature is necessary to prevent the precipitation of any fatty acids which may be present in acidic media. The non-ionic surfactants are obtained from the effluent by evaporation.

Cationic surfactants, which might upset the degradation test and the analytical procedure, are eliminated by the cation exchanger placed above the anion exchanger.

Chemicals and equipment

- 5.3. *Deionised water*

- 5.3.1. Ethanol, C₂H₅OH 95 % (v/v) (permissible denaturant: methyl-ethyl ketone or methanol)

- 5.3.2. Isopropanol/water mixture (50/50 v/v):

- 5.3.3. 50 parts by volume isopropanol, CH₃CHOH.CH₃, and

— 50 parts by volume water (5.3.1)

— Ammonium bicarbonate solution (60/40 v/v):

- 5.3.4. 0,3 mol NH₄HCO₃ in 1 000 ml of an isopropanol/water mixture consisting of 60 parts by volume isopropanol and 40 parts by volume water (5.3.1)

Cation exchanger (KAT), strongly acidic, resistant to alcohol (50-100 mesh)

- 5.3.5. Anion exchanger (AAT), macro-porous, Merck Lewatit MP 7080 (70-150 mesh) or equivalent

- 5.3.6. Hydrochloric acid, 10 % HCl w/w

- 5.3.7. 2 000 ml round-bottomed flask with ground glass stopper and reflux condenser

- 5.3.8. 90 mm diameter suction Filter (heatable) for filter papers

- 5.3.9. 2 000 ml filter flask

- 5.3.10. Exchange columns with heating jacket and tap: inner tube 60 mm in diameter and 450 mm in height (see Figure 4)

- 5.3.11. Water-bath

- 5.3.12. Vacuum drying oven

- 5.3.13. Thermostat

- 5.3.14. Rotary evaporator

- 5.3.15. Preparation of extract and separation of non-ionic active agents

- 5.4. *Preparation of extract*

- 5.4.1. The quantity of surfactant necessary for the degradation test is about 25 g BiAS.

In preparing extracts for the degradation tests, the quantity of product to be used should be limited to a maximum of 2 000 g. Therefore it may be necessary to carry out the operation two or more times in order to obtain sufficient quantity for the degradation tests.

Experience has shown that there are advantages in using a number of small extractions rather than one large extraction.

Isolation of alcohol-soluble constituents

- 5.4.2. Add 250 g of the synthetic detergent to be analysed to 1 250 ml ethanol and heat the mixture to boiling point and reflux for one hour with stirring. Pass the hot alcoholic solution through a coarse-pored suction filter heated to 50 ° C and filter rapidly. Wash the flask and suction filter with approximately 200 ml hot ethanol. Collect the filtrate and filter washings in a filter flask.

In the case of pastes or liquid products to be analysed, make sure that not more than 25 g anionic surfactants and 35 g soap are contained in the sample. Evaporate this weighed sample to dryness. Dissolve the residue in 500 ml ethanol and proceed as described above.

In the case of powders of low apparent density (< 300 g/l) it is recommended to increase the ethanol ratio in the relation 20:1.

Evaporate the ethanolic filtrate to complete dryness, preferably by means of rotary evaporator. Repeat the operation if a greater quantity of extract is required. Dissolve the residue in 5 000 ml isopropanol/water mixture.

- 5.4.3. Preparation of ion-exchange columns

CATION-EXCHANGE COLUMN

Place 600 ml cation-exchange resin (5.3.5) in a 3 000 ml beaker and cover by adding 2 000 ml hydrochloric acid (5.3.7). Allow to stand for at least two hours, with occasional stirring.

Decant the acid and transfer the resin into the column (5.3.11) by means of deionised water. The column should contain a glass-wool plug. Wash the column with deionised water at a rate of 10-30 ml/min until the eluate is free of chloride.

Displace the water with 2 000 ml isopropanol/water mixture (5.3.3) at a rate of 10-30 ml/min. The exchange column is now ready for operation.

ANION-EXCHANGE COLUMN

Place 600 ml anion-exchange resin (5.3.6) in a beaker and cover by adding 2 000 ml deionised water. Allow the resin to swell for at least two hours. Transfer the resin into the column by means of deionised water. The column should contain a glass-wool plug.

Wash the column with 0,3 M ammonium bicarbonate solution (5.3.4) until free of chloride. This requires about 5 000 ml solution. Wash again with 2 000 ml deionised water.

Displace the water with 2 000 ml isopropanol/water mixture (5.3.3) at a rate of 10-30 ml/min. The exchange column is now in the OH form and ready for operation.

- 5.4.4. Ion-exchange procedure

Connect the exchange columns so that the cation-exchange column is placed on top of the anion-exchange column. Heat the exchange columns to 50 ° C using thermostatic control. Heat 5 000 ml of the solution obtained in item 5.4.2 to 60 ° C and pass the solution through the exchanger combination at a rate of 20 ml/min. Wash the columns with 1 000 ml hot isopropanol/water mixture (5.3.3).

To obtain the non-ionic surfactants collect the filtrate and filter washings and evaporate to dryness, preferably by means of a rotary evaporator. The residue contains the BiAS. Add deionised water until a defined volume is obtained and determine the BiAS content in an aliquot. The solution is used as a standard solution of non-ionic surfactants for the degradation test. The solution should be kept at a temperature below 5 ° C.

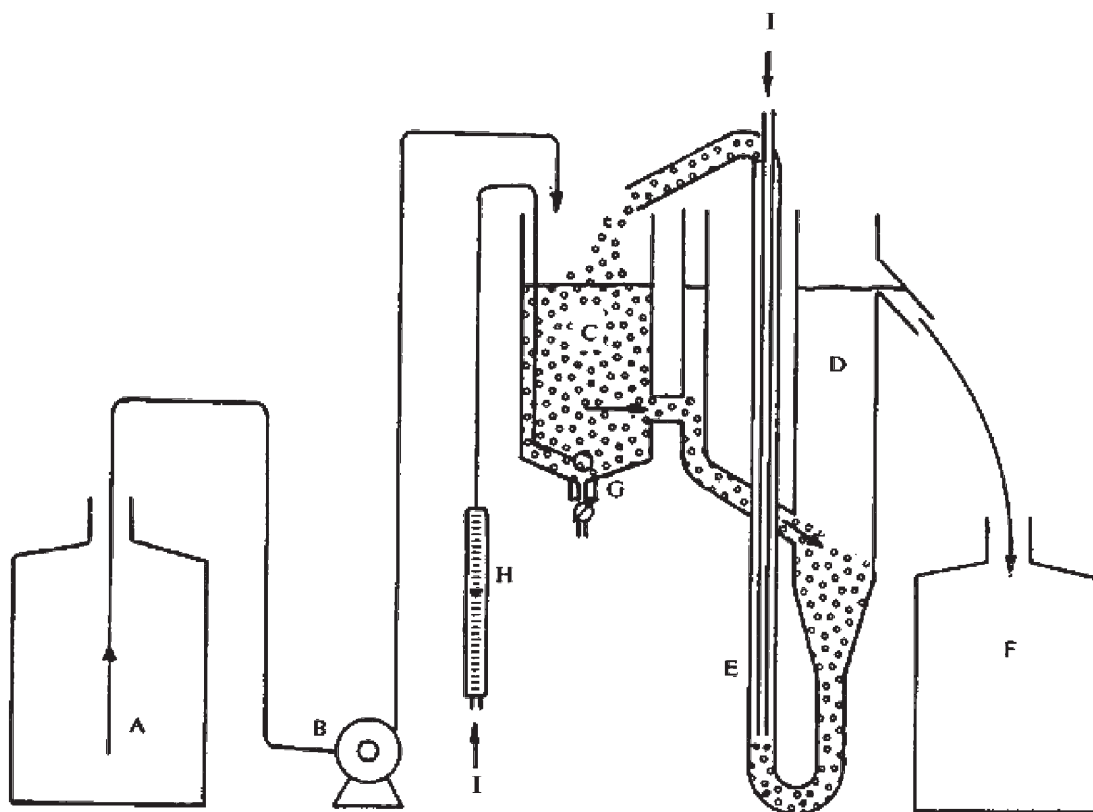
- 5.4.5. Regeneration of ion exchange resins

The cation exchanger is rejected after use.

Passing about 5 000-6 000 ml of ammonium bicarbonate solution (5.3.4) down the column at a flow rate of approximately 10 ml/min until the eluate is free from anionic surfactants (methylene blue test) regenerates the anion-exchange resin. Then pass 2 000 ml isopropanol/water mixture (5.3.3) down the anion exchanger to wash. The anion exchanger is again ready for operation.

Figure 1

Activated sludge plant: overviews

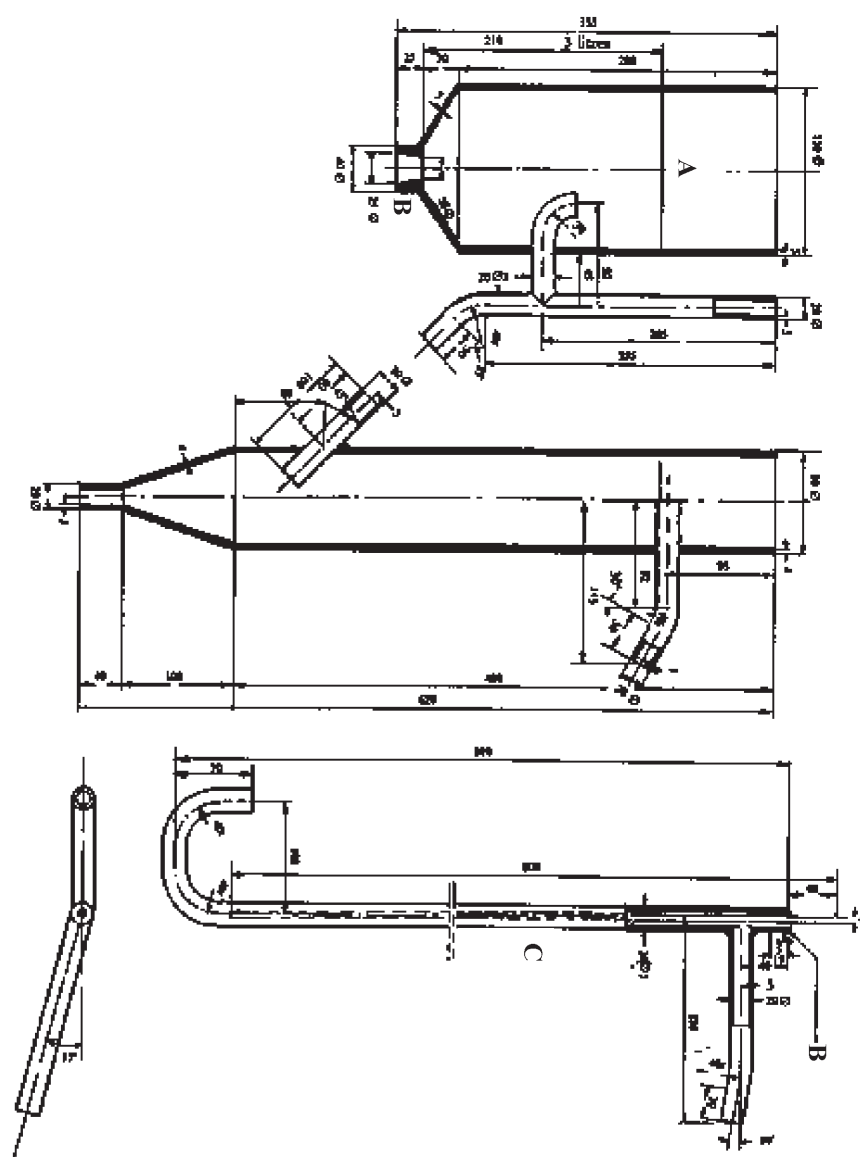


- A Storage vessel
- B Dosing device
- C Aeration chamber (three litres capacity)
- D Settling vessel
- E Air-lift pump
- F Collector
- G Sintered aerator
- H Air-flow meter
- I Air

Figure 2

Activated sludge plant: detail

(dimensions in millimetres)



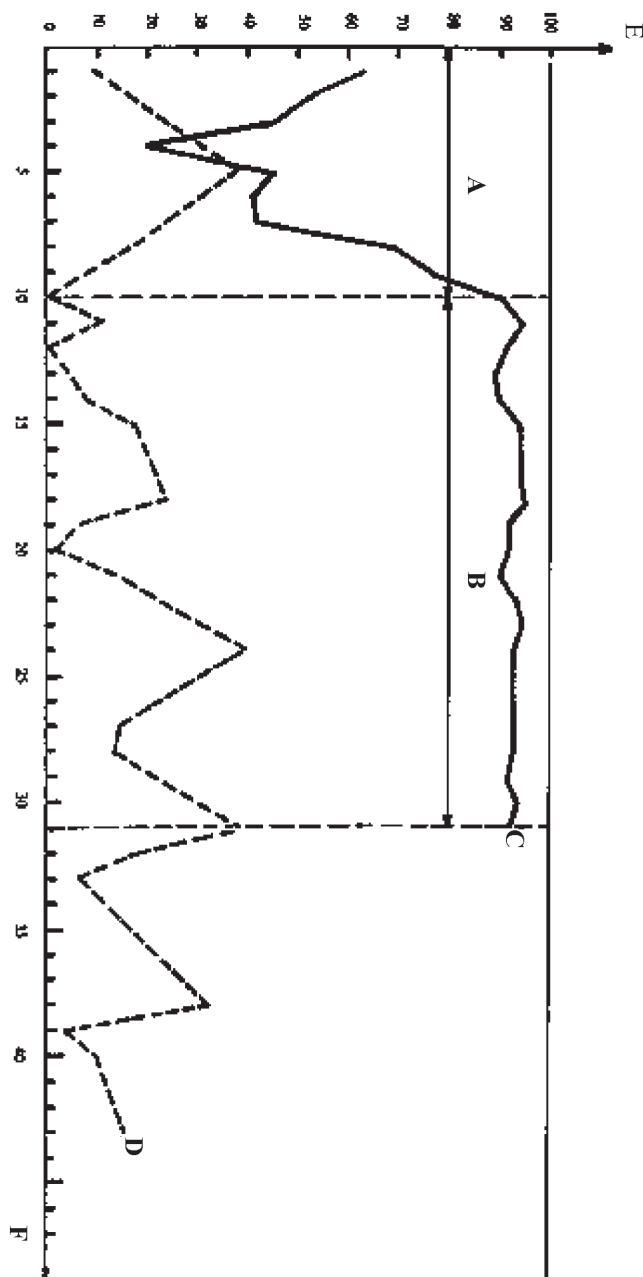
A Liquid level

B Hard PVC

C Glass or waterproof plastic (hard PVC)

Figure 3

Calculation of biodegradability — Confirmatory test



- A Running-in period
- B Period used for calculation (twenty-one days)
- C Readily biodegradable surfactant
- D Surfactant not readily biodegradable
- E Biodegradation (%)
- F Time (days)

Figure 4
Heated exchange column
(dimensions in millimetres)

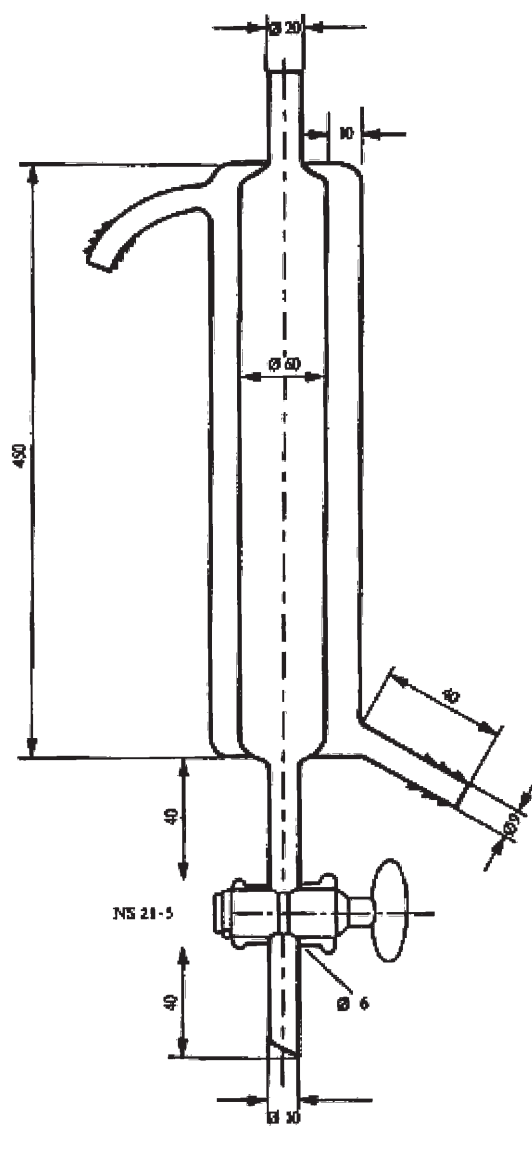
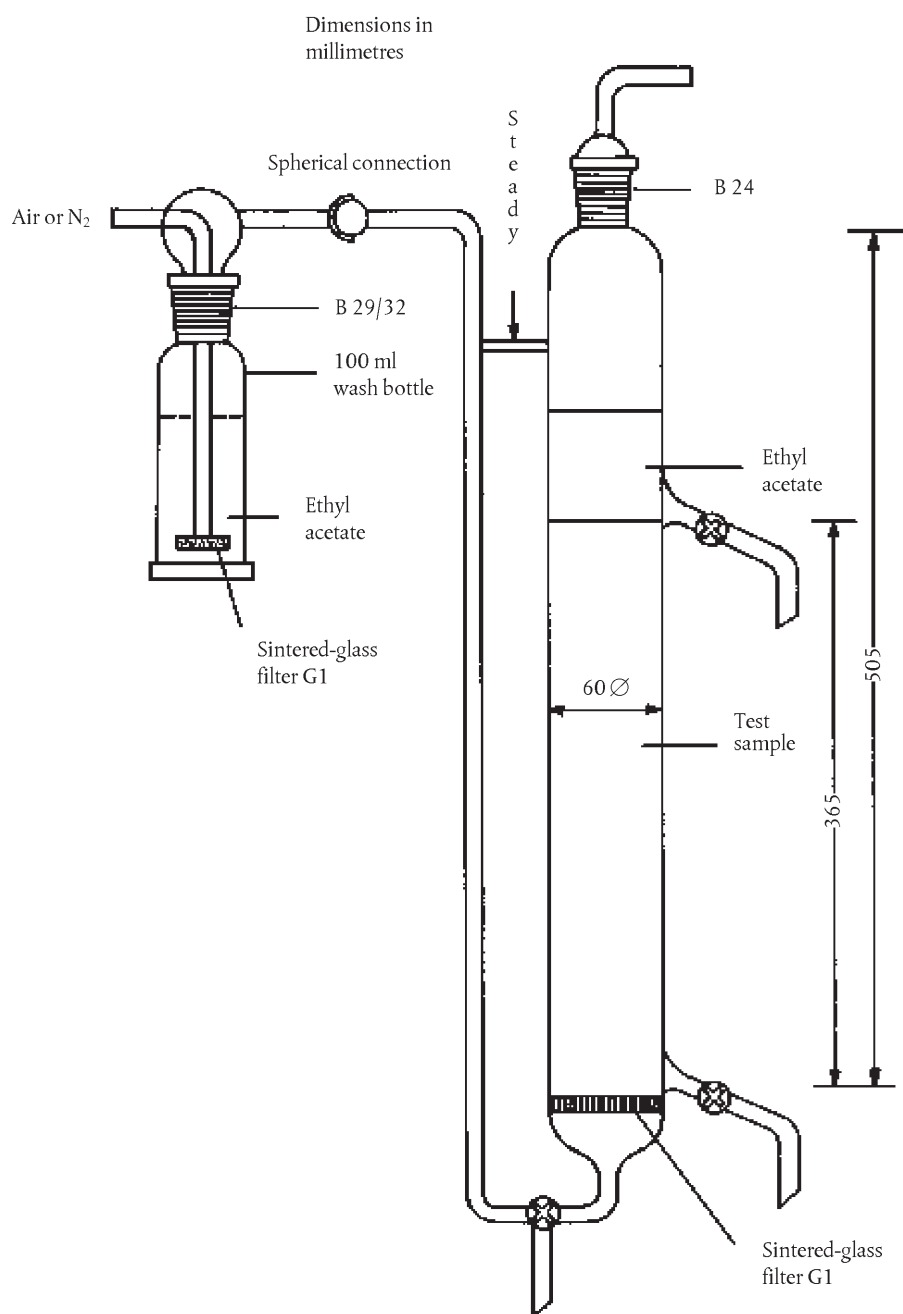


Figure 5
Gas stripping apparatus
(dimensions in millimetres)



COMMISSION REGULATION (EC) No 649/2004
of 7 April 2004
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 April 2004.

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

Done at Brussels, 7 April 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

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

ANNEX

to the Commission Regulation of 7 April 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	104,4
	204	48,9
	212	120,5
	624	124,3
	999	99,5
0707 00 05	052	104,6
	204	132,9
	999	118,8
0709 10 00	220	56,4
	999	56,4
0709 90 70	052	91,5
	204	71,7
	999	81,6
0805 10 10, 0805 10 30, 0805 10 50	052	49,5
	204	43,4
	212	55,7
	220	45,3
	388	44,2
	400	47,2
	600	48,2
	624	58,7
	999	49,0
0805 50 10	052	40,0
	400	52,1
	999	46,1
0808 10 20, 0808 10 50, 0808 10 90	060	50,7
	388	82,5
	400	120,9
	404	100,2
	508	76,7
	512	68,4
	524	75,3
	528	75,4
	720	79,7
	804	122,0
	999	85,2
0808 20 50	388	77,9
	512	71,5
	524	80,3
	528	68,6
	999	74,6

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 650/2004
of 6 April 2004
establishing unit values for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾,

Having regard to 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 ⁽²⁾, and in particular Article 173(1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 April 2004.

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

Done at Brussels, 6 April 2004.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council (OJ L 311, 12.12.2000, p. 17).

⁽²⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).

ANNEX

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
1.10	New potatoes 0701 90 50	45,90	341,74	423,32	30,58
1.30	Onions (other than seed) 0703 10 19	40,96	304,96	377,75	27,29
1.40	Garlic 0703 20 00	137,07	1 020,55	1 264,17	91,33
1.50	Leeks ex 0703 90 00	66,37	494,17	612,14	44,22
1.80	White cabbages and red cabbages 0704 90 10	97,85	728,57	902,49	65,20
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	61,43	457,39	566,58	40,93
1.100	Chinese cabbage ex 0704 90 90	49,54	368,86	456,91	33,01
1.130	Carrots ex 0706 10 00	33,21	247,27	306,30	22,13
1.140	Radishes ex 0706 90 90	71,58	532,96	660,19	47,69
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	319,56	2 379,32	2 947,30	212,92
1.170	Beans:				
1.170.1	— Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	135,40	1 008,13	1 248,79	90,22
1.170.2	— Beans (<i>Phaseolus</i> ssp. <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	176,06	1 310,85	1 623,77	117,31
1.200	Asparagus:				
1.200.1	— green ex 0709 20 00	283,47	2 110,63	2 614,47	188,88
1.200.2	— other 0709 20 00	500,68	3 727,91	4 617,82	333,60
1.210	Aubergines (eggplants) 0709 30 00	188,64	1 404,56	1 739,85	125,69
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	63,39	472,01	584,69	42,24
1.230	Chantarelles 0709 59 10	994,91	7 407,80	9 176,15	662,91
1.240	Sweet peppers 0709 60 10	224,94	1 674,86	2 074,67	149,88
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	124,32	925,67	1 146,64	82,84
2.30	Pineapples, fresh ex 0804 30 00	92,32	687,37	851,45	61,51

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
2.40	Avocados, fresh ex 0804 40 00	161,20	1 200,23	1 486,74	107,41
2.50	Guavas and mangoes, fresh ex 0804 50 00	—	—	—	—
2.60	Sweet oranges, fresh:				
2.60.1	— Sanguines and semi-sanguines 0805 10 10	—	—	—	—
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	—	—	—	—
2.60.3	— Others 0805 10 50	—	—	—	—
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:				
2.70.1	— Clementines ex 0805 20 10	113,94	848,40	1 050,92	75,92
2.70.2	— Monreales and satsumas ex 0805 20 30	187,19	1 393,73	1 726,43	124,72
2.70.3	— Mandarines and wilkings ex 0805 20 50	62,79	467,52	579,13	41,84
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	74,05	551,38	683,00	49,34
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh 0805 50 90	100,27	746,55	924,76	66,81
2.90	Grapefruit, fresh:				
2.90.1	— white ex 0805 40 00	49,74	370,35	458,76	33,14
2.90.2	— pink ex 0805 40 00	54,29	404,24	500,74	36,17
2.100	Table grapes 0806 10 10	125,91	937,48	1 161,27	83,89
2.110	Water melons 0807 11 00	55,71	414,80	513,82	37,12
2.120	Melons (other than water melons):				
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	63,74	474,59	587,88	42,47
2.120.2	— Other ex 0807 19 00	131,45	978,71	1 212,34	87,58
2.140	Pears				
2.140.1	— Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	—	—	—	—
2.140.2	— Other ex 0808 20 50	—	—	—	—
2.150	Apricots 0809 10 00	608,11	4 527,80	5 608,66	405,18
2.160	Cherries 0809 20 95 0809 20 05	338,62	2 521,26	3 123,13	225,62

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
2.170	Peaches 0809 30 90	136,94	1 019,64	1 263,04	91,25
2.180	Nectarines ex 0809 30 10	114,51	852,64	1 056,18	76,30
2.190	Plums 0809 40 05	93,67	697,41	863,89	62,41
2.200	Strawberries 0810 10 00	116,78	869,54	1 077,11	77,81
2.205	Raspberries 0810 20 10	304,95	2 270,57	2 812,58	203,19
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 278,15	9 516,74	11 788,53	851,63
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	145,75	1 085,21	1 344,27	97,11
2.230	Pomegranates ex 0810 90 95	315,50	2 349,12	2 909,89	210,22
2.240	Khakis (including sharon fruit) ex 0810 90 95	283,21	2 108,70	2 612,07	188,70
2.250	Lychees ex 0810 90 30	—	—	—	—

COMMISSION REGULATION (EC) No 651/2004
of 6 April 2004
prohibiting fishing for common sole by vessels flying the flag of Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2287/2003 of 19 December 2003 fixing for 2004 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required⁽²⁾, lays down quotas for common sole for 2003.
- (2) In order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated.
- (3) According to the information received by the Commission, catches of common sole in the waters of ICES division VII h, j, k, by vessels flying the flag of Belgium or

registered in Belgium have exhausted the quota allocated for 2004. Belgium has prohibited fishing for this stock from 20 March 2004. This date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES division VII h, j, k, by vessels flying the flag of Belgium or registered in Belgium are hereby deemed to have exhausted the quota allocated to Belgium for 2004.

