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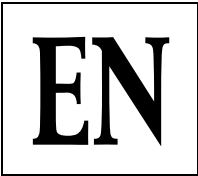
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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 462/2006
of 21 March 2006
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 22 March 2006.

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

Done at Brussels, 21 March 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 21 March 2006 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	98,7
	204	54,3
	212	102,0
	624	101,8
	999	89,2
0707 00 05	052	141,7
	999	141,7
0709 10 00	624	103,6
	999	103,6
0709 90 70	052	96,3
	204	49,9
	999	73,1
0805 10 20	052	59,0
	204	45,3
	212	48,1
	220	47,4
	400	60,8
	448	37,8
	624	61,9
	999	51,5
0805 50 10	052	42,2
	624	48,4
	999	45,3
0808 10 80	388	80,3
	400	114,1
	404	102,5
	508	82,7
	512	80,6
	524	62,5
	528	80,2
	720	74,2
	999	84,6
0808 20 50	388	84,5
	512	71,8
	524	58,2
	528	67,8
	720	48,1
	999	66,1

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

COMMISSION REGULATION (EC) No 463/2006**of 21 March 2006****derogating for 2006 from Regulations (EC) No 596/2004 and (EC) No 633/2004 regarding the date of issue of export licences in the egg and poultrymeat sectors**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular Article 3(2) thereof,

Having regard to Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organisation of the market in poultrymeat ⁽²⁾, and in particular Article 3(2) thereof,

Whereas:

- (1) Article 3(3) of Commission Regulation (EC) No 596/2004 ⁽³⁾ and Article 3(3) of Commission Regulation (EC) No 633/2004 ⁽⁴⁾ laying down detailed rules for implementing the system of export licences in the egg and poultrymeat sectors, respectively, provide that export licences are to be issued on the Wednesday following the week during which the licence applications have been lodged, provided that no special measures have since been taken by the Commission.
- (2) In view of the public holidays in 2006 and the irregular publication of the *Official Journal of the European Union*

during those holidays, the period between the submission of applications and the day on which the licences are to issue will be too brief to guarantee proper administration of the market and so should be extended.

- (3) 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

Notwithstanding Article 3(3) of Regulation (EC) No 596/2004 and Article 3(3) of Regulation (EC) No 633/2004, licences shall be delivered for 2006 on the dates set out in the Annex to this Regulation.

This derogation shall apply provided that none of the special measures referred to in Article 3(4) of Regulation (EC) No 596/2003 and Article 3(4) of Regulation (EC) No 633/2004 have been taken before the dates of issue in question.

Article 2

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

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

Done at Brussels, 21 March 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 1913/2005.

⁽³⁾ OJ L 94, 31.3.2004, p. 33. Regulation as amended by Regulation (EC) No 1475/2004 (OJ L 271, 19.8.2004, p. 31).

⁽⁴⁾ OJ L 100, 6.4.2004, p. 8. Regulation as amended by Regulation (EC) No 1498/2004 (OJ L 275, 25.8.2004, p. 8).

ANNEX

Period for submission of licence applications	Dates of issue
From 10 to 14 April 2006	20 April 2006
From 24 to 28 April 2006	4 May 2006
From 1 to 5 May 2006	11 May 2006
From 29 May to 2 June 2006	8 June 2006
From 7 to 11 August 2006	17 August 2006
From 23 to 27 October 2006	3 November 2006
From 18 to 22 December 2006	28 December 2006
From 25 to 29 December 2006	5 January 2007

COMMISSION REGULATION (EC) No 464/2006**of 21 March 2006****amending Regulation (EC) No 80/2006 opening a standing invitation to tender for the resale on the Community market of rye held by the German intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) Commission Regulation (EC) No 80/2006 ⁽²⁾ opens a standing invitation to tender for the resale on the Community market of rye held by the German intervention agency.
- (2) In view of market requirements and the quantities held by the German intervention agency, Germany has informed the Commission that its intervention agency intends to increase the amount put out to tender by 100 000 tonnes. In view of the market situation, the request made by Germany should be granted.

(3) Regulation (EC) No 80/2006 should be amended accordingly.

(4) 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 80/2006 is hereby amended as follows:

in Article 1, '100 000 tonnes' is replaced by '200 000 tonnes'.