Fishing for common sole in the waters of ICES division VII h, j, k, by vessels flying the flag of Belgium or registered in Belgium is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above vessels after the date of application of this Regulation.

Article 2

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

It shall apply from 20 March 2004.

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

Done at Brussels, 6 April 2004.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries

⁽¹⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1954/2003 (OJ L 289, 7.11.2003, p. 1).

⁽²⁾ OJ L 344, 31.12.2003, p. 1.

COMMISSION REGULATION (EC) No 652/2004

of 7 April 2004

correcting Regulation (EC) No 362/2004 opening a preferential tariff quota for imports of raw cane sugar originating in the ACP States for supply to refineries during the period 1 March to 30 June 2004

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular Article 39(6) thereof,

Whereas:

- (1) In Commission Regulation (EC) No 362/2004 ⁽²⁾ an error was made in the serial number for the quota opened, which differs from that already set for all special preferential sugar quotas for the 2003/04 to 2005/06 marketing years in the second paragraph of Article 16 of Commission Regulation (EC) No 1159/2003 of 30 June 2003 laying down detailed rules of application for the 2003/04, 2004/05 and 2005/06 marketing years for the import of cane sugar under certain tariff quotas and preferential agreements and amending Regulations (EC) No 1464/95 and (EC) No 779/96 ⁽³⁾.

- (2) Regulation (EC) No 362/2004 should therefore be amended, with effect from the date on which it became applicable, by deleting the serial number reference.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The second paragraph of Article 1 of Regulation (EC) No 362/2004 is hereby deleted.

Article 2

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

It shall apply from 1 March 2004.

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

Done at Brussels, 7 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 63, 28.2.2004, p. 18.

⁽³⁾ OJ L 162, 1.7.2003, p. 25. Regulation as amended by Regulation (EC) No 96/2004 (OJ L 15, 22.1.2004, p. 3).

COMMISSION REGULATION (EC) No 653/2004**of 7 April 2004****opening tendering procedure No 51/2004 EC for the sale of wine alcohol for new industrial uses**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 33 thereof,

HAS ADOPTED THIS REGULATION:

Article 1

Whereas:

Tendering procedure No 51/2004 EC is hereby opened for the sale of wine alcohol for new industrial uses. The alcohol concerned has been produced from distillation under Articles 27, 28 and 30 of Regulation (EC) No 1493/1999 and is held by the French intervention agency.

- (1) Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms ⁽²⁾ lays down, *inter alia*, the detailed rules for disposing of stocks of alcohol arising from distillation under Articles 27, 28 and 30 of Regulation (EC) No 1493/1999 held by intervention agencies.

The volume put up for sale is 100 000 hectolitres of alcohol at 100 % vol. The vat numbers, places of storage and the volume of alcohol at 100 % vol contained in each vat are detailed in the Annex hereto.

- (2) In accordance with Article 80 of Regulation (EC) No 1623/2000, tendering procedures should be organised for the sale of wine alcohol for new industrial uses with a view to reducing the stocks of wine alcohol in the Community and enabling small-scale industrial projects to be carried out and such alcohol to be processed into goods intended for export for industrial uses. The wine alcohol of Community origin in storage in the Member States consists of quantities produced from distillation under Articles 27, 28 and 30 of Regulation (EC) No 1493/1999.

Article 2

The sale shall be conducted in accordance with Articles 79, 81, 82, 83, 84, 85, 95, 96, 97, 100 and 101 of Regulation (EC) No 1623/2000 and Article 2 of Regulation (EC) No 2799/98.

- (3) Since 1 January 1999 and in accordance with Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽³⁾, the prices offered in tenders and securities must be expressed in euro and payments must be made in euro.

Article 3

1. Tenders must be submitted to the intervention agency holding the alcohol concerned:

Onivins-Libourne, Délégation nationale
17, avenue de la Ballastière,
boîte postale 231
F-33505 Libourne Cedex
tel. (33-5) 57 55 20 00
telex: 57 20 25
fax: (33-5) 57 55 20 59

- (4) Minimum prices should be fixed for the submission of tenders, broken down according to the type of end-use.

or sent by registered mail to that address.

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p. 13).

⁽²⁾ OJ L 194 du 31.7.2000, p. 45. Regulation as last amended by Regulation (EC) No 1710/2003 (OJ L 243, 27.9.2003, p. 98).

⁽³⁾ OJ L 349, 24.12.1998, p. 1.

2. Tenders shall be submitted in a sealed double envelope, the inside envelope marked: 'Tender under procedure No 51/2004 EC for new industrial uses', the outer envelope bearing the address of the intervention agency concerned.

3. Tenders must reach the intervention agency concerned not later than 12.00 Brussels time on 28 April 2004.

4. All tenders must be accompanied by proof that a tendering security of EUR 4 per hectolitre of alcohol at 100 % vol has been lodged with the intervention agency concerned.

Article 4

The minimum prices which may be offered are EUR 6,80 per hectolitre of alcohol at 100 % vol intended for the manufacture of baker's yeast, EUR 26 per hectolitre of alcohol at 100 % vol intended for the manufacture of amine- and chloral-type chemical products for export, EUR 32 per hectolitre of alcohol at 100 % vol intended for the manufacture of eau de Cologne for export and EUR 7,50 per hectolitre of alcohol at 100 % vol intended for other industrial uses.

Article 5

The formalities for sampling shall be as set out in Article 98 of Regulation (EC) No 1623/2000. The price of samples shall be EUR 10 per litre.

The intervention agency shall provide all the necessary information on the characteristics of the alcohol put up for sale.

Article 6

The performance guarantee shall be EUR 30 per hectolitre of alcohol at 100 % vol.

Article 7

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

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

Done at Brussels, 7 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

INVITATION TO TENDER No 51/2004 EC FOR THE SALE OF ALCOHOL FOR NEW INDUSTRIAL USES

Place of storage, volume and characteristics of the alcohol put up for sale

Member State	Location	Vat No	Volume in hectolitres of alcohol at 100 % vol	Regulation (EC) No 1493/1999 Article.	Type of alcohol	Alcohol strength (in % vol)
France	Onivins-Longuefuye F-53200 Longuefuye	20	22 410	27	Raw	+ 92
		4	22 555	27	Raw	+ 92
		10	22 310	28	Raw	+ 92
		15	15 155	28	Raw	+ 92
	Onivins-Port La Nouvelle Av. Adolphe Turel, BP 62 F-11210 Port La Nouvelle	37	550	28	Raw	+ 92
		37	8 100	30	Raw	+ 92
		37	165	27	Raw	+ 92
		36	120	28	Raw	+ 92
		36	8 610	30	Raw	+ 92
		36	25	27	Raw	+ 92
	Total		100 000			

COMMISSION REGULATION (EC) No 654/2004**of 7 April 2004****amending Regulation (EC) No 144/2004 as regards the quantity covered by the standing invitation to tender for the resale on the internal market of wheat held by the French intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EC) No 144/2004 ⁽²⁾ opened a standing invitation to tender for the resale on the internal market of 200 000 tonnes of wheat held by the French intervention agency.
- (2) In the present situation on the market the quantities of wheat held by the French intervention agency put up for sale on the internal market of the Community should be increased to 367 308 tonnes.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 144/2004 is amended as follows:

1. in Article 1(1), '200 000 tonnes' is replaced by '367 308 tonnes';
2. in the title of Annex, '200 000 tonnes' is replaced by '367 308 tonnes'.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 7 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

⁽²⁾ OJ L 24, 29.1.2004, p. 36.

COMMISSION REGULATION (EC) No 655/2004
of 7 April 2004
amending Regulation (EC) No 466/2001 as regards nitrate in foods for infants and young children
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food ⁽¹⁾, and in particular Article 2(3) thereof,

After consulting the Scientific Committee on Food,

Whereas:

(1) Commission Regulation (EC) No 466/2001 ⁽²⁾ sets maximum levels for certain contaminants in foodstuffs, including foods intended for infants and young children covered by Commission Directive 96/5/EC of 16 February 1996 on processed cereal-based foods and baby foods for infants and young children ⁽³⁾.

(2) According to Regulation (EC) No 466/2001 specific maximum levels of contaminants for food intended for infants and young children should be established by 5 April 2004.

(3) Maximum levels for nitrate are set for certain vegetables in Regulation (EC) No 466/2001 as amended by Regulation (EC) No 563/2002 ⁽⁴⁾ in response to the opinion of the Scientific Committee on Food of 1995. In order to protect public health, in particular in view of the possible association with the formation of carcinogenic substances such as nitrosamines, the level of nitrate should be reduced to as low as reasonably achievable

(4) It is appropriate for the health protection of infants and young children, a vulnerable population group, to establish a low maximum level, which is achievable through a strict selection of the raw materials used for the manufacturing of processed cereal-based foods and baby foods.

(5) Commission Directive 2002/63/EC ⁽⁵⁾ establishes Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repeals Directive 79/700/EEC ⁽⁶⁾. The provisions of the Directive are appropriate for sampling for official control of nitrate.

(6) Regulation (EC) No 466/2001 should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I of Regulation (EC) No 466/2001 is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 October 2004.

This Regulation shall not apply to products which were placed on the market before 1 October 2004 in conformity with the provisions applicable. The burden of proving when the products were placed on the market shall be borne by the food business operator.

⁽¹⁾ OJ L 37, 13.2.1993, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1)

⁽²⁾ OJ L 77, 16.3.2001, p. 1. Regulation as last amended by Regulation (EC) No 455/2004 (OJ L 74, 12.3.2004, p. 11).

⁽³⁾ OJ L 49, 28.2.1996, p. 17. Directive as last amended by Directive 2003/13/EC (OJ L 41, 14.12.2003, p. 33).

⁽⁴⁾ OJ L 86, 3.4.2002, p. 5.

⁽⁵⁾ OJ L 187, 16.7.2002, p. 30.

⁽⁶⁾ OJ L 207, 15.8.1979, p. 26.

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

Done at Brussels, 7 April 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

In Section 1., Nitrates, of Annex I the following point 1.5 is added:

Product	Maximum level (mg NO ₃ /kg)	Sampling method	Reference analysis method
'1.5. Baby foods and processed cereal-based foods for infants and young children ⁽¹⁾ ⁽²⁾	200	Commission Directive 2002/63/EC (provisions as foreseen for processed foods of plant origin and for processed foods of animal origin)	

⁽¹⁾ Baby foods and processed cereal-based foods for infants and young children as defined in Article 1 of Commission Directive 96/5/EC of 16 February 1996 on processed cereal-based foods and baby foods for infants and young children. The maximum levels shall apply to the products as proposed ready for consumption or as reconstituted according to the instructions of the manufacturers.

⁽²⁾ The Commission shall review the maximum levels for nitrate in foods for infants and young children by 1 April 2006 taking into account the progress in scientific and technological knowledge.'

COMMISSION REGULATION (EC) No 656/2004**of 7 April 2004****amending Regulation (EEC) No 752/93 laying down provisions for the implementation of Council Regulation (EEC) No 3911/92 on the export of cultural goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3911/92 on the export of cultural goods ⁽¹⁾, and in particular Article 7 thereof,

After consulting the Advisory Committee on Cultural Goods,

Whereas:

- (1) Commission Regulation (EEC) No 752/93 of 30 March 1993 laying down provisions for the implementation of Council Regulation (EEC) No 3911/92 on the export of cultural goods ⁽²⁾, made provision for a model export licence form applicable to categories of cultural goods listed in annex to Regulation (EEC) No 3911/92. However, this form is not consistent with the United Nations Layout Key for Trade Documents and in practice its use causes some problems.
- (2) Therefore a new model form conforming to the United Nations Layout Key for Trade Documents should be drawn up. The form should also be accompanied by explanatory notes to help interested parties to draw it up uniformly and correctly.
- (3) Regulation (EEC) No 752/93 stipulates that the form should be filled in by mechanical or electronic means or by hand. However, in order to reduce the administrative costs, Member States which so wish and have the necessary technical means should be allowed to issue the document by electronic means.
- (4) To ensure that the issuing authority receives sheet 3 of the form, provision should be made for the customs office of exit from the Community customs territory to return this sheet directly to the issuing authority instead of giving it to the exporter or his/her representative, as provided for at present.
- (5) Regulation (EEC) No 752/93 should therefore be amended accordingly,

2. In Article 6(1), the opening sentence is replaced by the following:

‘1. The applicant shall complete boxes 1, 3, 6 to 21, 24 and, if necessary, 25 of the application and the other sheets except where pre-printing of the box or boxes is authorised.’

3. Article 8 is amended as follows:

- (a) the first subparagraph of paragraph 1 is replaced by the following:

‘1. The customs office responsible for handling the export declaration shall ensure that the entries on the export declaration or, if applicable, the ATA carnet, correspond to the entries on the export licence and that a reference to the export licence is entered in box 44 of the export declaration or on the counterfoil of the ATA carnet.’

- (b) Paragraph 2 is replaced by the following:

‘2. After completing box 23 in copies 2 and 3, the customs office authorised to accept the export declaration shall return to the declarant or to his/her authorised representative the sheet intended for the holder.’

- (c) In paragraph 3, the last sentence is replaced by the following:

‘The customs office shall affix its stamp to box 26 of the form and return it to the issuing authority.’

4. In Article 16(3), the opening sentence is replaced by the following:

‘3. The licence form shall be produced in printed or electronic form in one or more of the official languages of the Community.’

5. Annex I is replaced by the text in the Annex to this Regulation.

HAS ADOPTED THIS REGULATION:

*Article 2**Article 1*

Regulation (EEC) No 752/93 is amended as follows:

1. In Article 3(3), the opening sentence is replaced by the following:

‘3. Forms shall be produced in printed or electronic form and filled out in an official language of the Communities designated by the competent authorities of the issuing Member State.’

Article 3

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 1 July 2004.

⁽¹⁾ OJ L 395, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 77, 31.3.1993, p. 24. Regulation as last amended by Regulation (EC) No 1526/98 (OJ L 201, 17.7.1998, p. 47).

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

Done at Brussels, 7 April 2004.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

ANNEX

'ANNEX I

MODEL STANDARD EXPORT LICENCE FORM

EUROPEAN COMMUNITY

CULTURAL GOODS

APPLICATION	1 Applicant (name and address) <input type="checkbox"/>		2 Export licence No Valid until <input type="text"/>	
	3 Consignee (address and country of destination)		4 <input type="checkbox"/> PERMANENT <input type="checkbox"/> TEMPORARY Date for reimportation <input type="text"/>	
	6 Applicant's representative (name and address)		5 Issuing authority (name, address and Member State)	
	7 Owner of the object(s) (name and address)		8 Description in terms of the Annex to Regulation (EEC) No 3911/92 Category(ies) of the cultural good(s)	
	9 Description of the cultural good(s)		10 CN code	
1			11 Number/quantity	
			12 Value in national currency	
(If this space is insufficient you may continue on one or more supplementary pages which should be copied in triplicate and should contain the information in boxes 9 to 20)				
13 Purpose of export of the cultural good(s)/reason for which the licence is requested				
Criteria to be used for identification				
14 Title or subject				
15 Measurements		16 Dating	17 Other characteristics	
18 Documents submitted/specific indications relating to identification <input type="checkbox"/> Photograph (in colour) <input type="checkbox"/> Bibliography <input type="checkbox"/> List <input type="checkbox"/> Catalogue <input type="checkbox"/> Identification marks <input type="checkbox"/> Proof of value			19 Artist, period, workshop and/or style	
			20 Medium or technique	
21 Application I hereby apply for an export licence in respect of the cultural object or objects described above and declare that the information in this application and the supporting documents is true Place and date Signature (Quality and name of signatory)			22 Signature and stamp of issuing authority Place and date	

1	24 Photograph(s) of the cultural good(s)
	(minimum 9 cm x 12 cm)
APPLICATION	<div></div>
1	
<p>(To be validated by the signature and the stamp of issuing authority)</p>	
25 Supplementary pages	
<p>This form is accompanied bysupplementary pages</p>	
<p>Note: Any unused space in box 9 or on accompanying supplementary pages shall be duly barred by the competent authorities</p>	
<div></div>	

EUROPEAN COMMUNITY

CULTURAL GOODS

HOLDER'S SHEET	2	1 Applicant (name and address) <input type="checkbox"/>		2 Export licence No Valid until 		
		3 Consignee (address and country of destination)		4 <input type="checkbox"/> PERMANENT <input type="checkbox"/> TEMPORARY Date for reimportation 		
		6 Applicant's representative (name and address)		7 Owner of the object(s) (name and address)		
		8 Description in terms of the Annex to Regulation (EEC) No 3911/92 Category(ies) of the cultural good(s)		5 Issuing authority (name, address and Member State)		
	2					
	9 Description of the cultural good(s)			10 CN code		
				11 Number/quantity		
				12 Value in national currency		
	(If this space is insufficient you may continue on one or more supplementary pages which should be copied in triplicate and should contain the information in boxes 9 to 20)					
	13 Purpose of export of the cultural good(s)/reason for which the licence is requested					
	Criteria to be used for identification					
	14 Title or subject					
	15 Measurements		16 Dating		17 Other characteristics	
	18 Documents submitted/specific indications relating to identification <input type="checkbox"/> Photograph (in colour) <input type="checkbox"/> Bibliography <input type="checkbox"/> List <input type="checkbox"/> Catalogue <input type="checkbox"/> Identification marks <input type="checkbox"/> Proof of value			19 Artist, period, workshop and/or style		
				20 Medium or technique		
	23 FOR COMPLETION BY CUSTOMS OFFICE OF EXPORT <div style="text-align: right;">Signature and stamp</div> Customs office Member State Export Declaration No of				22 Signature and stamp of issuing authority Place and date	

2
HOLDER'S SHEET
2

<div>24 Photograph(s) of the cultural good(s)</div> <div>(minimum 9 cm x 12 cm)</div> <div></div>

<div>25 Supplementary pages</div> <div>This form is accompanied bysupplementary pages</div> <div>Note: Any unused space in box 9 or on accompanying supplementary pages shall be duly barred by the competent authorities</div>

<div>26 Customs office of exit</div> <div>Stamp</div>

SHEET TO RETURN TO ISSUING AUTHORITY	3	1 Applicant (name and address) <input type="checkbox"/>		2 Export licence No Valid until 	
	3	3 Consignee (address and country of destination)		4 <input type="checkbox"/> PERMANENT <input type="checkbox"/> TEMPORARY Date for reimportation 	
		6 Applicant's representative (name and address)		7 Owner of the object(s) (name and address)	
		8 Description in terms of the Annex to Regulation (EEC) No 3911/92 Category(ies) of the cultural good(s)		5 Issuing authority (name, address and Member State)	
		9 Description of the cultural good(s)		10 CN code	
				11 Number/quantity	
				12 Value in national currency	
(If this space is insufficient you may continue on one or more supplementary pages which should be copied in triplicate and should contain the information in boxes 9 to 20)					
13 Purpose of export of the cultural good(s)/reason for which the licence is requested					
Criteria to be used for identification					
14 Title or subject					
15 Measurements		16 Dating		17 Other characteristics	
18 Documents submitted/specific indications relating to identification <input type="checkbox"/> Photograph (in colour) <input type="checkbox"/> Bibliography <input type="checkbox"/> List <input type="checkbox"/> Catalogue <input type="checkbox"/> Identification marks <input type="checkbox"/> Proof of value				19 Artist, period, workshop and/or style	
				20 Medium or technique	
23 FOR COMPLETION BY CUSTOMS OFFICE OF EXPORT <div style="text-align: right;">Signature and stamp</div> Customs office Member State Export Declaration No of				22 Signature and stamp of issuing authority Place and date	

24 Photograph(s) of the cultural good(s)

(minimum 9 cm x 12 cm)

(To be validated by the signature and the stamp of issuing authority)

25 Supplementary pages
This form is accompanied bysupplementary pages
Note: Any unused space in box 9 or on accompanying supplementary pages shall be duly barred by the competent authorities

26 Customs office of exit

Stamp

EXPLANATORY NOTES

1. General

- 1.1. Licences are required for the export of cultural goods to protect the cultural heritage of the Member States pursuant to Regulation (EEC) No 3911/92 of 9 December 1992.

Commission Regulation (EEC) No 752/93 of 30 March 1993 sets out the form in which standard export licences are to be drawn up. It is intended to guarantee standardised checks on the export of cultural goods outside the Community's borders.

Commission Regulation (EC) No 1526/98 of 16 July 1998 provided for two other types of export licence, namely:

- specific open licences, to be issued for specific cultural goods which are liable to be temporarily exported from the Community on a regular basis for use and/or exhibition in a third country,
- general open licences, to be issued to museums or other institutions to cover the temporary export of any of the goods that belong to their permanent collections that are liable to be temporarily exported from the Community on a regular basis for exhibition in a third country.

- 1.2. Three copies of the standard export licence form must be completed legibly and indelibly, preferably by mechanical or electronic means. If they are handwritten, they must be completed in ink and in capital letters. They must under no circumstances contain erasures, overwritten words or other alterations.

- 1.3. Any unused box must be lined crossed out so that nothing can be added.

The copies can be identified by their numbering and function, indicated in the left-hand margin. They should be ordered in the set as follows:

- Copy No 1: application to be kept by the issuing authority (indicate in each Member State the identity of that authority); in the case of additional lists, as many copies of No 1 as necessary must be used; it is up to the competent issuing authorities to establish whether more than one export licence should be issued,
- Copy No 2: to be presented in support of the export declaration at the competent customs office of export and kept by the licence holder after it has been stamped by that office,
- Copy No 3: to be presented at the competent customs office of export and to accompany the consignment thereafter until its arrival at the customs office of exit from the Community; the customs office of exit stamps this copy and then returns it to the issuing authority.

2. Headings

Box 1: Applicant: Name of individual or company and full residential address or address of company headquarters

Box 2: Export licence: For completion by competent authorities

Box 3: Consignee: Name and full address of consignee, including the third country to which the good is being permanently or temporarily exported

Box 4: Indicate whether export is permanent or temporary

Box 5: Issuing authority: Name of the competent authority and the Member State issuing the authorisation

Box 6: Applicant's representative: To be completed only where the applicant is using an authorised representative

Box 7: Owner of the object(s): Name and address

Box 8: Description in terms of the Annex to Regulation (EEC) No 3911/92. Category/-ies of cultural good(s): These goods are classified in categories numbered 1 to 14. Enter only the corresponding number.

Box 9: Description of the cultural good(s): State the exact nature of the good(s) (for example painting, sculpture, bas-relief, negative matrix or positive copy in the case of films, furniture or objects, musical instruments) and give an objective description of the appearance of the good(s).

- For category 12 objects: state the type of collection and/or geographical origin.
- For scientific collections and specimens: give the scientific name.
- For archaeological collections composed of a large number of objects: it is enough to give a generic description, which should be accompanied by an attestation or certificate issued by the scientific or archaeological body or institution and a list of the objects.

If there is not enough room to describe all the objects, the applicant must add any extra pages needed.

Box 10: CN-code: As an indicator, state Combined Nomenclature code.

Box 11: Number/quantity: State the number of items, particularly where they form a set.

In the case of films, indicate the number of reels, format and length.

Box 12: Value in national currency: State the value of the good(s) in national currency.

Box 13: Purpose of export of the cultural good(s)/reason for which the licence is requested: State whether the good to be exported has been sold or is intended to be sold, exhibited, valued, repaired or put to any other use, and whether its return is compulsory.

Box 14: Title or subject: If the work does not have an exact name, indicate its subject with a summary of the appearance of the object or, in the case of films, the subject.

For scientific instruments or other objects for which it is not possible to specify a title or subject, it is sufficient to complete Box 9.

Box 15: Measurements: Measurements (in centimetres) of the good(s) and any supports

In the case of complex or unusual shapes, indicate the measurements in this order: H x L x D (height, width, depth).

Box 16: Dating: Where no precise date is known, indicate the century and part of the century (first quarter, first half) or millennium (categories 1 to 6).

For antique goods to which age specifications apply (more than 50 or 100 years old or between 50 and 100 years old), and for which it is not sufficient to indicate the century, specify a year, even if approximate (e.g. around 1890, approximately 1950).

For films, if date not known, specify decade.

In the case of sets (archives and libraries), indicate earliest and latest dates.

Box 17: Other characteristics: Give any other information on formal aspects that could be useful for identification, e.g. historical antecedents, conditions of execution, former owners, state of preservation and restoration, bibliography, electronic code or marking.

Box 18: Documents submitted/specific indications relating to identification: Indicate with crosses in the appropriate squares.

Box 19: Artist, period, workshop and/or style: Give the artist's name if known and recorded. If the works are collaborative products or copies, indicate the artists or the artist copied, if known. If the work is only attributed to a single artist, enter "Attributed to..."

If the artist is not known, state the workshop, school or style (e.g. workshop of Velazquez, Venetian school, Ming period, Louis XV-style or Victorian-style).

In the case of printed matter, state the name of the publisher, the place and the year of publication.

Box 20: Medium or technique: The information given in this box should be as precise as possible. Indicate the materials used and specify the technique employed (e.g. oil painting, woodcuts, charcoal or pencil drawing, lost wax casting, nitrate film, etc.).

Box 21 (Copy 1): Application: Must be completed by the applicant or his/her representative, who must vouch for the correctness of the information supplied in the application and supporting documents.

Box 22: Signature and stamp of issuing authority: To be entered by the competent authority, with place and date, on the three copies of licence.

Box 23 (Copies 2 and 3): For completion by customs office of export: To be entered by the customs office where the export transactions are carried out and the export licence is presented.

“Customs office of export” means the office where the export declaration is submitted and export formalities are carried out.

Box 24: Photograph(s) of the cultural good(s): A colour photograph (at least 9 x 12 cm) must be attached with glue. To facilitate the identification of three-dimensional objects, photographs may be required of the different facets.

The competent authority must endorse the photograph with a signature and the stamp of the issuing authority.

The competent authorities may require other photographs.

Box 25: Supplementary pages: State the number of additional pages used, if any.

Box 26 (copies 2 and 3): Customs office of exit: To be completed by the customs office of exit

“Customs office of exit” means the last customs office before the goods leave the customs territory of the Community.’

COMMISSION REGULATION (EC) No 657/2004
of 7 April 2004
amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification
scheme for the international trade in rough diamonds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds ⁽¹⁾, as last amended by Commission Regulation (EC) No 101/2004 ⁽²⁾ and in particular Article 20 thereof,

Whereas:

- (1) Article 20 of Regulation (EC) No 2368/2002 provides for the amending of the list of participants in the Kimberley Process certification scheme in Annex II.
- (2) The Chair of the Kimberley Process certification scheme, through his Chair's Notice of 1 April 2004, has provided an updated list of Participants in the scheme. The

updating of the list concerns the addition as Participant of Singapore and the removal from the list of Lebanon. Annex II should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 2368/2002 is hereby replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 7 April 2004.

For the Commission
Christopher PATTEN
Member of the Commission

⁽¹⁾ OJ L 358, 31.12.2002, p. 28.

⁽²⁾ OJ L 15, 22.1.2004, p. 20.

ANNEX

‘ANNEX II

List of participants in the Kimberley Process certification scheme and their duly appointed competent authorities as referred to in Articles 2, 3, 8, 9, 12, 17, 18, 19 and 20

ANGOLA

Ministry of Geology and Mines
Rua Hochi Min
Luanda
Angola

ARMENIA

Department of Gemstones and Jewellery
Ministry of Trade and Economic Development
Yerevan
Armenia

AUSTRALIA

- Community Protection Section
Australian Customs Section
Customs House, 5 Constitution Avenue
Canberra ACT 2601
Australia
- Minerals Development Section
Department of Industry, Tourism and Resources
GPO Box 9839
Canberra ACT 2601
Australia

BELARUS

Department of Finance
Sovetskaja Str., 7
220010 Minsk
Republic of Belarus

BOTSWANA

Ministry of Minerals, Energy and Water Resources
PI Bag 0018
Gaborone
Botswana

BRAZIL

Ministry of Mines and Energy
Esplanada dos Ministérios - Bloco “U” – 3º andar
70065-900 Brasília-DF
Brazil

BULGARIA

Ministry of Economy
Multilateral Trade and Economic Policy and Regional Cooperation
Directorate
12, Al. Batenberg str.
1000 Sofia
Bulgaria

CANADA

— *International:*

Department of Foreign Affairs and International Trade
Peace Building and Human Security Division
Lester B Pearson Tower B — Room: B4-120
125 Sussex Drive Ottawa, Ontario K1A 0G2
Canada

— *For specimen of the Canadian KP Certificate:*

Stewardship Division
International and Domestic Market Policy Division
Mineral and Metal Policy Branch
Minerals and Metals Sector
Natural Resources Canada
580 Booth Street, 10th floor, Room: 10A6
Ottawa, Ontario Canada
K1A 0E4

— *General Enquiries:*

Kimberley Process Office
Minerals and Metals Sector (MMS)
Natural Resources Canada (NRCan)
10th Floor, Area A -7
580 Booth Street
Ottawa, Ontario Canada
K1A 0E4

CENTRAL AFRICAN REPUBLIC

Independent Diamond Valuers (IDV)
Immeuble SOCIM, 2^e étage
BP 1613 Bangui
Central African Republic

CHINA, People's Republic of

Department of Inspection and Quarantine Clearance
General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ)
9 Madiandonglu
Haidian District, Beijing
People's Republic of China

HONG KONG, Special Administrative Region of the People's Republic of China

Department of Trade and Industry
Hong Kong Special Administrative Region
People's Republic of China
Room 703, Trade and Industry Tower
700 Nathan Road
Kowloon
Hong Kong
China

CONGO, Democratic Republic of

Centre d'évaluation, d'expertise et de certification (CEEC)
17th floor, BCDC Tower
30th June Avenue
Kinshasa
Democratic Republic of Congo

CONGO, Republic of

Directorate General of Mines and Geology
Brazzaville
Republic of Congo

CÔTE D'IVOIRE

Ministry of Mines and Energy
BP V 91
Abidjan
Côte d'Ivoire

CROATIA

Ministry of Economy
Zagreb
Republic of Croatia

CZECH REPUBLIC

Ministry of Finance
Letenska 15
Prague 1
Czech Republic

EUROPEAN COMMUNITY

European Commission
DG External Relations A/2
B-1049 Brussels

GHANA

Precious Minerals Marketing Company (Ltd)
Diamond House
Kinbu Road
PO Box M. 108
Accra
Ghana

GUINEA

Ministry of Mines and Geology
BP 2696
Conakry
Guinea

GUYANA

Geology and Mines Commission
P O Box 1028
Upper Brickdam
Stabroek
Georgetown
Guyana

HUNGARY

Licensing and Administration Office of the Ministry of Economy and Transport
Margit krt. 85
1024 Budapest
Hungary

INDIA

The Gem & Jewellery Export Promotion Council
Diamond Plaza, 5th Floor 391-A, Fr D.B. Marg
Mumbai 400 004
India

ISRAEL

Ministry of Industry and Trade
P.O. Box 3007
52130 Ramat Gan
Israel

JAPAN

— United Nations Policy Division
Foreign Policy Bureau
Ministry of Foreign Affairs
2-11-1, Shibakoen Minato-ku
105-8519 Tokyo
Japan

— Mineral and Natural Resources Division
Agency for Natural Resources and Energy
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COMMISSION REGULATION (EC) No 658/2004**of 7 April 2004****imposing definitive safeguard measures against imports of certain prepared or preserved citrus fruits (namely mandarins, etc.)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3285/94 of 22 December 1995 on common rules for imports and repealing Regulation (EC) No 518/94 ⁽¹⁾, as last amended by Regulation (EC) No 2474/2000 ⁽²⁾, and in particular Articles 7 and 16 thereof,

Having regard to Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries and repealing Regulations (EC) No 1765/82, (EEC) No 1766/82 and (EEC) No 3420/83 ⁽³⁾, as last amended by Regulation (EC) No 427/2003 ⁽⁴⁾, and in particular Articles 6 and 15 thereof,

After consultations within the Advisory Committee established under Article 4 of Regulation (EC) No 3285/94 and of Regulation (EC) No 519/94 respectively,

Whereas:

1. PROCEDURE

- (1) On 20 June 2003, the Spanish Government informed the Commission that trends in imports of prepared or preserved citrus fruits (namely mandarins, etc.) appeared to call for safeguard measures under Regulations (EC) No 3285/94 and (EC) No 519/94, submitted information containing the evidence available as determined on the basis of Article 10 of Regulation (EC) No 3285/94 and Article 8 of Regulation (EC) No 519/94, and requested the Commission to take safeguard measures under those instruments.
- (2) Spain claimed that there had been recent substantial and rapid increases in imports of the product concerned, both in absolute terms and relative to Community production and consumption. Furthermore, Spain alleged that the increase in the volume of imports into the European Community had had a negative impact on the price level in the Community and in the market share and the volume sold by the Community producers, causing them serious damage. Spain also urged the adoption of Community safeguard measures as a matter of urgency.
- (3) The Commission informed all Member States of the situation and consulted with them on the terms and conditions of imports, import trends and the serious injury or threat thereof and the various aspects of the economic and commercial situation with regard to the Community products in question.
- (4) On 11 July 2003, the Commission initiated an investigation relating to serious injury or threat thereof to the Community producers of products like or directly competing with the imported product.
- (5) Following a preliminary investigation, the Commission imposed provisional safeguard measures against imports of certain prepared or preserved citrus fruits (namely mandarins, etc.) under Commission Regulation (EC) No 1964/2003 ⁽⁵⁾ of 7 November 2003.

⁽¹⁾ OJ L 349, 31.12.1994, p. 53.

⁽²⁾ OJ L 286, 11.11.2000, p. 1.

⁽³⁾ OJ L 67, 10.3.1994, p. 89.

⁽⁴⁾ OJ L 65, 8.3.2003, p. 1.

⁽⁵⁾ OJ L 290, 8.11.2003, p. 3.

- (6) The Commission continued to a full investigation in relation to the product concerned and officially advised the exporting producers and importers as well as their representative associations known to be concerned, the representatives of exporting countries and the Community producers.
- (7) Certain exporting producers, Community producers and importers submitted comments in writing. All interested parties who requested a hearing within the time limit set, and who indicated that they were likely to be affected by the result of the proceeding and that there were particular reasons why they should be heard, were granted such a hearing. The oral and written comments submitted by the parties were considered and taken into account in reaching the definitive findings. The Commission sought and verified all the information which it deemed necessary for the purpose of a definitive determination.

2. RESULTS OF THE INVESTIGATION

2.1. PRODUCT CONCERNED AND LIKE OR DIRECTLY COMPETING PRODUCT

2.1.1. Product concerned

- (8) The product in respect of which the Commission has been informed that trends in imports appear to call for safeguard measures is certain prepared or preserved mandarins (including tangerines and satsumas), clementines, wilkings and other similar citrus hybrids, not containing added spirit, containing added sugar (the product concerned).
- (9) The product concerned is currently classified within CN codes 2008 30 55 and 2008 30 75. These CN codes correspond to the product concerned in immediate packing of a net content exceeding 1 kg, and of net content not exceeding 1 kg, respectively.
- (10) The investigation showed that the product concerned is obtained by peeling and segmenting certain varieties of small citrus fruit (mainly satsumas) which are then packaged in a medium of sugar syrup (14 to 16 %). Peeling and segmenting can either be carried out manually or by machine.
- (11) The product concerned is produced in various weights to meet the demands both of the consumer market and of the catering and food industries. The vast majority of the consumer market is taken by the 312 g net weight/(175 g drained) size, although the share of sales taken by the larger 850 g/(480 g) size is increasing. Larger packaging sizes, particularly those of 2,65 kg/(1 500 g) and 3,1 kg/(1 700 g), are used by the catering and food industries, with the 2,65 kg format being most popular.
- (12) Satsumas, clementines and other small citrus fruit are commonly known by the collective name 'mandarin'. Most of these different varieties of fruit are suitable to be used as fresh produce or for juicing or canning. They are similar, and indeed fresh mandarins (including tangerines and satsumas), clementines, wilkings and similar citrus hybrids all fall under a single CN code at six-digit level (0805 20).
- (13) Certain exporting producers argued that not only canned mandarins, but all canned fruits, should be treated as a single imported product concerned.
- (14) The Commission rejected this argument and confirmed that there is a difference between canned mandarins and other types of canned fruit. The fresh fruit from which other types of canned fruit are manufactured have different codes in the Combined Nomenclature at the six-digit level. Whilst it is true that canned mandarins and other canned fruit fall within HS code 2008, so too do other products which are diverse. Therefore, falling within HS code 2008 is not considered, of itself, to be an important factor. Whilst, different types of canned fruit (both single variety and mixed variety) share some characteristics (e.g. long shelf-life, preservation in sugar syrup or fruit juice), the taste, texture, size, shape and colour of the products are different and they are not readily substitutable for canned mandarins. Although, all are foodstuffs, their principal end-uses are also different. Moreover the production process in relation to each product is different (depending on whether or not the fruit requires to be dried, peeled, chopped, sliced or segmented).

- (15) Another argument was that prepared and preserved fruit and fresh fruit are one imported product concerned. That argument was also rejected. Prepared and preserved fruit fall under a different tariff classification from fresh fruit at four-digit level. Fresh fruit is not processed, and has a limited shelf-life. It is generally washed, peeled, stoned, sliced, chopped or otherwise processed by the end-user. It is generally considered to have different characteristics such as taste, texture etc. to prepared and preserved fruit as well as different end uses.
- (16) Notwithstanding the fact that the product concerned can be manufactured from a number of distinguishable types of small citrus fruit, that it comes in different qualities, and that it is packaged in immediate packings of various different sizes, the Commission's enquiry indicates that they all have identical or similar physical characteristics, uses and applications. Accordingly, the Commission's determination is that the product concerned forms one single product falling under the relevant CN codes listed above.

2.1.2. Like or directly competing products

- (17) The Commission has examined whether the product produced by the Community producers (hereinafter referred to as the like product) is like the imported product concerned.
- (18) The product concerned is produced in different qualities, generally with around 10 % or less of broken fruit segments (referred to as 'fancy' quality). All others are referred to as 'standard'. Some cooperating exporters and importers alleged that canned mandarins originating in the People's Republic of China (PRC) were of better quality than those of EU origin because they were peeled by hand, claiming that imports from PRC usually contained a lower percentage of broken segments. However, whilst a large majority of imports originate in PRC, there is conflicting evidence as to the quality/perceived quality of the product concerned and the like product and this quality argument could not be substantiated:
- one importer traded premium and also discount brands of the product concerned. The verification showed that in 2002 he bought slightly larger quantities of premium brand product from Spain than from PRC and imported all his discount brand quantities from PRC,
 - in order to ensure the quality of their product and the highest standards of hygiene, the Community producers have invested heavily in extensive modernisation programmes and their processes are highly automated. Community producers pointed out that as a result of concerns as to the rigour with which hygiene controls are applied to imported products during the canning process, there is a consumer preference in some countries for canned mandarins produced by the Community producers.
- (19) In these circumstances, the Commission determination of this issue is that there is no significant difference in either the actual quality or the perceived quality of the product concerned and that produced by the Community producers, although some slight differences both in actual quality and perceived quality do exist.
- (20) In reaching its determination, the Commission took into account in particular the following findings of the investigation:
- (a) the imported product and the Community product share the same international classification for tariff purposes at HS code level (six digits). Furthermore, they share the same or similar physical properties such as taste, size, shape and texture. There were some differences in terms of quality but these were generally not perceived by consumers. Furthermore, the absence of the origin in the label of certain imported products sold in the European market makes it difficult for the consumers to distinguish between EU product and imported product;

- (b) the imported product and the Community product were sold via similar or identical sales channels, price information was readily available to buyers and the product concerned and the product of the Community producers competed mainly on price;
 - (c) the imported product and the Community product both serve the same or similar end-uses, they were, therefore, alternative or substitute products and were easily interchangeable;
 - (d) the imported product and the Community product were both perceived by consumers as alternatives to satisfy a particular want or demand, in this respect the differences identified by certain exporters and importers were simply minor variations.
- (21) In light of the foregoing, the Commission has concluded that despite the alleged differences in the product characteristics and qualities identified in aforementioned submissions, the imported product and the Community product are 'like'.

2.2. DEFINITION OF THE COMMUNITY PRODUCERS

- (22) Total Community production of the product concerned was around 40 000 tonnes during the 2002/03 canning season. All production of the product concerned in the Community was carried out in Spain.
- (23) The eight producers (canners) in the Community which cooperated fully in the investigation are all members of associations integrated with the Spanish National Federation of Associations of Processed Fruit and Vegetables (FNACV). In the year 2002/03, total Community production of the product concerned was 39 600 tonnes of which the aforementioned producers accounted for 34 150 tonnes, equivalent to over 85 % of the total Community production. They represent therefore a major proportion of total Community production within the meaning of Article 5(3)(c) of Regulation (EC) No 3285/94 and Article 15(1) of Regulation (EC) No 519/94. They are accordingly considered as the Community producers for the purposes of this proceeding.

3. INCREASED IMPORTS

3.1. INTRODUCTION

- (24) The Commission has investigated whether the product concerned is imported into the Community in such greatly increased quantities, absolute or relative to total Community production, and/or on such terms or conditions as to cause, or threaten to cause, serious injury to the Community producers. In this respect, the Commission has focused on imports of the product concerned in the most recent period for which data were available. The table below shows the development of imports for the years 1998/99 to 2002/03.

	1998/99	1999/2000	2000/01	2001/02	2002/03
EU imports	16 347	17 573	20 335	44 804	44 813
Community production	81 869	75 767	60 462	60 329	39 600
Imports/Production	20 %	23 %	34 %	74 %	113 %

3.2. VOLUME OF IMPORTS

- (25) Between 1998/99 and 1999/2000, imports increased by around 7 %. In the following year, the rate of increase grew to around 16 % with imports increasing to 20 335 tonnes in 2000/01. There then followed a massive surge in imports between 2000/01 and 2001/02. Imports increased by 120 % in a single year to 44 804 tonnes, more than 2,5 times the level of imports in 1998/99. Imports remained at about this level in the 2002/03 canning season.

These trends are confirmed by the most recent data available. Recent intelligence indicates that imports into the EU during 2003 (latest period for which data is available) reached around 54 000 tonnes, and peaked in the last quarter with imports of over 17 000 tonnes notwithstanding that provisional safeguard measures were introduced on 9 November 2003.

- (26) Relative to total Community production, imports increased from 20 % in 1998/99 to 34 % in 2000/01, to 74 % in 2001/02, and 113 % in 2002/03. These trends are confirmed by the most recent information.

3.3. MARKET SHARE OF IMPORTS

	1998/99	1999/00	2000/01	2001/02	2002/03
Market share of imports	20 %	24 %	31 %	56 %	62 %

- (27) The market share of imports increased between 1998/99 and 2000/01 from 20 to 31 %, before nearly doubling to 56 % in 2001/02. The market share taken by imports further increased to 62 % of the consumption in 2002/03. It is the Commission's conclusion that the increases in the recent past can be considered sudden, sharp and significant when comparing them to developments in previous canning seasons.

4. IMPORT PRICES

	1998/99	1999/2000	2000/01	2001/02	2002/03
Price EUR/tonne	631	670	792	691	605

Source: Eurostat.

- (28) The average price (cif, EU border) of the imported product increased by 6 % between 1998/99 and 1999/2000, and then by a further 18 % between 1999/2000 and 2000/01, before falling by 13 % in 2001/02 to 691 EUR/tonne. Average prices continued to fall in 2002/03 reaching EUR 605. The Commission notes that, although prices increased in 2000/01, the main increase in imports occurred in 2001/02 against a background of falling prices and that prices continued to fall in 2002/03 (by 12 %).
- (29) The downward trend in prices is further confirmed by the most recently available data. Updated information provided by importers on the evolution of import and resale prices and quantities in the period April 2003 to December 2003 indicates that prices fell by a further 13,5 % in that period. As exports of canned mandarins are usually invoiced in US dollars, the fall of the US dollar against the euro has contributed to the further price decrease. The exchange rate averaged USD 1,15: EUR in the period April 2003 to December 2003 against USD 1,08: EUR in the period 2002/03, a drop of 6,6 %. Since the overall price decrease amounted to 13,5 %, it appears that this fall is not wholly attributable to exchange rate movements but also real price decreases during the months before and shortly after the imposition of provisional measures.
- (30) In assessing likely future price trends, the Commission also notes that the market leading retailer of satsumas in Germany lowered the price for a standard tin of 314 ml from 0,35 EUR to 0,29 EUR as of 5 January 2004 (i.e. after the imposition of provisional measures).

5. UNFORESEEN DEVELOPMENTS

- (31) In the last five years, a series of events has occurred which led to a sharp increase in imports of the product concerned, particularly from PRC. This series of events could not have been foreseen at the time of conclusion of the Uruguay round. It should be noted that the analysis focuses on PRC, as more than 98 % of imports of the product concerned into the EU are of Chinese origin.
- (32) Until the mid 1990s, PRC's capacity for producing the product concerned was large enough to meet domestic demand and exports to its main and most profitable export markets namely Japan and the United States of America (West Coast). Chinese exports to the Community were at a low level and were relatively stable.
- (33) The table below provides estimates of worldwide consumption and of PRC's production capacity, production, exports and domestic consumption for the canning seasons 1998/99 to 2002/03 on an indexed basis where estimated worldwide consumption in 1998/99 is equal to 100.

	1998/99	1999/2000	2000/01	2001/02	2002/03
Worldwide consumption	100	115	113	137	141
Chinese production capacity	70	96	113	139	148
Chinese production	57	82	86	109	124
Chinese domestic consumption	5	9	12	16	20
Chinese total exports (estimated)	48	65	70	96	104

Source: Eurostat and other publicly available information as well as information submitted in the investigation. The data is indexed because the party providing the Chinese data requested that this be treated as confidential.

- (34) In 1998/99, Chinese domestic consumption was 5, whilst production capacity was 70, with actual production of 57 (greatly in excess of what was needed to supply domestic needs). By 2002/03, Chinese domestic consumption had increased to 20, but Chinese production capacity had increased to 148, with actual production of 124 (88 % of estimated worldwide consumption). Although Chinese consumption has been increasing rapidly, it remains low in real terms. Whilst worldwide consumption has been increasing, it has done so gradually (by around 7 % per annum). In these circumstances, it was not foreseeable that Chinese production capacity would soar by 16 % per annum and outstrip worldwide consumption by 2002/03, leaving no room for other producers. As PRC's domestic consumption has increased to only 20, the increase in Chinese production capacity and production clearly increased pressure on PRC to export very large quantities (and indeed, exports more than doubled from 48 to 104 in the period considered). These figures can be given some context by considering that Chinese exports in 2002/03 were more than three times total estimated consumption in the European Community in that year.
- (35) It appears that the EU/US trade dispute over hormones in meat was also a factor in the increase in Chinese exports to the EU. The list of products that the United States of America proposed to make subject to retaliatory measures in relation to that dispute included the product concerned. This appears to have been perceived by Chinese producers as providing an opportunity to substantially increase their exports to the United States of America in replacement of the EU product, and encouraged considerable expansion of Chinese canning capacity. However, the opportunity never materialised, and PRC was faced with significant excess capacity for which it had to find alternative outlets. The most attractive market appeared to be the EU, and PRC massively increased its exports to the EU market.

- (36) Chinese monetary policy, in terms of which the yuan is pegged to the US dollar at around 8,28 yuan/USD, despite perceived differences in the relative values of the two currencies, has also encouraged exports. This made it much more likely that the product concerned would be exported, rather than being sold on the Chinese domestic market. Further, following the unexpected fall in the value of the US dollar against the euro since October 2000, the yuan lost value compared to the euro making the European market all the more attractive to Chinese exporters.
- (37) In conclusion, it is the Commission's analysis that the unforeseen developments which caused the increase in imports to the Community consists of a number of concurrent factors: the unprecedented increase in Chinese production capacity leading to high pressure to export; the possibility that United States retaliatory measures in the hormones dispute would exclude the EU product from the United States, encouraging an increase in PRC's capacity and consequently production; a change in consumer preferences from 2001 onwards and the exchange rate policy of the Chinese government coupled with the unexpected fall of the United States dollar since October 2000. This combination of factors, clearly unforeseeable at the end of the Uruguay Round, created the conditions for an unprecedented increase in imports to the Community.