Article 2

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

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

Done at Brussels, 21 March 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 14, 19.1.2006, p. 5. Regulation as amended by Regulation (EC) No 307/2006 (OJ L 51, 22.2.2006, p. 11).

COMMISSION REGULATION (EC) No 465/2006

of 21 March 2006

terminating the investigation concerning the possible circumvention of anti-dumping measures imposed by Council Regulation (EC) No 408/2002 on imports of certain zinc oxides originating in the People's Republic of China by imports of certain zinc oxides consigned from Kazakhstan, whether declared as originating in Kazakhstan or not, and terminating the registration of such imports imposed by Regulation (EC) No 1289/2005

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

After having consulted the Advisory Committee,

Whereas:

A. PROCEDURE

1. Existing measures and former investigations

- (1) By Regulation (EC) No 408/2002⁽²⁾ (the original Regulation), the Council imposed definitive anti-dumping duties ranging from 6,9 % to 28 % on imports of zinc oxide with a purity of not less than 93 % zinc oxide (zinc oxides) originating in the People's Republic of China (the PRC).
- (2) By Regulation (EC) No 1623/2003⁽³⁾ (the anti-circumvention Regulation), the Council extended the anti-dumping duty of 28 % imposed on imports of zinc oxides originating in the PRC to imports of zinc oxides consigned from Vietnam, whether declared as originating in Vietnam or not, and to zinc oxides presented mixed with silica originating in the PRC.

2. Request

- (3) On 27 June 2005, the Commission received a request pursuant to Article 13(3) of the basic Regulation to investigate the alleged circumvention of the anti-dumping measures imposed on imports of zinc oxides originating in the PRC. The request was submitted by Eurometaux on behalf of producers representing more than 45 % of the Community production of zinc oxides.

- (4) The request contained *prima facie* evidence showing that there had been a change in the pattern of trade following the imposition of the anti-dumping measures on imports of zinc oxides originating in the PRC, as shown by a significant increase in imports of the same product from Kazakhstan while imports from the PRC had decreased substantially during the same period.

- (5) This change in the pattern of trade was alleged to stem from the transshipment of zinc oxides originating in the PRC via Kazakhstan. It was further alleged that there was insufficient due cause or economic justification for these changes other than the existence of the anti-dumping duties on zinc oxides originating in the PRC.

- (6) Finally, the applicant alleged that the remedial effects of the existing anti-dumping duties on zinc oxides originating in the PRC were being undermined both in terms of quantities and prices and that dumping was taking place in relation to the normal values previously established for zinc oxides originating in the PRC.

3. Initiation

- (7) The Commission initiated an investigation by Regulation (EC) No 1289/2005⁽⁴⁾ (the initiating Regulation) into the alleged circumvention and, pursuant to Articles 13(3) and 14(5) of the basic Regulation, directed the customs authorities to register imports of zinc oxides consigned from Kazakhstan, whether declared as originating in Kazakhstan or not, falling within CN code 2817 00 00 (Taric code 2817 00 00 13), as from 6 August 2005.

4. Investigation

- (8) The Commission advised the authorities of the PRC and Kazakhstan of the initiation of the investigation. Questionnaires were sent to the producers/exporters in the PRC and Kazakhstan as well as to importers in the Community named in the request or known to the Commission from the original investigation. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

⁽²⁾ OJ L 62, 5.3.2002, p. 7.

⁽³⁾ OJ L 232, 18.9.2003, p. 1.

⁽⁴⁾ OJ L 204, 5.8.2005, p. 7.

- (9) One producer/exporter in the PRC and one producer/exporter in Kazakhstan submitted a complete reply to the questionnaire. Complete replies to the questionnaire were also submitted by two importers/traders in the Community. The Commission carried out a verification visit at the premises of the following company:

Kazakh producer/exporter

— JSC Kazzinc, Ust-Kamenogorsk, Kazakhstan.

5. Investigation period

- (10) The investigation period covered the period from 1 July 2004 to 30 June 2005 (the IP). Data was collected from 2001 up to the end of the IP to investigate the change in the pattern of trade.

B. RESULTS OF THE INVESTIGATION

1. General considerations/degree of cooperation

(a) PRC

- (11) One producer/exporter of zinc oxides in the PRC cooperated in the investigation by submitting a questionnaire reply. It was found that this company did not export zinc oxides to Kazakhstan during the IP.