6. SERIOUS INJURY

6.1. INTRODUCTION

- (38) In order to make a definitive determination as to whether there is serious injury to the Community producers of the like product, i.e. a significant overall impairment in the position of the Community producers, the Commission finalised its evaluation of all relevant factors of an objective and quantifiable nature having a bearing on the situation of the Community producers. In particular, for the product concerned, the Commission evaluated the development of production capacity, production, capacity utilisation, employment, productivity, cash flow, return on capital employed, captive use, stocks, consumption, sales, market share, price, undercutting and profitability for the seasons 1998/99 to 2002/03.
- (39) An analysis of Community consumption, although not in an injury indicator, is also given.

6.1.1. Consumption

	1998/99	1999/2000	2000/01	2001/02	2002/03
Consumption (t)	80 065	74 056	65 676	80 960	72 843

- (40) Consumption of the product concerned in the Community was established on the basis of total sales made by the Community producers and other EU producers and total imports of the product concerned into the Community as reported by Eurostat.
- (41) Between 1998/99 and 2000/01, consumption in the Community declined by 18 % from 80 065 tonnes to 65 676 tonnes. Between 2000/01 and 2001/02, it grew by 23 % to reach its highest level for the period under examination (80 960 tonnes). In the most recent season (2002/03) there was a 10 % decline in consumption compared to 2001/02, with consumption closer to its average for the period under consideration (74 720 tonnes per annum).

6.1.2. Production capacity and capacity utilisation

	1998/99	1999/2000	2000/01	2001/02	2002/03
Capacity (t)	126 760	129 260	129 260	129 260	129 260
Capacity utilisation	65 %	59 %	47 %	47 %	31 %

- (42) The Commission has analysed the Community producers' production capacity on the basis of full season production capacities (1 October to 30 September in the following year). The like product is produced from November until February using production facilities some of which can be used for processing other fruit and vegetables during the rest of the year. However, from November until February there are no other fruits or vegetables available for processing in the regions concerned (Valencia and Murcia, Spain).
- (43) The investigation confirmed that overall estimated theoretical production capacity remained stable throughout the period of the investigation with only one small increase (of 2 %) recorded between 1998/99 and 1999/2000.
- (44) Capacity utilisation fell between 1998/99 and 1999/2000 from 65 to 59 %. This fall is partially explained by the 2 % increase in capacity in that year, but the greater part is explained by a fall in production of 7,5 % from 81 869 tonnes to 75 767 tonnes. Capacity utilisation fell by a further 12 percentage points in 2000/01 (to 47 %). It remained stable in the following year but then fell to 31 % (a fall of 16 percentage points) in 2002/03. The falls in capacity utilisation, from 1999/2000 onwards reflect the falls in production in the same periods.

6.1.3. Total Community production

	1998/99	1999/2000	2000/01	2001/02	2002/03
Production (t)	81 869	75 767	60 462	60 329	39 600

- (45) Total Community production fell between 1998/99 and 2001/02 from 81 869 tonnes to 60 329 tonnes. Thereafter, production fell by a further 35 % in the season 2002/03 to its lowest level in the period under examination.
- (46) The trend in production is confirmed by the most recently available data (2003/04) which indicate a further fall in production to 26 165 tonnes (partial data). The Community producers cannot invest and commit to produce unless they have advance orders from their major customers. However, they are unable to obtain such orders as they cannot compete on price.

6.1.4. Employment

	1998/99	1999/2000	2000/01	2001/02	2002/03
Employment (end of period)	2 502	2 441	2 462	2 419	2 343

- (47) Employment in relation to the product concerned fell in 1999/2000. It then recovered slightly in 2000/01 before falling further in 2001/02 and 2002/03. In addition to the fall in employment recorded by the Community producers, there was also a reduction in employment in mandarin canning in the Community during the five-year period as some producers involved in canning the product concerned in the Community ceased this activity before the opening of the safeguard investigation. It is to be noted that the large majority of the workforce is represented by seasonal workers. For this reason, this table should be considered in conjunction with the following table on hours worked.

6.1.5. Hours worked and productivity

	1998/99	1999/2000	2000/01	2001/02	2002/03
Hours worked	944 000	985 000	823 000	861 000	625 000
Productivity (hours worked/tonne)	15,9	16,8	15,6	16,8	17,7

- (48) A more accurate picture of the impact on employment by the Community producers is seen from hours worked, which includes the employment of seasonal workers. The number of hours worked also provides a more accurate basis for measuring productivity than the number of employees.
- (49) In general, a steady decline in the number of hours worked can be observed, with a fall from 861 000 to 625 000, a fall of 27 % in the most recent period. Productivity fell slightly between 1998/99 and 2001/02 from 15,9 hours worked per tonne produced to 16,8 hours worked, and further declined to 17,7 hours in the last season (2002/03). It is to be noted that variances in productivity are mainly due to the yield of the fresh product.

6.1.6. Cash flow and return on capital employed (ROCE)

Financial year	1998	1999	2000	2001	2002
Cash flow (index: 1999 = 100)	2	100	80	116	-4
ROCE	15,1	18,9	9,3	9,8	8,1

- (50) Cash flow and ROCE could only be examined at the level of the cooperating companies which produced the product concerned (rather than in relation to the product concerned) and are shown in calendar years. These indicators are therefore less meaningful than the other indicators. Nevertheless, it can be seen that cash flow and ROCE were substantially reduced in the most recent period.

6.1.7. Sales volume

	1998/99	1999/2000	2000/01	2001/02	2002/03
Sales volume in the Community (t)	63 718	56 483	45 341	36 156	28 030

- (51) Sales in the Community of the like product by the Community producers fell from 63 718 tonnes to 45 341 tonnes between 1998/99 and 2000/01, reflecting the fall in consumption and the increase in imports in that period. However, despite increased consumption in the following year, sales continued to fall between 2000/01 and 2001/02 (by 20 %) reaching 36 156 tonnes, as imports more than doubled to 44 804 tonnes. This reflects the increasing dominance of imports in the market. In the most recent period, sales have continued to fall to 28 030 tonnes in 2002/03, the lowest historical level, representing a decrease of 56 % in four years.

6.1.8. Market share

	1998/99	1999/2000	2000/01	2001/02	2002/03
Market share	79 %	76 %	69 %	44 %	38 %

- (52) The Community producers' market share fell from 79 to 69 % between 1998/99 and 2000/01, to 44 % in 2001/02 and to 38 % in 2002/03. The substantial falls in the last two seasons demonstrate the increasing market penetration of imports in those periods, which occurred despite the fact that Community producers lowered their prices by 17 % between 2000/01 and 2001/02 and a further 6 % in 2002/03.
- (53) The combination of the fall in prices and loss of market share to imports occurred at the same time as a significant fall in the profitability of the Community producers (discussed below).

6.1.9. Price of the like product and undercutting

	1998/99	1999/2000	2000/01	2001/02	2002/03
Unit prices of Community sales (EUR/tonne)	826	790	925	827	781
Unit prices of Chinese exports plus customs duty (EUR/tonne) (*)	732	773	910	790	691
Undercutting (EUR/tonne)	94	17	15	37	90
Undercutting	11 %	2 %	2 %	4 %	12 %

(*) Source: Eurostat.

- (54) The average price of the like product fell between 1998/99 and 1999/2000 but recovered in 2000/01, increasing by 17 % to EUR 925 per tonne. The average price again fell to EUR 827 per tonne in 2001/02, and further declined to EUR 781 per tonne in 2002/03.
- (55) In order to determine the level of undercutting, price information was examined for comparable time periods, at the same level of trade and for sales to similar customers. Based on a comparison of average ex-works prices charged by the Community producers and by exporting producers to the Community importers (cif EU border including customs duty), domestic prices were undercut throughout the five periods examined by between 2 and 12 %.

6.1.10. Profitability

	1998/99	1999/2000	2000/01	2001/02	2002/03
Net profit/loss on Community sales	4,0 %	0,5 %	6,8 %	-1,7 %	-4,3 %

- (56) The profitability of the Community producers' sales in the Community varied significantly in the five-year period under consideration. The lowest profitability was recorded in 2001/02 and in 2002/03, and the highest in 2000/01. In 2002/03, as imports increased to their highest level in the period under consideration, the average price of imports fell to EUR 605 per tonne and the average price of the Community product fell to EUR 781 per tonne. This fall in prices taken together with the fall in sales volume occurred at the same time as the Community producers' profitability fell from 6,8 % to (- 1,7 %) in 2001/02 and this trend continued into a worse loss making situation (- 4,3 %) in 2002/03.
- (57) Underselling reflects the extent to which the price of the imported product is lower than the price which the Community producers could be expected to achieve in a non-injurious situation. The level of underselling was calculated on the basis of the weighted average non-injurious price per tonne of the Community product. This price was calculated by taking the respective cost of production for the Community product (adjusted to take account of transport costs to ensure a proper comparison with imports delivered to the main geographical area for consumption) to which was added a profit margin of 6,8 %. This profit margin was considered reasonable as it refers to profits of the Community producers in a normal trading situation unaffected by a sudden sharp rise in imports. This non injurious price was compared with the weighted average price per tonne of the imported product concerned during the period April to December 2003, at the same level of trade, cif Community border, customs duty, post importation costs and with importers' profit added. The difference between these two prices was expressed as a percentage of the cif/Community border price of the imported product, and resulted in underselling of 57,9 %.

6.1.11. Stocks

	1998/99	1999/2000	2000/01	2001/02	2002/03
Closing stock (t)	13 016	10 628	11 205	17 279	11 069

- (58) Stock levels fell between 1998/99 and 2000/01, but then increased significantly in 2001/02 before falling again in 2002/03 to their level in 2000/01, as the Community producers reduced their high stock levels by cutting production. The increase in stock between 2000/01 and 2001/02 coincided with a fall in the Community producers' sales volume in the Community of 20 %, and was found to be chiefly attributable to that fall in sales volume.

6.1.12. Conclusion

- (59) The data shows that whilst production capacity increased slightly at the beginning of the period under consideration, there is negative development for capacity utilisation, production, employment, productivity, cash flow and ROCE. Overall, before the background of consumption which declined for two years and recovered to close to its previous level before declining again in 2002/03, the data shows negative developments for sales, market share, prices and profitability in both 2001/02 and 2002/03. There was an increase in stocks in 2001/02, but these returned to their previous level in 2002/03.
- (60) In particular, the Commission notes that whilst, in 2001/02, as imports more than doubled (44 804 tonnes), the Community producers' sales volume in the Community reached a low level (36 156 tonnes) and the Community producers' profitability fell to (- 1,7 %). This occurred against an increase in consumption in that year. Against such a background, whilst imports could have been expected to follow the consumption level and prices could have been expected to firm, imports more than doubled and the price of both the imported product and that produced by the Community producers fell.
- (61) Further, in 2002/03, although consumption fell by 10 % there was no fall in the level of imports and the main impact of the fall in consumption was borne by the Community producers whose sales fell by 22 % whilst their prices fell by 6 %. This together with a stock overhang from the previous year necessitated a significant reduction in production by the Community producers.
- (62) This combination of factors is reflected in the economic indicators pertaining to the Community producers. The Community producers have lost market share, which reached its lowest level in 2002/03. They have also suffered a reduction in sales in absolute terms in both 2001/02 and 2002/03. In consequence, they have been forced to reduce production in each of these years. As a result, their capacity utilisation has fallen in both 2001/02 and in 2002/03. Productivity and employment have also fallen in both 2001/02 and in 2002/03. The overall effect of the falls in Community sales volume and prices is a reduction in the Community producers' sales revenue by 29 % from EUR 41,9 million in 2000/01 to 29,9 million in 2001/02 and EUR 21,9 million in 2002/03. At the same time, the profitability of the Community producers fell from 6,8 % to (- 1,7 %) in 2001/02 and (- 4,3 %) in 2002/03.
- (63) Taking account of all of these factors the Commission concludes that the Community producers have suffered serious injury.

7. CAUSATION

- (64) In order to examine the existence of a causal link between increased imports and the serious injury, and in order to ensure that injury caused by other factors is not attributed to increased imports, the Commission has proceeded as follows:
- the injurious effects of factors considered to be causing injury have been distinguished from each other,

- these injurious effects have been attributed to the factors which are causing them, and,
- after having attributed injury to all causal factors present, the Commission has determined whether increased imports are a 'genuine and substantial' cause of serious injury.

7.1. ANALYSIS OF CAUSATION FACTORS

7.1.1. Effect of increased imports

- (65) The market for canned mandarins is transparent as regards sources of supply and customers. As canned mandarins are essentially a commodity product, the product concerned and the like product compete mainly on price.
- (66) In the period 2000/01 to 2002/03, the market share of imports grew from 31 to 56 % and then 62 %, whilst the market share of the Community producers fell from 69 to 44 % and then 38 %. Over the same period, imports have grown from 34 to 74 % and on to 113 % of Community production indicating that imports have also increased relative to production, at the expense of the Community producers.
- (67) As to prices, between 2000/01 and 2002/03, the Eurostat average unit price of the imported product on the Community market fell from EUR 792 to EUR 691 and then to EUR 605 per tonne. Over the same period, the average unit price of the Community product fell from EUR 925 to EUR 827 and then EUR 781 per tonne. The effect of the fall in the average unit price of the like product alone on the Community producers' revenue from sales in the Community would have been a reduction of 11 % (EUR 4,4 m) in 2001/02, and a further reduction of 6 % (EUR 1,7 m) in 2002/03. Taking account of the simultaneous fall in sales volume the actual fall in sales revenue in the Community was EUR 12 m in 2001/02 and of EUR 8 m in 2002/03. These reductions in sales revenues (together with increased costs) created a significant fall in profitability and the Community producers showed a loss of 1,7 % in 2001/02 and of 4,3 % in 2002/03.
- (68) For the foregoing reasons, the Commission concludes that there is a correlation between the increase in imports at low prices and the serious injury suffered by the Community producers, and that the increase in imports has had injurious effects in particular in terms of downward pressure on prices and a reduction in the volume sold by the Community producers on the Community market.

7.1.2. Effect of changes in consumption

- (69) The Commission has carried out a full examination of the injurious effects of the fall in consumption between 1998/99 and 2000/01. That fall has to be considered in the context of the overall trend during the five-year period under investigation. Consumption decreased from 80 065 tonnes in 1998/99 to 74 056 tonnes in 1999/2000 and 65 676 tonnes in 2000/01, but then grew by 15 284 tonnes to 80 960 tonnes in 2001/02, before falling back to 72 843 tonnes in 2002/03.
- (70) The Commission notes that whilst consumption fell to its lowest level for the period under consideration in 2000/01, that was also the year in which the Community producers achieved their highest level of profitability (6,8 %). On the other hand, consumption rose in 2001/02 to 80 960 tonnes (its highest level during the period) but the Community producers profitability fell to (-1,7 %) at the same time. Therefore, there is no clear correlation between consumption itself and the profitability and general economic situation of the Community producers.

- (71) In examining the effect of consumption on the profitability of the Community producers, account has to be taken of the reaction of all market participants to the changes in consumption. In this respect, it was found that while Community producers were forced to reduce their sales in the Community by roughly 9 185 tonnes in 2001/02 compared to 2000/01, imports moved sharply in the other direction (+ 24 469 tonnes). Similarly, in 2002/03, whilst imports continued at their level in the previous year, the Community producers' sales fell by over 8 000 tonnes.
- (72) As regards price effects, variations in consumption of canned goods with a substantial shelf-life should not normally lead to substantial price effects if production is adjusted to the needs of the market. In this respect, the Community producers appear to have reacted by reducing both production and sales to a greater extent than that necessary to stay in line with the falls in consumption. This is mirrored by a similar decrease in stocks.
- (73) Similarly, if price pressure is reduced then the injurious effects which stem from low prices would also be minimised. The most important factor is profit, where any fall would have been minimised if prices and sales volumes had not fallen substantially. Therefore, it is reasonable to conclude that, in the absence of the sharp rise in imports at low prices, the fall in consumption would not have led to a substantial fall in profits.
- (74) If all market participants had adjusted their production, then the Community producers would still have sold less in 1999/2000, 2000/01 and 2002/03. But consumption in 2001/02 was at its highest level since 1998/99, and at approximately the same level as in that year. The Community producers' sales, however, decreased in 2001/02 compared to 1998/99 by 29 438 tonnes, a decrease of 43 %. At the same time, imports increased in 2001/02 by 28 457 tonnes compared to 1998/99. Imports therefore increased considerably between 1998/99 and 2001/02 despite consumption being only slightly higher.

	1998/99	1999/2000	2000/01	2001/02	2002/03
Consumption (t) actual development	80 065	74 056	65 676	80 960	72 843
Market share actual	80 %	76 %	69 %	45 %	38 %
Market share simulation (*)	80 %	71 %	57 %	45 %	35 %

(*) Simulation if the level of consumption was constant throughout the period at its 1998/99 level.

- (75) The above table illustrates that even if consumption had remained constant throughout the period examined, the Community industry's market share would not have developed in a substantially different manner. This shows that the development of consumption had only a limited impact on the market share of the Community industry.
- (76) For the reasons given above, it is concluded that, although there is a link between the fall in consumption and the injurious effects observed, this link is not substantial.

7.1.3. Effect of changes in export performance

	1998/99	1999/2000	2000/01	2001/02	2002/03
Exports (in tonnes)	21 316	21 672	14 544	18 099	17 780

- (77) The Commission also examined the effects of the fall in exports. Between 1998/99 and 2000/01, the volume of Community producers' exports of canned mandarins fell from 21 316 tonnes to 14 544 tonnes as the Community producers lost market share to low-priced competition from PRC (particularly as a result of the hormones dispute discussed at recital 35. Between 2000/01 and 2001/02, exports recovered to 18 099 tonnes and to 17 780 tonnes in the 2002/03 season. Over the five-year period, exports decreased by around 3 500 tonnes, although the principal reduction occurred between 1999/2000 and 2000/01 (the year in which the Community producers were most profitable). In 2001/02, exports actually increased, to the benefit of the Community producers. In the most recent period, between 2001/02 and 2002/03, exports have decreased by 319 tonnes or 1,7 %, representing only 0,8 % of Community production in that year.
- (78) It should also be noted that in the calculation of profitability at 6.1.10 only Community sales were taken into account. Therefore, the recorded fall in the profitability of the Community producers in the most recent periods is largely independent of the effect of exports.
- (79) For the reasons given above, it is concluded that there is some link between the fall in exports and the injurious effects observed, in so far as, for example, reduced exports have contributed to lower production and capacity utilisation. However, it is considered that the majority of that effect occurred between 1999/2000 and 2000/01 (when the Community producers were still profitable) and that the very small reduction in exports in 2002/03, equivalent to less than 1 % of Community production had no appreciable effect.

7.1.4. Effect of any excess capacity

- (80) The Commission has examined whether injurious effects may have resulted from excess capacity amongst the Community producers. There was only a single small change in estimated theoretical production capacity during the period of the investigation, when, in 1999/2000 production capacity increased by 2 % to 129 260 tonnes.
- (81) This increase in capacity contributed to a fall in capacity utilisation in 1999/2000 and subsequent years as the anticipated need for additional capacity did not materialise. Therefore, it is concluded that there is a link between the increase in capacity and the injurious effects observed in the earlier part of the five year period, although the effect of the additional capacity on the overall profitability of the Community producers was very small.

7.1.5. Effect of lack of supply of raw material

- (82) Some exporters argued that the reason behind the fall in production by the Community producers was a lack of supply of raw material (namely fresh small citrus fruit) on the EU market. However, based on its examination of the EU market in fresh small citrus fruit, the Commission determines that there was adequate supply to meet demand from the processing industry.
- (83) Table A shows actual production of fresh small citrus fruit (clementines, mandarins and satsumas) in the years 1998 to 2002.

Table A

Year	1998	1999	2000	2001	2002
Production	2 329 341	2 823 106	2 511 550	2 379 634	2 650 000

Source: CLAM

7.1.6. Demand for fresh small citrus fruits by the processing industry

- (84) The quantity of clementines and satsumas used by the processing industry for the production of canned mandarins from 1998/99 to 2002/03 is as shown in table B.

Table B

Season	1998/99	1999/2000	2000/01	2001/02	2002/03
Satsumas and clementines	120 000	110 000	95 000	95 000	60 000

- (85) As tables A and B illustrate, the supply of small fresh citrus fruit on the EU market was far greater than the demand of the processing industry.
- (86) Nevertheless, the processing industry is in competition with other purchasers of fresh satsumas and clementines and its ability to compete appears to be hampered by the fall in prices achieved for the like product. The price of fresh mandarins for processing is set by annual contracts between the canners and the farmers agreed at the beginning of the season. Table C shows the price obtained by the producers for mandarins sold as fresh product and for canning.

Table C

Season	1998/99	1999/2000	2000/01	2001/02	2002/03
Fresh (EUR/tonne)	547	498	571	557	527
Canning (EUR/tonne)	256	255	313	245	172

- (87) The price differential reflects two factors. First, that the Community producers are becoming less able to afford to purchase the raw materials (fresh satsumas and clementines) at a price which allows them to achieve a reasonable level of profitability. Second, because of the low prices offered by the Community producers to growers for satsumas, which are principally used as raw material for canning, growers are reorientating their production from satsumas towards clementines in an effort to increase the profitability of their production. However, that process does not yet appear to be sufficiently far advanced to have had an appreciable effect on the availability of supply to the Community producers.
- (88) Therefore, the Commission determines that lack of supply did not contribute to the injury suffered by the Community producers.

7.1.7. Other factors

- (89) No causation factors (other than those dealt with in parts 7.1.1 to 7.1.6 above) were identified by the Commission services or raised by interested parties during the definitive investigation.

7.2. ATTRIBUTION OF INJURIOUS EFFECTS

- (90) The serious injury suffered by the Community producers took the form mainly of reduced sales volume, reduced unit prices and worsening profitability and financial losses. The Commission identified that three factors contributed to the injury apart from the increase in imports: decline in consumption, decline in exports and increased capacity.

- (91) First of all, there was a decline in consumption between 1998/99 and 2000/01 after which there was a rise in consumption in 2001/02, followed by a further fall in the most recent period. However, the development of imports did not follow this consumption pattern at all and the Commission considers that the decline in consumption between 1998/99 and 2000/01 did not play a significant role either in volume or prices. The fall in consumption in 2002/03 coincided with a fall in sales volumes, prices and profitability for the Community producers and the Commission has concluded that that fall in consumption was a contributory factor in the serious injury suffered by the Community producers.
- (92) The Commission also examined the decline in exports by the Community producers over the five-year period. There was a decline over the earlier part of the five-year period. However, in the latter part of the period, when serious injury was sustained, exports increased before falling slightly. Therefore, the development in exports had a significantly smaller impact on the Community producers in the periods 2001/02 and 2002/03 than the surge in imports.
- (93) The Commission also examined the increase in capacity which occurred in 1999/2000 and which was thereafter retained. The cost of this additional capacity on an annual basis was not significant.
- (94) The Commission noted that, having ensured the effects of other factors are not attributed to increased imports, that there is a genuine and substantial causal link between the decline in the Community producers' sales volume, sales prices and profitability and the increase in imports, which not only increased at a much faster rate than the increase in consumption between 2000/01 and 2001/02, but increased whilst consumption fell from 1998/99 to 2000/01 and in 2002/03.

7.2.1. Conclusion

- (95) After having examined the injurious effects of the other known factors and separated and distinguished them from each other and from the injurious effects of the increased imports, and after having ensured that injury caused by other factors is not attributed to imports, the Commission has reached the conclusion that there is a genuine and substantial link between increased imports and serious injury to the Community producers.

8. COMMUNITY INTEREST

8.1. PRELIMINARY REMARKS

- (96) The purpose of safeguard measures is to remedy serious injury and prevent a further deterioration of the situation of the Community producers of the product concerned. In addition to unforeseen developments, increased imports, serious injury and causation, the Commission has examined whether any compelling economic reasons exist which could lead to the conclusion that it is not in the Community interest to impose definitive measures. For this purpose the impact of measures on all parties involved in the proceedings and the likely consequences of taking or not taking measures were considered on the basis of the evidence available.

8.2. INTEREST OF THE COMMUNITY PRODUCERS

- (97) The Community producers have invested heavily and have the most highly mechanised and automated production systems in the world. They are viable and competitive in normal market conditions. During the period examined, the Community producers have suffered a significant fall in production and sales as a result of which they are currently unable to operate profitably. The Community producers' position would continue to be jeopardised if the current high level of imports at low prices continues.

- (98) The imposition of definitive safeguard measures would provide the Community producers with an opportunity to restructure and thereby ensure the long term viability of their production of the product concerned and of their businesses as a whole. It would provide them with the necessary breathing space to restructure and benefit from greater expenditure on research and development aimed at further reducing production costs. Plans are already well advanced for consolidation within the sector but it will necessarily take time to carry out consolidation and for the benefits thereof to flow through. In addition, a number of cost saving initiatives have been identified including greater cooperation between the Community producers in the purchasing of raw materials other than the fresh fruit itself (which is already subject to joint purchasing arrangements).

8.3. INTERESTS OF PRODUCERS OF FRESH SMALL CITRUS FRUIT IN THE COMMUNITY

- (99) It is in the interests of fresh fruit producers supplying raw material to the Community producers to have strong and predictable demand for their product at a price at which they are able to make a reasonable profit. It appears that one effect of the high level of low priced imports of the product concerned is to drive down the price of the raw material (small fresh citrus fruit, especially satsumas) on the EU market. Therefore, it is in the interests of the fresh fruit producers for measures to be taken to reduce the volume of low priced imports of the product concerned to the EU.

8.4. INTEREST OF USERS AND IMPORTERS IN THE COMMUNITY

- (100) In order to evaluate the impact on importers and users of measures, the Commission sent questionnaires to the known importers and users of the product concerned on the Community market. Responses were received from nine importers, but none was received from users other than those related to importers.
- (101) Some importers of the product concerned claimed that the imposition of measures was unnecessary as the problems experienced by the Community producers were caused by high prices and a lack of supply of fresh mandarins for canning in the Community rather than by increased imports. However, it is noted that, by the end of 2001/02, the year in which imports increased to 44 804 tonnes and the Community producers EU sales fell to 36 156 tonnes, the Community producers stocks had increased by 6 074 tonnes to 17 279 tonnes. This appears to demonstrate that the fall in sales suffered by the Community producers was not caused by an inability to supply on their part, but by some other factor, and the most likely explanation appears to be the growing dominance of increased imports at low prices.
- (102) The importers also argued that it was better to maintain different supply sources and that, if measures were taken, those measures should not be in the form of a minimum price system or allocation of a quota on a first come first served basis as to do so would further disrupt the market. In particular, a first-come-first-served basis would encourage imports in the early part of the year until the quota was utilised when demand would then turn to domestic supply. In addition, they stressed the need for traders in the principal European markets and consumers to continue to have access to good quality product at low prices.
- (103) The definitive measures consist of a tariff quota which reflects the traditional level of imports. Therefore, disadvantages likely to be suffered by users and importers, if at all, are not considered such as to outweigh the benefits expected to accrue to the Community producers as a consequence of the measures, which are considered the minimum necessary to prevent further deterioration in the situation of the Community producers.

8.5. INTEREST OF CONSUMERS IN THE COMMUNITY

- (104) As the product concerned is a consumer product, the Commission informed various consumer organisations of the opening of an investigation. No responses were received from consumer organisations and the impact on consumers is therefore considered to be minimal.

9. EU ENLARGEMENT

9.1. IMPORTS TO THE ACCESSION COUNTRIES

- (105) Given that the measures will have effect after EU enlargement, scheduled to take place on 1 May 2004, the Commission also considered the increase in imports (both in absolute and relative terms) as it relates to the EU-25.

	2000	2001	2002	2003
Accession country imports from outside the EU-25	2 562	4 268	5 350	6 528
Accession country imports from the EU-15	1 964	1 014	1 472	1 500 (*)
Total	4 527	5 283	6 821	8 028

(*) Estimate.

- (106) Imports to the accession countries from outside the EU-25 increased by 67 % from 2 562 tonnes in 2000 to 4 268 tonnes in 2001, and continued to increase to 5 350 tonnes (a further increase of 25 %) in 2002. In 2003, such imports increased by a further 22 % to 6 528 tonnes.
- (107) In order to consider what would have been the likely increase in imports to the EU-25 in recent years, it is necessary to add imports the EU together with accession country imports from outside the EU-25.

	2000	2001	2002	2003
EU imports (*)	17 573	20 335	44 804	44 813
Accession country imports from outside the EU-25	2 562	4 268	5 350	6 528
Total	20 135	24 603	50 154	51 341

(*) Data is for canning seasons — from 1 October in one year to 30 September in the following year.

- (108) On this basis, total imports for the EU-25 would have increased by 22 % from 20 135 to 24 603 tonnes between 2000 and 2001, and then by 104 % to 50 154 tonnes between 2001 and 2002. Imports would then have continued at this high level in 2003, and indeed there would have been an increase of 2 % to 51 341 tonnes.

- (109) There is no production of the product concerned in the accession countries, and as noted above, imports to the EU-25 developed in a similar way to imports to the EU-15. Therefore, it is considered that the analysis of serious injury and causation for the EU-15 remains valid for the EU-25.
- (110) The Commission has also considered the issue of Community interest as it relates to the EU-25. There is no production of the raw material or the product concerned in the accession countries. However, there are imports of the product concerned to the accession countries which represent around 12 % of total imports to the EU-25. The interests of importers, users and consumers in the accession countries are those of importers/users and consumers and do not diverge from those of importers/users and consumers in the EU-15, which represent far greater numbers. The interests of the importers/users and consumers in the EU-15 are identical to and fully representative of those for the EU-25. Therefore, it is considered that the analysis of serious injury and causation for the EU-15 remains valid for the EU-25.
- (111) Any interested party which considers that following EU enlargement the continuation of measures in their present form is unjustified in relation to the EU-25 is invited to make representations to the Commission by no later than 15 May 2004 setting out detailed reasons as to why the Commission should open a review of the measures.

10. GENERAL CONSIDERATIONS

- (112) By reason of the increased imports of the product concerned (as described in recitals 24 to 27) the Community market in the product concerned, being one of the products listed in Article 1(2) of Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products ⁽¹⁾, as last amended by Commission Regulation (EC) No 386/2004 ⁽²⁾, is affected by serious disturbance likely to jeopardise the achievement of the objectives set out in Article 33 of the Treaty. The conditions set under Article 22 of Regulation (EC) No 2201/96, if applicable, are therefore fulfilled.

11. FINAL CONSIDERATIONS

- (113) The Commission's analysis of the findings of the investigation demonstrates that the conditions for safeguard measures are met.

11.1. FORM AND LEVEL OF MEASURES

- (114) In order to keep the Community market open and ensure the availability of adequate supply to meet demand it is appropriate to establish a system of tariff quotas in excess of which an additional duty requires to be paid so that even imports in excess of the tariff quotas can enter the Community, albeit upon payment of an additional duty. That additional duty should be set at a level which is consistent with the aim of preventing serious injury to the Community producers. In this regard, it is noted that the additional duty fixed under the provisional safeguard measures (Commission Regulation (EC) No 1964/2003) proved to be inadequate to reduce the level of imports in the short term. Indeed, in the period for which the provisional measures were applicable, 9 November 2003 to 10 April 2004, imports of the product concerned continued to increase and prices continued to fall. Under the provisional measures, the rate of additional duty was fixed at EUR 155 per tonne. Partially as a result of the increased strength of the euro, it is clear that this rate was absorbed by reductions in the average price charged by exporting producers in PRC. Therefore, in order to have the desired effect, the rate of additional duty should be greater than EUR 155 per tonne.

⁽¹⁾ OJ L 297, 21.11.1996, p. 29.

⁽²⁾ OJ L 64, 2.3.2004, p. 25.

- (115) The level of the additional duty has been calculated on the basis of a target price at which the Community producers would achieve a profit of 6,8 % on turnover, adjusted to take account of transport costs to ensure a proper comparison with imports delivered to the main geographical area for consumption. This amount was then compared to the average import price in the period April 2003 to December 2003 at the same level of trade, adjusted to cif Community border, customs duty, post importation costs and with importers' profit added. The abovementioned profit level was based on an assessment of actual profits achieved by the Community producers in the period 1998/99 to 2001/02. The level of underselling has been calculated at 57,9 % of the cif import price. In terms of a fixed duty, the duty payable should therefore be EUR 301 per tonne. Given the recognised effect of major changes in the strength of the euro relative to the Chinese yuan on the price of imports, in the event that the euro later falls relative to the yuan so as to significantly affect prices, the level of duty can be reviewed.
- (116) In order to maintain access to the Community market, the tariff quotas should be based on the volume of imports during a recent period. The most recent three-year period for which import statistics are available is 1999/2000 to 2001/02 (2002/03 is not considered representative as the safeguard proceedings commenced during that period). The tariff quotas should therefore be based on the average volume imported in these years (27 570 tonnes for the EU-15). Given a significant build up of stocks by some importers and the continuing high level of imports most recently, it is considered that this is the maximum volume which should be imported without additional duty. It is considered that this volume is such as to allow the Community producers to continue to adjust whilst avoiding a further deterioration in their situation.
- (117) The Commission notes that the amounts of the tariff quotas will require to be revised in light of enlargement which is scheduled for 1 May 2004. The amount of the tariff quotas for the first period (27 570 tonnes for the EU-15) should therefore be increased by the average import quantity per annum from non-EU countries to the accession countries in the years 2000 to 2002. This average amounts to 4 060 tonnes. Therefore the EU-25 tariff quota for the first period should be 31 630 tonnes. As the final period is only 212 days, the actual imports quota for the final period should be reduced proportionately.
- (118) In order to preserve traditional trade flows whilst ensuring that the Community market remains open to new supplying countries, the amount of the tariff quotas should be divided amongst those countries having a substantial interest in supplying the product concerned to the Community market, and a part should be reserved for those countries which do not currently have such a substantial interest. After consultation with PRC, the only country having such a substantial interest, the Commission considers it appropriate to assign a specific tariff quota to PRC based on the proportions of the total quantity of the product supplied by that country during the three-year period 1999/2000 to 2001/02. The vast majority of the imports in this period originated in PRC and therefore a country specific tariff quota should apply to PRC and one to all other countries.
- (119) On the basis outlined, the amount of the initial quota assigned to PRC for the EU-25 would be 30 843 tonnes for a period of one year, whilst the amount assigned to all other countries for that period would be 787 tonnes. It is considered that if this were done, the quota assigned to all other countries would be too small to allow competition or to allow newcomers to enter the market. It is desirable that countries other than PRC should also have the opportunity to export the product concerned to the Community. The quota assigned to all other countries should therefore be increased to 3 % of average Community consumption over the period under consideration (or 2 314 tonnes for one year), giving an overall base for the tariff quotas of 33 157 tonnes.

- (120) In view of the obligation to liberalise the measures, the overall annual amount of the tariff quotas should be increased by 5 % in each of the following periods that is to say to 34 815 tonnes for the period to 10 April 2006, to 36 556 tonnes for the period to 10 April 2007, and 22 294 for the period to 8 November 2007 (212 days). The Commission will carry out a mid-term review in accordance with Article 21 of Regulation (EC) No 3285/94 to examine the effects of the measure, determine whether and in what manner it is appropriate to accelerate the pace of liberalisation, and to ascertain whether application of the measure is still necessary. In the context of the mid-term review, the Commission will also have regard to the steps taken by the Community producers by way of restructuring.
- (121) In conformity with Community legislation and the international obligations of the Community, the safeguard measures should not apply to any product originating in a developing country as long as its share of imports of that product into the Community does not exceed 3 %. The only developing country which does not meet the requirements to benefit from this derogation is PRC. The developing countries to which the definitive measures do not apply should therefore be specified and this is done in Annex 2.

11.2. ADMINISTRATION OF THE TARIFF QUOTA

- (122) Prior to the imposition of measures, certain importers and their associations requested that a system be introduced which would allow importers who traditionally import the product concerned from PRC to have guaranteed quantities based on their traditional level of imports from PRC. Other importers argued that any system of quotas should operate on a first come first served basis in order to avoid an unnecessary administrative burden and to maintain competition.
- (123) In order to obtain the information necessary to establish the appropriate method for managing the quotas, the Commission published a notice on 2 October 2003 ⁽¹⁾. On the basis of the information provided, in each of the canning seasons 1999/2000, 2000/01 and 2001/02, the vast majority of imports of the product concerned (more than 90 %) were imported by a small number of importers who imported an average of 500 tonnes or more per canning season (hereafter referred to as traditional importers). The remainder was imported by importers other than traditional importers (hereafter referred to as other importers).
- (124) Whilst some importers argued that the threshold for traditional importers should be lower (e.g. 300 tonnes or less), in the application of the provisional measures it was found that there were a large number of importers who wished to import smaller quantities. Therefore, the interests of importers of smaller quantities as a whole are better served by increasing the share of the tariff quota available to non traditional importers rather than reducing the threshold to qualify as a traditional importer.
- (125) Having examined the request in the light of experience gained during the application of the provisional measures, the Commission notes the following:
- without a system of guaranteed licences, the price of the imported product from PRC is likely to rise dramatically in the early part of the tariff quota period, and might subsequently collapse when importers reach or exceed the level of imports necessary to fulfil their orders (windfall effects). The 'windfall' effects of the allocation of the tariff quotas on a first-come-first-served basis risk harming Community producers as demand will be focused on imports from PRC in the early part of the canning season and will only transfer to the Community producers' product after the tariff quota is exhausted. This risks reducing the Community producers' sales in the early part of the canning season, and they would also suffer from the uncertainty created by severe price fluctuations. Were this to occur, it would jeopardise achievement of the aim pursued in establishing the definitive measures,

⁽¹⁾ OJ C 236, 2.10.2003, p. 30.

- it is in the interests of existing importers who normally import substantial quantities of the product concerned from PRC that provision is made to ensure that traditional trade flows are preserved and that they continue to be able to import a certain quantity of the product concerned from PRC free of additional duty. It is also in the interests of new importers that they have some opportunity to import the product concerned from PRC free of additional duty,
 - it is in the interests of retailers and consumers that there should continue to be an adequate supply of the product concerned on the Community market and that the market price should be stabilised,
 - the form of the definitive measures should be such as to achieve their objective whilst minimising unnecessary market disruption in the form of severe price fluctuations and negative effects on the Community producers, as well as ensuring least administrative burdens on importers. In this regard it is noted that during the period of application of the provisional measures, imports of the product concerned actually increased whilst the retail price charged by the at least one major player was reduced by 17 %,
 - the measures should be in such a form as to encourage competition amongst importers to an increasing degree and ensure that new non traditional importers have the opportunity to join the market.
- (126) Having taken account of these considerations, the Commission considers that it would not be appropriate to administer the tariff rate quota on a first-come-first-served basis. Rather, those economic operators who have traditionally imported a substantial quantity of the product concerned to the Community or accession countries (traditional importers) should have the opportunity to apply for a licence to import a quantity of the product concerned free of additional duty, based on their traditional level of imports from PRC. At the same time, other importers who wish to import the product concerned into the Community from PRC, but who do not meet this criteria (other importers), should have the opportunity to apply for a licence to import a quantity of the product concerned free of additional duty.
- (127) Therefore a system of licences could be established whereby the right to import the product concerned free of duty is subject to presentation of an import licence. The detailed rules for that system should be complementary to, or derogate from, those laid down by Commission Regulation (EC) 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 322/2004 ⁽²⁾.
- (128) In order that the system can operate effectively, the right to apply for a licence should be restricted to operators, natural or legal persons, individuals or groups who have recent experience of importing into the Community or accession countries. Measures are also needed to keep to a minimum speculative applications for import licences which may result in the tariff quotas not being fully utilised. Therefore, in order to qualify to apply for a licence, importers should have recently imported into the Community a reasonable minimum quantity of similar products. Given the nature and value of the product concerned, it is considered reasonable that in order to qualify to apply for a licence, importers must have imported at least 50 tonnes of processed fruit and vegetable products as referred to in Article 1(2) of Regulation (EC) No 2201/96 in one or more of the last three canning seasons (2000/01, 2001/02 and 2002/03 for the first period of the definitive measures (11 April 2004 to 10 April 2005). Further, provision should be made to require the payment of a security in respect of each tonne of the product concerned for which an application for a licence to import is made. That security should be at a level sufficiently high to discourage speculative applications but not so high as to discourage those engaged in genuine commercial activity in relation to processed fruit and vegetable products. It is considered that a security equal to around 20 % of the value of the imported product concerned is reasonable in this context.

⁽¹⁾ OJ L 152, 24.6.2000, p. 1.

⁽²⁾ OJ L 58, 26.2.2004, p. 3.

- (129) In the provisional measures, traditional importers received 85 % of the tariff quota (23 435 tonnes on an annual basis), whilst other importers received 15 % (4 135 tonnes on an annual basis). The measures should be such as to preserve the position of traditional importers, whilst at the same time maintaining competition and providing access to the market for other importers. There are a significant number of importers who have a history of importing canned satsumas from PRC but who do not meet the 500-tonne threshold to be treated as traditional importers. Given the variety of volumes imported by these importers, it was found to be more equitable to increase the amount of the tariff quota for such importers than to reduce the amount of the volume threshold.
- (130) It is considered that, notwithstanding the high percentage of the product concerned imported by traditional importers in recent canning seasons, in order to keep the market open, maintain competition and provide the opportunity for importers of smaller quantities to participate in the market, 25 % of the tariff quota for goods originating in PRC should be available to 'other importers'. By allocating 75 % to traditional importers in the definitive measures the initial annual amount of the tariff quota available to them would be maintained at 23 132 tonnes. This would preserve the position of traditional importers whilst allowing a higher percentage to be allocated to non-traditional importers than was allocated in the provisional measures. Therefore the amount allocated to other importers should be increased to 7 711 tonnes (25 % of the tariff quota).
- (131) Licences for the relevant percentage of the tariff quota allocated to traditional importers for the period concerned for imports of the product concerned originating in PRC should be made available upon application and subject to objective criteria, to traditional importers. Licences for the remainder of the tariff quota for the period concerned should be made available upon application and subject to objective criteria to 'other importers'. Such criteria are necessary to ensure that each traditional importer has the opportunity to preserve his position vis à vis other traditional importers, that no single importer is able to control the market and that competition between importers is preserved. In this respect, the most appropriate objective criteria for traditional importers is the maximum quantity (net weight) of the product concerned imported per canning season by the traditional importer in the last three canning seasons (2000/01, 2001/02 and 2002/03 for the first period of the definitive measures (11 April 2004 to 10 April 2005). The most appropriate objective criteria for other importers is a limit of 20 % of the tariff quota available to other importers for goods of Chinese origin (*id est* 3 % of the tariff quota for goods of Chinese origin).
- (132) As regards imports of the product concerned originating in countries other than PRC, as traditional importers do not import substantial quantities of the product concerned from countries other than PRC, and as the tariff quota to be established is substantially higher than imports in previous canning seasons, it is considered that the whole of the tariff quota should be available to all importers on the same basis, and that (for the reasons abovementioned) the most appropriate objective criteria for limiting applications for import licences is a limit of 20 % of the tariff quota available for goods of that origin.
- (133) The eligibility of imported goods from developing countries to be excluded from the tariff quotas is dependent on the origin of the goods. The eligibility of imported goods for the tariff quota assigned to imports originating in PRC, and for the tariff quota for imports originating in all other countries, is also dependent on the origin of the goods. The criteria for determining origin currently in force in the Community should therefore be applied, and in order to ensure that the tariff quotas are administered efficiently, presentation of a certificate of origin at the Community frontier should be required for imports of the product concerned except where imports of the product concerned are covered by a proof of origin issued or made out in accordance with the relevant rules established in order to qualify for preferential tariff measures.

11.3. DURATION

- (134) The definitive measures should not last more than four years including the period of the provisional measures which came into force on 9 November 2003. They should therefore expire no later than 8 November 2007,

HAS ADOPTED THIS REGULATION:

*Article 1***System of tariff quotas**

1. A system of tariff quotas is hereby opened in relation to imports into the Community of certain prepared or preserved mandarins (including tangerines and satsumas), clementines, wilkings and other similar citrus hybrids, not containing added spirit, containing added sugar, currently classifiable within CN codes 2008 30 55 and 2008 30 75 (hereinafter canned mandarins). The volume of each of the tariff quotas, and the period for which they apply, are specified in Annex 1.
2. The conventional rate of duty provided in Council Regulation (EC) No 2658/87 ⁽¹⁾, or any preferential rate of duty, shall continue to apply to canned mandarins imported under the quotas referred to in paragraph 1.
3. Subject to Article 9, imports of those canned mandarins which are made without presentation of a licence such as is referred to in Article 3(1) relating to the country from which those canned mandarins originate shall be subject to an additional duty of EUR101 per tonne.

*Article 2***Definitions**

For the purposes of this Regulation:

- (a) 'canning season' means a: period of 12 months from 1 October in one year to 30 September in the next year;
- (b) 'accession countries' means Latvia, Lithuania, Estonia, Poland, Hungary, the Czech Republic, Slovakia, Slovenia, Malta and Cyprus;
- (c) 'importer' means an operator, natural or legal person, individual or group having imported into the Community or the accession countries, in one or more of the last three canning seasons, at least 50 tonnes per canning season of processed fruit and vegetable products as referred in Article 1(2) of Regulation (EC) No 2201/96, irrespective of the origin of those imports;
- (d) 'traditional importer' means an importer who has imported an average of 500 tonnes or more of canned mandarins per canning season into the Community or the accession countries in the last three canning seasons, irrespective of the origin of those imports;
- (e) 'reference quantity' means the maximum quantity of canned mandarins imported per canning season by a traditional importer during one of the last three canning seasons.
- (f) 'other importers' means importers who are not traditional importers;
- (g) 'origin' refers to the country from which an import originates, being either PRC on the one hand, or a country other than PRC on the other.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 2344/2003 (OJ L 346, 31.12.2003, p. 38).

*Article 3***System of import licences**

1. All imports under the quotas referred to in Article 1(1) shall be subject to the presentation of an import licence (hereinafter the licence) issued in accordance with Regulation (EC) No 1291/2000, subject to the provisions of this Regulation.
2. Article 8(4) of Regulation (EC) No 1291/2000 shall not apply to the licences. Box 19 of licences shall be marked '0'.
3. In derogation from Article 9 of Regulation (EC) No 1291/2000, the rights accruing from licences shall not be transferable.
4. The amount of the security referred to in Article 15(2) of Regulation (EC) No 1291/2000 shall be EUR10 per tonne net.

*Article 4***Validity of licences**

1. Box 8 of licence applications and licences shall indicate the country of origin of the product. The word 'yes' in box 8 shall be marked with a cross. Licences shall be valid only for the products originating in the country indicated in that box.
2. Licences shall be valid only for the period for which they have been issued. Box 24 thereof shall contain an entry indicating the period of validity of the licence (e.g. 'licence valid only from 11 April 2004 to 10 April 2005').

*Article 5***Licence applications**

1. Only importers may lodge licence applications.

Applications shall be lodged with the competent national authorities. In support of their applications, importers shall provide information verifying to the satisfaction of the competent national authorities compliance with Article 2(c) and (d).

2. Licence applications for the period to 10 April 2005 may be lodged during the period 1 to 7 May 2004. Licence applications for any later period may be lodged from 1 to 8 February immediately prior to the beginning of the relevant period in all other cases.
3. Licence applications lodged by traditional importers shall cover a quantity no greater than the reference quantity for the traditional importer concerned in relation to imports of canned mandarins originating in PRC, and no more than 20 % of the tariff quota specified in relation to imports of canned mandarins originating in all other countries.
4. Licence applications lodged by other importers shall cover a quantity no greater than 3 % of the tariff quota specified in Annex 1 in relation to imports of canned mandarins originating in PRC, and no more than 20 % of the tariff quota specified in relation to imports of canned mandarins originating in all other countries.
5. Box 20 of licence applications shall indicate 'traditional importer' or 'other importer' as appropriate, and 'request under Regulation (EC) No 658/2004'.

*Article 6***Allocation of the tariff quotas**

1. For imports of Chinese origin, the tariff quota defined in Article 1(1) for each period shall be allocated as follows:

(a) 75 % to traditional importers;

(b) 25 % to other importers.

If in any period the quantity allocated is not fully exhausted by one category of importers, the remainder may be allocated to the other category.

2. For imports other than of Chinese origin, the quota defined in Article 1(1) shall be available to traditional importers and other importers.

*Article 7***Member States communications to the Commission**

1. The Member States shall notify the Commission whether import licence applications have been lodged and the quantities covered by the licence applications;

2. For the period 11 April 2004 to 10 April 2005, the information referred to in paragraph 1 shall be notified by no later than 12.00 (Brussels time) on 11 May 2004.

3. For each subsequent period, the information referred to in paragraph 1 shall be notified by no later than 12.00 (Brussels time) on 10 February immediately prior to the beginning of the relevant period.

4. The communication referred to in paragraph 1 shall be effected by electronic means on the form sent for that purpose by the Commission to the Member States. The information contained therein shall be broken down by type of importer and by origin within the meaning of Article 2.