(b) Kazakhstan

- (12) A Kazakh producer of zinc oxides, JSC Kazzinc, cooperated in the investigation. The information submitted by the company on its exports sales to the Community could be reconciled with the imports registered under CN code 2817 00 00 from Kazakhstan during the IP, as reported by Eurostat, so as to show that JSC Kazzinc was the sole exporter to the Community of zinc oxides from Kazakhstan during the IP.

2. Product concerned and like product

- (13) The product concerned by the possible circumvention is, as defined in the original investigation, zinc oxide (chemical formula: ZnO) with a purity of not less than 93 % zinc oxide originating in the PRC, currently classifiable within CN code 2817 00 00.
- (14) The investigation has shown that the product concerned is imported into the Community with a purity of not less than 93 % zinc oxide. The zinc oxides originating in Kazakhstan have a purity of more than 93 % zinc oxide.

- (15) It is therefore concluded that the zinc oxides exported to the Community from the PRC and those consigned from Kazakhstan have the same basic physical and chemical characteristics and have the same uses. They are therefore to be considered as like products within the meaning of Article 1(4) of the basic Regulation.

3. Change in the pattern of trade

- (16) As stated in recital 5 above, the change in the pattern of the trade was alleged to stem from transshipment of zinc oxides via Kazakhstan.

(a) Zinc oxides consigned from Kazakhstan

- (17) According to Eurostat data, imports of zinc oxides from Kazakhstan increased from 0 tonne in 2001 to 2 700 tonnes in 2002. In 2003, these imports increased further to 5 000 tonnes and at the end of the IP they had increased up to 5 640 tonnes. The imports of zinc oxides from Kazakhstan commenced in fact in 2002, thus at the same time as the imposition of the definitive anti-dumping duty on zinc oxides originating in the PRC. Furthermore, the additional substantial increase in the years 2003 to the end of the IP coincided with the extension of the anti-dumping duties to imports of zinc oxides consigned from Vietnam.

- (18) As explained above in recital 12, the data submitted by the cooperating company JSC Kazzinc shows that they were the sole exporter of zinc oxides from Kazakhstan during the IP.

(b) Zinc oxides imported from the PRC

- (19) Imports into the Community of zinc oxides from the PRC decreased substantially, from 37 900 tonnes in 2001 to 24 700 tonnes in 2002. During the IP the imports amounted to 18 500 tonnes. This shows that a strong decrease of imports from the PRC has occurred after the initiation of the original anti-dumping investigation and the imposition of definitive measures.

- (20) From the figures above, it can be concluded that there has been a clear change in the pattern of trade involving exports from the PRC and Kazakhstan to the Community, which coincided with the entry into force of definitive anti-dumping measures on the imports of the product concerned originating in the PRC in March 2002 and with the extension of such duties to imports of zinc oxides consigned from Vietnam in the year 2003.

4. Insufficient due cause or economic justification

- (21) JSC Kazzinc started to produce and export zinc oxides before the year 2000, although no exports of this product were destined to the Community. Exports of zinc oxides to the Community began in the year 2002, at the same time as the imposition of the definitive anti-dumping duties on zinc oxides originating in the PRC. As stated above in recital 12, the information submitted by the company on its exports sales to the Community in the analysis period and during the IP could be reconciled with the imports registered, as shown by Eurostat. It was found that the exports to the Community were destined to one single importer located in Spain.
- (22) Moreover, it was found that neither the zinc oxides sold by JSC Kazzinc nor any raw material for the manufacturing of this product was purchased from the PRC. In fact, all the materials for the production of the zinc oxides come from the output of JSC Kazzinc's own production facilities. Therefore, it was concluded that the company has to be considered as a genuine producer of zinc oxides.
- (23) The investigation also showed that, at least from the year 2002 onwards, JSC Kazzinc was indeed able to produce the quantity of zinc oxides exported from Kazakhstan to the Community on its own. In these circumstances, it is considered that transshipment of zinc oxides originating in the PRC via Kazakhstan has not taken place. Moreover, according to data collected from the Kazakh government, the imports of zinc oxides entering Kazakhstan from the PRC, which started in 2003 amounted to 1,5 tonnes and increased to 42 tonnes in the year 2004.
- (24) Based on these findings, it is concluded that the company, and thus Kazakhstan as a whole, has shown that there were reasonable economic grounds, other than the imposition of definitive anti-dumping duty on imports of zinc oxides originating in the PRC, for the change in the pattern of trade referred to under recitals 17 to 20 above.