*Article 8***Issue of licences**

1. On the basis of the information notified by the Member States pursuant to Article 7, the Commission shall decide, by means of a regulation, for each origin and each type of importer within the meaning of Article 2, and taking into account paragraph 2, the proportion in which the licences are to be issued. That decision shall be taken by no later than 2 June 2004 in the case of the period 11 April 2004 to 10 April 2005, and no later than 15 March immediately prior to the beginning of the relevant period in all other cases.

2. Where, on the basis of the information notified by the Member States pursuant to Article 7, the Commission finds that licence applications exceed the quantities established in accordance with Articles 1 and 6, it shall fix a single percentage reduction to be applied to the licence applications in question.

3. Licences shall be issued by the competent national authorities on the fourth working day following the entry into force of the regulation foreseen in paragraph 1.

4. Where, pursuant to paragraph 1, the quantity for which a licence is issued is less than the quantity requested, the licence application may be withdrawn within three working days of the entry into force of the measures adopted pursuant that paragraph. In the event of such a withdrawal, the security shall be released immediately.

*Article 9***Developing countries**

Imports of canned mandarins originating in one of the developing countries specified in Annex 2 shall not be subject, or allocated, to the tariff quotas.

*Article 10***General provisions**

1. The origin of the canned mandarins to which this Regulation applies shall be determined in accordance with the provisions in force in the Community.
2. Subject to paragraph 3, any release into free circulation in the Community of canned mandarins originating in a third country shall be subject to presentation of a certificate of origin issued by the competent national authorities of that country meeting the conditions laid down in Article 47 of Commission Regulation (EEC) No 2454/93 ⁽¹⁾.
3. The certificate of origin referred to in paragraph 2 shall not be required for imports of canned mandarins covered by a proof of origin issued or made out in accordance with the relevant rules established in order to qualify for preferential tariff measures.
4. Proof of origin shall be accepted only if the canned mandarins meet the criteria for determining origin set out in the provisions in force in the Community.

Article 11

The Member States and the Commission shall cooperate closely to ensure compliance with this Regulation.

Article 12

This Regulation shall enter into force on 11 April 2004 and apply until 8 November 2007.

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

Done at Brussels, 7 April 2004.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).

ANNEX I

Period	Quota — PRC (tonnes)	Quota — all other countries (tonnes)
11.4.2004 to 10.4.2005	30 843	2 314
11.4.2005 to 10.4.2006	32 385	2 430
11.4.2006 to 10.4.2007	34 004	2 551
11.4.2007 to 8.11.2007	20 738	1 556

ANNEX II

List of Developing Countries — excluded from the measures as they export less than 3 % of imports to the Community.

United Arab Emirates, Afghanistan, Antigua and Barbuda, Angola, Argentina, Barbados, Bangladesh, Burkina Faso, Bahrain, Burundi, Benin, Brunei Darussalam, Bolivia, Brazil, Bahamas, Bhutan, Botswana, Belize, Democratic Republic of Congo, Central African Republic, Congo, Côte d'Ivoire, Chile, Cameroon, Colombia, Costa Rica, Cuba, Cape Verde, Djibouti, Dominica, Dominican Republic, Algeria, Ecuador, Egypt, Eritrea, Ethiopia, Fiji, Federated States of Micronesia, Gabon, Grenada, Ghana, Gambia, Guinea, Equatorial Guinea, Guatemala, Guinea-Bissau, Guyana, Honduras, Haiti, Hong Kong, Indonesia, India, Iraq, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Cambodia, Kiribati, Comoros, St Kitts and Nevis, Kuwait, Lao People's Democratic Republic, Lebanon, St Lucia, Sri Lanka, Liberia, Lesotho, Libyan Arab Jamahiriya, Morocco, Madagascar, Marshall Islands, Mali, Myanmar, Mongolia, Mauritania, Mauritius, Maldives, Malawi, Mexico, Malaysia, Mozambique, Namibia, Niger, Nigeria, Nicaragua, Nepal, Nauru, Oman, Panama, Peru, Papua New Guinea, Philippines, Pakistan, Palau, Paraguay, Qatar, Rwanda, Saudi Arabia, Solomon Islands, Seychelles, Sudan, Sierra Leone, Senegal, Somalia, Suriname, Sao Tomé and Príncipe, El Salvador, Syrian Arab Republic, Swaziland, Chad, Togo, Thailand, Tunisia, Tonga, East Timor, Trinidad and Tobago, Tuvalu, Tanzania (United Republic of), Chinese Taipei, Uganda, Uruguay, St Vincent and Northern Grenadines, Venezuela, Viet Nam, Vanuatu, Samoa, Yemen, South Africa, Zambia and Zimbabwe.

COMMISSION REGULATION (EC) No 659/2004**of 7 April 2004****amending Regulation (EEC) No 1859/82 concerning the selection of returning holdings for the purpose of determining incomes of agricultural holdings**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 79/65/EEC of 15 June 1965 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community ⁽¹⁾, and in particular Articles 4(4), 5(5) and 6(2) thereof,

Whereas:

- (1) By Commission Regulation (EC) No 660/2004 of 7 April 2004 amending the Annex to Council Regulation No 79/65/EEC as regards the list of divisions ⁽²⁾, in that Annex, the single division 'Belgium' has been split in three divisions. The numbers of returning holdings per division in Belgium should therefore be introduced in Annex I to Commission Regulation (EEC) No 1859/82 ⁽³⁾.
- (2) The development of data delivery and control procedures has made the report on the implementation of the selection plan for returning holdings referred to in Article 6 of Regulation (EEC) No 1859/82 obsolete. Article 6 and Annex II to Regulation (EEC) No 1859/82 should therefore be deleted.

(3) Regulation (EEC) No 1859/82 should therefore be amended accordingly.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Community Committee for the Farm Accountancy Data Network,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1859/82 is amended as follows:

1. Article 6 is deleted;
2. Annex I is amended in accordance with the Annex to this Regulation;
3. Annex II is deleted.

Article 2

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

It shall apply from the 2004 accounting year.

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

Done at Brussels, 7 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 109, 23.6.1965, p. 1859/65. Regulation as last amended by Regulation (EC) No 2059/2003 (OJ L 308, 25.11.2003, p. 1).

⁽²⁾ See page 97 of this Official Journal.

⁽³⁾ OJ L 205, 13.7.1982, p 40. Regulation as last amended by Regulation (EC) No 1555/2001 (OJ L 205, 31.7.2001, p. 21).

ANNEX

In Annex I to Regulation (EEC) No 1859/82, the line concerning Belgium is replaced by the following:

	Belgium	
341	Vlaanderen	600
342	Bruxelles-Brussel	—
343	Wallonie	400'

COMMISSION REGULATION (EC) No 660/2004
of 7 April 2004
amending the Annex to Council Regulation No 79/65/EEC as regards the list of divisions

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 79/65/EEC of 15 June 1965 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community ⁽¹⁾, and in particular Article 2a thereof,

Having regard to the request of Belgium,

Whereas:

- (1) A list of divisions within the meaning of Article 2(d) of Regulation No 79/65/EEC is laid down in the Annex to that Regulation.
- (2) According to that Annex, Belgium constitutes a single division. For the purposes of Regulation No 79/65/EEC Belgium has requested to split the single division in three divisions.

(3) Regulation No 79/65/EEC should therefore be amended accordingly.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Community Committee for the Farm Accountancy Data Network,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation 79/65/EEC is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from the 2004 accounting year.

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

Done at Brussels, 7 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 109, 23.6.1965, p. 1859/65. Regulation as last amended by Regulation (EC) No 2059/2003 (OJ L 308, 25.11.2003, p. 1).

ANNEX

In the Annex to Regulation No 79/65/EEC, the words 'BELGIUM constitutes a single division' are replaced by the following:

'BELGIUM

1. Vlaanderen
 2. Bruxelles — Brussel
 3. Wallonie.'
-

COMMISSION REGULATION (EC) No 661/2004

of 7 April 2004

initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Regulation (EC) No 769/2002 on imports of coumarin originating in the People's Republic of China by imports of coumarin consigned from India and from Thailand, whether declared as originating in India or Thailand or not, and making such imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

C. EXISTING MEASURES

Having regard to the Treaty establishing the European Community,

- (5) The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Council Regulation (EC) No 769/2002 ⁽¹⁾.

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the basic Regulation), and in particular Articles 13(3) and 14(5) thereof,

D. GROUNDS

After having consulted the Advisory Committee,

- (6) The request contains sufficient *prima facie* evidence that the anti-dumping measures on imports of coumarin originating in the People's Republic of China are being circumvented by means of transshipment via India and via Thailand.

Whereas:

- (7) The evidence available is as follows:

A. REQUEST

- (1) The Commission has received a request, pursuant to Article 13(3) of the basic Regulation, to investigate the possible circumvention of the anti-dumping measures imposed on imports of coumarin originating in the People's Republic of China.
- (2) The request was lodged on 24 February 2004 by the European Chemical Industry Council (CEFIC) on behalf of the sole producer representing 100 % of the Community production of coumarin.

The request shows that a significant change in the pattern of trade involving exports from the People's Republic of China, India and Thailand to the Community has taken place following the imposition of measures on imports of coumarin originating in the People's Republic of China, and that there appears to be insufficient due cause or justification other than the imposition of the duty for such a change. This change in the pattern of trade appears to stem from the transshipment of coumarin originating in the People's Republic of China via India and via Thailand.

B. PRODUCT

- (3) The product concerned by the possible circumvention is coumarin, normally declared under CN code ex 2932 21 00 (the product concerned) originating in the People's Republic of China. This CN code is given for information only.
- (4) The product under investigation is coumarin consigned from India and from Thailand (the product under investigation) normally declared under the same CN code as the product concerned originating in the People's Republic of China.

Furthermore, the request contains sufficient *prima facie* evidence that the remedial effects of the existing anti-dumping measures on imports of coumarin originating in the People's Republic of China are being undermined both in terms of quantity and price. Significant volumes of imports of the product concerned from India and Thailand appear to have replaced imports of coumarin originating in the People's Republic of China. In addition, there is sufficient evidence that this increase in imports is made at prices well below the non-injurious price established in the investigation that led to the existing measures.

Finally, the request contains sufficient *prima facie* evidence that the prices of the product under investigation are dumped in relation to the normal value previously established for coumarin originating in the People's Republic of China.

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

⁽²⁾ OJ L 123, 9.5.2002, p. 1. Regulation as last amended by Regulation (EC) No 1854/2003 (OJ L 272, 23.10.2003, p. 1).

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

ested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

E. PROCEDURE

(c) *Exemption of registration of imports or measures*

- (8) In the light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13 of the basic Regulation and to make imports of coumarin consigned from India and from Thailand, whether declared as originating in India or Thailand or not, subject to registration, in accordance with Article 14(5) of the basic Regulation.

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

(a) *Questionnaires*

F. REGISTRATION

- (9) In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the exporters/producers and to the associations of exporters/producers in India and Thailand, to the exporters/producers and to the associations of exporters/producers in the People's Republic of China, to the importers and to the associations of importers in the Community which cooperated in the investigation that led to the existing measures or which are listed in the request, and to the authorities of the People's Republic of China, India and Thailand. Information, as appropriate, may also be sought from the Community industry.

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

G. TIME LIMITS

- (10) In any event all interested parties should contact the Commission forthwith, but not later than the time limit set in Article 3 of this Regulation, in order to find out whether they are listed in the request and, if necessary, request a questionnaire within the time limit set in Article 3(1) of this Regulation, given that the time limit set in Article 3(2) of this Regulation applies to all interested parties.
- (11) The authorities of the People's Republic of China, India and Thailand will be notified of the initiation of the investigation.

- (15) In the interest of sound administration, time limits should be stated within which:

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

(b) *Collection of information and holding of hearings*

- (12) All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear inter-

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

H. NON-COOPERATION

Article 3

- (17) In cases in which any interested party refuses access to or otherwise does not provide necessary information within the time limits provided in this Regulation, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (18) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made, in accordance with Article 18 of the basic Regulation, of facts available. If an interested party does not cooperate or cooperates only partially and use of the best facts available is made in accordance with Article 18 of the basic Regulation, the result may be less favourable to the party than if it had cooperated,

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

2. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit questionnaire replies or any other information within 40 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.

3. Producers in India and in Thailand requesting exemption from registration of imports or measures should submit a request duly supported by evidence within the same 40-day time limit.

4. Interested parties may also apply to be heard by the Commission within the same 40-day time limit.

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is hereby initiated pursuant to Article 13(3) of Council Regulation (EC) No 384/96, in order to determine if imports into the Community of coumarin falling within CN code ex 2932 21 00 (TARIC codes 2932 21 00 11 and 2932 21 00 15) consigned from India and from Thailand, whether originating in India or Thailand or not, are circumventing the anti-dumping measures imposed by Council Regulation (EC) No 769/2002 on imports of coumarin originating in the People's Republic of China.

Article 2

The Customs authorities are hereby directed, pursuant to Articles 13(3) and 14(5) of Regulation (EC) No 384/96, to take the appropriate steps to register the imports into the Community identified in Article 1 of this Regulation.

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

The Commission, by regulation, may direct customs authorities to cease registration in respect of imports into the Community of products manufactured by producers having applied for an exemption from registration and having been found not to be circumventing the anti-dumping duties.

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

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate B
J-79 5/16
B-1049 Brussels
Fax (32-2) 295 65 05
Telex COMEU B 21877

Article 4

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

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 384/96 (OJ L 56, 6.3.1996 p. 1) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (anti-dumping agreement).

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

Done at Brussels, 7 April 2004.

For the Commission

Pascal LAMY

Member of the Commission

**COMMISSION REGULATION (EC) No 662/2004
of 7 April 2004**

laying down transitional measures as regards import licences applications pursuant to Regulations (EC) No 936/97 and (EC) No 1279/98 providing for the administration of certain tariff quotas for beef and veal products, by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular the first paragraph of Article 41 thereof,

Whereas:

- (1) The Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, (hereinafter the new Member States), will accede to the Community on 1 May 2004 subject to the ratification of the Treaty of Accession. Tariff quotas opened for beef and veal products should be made available to operators established in those countries on the date of their accession.
- (2) Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat⁽¹⁾ and Commission Regulation (EC) No 1279/98 of 19 June 1998 laying down detailed rules for applying the tariff quotas for beef and veal provided for in Council Decisions 2003/286/EC, 2003/298/EC, 2003/299/EC, 2003/18/EC 2003/263/EC and 2003/285/EC for Bulgaria, the Czech Republic, Slovakia, Romania, the Republic of Poland and the Republic of Hungary⁽²⁾ lay down particular requirements concerning the eligibility of operators under the various import schemes for certain tariff quotas.
- (3) In order to qualify under those import quotas, licence applicants established in the new Member States should prove they carried out a minimum activity in trade with third countries. Trade which has taken place before 1 May 2004 with the current Member States of the Community as constituted on the date previous to the entry into force of the Treaty of Accession of 2003 should be considered as trade with third countries.

(4) It is therefore necessary to adopt transitional measures concerning the rules of eligibility of operators of the new Member States under the import schemes provided for in Regulations (EC) No 936/97 and (EC) No 1279/98.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. In order to be considered applicants for import licences within the meaning of Article 4(a) of Regulation (EC) No 936/97 and Article 3(1)(a) of Regulation (EC) No 1279/98, applicants established in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia shall be natural or legal persons who are registered for VAT purposes in a Member State of the Community as constituted on the date of entry into force of the Treaty of Accession of 2003 and who shall prove, at the time their applications are submitted, to the satisfaction of the competent authority of the Member State concerned:

- (a) for the purposes of Regulation (EC) No 936/97, that they have been engaged for at least 12 months in trade in beef and veal with other countries;
- (b) for the purposes of Regulation (EC) No 1279/98, that they have traded in beef and veal at least once during the previous 12 months with other countries.

2. For the purposes of this Article 'other countries' means all third countries, including the Member States of the Community as constituted on the date previous to the entry into force of the Treaty of Accession of 2003.

Article 2

This Regulation shall enter into force subject to and on the date of the entry into force of the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

⁽¹⁾ OJ L 137, 28.5.1997, p. 10. Regulation last amended by Regulation (EC) No 649/2003 (OJ L 95, 11.4.2003, p. 13).

⁽²⁾ OJ L 176, 20.6.1998, p. 12. Regulation last amended by Regulation (EC) No 1144/2003 (OJ L 160, 28.6.2003, p. 44).

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

Done at Brussels, 7 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 663/2004**of 7 April 2004****amending Regulation (EC) No 2300/97 on detailed rules to implement Council Regulation (EC) No 1221/97 laying down general rules for the application of measures to improve the production and marketing of honey**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1221/97 of 25 June 1997 laying down general rules for the application of measures to improve the production and marketing of honey ⁽¹⁾, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EC) No 2300/97 ⁽²⁾ lays down provisions for the implementation of the national annual programmes provided for in Regulation (EC) No 1221/97. Article 2(1) of Regulation (EC) No 2300/97 provides that the Member States are to notify their programmes to the Commission by 15 April each year.
- (2) EU membership should enable the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to benefit from the national programmes provided for in Regulation (EC) No 1221/97. With a view to being able to examine the programmes in the same way for all Member States, the date for notifying programmes should be postponed, for 2004, to 15 May 2004.

(3) Regulation (EC) No 2300/97 should be amended accordingly.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2(1) of Regulation (EC) No 2300/97, is hereby replaced by the following:

‘1. Member States shall notify their programmes to the Commission before 15 April of each year. Nevertheless, for 2004, Member States shall notify their programmes by 15 May at the latest.’

*Article 2*This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply to the annual programmes for the 2004/2005 marketing year.

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

Done at Brussels, 7 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 1.7.1997, p. 1. Regulation amended by Regulation (EC) No 2070/98 (OJ L 265, 30.9.1998, p. 1).

⁽²⁾ OJ L 319, 21.11.1997, p. 4. Regulation last amended by Regulation (EC) No 1387/2003 (OJ L 196, 2.8.2003, p. 22).

**COMMISSION REGULATION (EC) No 664/2004
of 7 April 2004**

laying down transitional measures as regards import licences for milk and milk products pursuant to Regulation (EC) No 2535/2001, by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular Article 2(3) thereof,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular the first paragraph of Article 41, thereof,

Whereas:

(1) Chapter I, Section 2, of Title 2 of Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas ⁽¹⁾ lays down specific provisions on the approval of applicants for import licences. In order to ensure access for operators from the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (new Member States) to import licences as from the date of accession of those countries to the European Union, transitional measures should be adopted.

(2) For the period 1 May to 30 June 2004, operators from the new Member States should be allowed to apply for import licences under the tariff quotas as referred to in the Annexes to Regulation (EC) No 2535/2001 without prior approval. They should prove their status and regular activity as traders. As regards the requirement on the proof of trade performance, the applicants in the new Member States should be allowed to consider not only trade with the Community but trade with all third countries. They should have the opportunity to choose as a reference year for the trade performance 2002 instead of 2003 if they can prove that they were not able to import or export the required quantities of milk products during 2003 as a result of exceptional circum-

stances. The new Member States authorities should by 15 May 2004 transmit a list to the Commission including all eligible operators. In order to enable each applicant to be identified more easily, and to facilitate the transfer of licences, the data to be forwarded for each operator should be specified. Moreover, eligible operators of the new Member States should be allowed to purchase import licences.

(3) For the period 1 July 2004 to 30 June 2005 operators from the new Member States should be approved provided they submit a request before 1 June including the necessary documents and information, or provided they have been included in the list of eligible operators to be transmitted to the Commission by 15 May 2004.

(4) It is therefore necessary to provide for certain derogations from Regulation (EC) No 2535/2001.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. By way of derogation from Chapter I, Section 2 of Title 2 of Regulation (EC) No 2535/2001, operators established in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter 'new Member States') may apply for import licences for the quotas covering the period 1 May to 30 June 2004 without prior approval of the competent authorities of the Member State in which they are established.

2. By way of derogation from Article 11 of Regulation (EC) No 2535/2001, operators established in the new Member States may apply for import licences for the quotas referred to in paragraph 1 only in the Member State where they are established.

⁽¹⁾ OJ L 341, 22.12.2001, p. 29. Regulation as last amended by Regulation (EC) No 50/2004 (OJ L 7, 13.1.2004, p. 9).

Licence applications shall be admissible only where the applicant attaches the following documents:

- (a) proof that in 2003 the applicant has imported and/or exported at least 25 tonnes of milk products covered by Chapter 04 of the Combined Nomenclature in at least four separate operations;
- (b) any document and information adequately substantiating the identity and status of the applicant, in particular:
 - (i) documents relating to business accounts and/or tax arrangements drawn up in accordance with national law; and
 - (ii) the VAT number, if provided for under national law;
 - (iii) the registration in the commercial register, if provided for under national law.

In case of point (a) of the second subparagraph, the reference year shall be 2002 if the importer concerned can prove that he/she was not able to import or export the required quantities of milk products during 2003 as a result of exceptional circumstances.

For the purposes of application of this paragraph, inward — and outward — processing transactions shall not be considered as imports and exports.

3. The competent authorities of the new Member States shall send to the Commission by 15 May 2004 lists of operators having applied for import licences for the quotas covering the period 1 May to 30 June 2004 in accordance with paragraph 1 and complying with the conditions laid down in paragraph 2. These lists shall be established in accordance with the model in Annex XIV to Regulation (EC) No 2535/2001, exception made of the approval number.

4. The Commission shall forward these lists to the competent authorities of the other Member States.

5. By way of derogation from Article 16(4) of Regulation (EC) No 2535/2001, import licences issued for the quotas covering the period 1 May to 30 June 2004 may be transferred only to natural or legal persons approved in accordance with Section 2 of that regulation and to natural or legal persons appearing on the lists referred to in paragraph 3.

Article 2

By way of derogation from Article 8 of Regulation (EC) No 2535/2001, for the quotas covering the period 1 July 2004 to 30 June 2005, approval shall be granted to:

- (a) operators established in the new Member States who submit, before 1 June 2004, a request to the competent authorities of the Member State in which they are established, together with the documents referred to in Article 1(2); or
- (b) operators established in the new Member States who submit, before 1 June 2004, a request to the competent authorities of the Member State in which they are established and who are included in the list referred to in Article 1(3).

Article 3

This Regulation shall enter into force subject to and on the date of the entry into force of the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia.

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

Done at Brussels, 7 April 2004.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 665/2004**of 7 April 2004****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 2003 to 30 June 2004 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 April 2004 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.
2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of May 2004 for 9 569,588 t.

Article 2

This Regulation shall enter into force on 11 April 2004.

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

Done at Brussels, 7 April 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 160, 26.6.1999, p. 21; Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

⁽²⁾ OJ L 137, 28.5.1997, p. 10; Regulation as last amended by Regulation (EC) No 649/2003 (OJ L 95, 11.4.2003, p. 13).

COMMISSION REGULATION (EC) No 666/2004
of 7 April 2004
providing for the rejection of applications for export licences in relation to certain processed
products and cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽²⁾, and in particular Article 8(1) thereof,

Whereas:

The quantity covered by applications for advance fixing of refunds on potato starch and maize-based products is of great

importance and could give rise to speculation. It has therefore been decided to reject all applications for export licences of such products made on 5, 6 and 7 April 2004,

HAS ADOPTED THIS REGULATION:

Article 1

In accordance with Article 8(1) of Regulation (EC) No 1342/2003, applications for export licences with advance fixing of refunds for products falling within CN codes 1102 20 10, 1102 20 90, 1103 13 10, 1103 13 90, 1104 23 10, 1108 12 00, 1108 13 00, 1702 30 51, 1702 30 91, 1702 30 99, 1702 40 90 and 1702 90 50 made on 5, 6 and 7 April 2004 shall be rejected.

Article 2

This Regulation shall enter into force on 8 April 2004.

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

Done at Brussels, 7 April 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

⁽²⁾ OJ L 189, 29.7.2003, p. 12.

COMMISSION REGULATION (EC) No 667/2004**of 7 April 2004****amending for the 32nd time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freezing of funds and other financial resources in respect of the Taliban of Afghanistan ⁽¹⁾, as last amended by Regulation (EC) No 524/2004 ⁽²⁾, and in particular Article 7(1), first indent, thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 31 March 2004, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly.

- (3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 7 April 2004.

For the Commission

Christopher PATTEN

Member of the Commission

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

⁽²⁾ OJ L 83, 20.3.2004, p. 36.

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

The entry 'Ansar al-Islam (alias Devotees of Islam, Jund al-Islam, Soldiers of Islam, Kurdistan Supporters of Islam, Supporters of Islam in Kurdistan, Followers of Islam in Kurdistan, Kurdistan Taliban); location: north-eastern Iraq' under the heading 'Legal persons, groups and entities' is replaced by the following:

'Ansar al-Islam (alias (a) Devotees of Islam, (b) Jund al-Islam, (c) Soldiers of Islam, (d) Kurdistan Supporters of Islam, (e) Supporters of Islam in Kurdistan, (f) Followers of Islam in Kurdistan, (g) Kurdish Taliban, (h) Soldiers of God, (i) Ansar al-Sunna Army (j) Jaish Ansar al-Sunna, (k) Ansar al-Sunna); location: north-eastern Iraq.'

II

(Acts whose publication is not obligatory)

EUROPEAN PARLIAMENT COUNCIL

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 March 2004

on the mobilisation of the EU Solidarity Fund in accordance with point 3 of the Interinstitutional Agreement of 7 November 2002 between the European Parliament, the Council and the Commission on the financing of the European Union Solidarity Fund, supplementing the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure

(2004/323/EC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Interinstitutional Agreement of 7 November 2002 between the European Parliament, the Council and the Commission on the financing of the European Union Solidarity Fund, supplementing the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure ⁽¹⁾, and in particular point 3 thereof,

Having regard to Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund ⁽²⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) The European Union has created a European Union Solidarity Fund (the 'Fund') to show solidarity with the population of regions struck by disasters.
- (2) Malta submitted an application to mobilise the Fund on 10 November 2003, concerning a disaster caused by storm and flooding. Spain submitted an application on 1 October 2003 concerning a fire-related disaster. France also submitted an application on 26 January 2004 concerning a disaster caused by flooding.
- (3) The Interinstitutional Agreement of 7 November 2002 allows the mobilisation of the Fund within the annual ceiling of EUR 1 billion.

- (4) The cases of the storm and flooding in Malta in September 2003, the forest fire in Spain in the summer of 2003 and the flooding in southern France in December 2003 fulfil the criteria for mobilisation of the European Union Solidarity Fund,

HAVE DECIDED AS FOLLOWS:

Article 1

For the general budget of the European Union for the financial year 2004, the European Union Solidarity Fund shall be mobilised to provide the sum of EUR 21 916 995 in commitment appropriations.

Article 2

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

Done at Strasbourg, 30 March 2004.

The European Parliament

The President

P. COX

For the Council

The President

D. ROCHE

⁽¹⁾ OJ C 283, 20.11.2002, p. 1.

⁽²⁾ OJ L 311, 14.11.2002, p. 3.

COUNCIL

Information relating to the entry into force of the Agreement on the application of certain Community acts on the territory of the Principality of Monaco ⁽¹⁾

The final notification of completion of the procedures necessary for the entry into force of the Agreement on the application of certain Community acts on the territory of the Principality of Monaco signed in Brussels on 4 December 2003, having taken place on 31 March 2004, this Agreement will enter into force, in conformity with its Article 6(1), on 1 May 2004.

⁽¹⁾ OJ L 332, 19.12.2003, p. 42.

COMMISSION

ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS

DECISION No 192

of 29 October 2003

concerning the conditions for implementing Article 50(1)(b) of Council Regulation (EEC) No 574/72

(Text with EEA relevance)

(2004/324/EC)

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 50(2) of Regulation (EEC) No 574/72, pursuant to which it is required to fix the methods for implementing Article 50(1) of the said Regulation,

Having regard to Article 81(a) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their family moving within the Community⁽¹⁾, pursuant to which it is required to deal with all administrative questions arising from Regulation (EEC) No 1408/71 and subsequent regulations,

Having regard to Article 2(1) of Regulation (EEC) No 574/72, pursuant to which it is required to draw up models of certificates, certified statements, declarations, applications and other documents necessary for the application of the Regulations, and under which these documents may be distributed among institutions either by using paper forms or by transmitting standardised electronic messages via telematic services,

Having regard to Article 81(d) of Regulation (EEC) No 1408/71, pursuant to which it is required to foster and develop cooperation between Member States by modernising the necessary procedures for the exchange of information, in particular by adapting the information flow between institutions to telematic systems, taking account of the state of the art of information-processing in each Member State, first and foremost with a view to speeding up the granting of benefits,

Whereas:

Having regard to Article 117 of Council Regulation (EEC) No 574/72 of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No 1408/71⁽²⁾, pursuant to which it is required, on the basis of studies and proposals from the Technical Commission on Data Processing, to adapt the models of certificates, certified statements, declarations, claims and other documents as well as the routing channels and data-transmission procedures used for the implementation of the Regulation and of the implementing Regulation to new data-processing technologies,

(1) It is appropriate to specify the conditions for the implementation of Article 50(1)(d) of Regulation (EEC) No 574/72 and to establish model forms for the implementation of the said Article.

(2) It is necessary to foster and facilitate the exchange of information on the insurance history of workers who have moved within the European Union before the minimum pensionable age in the States concerned, or any other procedure which makes it possible to inform workers of their rights in good time and speed up the subsequent settlement of those rights.

(3) Decision No 118 of 20 April 1983 must be amended and updated.

⁽¹⁾ OJ L 149, 5.7.1971, p. 2.

⁽²⁾ OJ L 74, 27.3.1972, p. 1.

HAS DECIDED AS FOLLOWS:

The institutions referred to in Article 50(1)(b) of Regulation (EEC) No 574/72 shall draw up the insurance history of workers who have been subject to the legislation of two or more Member States in accordance with the provisions set out below.

1. The institutions concerned shall draw up the insurance history of a worker no later than one year before the date on which he or she will reach the minimum pensionable age.

(a) either at the worker's request to one of these institutions;

(b) or at the initiative of one of the institutions concerned.

2. Institutions shall provide other institutions that have to draw up insurance histories with full information (registration data and periods completed) relating to the careers of workers who have been insured in other Member States.

Depending on their technological capabilities, institutions shall make this information available by telematic means (see point 2.1), online consultation (see point 2.2) or any other means or procedures. Failing this, they shall use the paper-based procedure described in point 2.3.

The choices regarding the timing and method of data exchanges shall be made by Member States, taking account of the characteristics of their pension systems, and may be the subject of agreements between their competent authorities or institutions.

2.1. In the case of data transmission by telematic means, an institution drawing up an insurance history shall contact the local competent institutions via the designated bodies in its own country and in the other Member States concerned. Requests and replies must be formatted in line with forms E 503 and E 505 respectively. For these exchanges, the institutions concerned shall comply with the common architecture rules, especially with regard to security and use of standards, and the provisions for the operation of the common part of telematic services laid down by the Administrative Commission pursuant to Articles 117a and 117b of Regulation (EEC) No 574/72.

2.2. In the case of online consultation, an institution drawing up an insurance history shall use the insurance history drawn up by the other institution in line with form E 505.

2.3. Where the paper-based procedure is used as the default option, an institution drawing up an insurance history shall send an E 503 form to the institutions in all the other countries of employment of which it is aware. In reply, each institution concerned shall provide an E 505

form giving details of the person's insurance history under the legislation it applies. The paper-based procedure does not require the involvement of the designated bodies.

The authorities of two or more Member States, after consulting the Administrative Commission, may agree to use forms other than E 503 or E 505 or to establish different arrangements for implementing this procedure.

2.4. For the purposes of this Decision, the 'designated body' shall be:

AUSTRIA: Hauptverband der Österreichischen Sozialversicherungsträger, Vienna

BELGIUM: L'Office National des pensions pour travailleurs salariés (ONP) Rijksdienst voor pensioenen (RVP), Brussels

DENMARK: Den Sociale Sikringsstyrelse, København (National Social Security Agency), Copenhagen

FINLAND: Eläketurvakeskus (ETK), Helsinki

FRANCE: Caisse Nationale d'Assurance Vieillesse (CNAV), Paris

GERMANY: Verband Deutscher Rentenversicherungsträger — Datenstelle der deutschen Rentenversicherung (VDR — DSRV), Würzburg

GREECE: L'Idryma Koinonikon Asfaliseon (IKA), Athens

IRELAND: Department of Social and Family Affairs, Dublin

ITALY: Istituto Nazionale della Previdenza Sociale (INPS), Rome

LUXEMBOURG: Centre Commun de la Sécurité Sociale, Luxembourg

NETHERLANDS: Sociale Verzekeringsbank, Amsterdam

PORTUGAL: Instituto de Solidariedade e Segurança Social (ISSS)/Centro Nacional de Pensões, Lisbon

SPAIN: Tesorería General de la Seguridad Social (TGSS)/Instituto Nacional de la Seguridad Social (INSS), Madrid

SWEDEN: Riksförsäkringsverket, Stockholm

UNITED KINGDOM: Department for Work and Pensions, International Pension Centre, Newcastle-upon-Tyne

- 2.5. The model forms E 503 and E 505 to be used for the paper-based procedure are attached to this Decision.
3. If the legislation of a Member State sets a minimum age for the granting of a survivor's pension, the institutions concerned shall, in similar manner, draw up the insurance history of a deceased worker no later than one year before the date on which survivors will reach the minimum age of entitlement to a survivor's pension.
4. This Decision, which replaces Decision No 118 of 20 April 1983, shall be published in the *Official Journal of the European Union*. It shall apply with effect from 1 January 2004.

*The Chairman of the Administrative
Commission*
Giuseppe MICCIO

EUROPEAN COMMUNITIES
Social Security Regulation
EEA *
Switzerland

E 503

Sending country ⁽¹⁾Data of issue ⁽¹⁾

REQUEST FOR INFORMATION ON INSURANCE HISTORY OF A WORKER

(Regulation (EEC) No 574/72: Article 50(1)(b))

1	Institution to which the form is addressed
1.1	Name
1.2	Code number
1.3	Address (street, town, post code, country)
2	Insurance numbers
2.1	In receiving country ⁽³⁾
2.2	In sending country
3	Names and sex
3.1	Surname ⁽⁴⁾
3.2	Surname at birth ⁽⁴⁾
3.3	Forenames ⁽⁵⁾
3.4	Previous names ⁽⁶⁾
3.5	Sex ⁽⁷⁾
3.6	Father's surname and forenames ⁽⁸⁾
3.7	Mother's surname and forenames ⁽⁸⁾
4	Details of birth and nationality
4.1	Date of birth ⁽⁹⁾
4.2	Place of birth ⁽¹⁰⁾
4.3	Province or department ⁽¹¹⁾
4.4	Country ⁽¹²⁾
4.5	Nationality ⁽¹³⁾
5	Address ⁽¹⁴⁾
.....	
6	Remarks ⁽¹⁵⁾
.....	

7	Issuing institution
7.1	Name
7.2	Code number
7.3	Address (street, town, post code, country)
7.4	Stamp
7.5	Date
7.6	Signature

INSTRUCTIONS

The institution drawing up the insurance history of the worker (issuing institution, section 7) should send an E 503 form to each of the institutions concerned in the known countries of employment (institution to which the form is addressed, section 1). In reply, each of the latter institutions forwards an E 505 form to the first institution.

NOTES

- (*) EEA Agreement on the European Economic Area, Annex VI, Social Security: for the purposes of this Agreement, the present form shall apply also to Iceland, Liechtenstein and Norway.
- (**) EU-Switzerland Agreement on the Free Movement of Persons, Annex II, Social Security: for the purposes of this Agreement, the present form shall apply also to Switzerland.
- (1) The format of this data is left to the discretion of the sending institution.
Symbol of the country to which the sending institution belongs:
B = Belgium; DK = Denmark; D = Germany; GR = Greece; E = Spain; F = France; IRL = Ireland; I = Italy; L = Luxembourg; NL = Netherlands; A = Austria; P = Portugal; FIN = Finland; S = Sweden; UK = United Kingdom; IS = Iceland; FL = Liechtenstein; N = Norway; CH = Switzerland.
- (2) This data is necessary for Danish nationals (state the Danish CPR number and, where appropriate, the ATP number), for Greek nationals (state the insurance number and the codification of the institution issuing the form) and for United Kingdom nationals.
This is also desirable for all the other Member States.
- (3) For surname please state usual surname or surname acquired by marriage.
The surname at birth must always be given; if same as current surname, put '*idem*'.
Explanations such as 'known as ...' or 'also known as ...' and all prefixes to surnames must be written in full and in the proper order.
- (4) Give all forenames in the proper order.
- (5) Previous names should be stated particularly in the case of adoption or where bynames have become current.
Explanations such as 'known as ...' or 'also known as ...' must be written in full in the proper order.
- (6) M for male and F for female.
- (7) This information is required for French nationals born outside metropolitan France.
- (8) The day and the month should be shown by two digits each and the year by four digits (example: 1 August 1921 = 01.08.1921).
- (9) For French towns comprising several arrondissements, please give the number of the arrondissement (example: Paris 14).
- (10) This information must be provided in the case of insured persons of French or Italian nationality.
Here the territorial division in which the place of birth is located should be stated, e.g. in the case of France if the commune of birth is Lille, the department of birth should be given as 'Nord' followed by the area code if known to the insured person, in this case: 59; the complete entry should read: 'Nord 59'. In the case of Italy, if the commune of birth is Rimini, the province of birth should be given as Forlì.
- (11) Symbol of the insured person's country of birth abbreviated as in the international motor vehicle registration code.
- (12) Symbol of the insured person's country of nationality abbreviated as in the international motor vehicle registration code.
- (13) The insured person's present address written in accordance with the usage of the country of residence.
For insured persons of Danish nationality, please also give the last address in Denmark under the heading 'Remarks'.
- (14) This section is reserved for any comments considered necessary (last address in Denmark or in the Netherlands should be entered here).
Provinces in Italy where the activity in question was carried out.

EUROPEAN COMMUNITIES
Social Security Regulations
EEA *
Switzerland

E 505

Sending country ⁽²⁾Date of issue ⁽¹⁾Type of communication ⁽³⁾

CERTIFICATE CONCERNING THE INSURANCE HISTORY OF A WORKER

(Regulation 574/72: Article 50(1)(b))

1	Institution to which the form is addressed ⁽⁴⁾
1.1	Name
1.2	Code number
1.3	Address (street, town, post code, country)
2	Insurance numbers ⁽⁵⁾
2.1	In receiving country
2.2	In sending country
3	Names and sex
3.1	Surname ⁽⁶⁾
3.2	Surname at birth ⁽⁶⁾
3.3	Forenames ⁽⁷⁾
3.4	Previous names ⁽⁸⁾
3.5	Sex ⁽⁹⁾
3.6	Father's surname and forenames ⁽¹⁰⁾
3.7	Mother's surname and forenames ⁽¹⁰⁾
4	Details of birth, nationality and death
4.1	Date of birth ⁽¹¹⁾
4.2	Place of birth ⁽¹²⁾
4.3	Province or department ⁽¹³⁾
4.4	Country ⁽¹⁴⁾
4.5	Nationality ⁽¹⁵⁾
4.6	Date of death ⁽¹⁶⁾
5	Address ⁽¹⁷⁾
.....	
6	Remarks ⁽¹⁸⁾
.....	

[illegible]

12. Total duration of insurance or total duration or periods completed in the sending country that are treated as periods under social security schemes
- periods that must be taken into consideration for the acquisition of
Days Weeks Months Quarters Years
- periods that must be taken into consideration only for the calculation of benefits ⁽²⁴⁾
Days Weeks Months Quarters Years

13. Comments on columns 7-11

.....

14	Issuing institution
14.1	Name
14.2	Code number
14.3	Address (street, town, post code, country)
14.4	Stamp
14.5	Date
14.6	Signature

INSTRUCTIONS

The form should be drawn up by the issuing institution for the periods of insurance completed under the legislation applied by that institution. Each institution concerned should fill out a form for the periods completed under the legislation which it administers and send it to the body which is drawing up the insurance history.

This form does not replace forms E 205 and E 206.

This form should be completed in block letters. It consists of two pages, neither of which may be left out even if it does not contain any relevant information.

NOTES

(*) EEA Agreement on the European Economic Area, Annex VI, Social Security: for the purposes of this Agreement, the present form shall apply also to Iceland, Liechtenstein and Norway.

(**) EU-Switzerland Agreement on the Free Movement of Persons, Annex II, Social Security: for the purposes of this Agreement, the present form shall apply also to Switzerland.

(1) The format of this data is left to the discretion of the sending institution.

(2) Symbol of the country to which the sending institution belongs:

B = Belgium; DK = Denmark; D = Germany; GR = Greece; E = Spain; F = France; IRL = Ireland; I = Italy; L = Luxembourg; NL = Netherlands; A = Austria; P = Portugal; FIN = Finland; S = Sweden; UK = United Kingdom; IS = Iceland; FL = Liechtenstein; N = Norway; CH = Switzerland.

(3) Type of communication

Specify in the box the code of the processing mode applied to the corresponding E 503 form:

Code 31: *identification without divergencies*

- No discrepancies were found between the data provided on the E 503 form and those recorded in the national master file.
- The insurance number is given.

Code 32: *identification with divergencies*

- Slight discrepancies were detected between the information provided on the E 503 form and the data held in the national master file.
- The insurance number is given. The data held in the master file are specified in paragraphs 3 to 5.

Code 33: *identification impossible (homonymy)*

- Several insured persons recorded in the national master file may correspond to the insured person named in the E 503 forms.
- The insurance number is not given.

Code 34: *identification impossible (forms cannot be processed)*

- It appears that the data shown on the E 503 form cannot be processed owing to illegibility or because the prescribed rules governing format were not adhered to.
- The insurance number was not given.

Code 35: *identification impossible (no details regarding affiliation)*

- Several insured persons recorded in the national master file have the same identity as the person named on the E 503 form.
The lack of details of affiliation makes it impossible to distinguish between them.
- The insurance number is not given.

Code 36: *identification impossible (implausible data)*

- It appears that the data shown on the E 503 form are implausible: a check is indispensable.
- The insurance number is not given.

(4) The institution to which the form is addressed is the institution which sent the E 503 form (see section 7 of that form).

(5) Insurance numbers

At the institution to which the form is addressed:

- state the number entered on the E 503 form.

At the issuing institution:

- this information is necessary where the worker has been registered or identified with or without divergencies.

(6) For surname, please state usual surname or surname acquired by marriage.

The surname at birth must always be given; if same as current surname, put '*idem*'.

Explanations such as 'known as' or 'also known as' and all prefixes to surnames must be written in full in the proper order.

(7) State all forenames in the proper order.

(8) Previous names should be stated particularly in the case of adoption or where bynames have become current.

Explanations such as 'known as' or 'also known as' must be written in full in the proper order.

(9) M for male and F for female.

(10) This information is required for French nationals born outside metropolitan France.

(11) The day and the month should be shown by two digits each and the year by four digits (example: 1 August 1921: 01.08.1921).

(12) For French towns comprising several arrondissements, please give the name of the arrondissement (example: Paris 14).

(13) Information necessary in the case of French or Italian nationality.

Here, the territorial division in which the place of birth is located should be stated (e.g.: in the case of France, if the commune of birth is Lille, the department of birth should be known as 'Nord' followed by the area code if known to the insured person, in this case: 59; the complete entry should read: 'Nord 59'. In the case of Italy, if the commune of birth is Rimini, the province of birth should be given as Forlì).

- (¹⁴) Symbol of the insured person's country of birth abbreviated as in the international motor vehicle registration code.
- (¹⁵) Symbol of the insured person's nationality abbreviated as in the international motor vehicle registration code.
- (¹⁶) The day and the month should be shown by two digits each and the year by four digits (example: 1 August 1921: 01.08.1921).
- (¹⁷) Present address of the insured person in accordance with the criteria valid for the country of residence.
- (¹⁸) This section is reserved for any comments considered necessary (last address in Denmark or in the Netherlands should be entered here).
- (¹⁹) Indicate in chronological order all the periods completed in the country of the institution that fills in the form, using one line per period.
The institutions should keep the information in the same unit of time as they received it.
- (²⁰) Nomenclature of the type of period completed (codification in Annex 6 to the document implementing Decision No 192).
- (²¹) The sending institutions can provide additional data on the periods of insurance history in question. It would be expedient to refer to the list of codes of each Member State provided in Annex 6 to the documents implementing Decision No 192.
- (²²) State the insurance scheme (the codification of the insurance scheme of each Member State is present in Annex 6 to the document implementing Decision No 192).
- (²³) To be completed for the countries which have a specific scheme for miners only for the periods completed under that scheme. This column must be completed for the countries which do not have a specific scheme for miners, if the insured person has worked in the mines. Please specify one of the following codes:
1 = surface work
2 = underground work
3 = not specified.
- (²⁴) The values must be totalised without conversion.
-

DECISION No 193
of 29 October 2003
on the processing of pension claims
(Text with relevance for the EEA and for the EU/Switzerland Agreement)
(2004/325/EC)

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81(a) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community ⁽¹⁾, pursuant to which it is the duty of the Administrative Commission on Social Security for Migrant Workers to deal with all administrative matters arising from Regulation (EEC) No 1408/71 and subsequent regulations,

Having regard to Article 81(c), pursuant to which it is the duty of the Administrative Commission to foster and develop cooperation between the Member States in social security matters,

Having regard to Articles 35 to 39 and 41 to 43 of Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 ⁽²⁾, containing provisions on submission and investigation of pension claims,

Whereas:

- (1) In the interest of the persons concerned, pension claims should be processed expediently without any unnecessary delay; it is the responsibility of the Administrative Commission to take all requisite action to accelerate the settlement of pension claims.
- (2) By its Decision No 182 of 13 December 2000, the Administrative Commission established a common framework for the collection of data on the settlement of pension claims.
- (3) Within this framework, the Technical Commission initiated discussion between the Member States in order to examine the use of good practice to reduce processing times for pension applications.
- (4) This discussion identified a number of obstacles to the rapid processing of pension claims and also various measures falling under an Administrative Commission decision which could be implemented to overcome these obstacles.
- (5) Pursuant to Article 44 of Regulation (EEC) No 1408/71, the processing of a pension claim shall have regard to all the legislations to which the employed or self-employed person has been subject, save as otherwise provided for in Article 49 of the Regulation.
- (6) According to Article 37 of Regulation (EEC) No 574/72, claims for invalidity, survivor's and old-age pensions must be made on the form provided for by the legislation of the Member State designated as the investigating institution.
- (7) According to Article 41(2) of Regulation (EEC) No 574/72, the investigating institution shall forthwith notify claims for benefits to all the institutions concerned on a special form, so that the claim may be investigated simultaneously and without delay by all these institutions.
- (8) To process a pension claim in accordance with the requirements of Article 44 of Regulation (EEC) No 1408/71, the institutions concerned must have all relevant information and the Member States' national application forms must be designed to meet this need,

⁽¹⁾ OJ L 149, 5.7.1971, p. 2.

⁽²⁾ OJ L 74, 27.3.1972, p. 1.

HAS DECIDED AS FOLLOWS:

1. The Member States shall include in their national pension application forms or in an attached document specific sections enabling the applicants to state the periods during which they worked and/or lived in another Member State and also details of the institution by which they were insured in that Member State (name and code, address, registration number).
2. The institutions receiving these forms must make sure that these sections are completed either in the affirmative or in the negative. Where the applicant has not filled in these sections, they must be asked about this matter again and informed about the importance of stating clearly whether they did actually work and/or live in that Member State.
3. The forms in the 200 series shall be completed by the institutions and must, in so far as possible, be filled out by automatic means, so that in the light of their national plans the staff completing them can do so on screen at their workstation, whether or not there is any integrated computerised processing of the data to be transferred and subsequent computerised exchange of information between the institutions concerned.
4. To promote the simultaneous processing of pension claims and accelerate settlement, the investigating institution must ensure that it draws up and sends the other institutions concerned the application form (E 202, E 203 or E 204) as soon as possible, even where the applicant's insurance history in the Member State of the investigating institution has not yet been reconstructed or reconstructed only partially or provisionally.

In the latter case, the investigating institution may either postpone sending the E 205 form (and/or the E 206 form where appropriate) until the insurance history had been definitively and fully reconstructed, or send a provisional E 205 form and subsequently send a definitive E 205 form once the insurance history of the person concerned had been reconstructed. Agreements between the liaison bodies or the institutions, due to the national situation, may lay down in this area which of the two procedures is to be used by joint agreement. Otherwise, as alternative, agreements between the liaison bodies or the institutions, due to the national situation, can establish the forwarding, within a defined period of time, of forms E 202, E 203, E 204 and E 207, as well as form E 205 in its final version.

At all events, the pension application form (E 202, E 203 or E 204) must always be supplemented by the E 207 form which contains the information enabling the partner institution promptly to begin reconstructing the insurance history of the applicant in the Member State of that institution.

5. This Decision shall enter into force on the first day of the month following publication in the *Official Journal of the European Union*.

*The Chairman of the Administrative
Commission*

Giuseppe MICCIO

RECOMMENDATION No 23
of 29 October 2003
on the processing of pension claims
(Text with EEA relevance)

(2004/326/EC)

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81(a) of Council Regulation (EEC) No 1408/71 ⁽¹⁾, pursuant to which the Administrative Commission has to deal with all administrative questions deriving from Regulation (EEC) No 1408/71 and Council Regulation (EEC) No 574/72 ⁽²⁾,

Having regard to Article 81(c) of that Regulation, pursuant to which the Administrative Commission has to foster and develop cooperation between the Member States in social security matters,

Having regard to Article 81(d) of that Regulation, pursuant to which the Administrative Commission has to foster and develop cooperation between the Member States by modernising procedures for exchange of information,

Having regard to Articles 36 to 38, Articles 41 to 43, Articles 45 to 47, Article 49, Article 90 and Article 111 of Council Regulation (EEC) No 574/72, which contain provisions for the investigation of a claim for a pension,

Whereas:

- (1) In the interest of the persons concerned, the processing of pension applications should be carried out expediently and without any unnecessary delay.
- (2) The Administrative Commission, by its Decision No 182 of 13 December 2000, has established a common framework for the collection of data on the settlement of pension claims.
- (3) The Technical Commission, within this framework, has initiated discussions between Member States in order to examine the use of good practice to reduce processing times for pension applications.
- (4) These discussions have identified a number of obstacles to the processing of pension claims as well as a number of measures that could be implemented in order to overcome them.
- (5) Some of these measures, concerning the organisation of the national institutions and the allocation of resources to them, are entirely the responsibility of the Member States, and the Administrative Commission can do no more than issue recommendations,

HEREBY RECOMMENDS:

The Member States, as regards organisational matters, as well as the use of human and material resources at their disposal, to take the necessary measures in order to ensure optimum processing of pension applications relating to Regulation (EEC) No 1408/71:

1. to provide human resources and computer facilities in sufficient quantities and for the specific purpose of processing applications relating to Regulation (EEC) No 1408/71;
2. to take account of the specific organisation and features of their schemes, to identify the best way to process applications relating to Regulation (EEC) No 1408/71, which for example could be done by centralisation even if national administration is based on a decentralised level or by providing for applications to be handled by a special national or regional body designated for this purpose or for special departments to be set up at the level nearest to the applicant;

⁽¹⁾ OJ L 149, 5.7.1971, p. 2.

⁽²⁾ OJ L 74, 27.3.1972, p. 1.

3. to provide technical staff responsible for processing Community applications with specialised training on the Community rules to be applied and the tools to be used (forms, computers, telematics, etc.) and to organise measures to make management and technical staff more aware of the Community aspects of their institution's work and the procedures for overseeing the processing of Community applications;
4. to foster the establishment of partnerships between their institutions and those in other Member States, for example by the use of national correspondents, who are specialised on relations with particular Member States and that a list of staff members is produced (names, subject areas, postal and e-mail addresses, telephone and fax numbers) which could possibly be made available on the CIRCA server.

*The Chairman of the Administrative
Commission*

Giuseppe MICCIO

DECISION No 194
of 17 December 2003
concerning the uniform application of Article 22(1)(a)(i) of Council Regulation (EEC) No 1408/71
in the Member State of stay

(Text with relevance for the EEA and for the EU/Switzerland Agreement)

(2004/327/EC)

THE ADMINISTRATIVE COMMISSION ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81(a) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community ⁽¹⁾, pursuant to which the Administrative Commission is responsible for dealing with all administrative matters and questions of interpretation arising from the provisions of Regulation (EEC) No 1408/71 and subsequent Regulations,

Having regard to Articles 22, 25 and 31 of Regulation (EEC) No 1408/71 concerning benefits in kind during a temporary stay in a Member State other than the competent State,

Whereas:

- (1) On 27 June 2003, the Commission adopted a proposal for a regulation ⁽²⁾ amending Regulation (EEC) No 1408/71 and Council Regulation (EEC) No 574/72 ⁽³⁾ concerning the alignment of rights and the simplification of procedures. The purpose of this proposal for a Regulation is to align the rights of all categories of insured persons so that they are entitled to all benefits in kind which become medically necessary during a stay on the territory of another Member State, taking account of the nature of the benefits and the length of the stay ⁽⁴⁾.
- (2) According to Decisions Nos 189, 190 and 191 of the Administrative Commission ⁽⁵⁾, the European health insurance card will start to replace form E 111 as of 1 June 2004.
- (3) According to Article 22(1)(a)(i), Article 25(1)(a) and Article 31(1)(a) of Regulation (EEC) No 1408/71 and Articles 21, 26 and 31 of Regulation (EEC) No 574/72, as amended by the Commission's proposal for a regulation of 27 June 2003 ⁽⁶⁾, an insured person is entitled, on the basis of the European health insurance card or its equivalent, to receive benefits in kind which become medically necessary, taking account of the nature of these benefits and the length of stay. These benefits will be granted in accordance with the provisions in force in the Member State of stay and in accordance with the prices or systems applicable in that Member State.
- (4) The institution in the place of stay has the right to reimbursement from the competent institution of benefits in kind granted on the basis of a valid European health card or a valid equivalent. This reimbursement obligation was referred to in Article 2 of Decision No 189.
- (5) According to Articles 21, 26 and 31 of Regulation (EEC) No 574/72, as amended by the aforementioned Commission proposal for a regulation, insured persons for whom benefits in kind become medically necessary during a temporary stay in another Member State can approach health-care providers directly without first contacting the social security institution in the place of stay.
- (6) It is therefore necessary to define the scope of Article 22(1)(a)(i), Article 25(1)(a) and Article 31(1)(a), as amended by the aforementioned proposal for a regulation, with a view to adopting criteria ensuring that these provisions are applied in a uniform and balanced way by health care providers. These clarifications do not apply in situations where the aim of the temporary stay is to receive medical treatment.

⁽¹⁾ OJ L 149, 5.7.1971, p. 2.

⁽²⁾ COM(2003) 378 final.

⁽³⁾ OJ L 74, 27.3.1972, p. 1.

⁽⁴⁾ A policy agreement on this proposal was concluded at the Council meeting of 20 October 2003.

⁽⁵⁾ OJ L 276, 27.10.2003.

⁽⁶⁾ See footnote 2.

- (7) The criteria set out in Article 22(1)(a)(i), Article 25(1)(a) and Article 31(1)(a), as amended by the Commission's proposal, cannot be interpreted in such a way that chronic or existing illnesses are excluded. The Court of Justice ruled ⁽⁷⁾ that the concept of 'necessary treatment' cannot be interpreted 'as meaning that those benefits are limited solely to cases where the treatment provided has become necessary because of a sudden illness. In particular, the circumstance that the treatment necessitated by developments in the insured person's state of health during his temporary stay in another Member State may be linked to a pre-existent pathology of which he is aware, such as a chronic illness, does not mean that the conditions for the application of these provisions are not fulfilled'.

HAS DECIDED AS FOLLOWS:

1. Benefits in kind which become medically necessary and which are granted to a person staying temporarily in another Member State, are covered by the provisions of Article 22(1)(a)(i), Article 25(1)(a) and Article 31(1)(a) with a view to preventing an insured person from being forced to return before the end of the planned duration of stay to the competent State to obtain the treatment he/she requires.

The purpose of benefits of this type is to enable the insured person to continue his/her stay under safe medical conditions, taking account of the planned length of the stay.

However, the situation where the aim of the temporary stay is to receive medical treatment, is not covered by these provisions.

2. In order to determine whether a benefit in kind meets the requirements set out in Article 22(1)(a)(i), Article 25(1)(a) and Article 31(1)(a), only medical factors within the context of a temporary stay, taking into account the medical condition and past history of the person considered, shall be considered.
3. This Decision shall be published in the *Official Journal of the European Union*. It shall come into force on the first day of the month following its publication but shall not have effect until 1 June 2004.

*The Chairman of the Administrative
Commission*

Giuseppe MICCIO

⁽⁷⁾ Case C-326/00 *Ioannidis* judgment of 25 February 2003.

COMMISSION DECISION

of 5 April 2004

amending Annexes I and II to Decision 2003/634/EC approving programmes for the purpose of obtaining the status of approved zones and of approved farms in non-approved zones with regard to viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN) in fish

*(notified under document number C(2004) 1257)***(Text with EEA relevance)**

(2004/328/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, and in particular Article 10(2) thereof,

Whereas:

- (1) Commission Decision 2003/634/EC ⁽²⁾ approves and lists programmes submitted by various Member States. The programmes are designed to enable the Member State subsequently to initiate the procedures for a zone, or a farm situated in a non-approved zone, to obtain the status of approved zone or of approved farm situated in a non-approved zone, as regards one or more of the fish diseases viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN).
- (2) By letter dated 23 December 2003, Italy applied for approval of the programme to be applied in the zone Valle del torrente Venina. The application submitted has been found to comply with Article 10 of Directive 91/67/EEC and should therefore be approved. At the date of application the first sampling was in May 2003. The programme should therefore run at least until June 2005.
- (3) By letter dated 21 December 2003, Italy applied for approval of the programme to be applied in the farm Bassan Antonio. The application submitted has been found to comply with Article 10 of Directive 91/67/EEC and should therefore be approved. The zone had not been under surveillance in 2002. The programme should therefore run at until the end of 2004 with minimum two sampling each year.

(4) The programme applicable to the Autonomous Community of La Rioja, have been finalised and the area been included in Commission Decision 2002/308/EC ⁽³⁾.

(5) Decision 2003/634/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 2003/634/EC is amended as follows:

1. Annex I is replaced by the text in Annex I to this Decision.
2. Annex II is replaced by the text in Annex II to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 5 April 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 46, 19.2.1991, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003 p. 1).

⁽²⁾ OJ L 220, 3.9.2003, p. 8. Decision as amended by Decision 2003/904/EC (OJ L 340, 24.12.2003, p. 69).

⁽³⁾ OJ L 106, 23.4.2002, p. 28. Decision as last amended by Decision 2003/839/EC (OJ L 319, 4.12.2003, p. 21).

ANNEX I

'ANNEX I

PROGRAMMES SUBMITTED FOR THE PURPOSE OF OBTAINING APPROVED ZONE STATUS WITH REGARD TO ONE OR MORE OF THE FISH DISEASES VHS AND IHN

1. DENMARK

THE PROGRAMMES SUBMITTED BY DENMARK ON 22 MAY 1995 COVERING:

- The catchment area of FISKEBÆK Å
- All PARTS OF JUTLAND south and west of the catchment areas of Storåen, Karup å, Gudenåen and Grejs å
- The area of all THE DANISH ISLES

2. GERMANY

THE PROGRAMME SUBMITTED BY GERMANY ON 25 FEBRUARY 1999 COVERING:

- A zone in the water catchment area "OBERN NAGOLD"

3. SPAIN

4. FRANCE

5. ITALY

5.1. THE PROGRAMME SUBMITTED BY ITALY IN THE AUTONOMOUS PROVINCE OF BOLZANO ON 6 OCTOBER 2001 AS AMENDED BY LETTER OF 27 MARCH 2003, COVERING:

Zona province of Bolzano

- The zone comprises all water catchment areas within the Province of Bolzano.

The zone includes the upper part of the zone ZONA VAL DELL'ADIGE — i.e. the water catchment areas of Adige river from its sources in the Province of Bolzano to the border with the Province of Trento.

(NB: The remaining, lower part of the zone ZONA VAL DELL'ADIGE is under the approved programme of the Autonomous Province of Trento. The upper and lower parts of this zone have to be viewed as one epidemiological unit.)

5.2. THE PROGRAMMES SUBMITTED BY ITALY IN THE AUTONOMOUS PROVINCE OF TRENTO ON 23 DECEMBER 1996 AND 14 JULY 1997 COVERING:

Zona Val di Sole e di Non

- The water catchment area from the source of the stream Noce to the dam of S. Giustina

Zona Val dell'Adige — lower part

- The water catchment areas of the Adige river and its sources located within the territory of the Autonomous Province of Trento, from the border with the Province of Bolzano to the dam of Ala (hydroelectric generating station).

(NB: The upstream part of the zone ZONA VAL DELL'ADIGE is under the approved programme of the Province of Bolzano. The upper and lower parts of this zone have to be viewed as one epidemiological unit.)

Zona Torrente Arnò

- The water catchment area from the source of Arnò torrent to the down-stream barriers, situated before the Arnò torrent flows into the Sarca river

Zona Val Banale

- The water catchment area of the Ambies stream basin to the dam of a hydroelectric generating station

Zona Varone

- The water catchment area from the source of the Magnone stream to the waterfall

Zona Alto e Basso Chiese

- The water catchment area of the Chiese river from the source to the dam of Condino, except the Adanà and Palvico torrents basins

Zona Torrente Palvico

- The water catchment area of the Palvico torrent basin to a barrier made of concrete and stones

5.3. THE PROGRAMME SUBMITTED BY ITALY IN THE REGION OF VENETO ON 21 FEBRUARY 2001 COVERING:

Zona Torrente Astico

- The water catchment area of Astico river, from its sources (in the Autonomous Province of Trento and in the Province of Vicenza, the Region of Veneto) to the dam located close to the Pedescala bridge in the Province of Vicenza.
The downstream part of Astico river, between the dam close to the Pedescala bridge and the Pria Maglio dam, is considered as a buffer zone.

5.4. THE PROGRAMME SUBMITTED BY ITALY IN THE REGION OF UMBRIA ON 20 FEBRUARY 2002 COVERING:

Zona Fosso de Monterivoso: The water catchment area of Monterivoso river, from its sources to the impassible barriers near Ferentillo

5.5. THE PROGRAMME SUBMITTED BY ITALY IN THE REGION OF LOMBARDIA ON 1 FEBRUARY 2002 COVERING:

Zona Val Brembana: The water catchment area of Brembo river, from its sources to the impassible barrier in the commune de Ponte S. Pietro

5.6. THE PROGRAMME SUBMITTED BY ITALY IN THE REGION OF LOMBARDIA ON 23 DECEMBER 2003 COVERING:

Zona Valle de Torrente Venina: The water catchment area of the Vienna river from its sources and the following boundaries

- West: Livrio valley
- South: Orobic Alps from Publino Pass to Redorta Peak
- East Armisa and Armisola valleys

6. FINLAND

6.1. THE PROGRAMME SUBMITTED BY FINLAND ON 29 MAY 1995 COVERING:

- All continental and coastal areas of FINLAND except:
 - the Province of Åland
 - the restriction area in Pyhtää
 - the restriction area covering the municipalities of Uusikaupunki, Pyhäranta and Rauma

6.2. THE PROGRAMME INCLUDING SPECIFIC ERADICATION MEASURES SUBMITTED BY FINLAND ON 29 MAY 1995, AS AMENDED BY LETTERS OF 27 MARCH 2002, 4 JUNE 2002, 12 MARCH 2003, 12 JUNE 2003 AND 20 OCTOBER 2003 COVERING:

- The whole PROVINCE OF ÅLAND
 - The restriction area in PYHTÄÄ
 - The restriction area covering the municipalities of Uusikaupunki, Pyhäranta and Rauma.
-

ANNEX II

'ANNEX II

PROGRAMMES SUBMITTED FOR THE PURPOSE OF OBTAINING STATUS AS APPROVED FARM SITUATED IN A NON-APPROVED ZONE WITH REGARD TO ONE OR MORE OF THE FISH DISEASES VHS AND IHN

1. ITALY

- 1.1. THE PROGRAMME SUBMITTED BY ITALY IN THE REGION OF FRIULI VENEZIA GIULIA, PROVINCE OF UDINE ON 2 MAY 2000 COVERING:

Farms in the drainage basin of the Tagliamento river:

— Azienda Vidotti Giulio s.n.c., Sutrio

- 1.2. THE PROGRAMME SUBMITTED BY ITALY IN THE REGION OF VENETO ON 5 APRIL 2002 COVERING:

Farms in the drainage basin of the Sile river:

— Azienda Tropicoltura S. Cristina, Via Chiese Vecchio 14 — Loc. S. Cristina di Quinto

- 1.3. THE PROGRAMME SUBMITTED BY ITALY IN THE REGION OF VENETO ON 21 DECEMBER 2003 COVERING:

The farm:

— Azienda agricola Bassan Antonio

- 1.4. THE PROGRAMME SUBMITTED BY ITALY IN THE REGION OF PIEMONTE ON 5 SEPTEMBER 2002 COVERING:

The farm:

— Incubatoio ittico di valle — Loc Cascina Prella — Traversella (TO)

COMMISSION DECISION

of 6 April 2004

providing for the temporary marketing of certain seed of the species *Glycine max* not satisfying the requirements of Council Directive 2002/57/EC

(notified under document number C(2004) 1258)

(Text with EEA relevance)

(2004/329/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants ⁽¹⁾, and in particular Article 21(1) thereof,

Whereas:

- (1) In Italy the quantity of available seed of soya bean (*Glycine max*) suitable to the national climatic conditions and which satisfies the germination capacity requirements of Directive 2002/57/EC is insufficient and is therefore not adequate to meet the needs of that Member State.
- (2) It is not possible to meet the demand for seed of these species satisfactorily with seed from other Member States or from third countries which satisfies all the requirements laid down in Directive 2002/57/EC.
- (3) Accordingly, Italy should be authorised to permit the marketing of seed of these species subject to less stringent requirements for a period expiring on 15 June 2004.
- (4) In addition, other Member States irrespective of whether the seed was harvested in a Member State or in a third country covered by Council Decision 2003/17/EC of 16 December 2002 on the equivalence of field inspections carried out in third countries on seed-producing crops and the equivalence of seed produced in third countries ⁽²⁾ which are in a position to supply Italy with seed of that species, should be authorised to permit the marketing of such seed.
- (5) It is appropriate that Italy act as coordinator in order to ensure that the total amount of seed authorised pursuant to this Decision does not exceed the maximum quantity covered by this Decision.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

The marketing in the Community of seed of soya bean (*Glycine max*) which does not satisfy the minimum germination capacity requirements laid down in Directive 2002/57/EC shall be permitted, for a period expiring on 15 June 2004, in accordance with the terms set out in the Annex to this Decision and subject to the following conditions:

- (a) the germination capacity must be at least that set out in the Annex to this Decision;
- (b) the official label must state the germination ascertained in the official examination carried out pursuant to Article 2(1)(f) and (g) of Directive 2002/57/EC;
- (c) the seed must have been first placed on the market in accordance with Article 2 of this Decision.

Article 2

Any seed supplier wishing to place on the market the seeds referred to in Article 1 shall apply for authorisation to the Member State in which he is established or importing.

The Member State concerned shall authorise the supplier to place that seed on the market, unless:

- (a) there is sufficient evidence to doubt as to whether the supplier is able to place on the market the amount of seed for which he has applied for authorisation; or
- (b) the total quantity authorised to be marketed pursuant to the derogation concerned would exceed the maximum quantity specified in the Annex.

Article 3

The Member States shall assist each other administratively in the application of this Decision.

Italy shall act as coordinating Member State in respect of Article 1 in order to ensure that the total amount authorised does not exceed the maximum quantity specified in the Annex.

⁽¹⁾ OJ L 193, 20.7.2002, p. 74. Directive as last amended by Directive 2003/61/EC.

⁽²⁾ OJ L 8, 14.1.2003, p. 10. Decision as amended by Decision 2003/403/EC (OJ L 141 7.6.2003 p. 23)

Any Member State receiving an application under Article 2 shall immediately notify the coordinating Member State of the amount covered by the application. The coordinating Member State shall immediately inform the notifying Member State as to whether authorisation would result in the maximum quantity being exceeded.

Article 4

Member States shall immediately notify the Commission and the other Member States of the quantities in respect of which they have granted marketing authorisation pursuant to this Decision.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 6 April 2004.

For the Commission

David BYRNE

Member of the Commission

ANNEX

Species	Type of variety	Maximum quantity (tonnes)	Minimum germination (% of pure seed)
<i>Glycine max</i>	(maturity class: medium late) Dekabig, Zen, Atlantic, Lory, Lynda, Magnum, Target	2 250	75
	(maturity class: early) Yoda	250	

CORRIGENDA

Corrigendum to Commission Directive 2003/113/EC of 3 December 2003 amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as regards the fixing of maximum levels for certain pesticide residues in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables

(Official Journal of the European Union L 324 of 11 December 2003)

On page 28, Annex IV should read as follows:

‘ANNEX IV

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts	0,05 (*) (p)		0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,01 (*) (p)	0,01 (*) (p)	
(i) CITRUS FRUIT		0,05 (*) (p)							0,01 (*) (p)
Grapefruit									
Lemons									
Limes									
Mandarins (including clementines and other hybrids)									
Oranges									
Pomelos									
Others									
(ii) TREE NUTS (shelled or unshelled)		0,05 (*) (p)							0,01 (*) (p)
Almonds									
Brazil nuts									
Cashew nuts									
Chestnuts									
Coconuts									
Hazelnuts									
Macadamia									
Pecans									
Pine nuts									
Pistachios									
Walnuts									
Others									

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
(iii) POME FRUIT		0,05 (*) (p)							0,01 (*) (p)
Apples									
Pears									
Quinces									
Others									
(iv) STONE FRUIT		0,05 (*) (p)							0,01 (*) (p)
Apricots									
Cherries									
Peaches (including nectarines and similar hybrids)									
Plums									
Others									
(v) BERRIES AND SMALL FRUIT		0,05 (*) (p)							
(a) Table and wine grapes									0,5 (p)
Table grapes									
Wine grapes									
(b) Strawberries (other than wild)									0,01 (*) (p)
(c) Cane fruit (other than wild)									0,01 (*) (p)
Blackberries									
Dewberries									
Loganberries									
Raspberries									
Others									

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
(d) Other small fruit and berries (other than wild)									0,01 (*) (p)
Bilberries									
Cranberries									
Currants (red, black and white)									
Gooseberries									
Others									
(e) Wild berries and wild fruit									0,01 (*) (p)
(vi) MISCELLANEOUS		0,05 (*) (p)							0,01 (*) (p)
Avocados									
Bananas									
Dates									
Figs									
Kiwi									
Kumquats									
Litchis									
Mangoes									
Olives									
Passion fruit									
Pineapples									
Papaya									
Others									

[illegible]

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
(iii) FRUITING VEGETABLES		0,05 (*) (p)	0,05 (*) (p)						
(a) Solanacea									
Tomatoes									0,2 (p)
Peppers									
Aubergines									
Others									0,01 (*) (p)
(b) Cucurbits — edible peel									
Cucumbers									0,1 (p)
Gherkins									
Courgettes									
Others									0,01 (*) (p)
(c) Cucurbits — inedible peel									0,1 (p)
Melons									
Squashes									
Watermelons									
Others									
(d) Sweet corn									0,01 (*) (p)
(iv) BRASSICA VEGETABLES		0,05 (*) (p)	0,05 (*) (p)						0,01 (*) (p)
(a) Flowering brassica									
Broccoli									
Cauliflower									
Others									

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
(b) Head brassica									
Brussels sprouts									
Head cabbage									
Others									
(c) Leafy brassica									
Chinese cabbage									
Kale									
Others									
(d) Kohlrabi									
(v) LEAF VEGETABLES AND FRESH HERBS			0,05 (*) (p)						0,01 (*) (p)
(a) Lettuce and similar		0,05 (*) (p)							
Cress									
Lamb's lettuce									
Lettuce									
Scarole									
Others									
(b) Spinach and similar		0,05 (*) (p)							
Spinach									
Beet leaves (chard)									
Others									
(c) Water cress		0,05 (*) (p)							
(d) Witloof		0,05 (*) (p)							

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
(e) Herbs									
Chervil									
Chives									
Parsley		1 (p)							
Celery leaves		1 (p)							
Others		0,05 (*) (p)							
(vi) LEGUME VEGETABLES (fresh)			0,2 (p)						0,01 (*) (p)
Beans (with pods)									
Beans (without pods)		0,1 (p)							
Peas (with pods)									
Peas (without pods)		0,1 (p)							
Others		0,05 (*) (p)							
(vii) STEM VEGETABLES (fresh)			0,05 (*) (p)						0,01 (*) (p)
Asparagus									
Cardoons									
Celery		0,1 (p)							
Fennel									
Globe artichokes									
Leek									
Rhubarb									
Others		0,05 (*) (p)							
(viii) FUNGI		0,05 (*) (p)	0,05 (*) (p)						0,01 (*) (p)
(a) Cultivated mushrooms									
(b) Wild mushrooms									

Groups and examples of individual products to which the MRLs apply	2,4-DB	Linuron	Pendimethalin	Imazamox	Oxasulfuron	Ethoxysulfuron	Foramsulfuron	Oxadiargyl	Cyazofamid
3. PULSES	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,01 (*) (p)	0,01 (*) (p)	0,01 (*) (p)
Beans									
Lentils									
Peas									
Others									
4. OIL SEED	0,05 (*) (p)	0,1 (*) (p)	0,1 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,01 (*) (p)	0,01 (*) (p)	0,02 (*) (p)
Linseed									
Peanuts									
Poppy seeds									
Sesame seeds									
Sunflower seed									
Rape seed									
Soya bean									
Mustard seed									
Cotton seed									
Others									
5. POTATOES	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,05 (*) (p)	0,01 (*) (p)	0,01 (*) (p)	0,01 (*) (p)
Early potatoes									
Ware potatoes									
6. TEA (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,05 (*) (p)	0,05 (*) (p)	0,02 (*) (p)
7. HOPS (dried), including hop pellets and unconcentrated powder	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,1 (p) (*)	0,05 (*) (p)	0,05 (*) (p)	0,02 (*) (p)

(*) Indicates lower limit of analytical determination

(p) Indicates provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC: unless amended, this level will become definitive with effect from [4 years from date of coming into force of the Directive introducing this amendment].