C. TERMINATION

- (25) In view of the above findings, it appears appropriate that the current anti-circumvention investigation be terminated. The registration of imports of zinc oxides consigned from Kazakhstan introduced by the initiating Regulation should therefore be discontinued, and that Regulation should be repealed.
- (26) Interested parties were informed of the essential facts and considerations on the basis of which the Commission intended to terminate the investigation and were given the opportunity to comment. The comments received were not of a nature to change the above conclusions,

HAS ADOPTED THIS REGULATION:

Article 1

The investigation initiated by Regulation (EC) No 1289/2005 concerning the possible circumvention of anti-dumping measures imposed by Regulation (EC) No 408/2002 on imports of certain zinc oxides originating in the People's Republic of China by imports of certain zinc oxides consigned from Kazakhstan, whether declared as originating in Kazakhstan or not, and making such imports subject to registration is hereby terminated.

Article 2

Customs authorities are hereby directed to discontinue the registration of imports established in accordance with Article 2 of Regulation (EC) No 1289/2005.

Article 3

Regulation (EC) No 1289/2005 is hereby repealed.

Article 4

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

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

Done at Brussels, 21 March 2006.

For the Commission

Peter MANDELSON

Member of the Commission

COMMISSION REGULATION (EC) No 466/2006**of 21 March 2006**

determining the extent to which applications lodged in March 2006 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1432/94 of 22 June 1994 laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products ⁽¹⁾, and in particular Article 4(4) thereof,

Whereas:

- (1) The applications for import licences lodged for the 2nd quarter of 2006 are for quantities less than the quantities available and can therefore be met in full.
- (2) The quantity available for the following period should be determined.

- (3) It is appropriate to draw the attention of operators to the fact that licences may only be used for products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 April to 30 June 2006 submitted pursuant to Regulation (EC) No 1432/94 shall be met as referred to in Annex I.
2. For the period 1 July to 30 September 2006, applications may be lodged pursuant to Regulation (EC) No 1432/94 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 1 April 2006.

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

Done at Brussels, 21 March 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 156, 23.6.1994, p. 14. Regulation as last amended by Regulation (EC) No 341/2005 (OJ L 53, 26.2.2005, p. 28).

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 April to 30 June 2006
1	—

ANNEX II

Group	Total quantity available for the period 1 July to 30 September 2006
1	5 250,0

(t)

COMMISSION REGULATION (EC) No 467/2006**of 21 March 2006****determining the extent to which applications lodged in March 2006 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 April to 30 June 2006 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1458/2003 of 18 August 2003 opening and providing for the administration of tariff quotas for certain products in the pigmeat sector ⁽¹⁾, and in particular Article 5(6) thereof,

Whereas:

The applications for import licences lodged for the period 1 April to 30 June 2006 are for quantities less than the quantities available and can therefore be met in full.

Article 1

Applications for import licences for the period 1 April to 30 June 2006 submitted pursuant to Regulation (EC) No 1458/2003 shall be met as referred to in the Annex.

Article 2

This Regulation shall enter into force on 1 April 2006.

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

Done at Brussels, 21 March 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 208, 19.8.2003, p. 3. Regulation as amended by Regulation (EC) No 341/2005 (OJ L 53, 26.2.2005, p. 28).

ANNEX

Group	Percentage of acceptance of import licences submitted for the period 1 April to 30 June 2006
G2	100
G3	—
G4	—
G5	—
G6	—
G7	—

COMMISSION REGULATION (EC) No 468/2006**of 21 March 2006****on granting import licences for cane sugar for the purposes of certain tariff quotas and preferential agreements**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Having regard to Commission Regulation (EC) No 1159/2003 of 30 June 2003 laying down detailed rules of application for the 2003/04, 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⁾, and in particular Article 5(4) thereof,

Whereas:

- (1) Article 9 of Regulation (EC) No 1159/2003 lays down detailed rules on determining the delivery obligations at

zero duty for products falling within CN code 1701 expressed as white sugar equivalent for imports originating in countries which are parties to the ACP Protocol and the India Agreement.

- (2) The weekly totals referred to in Article 5(2) of Regulation (EC) No 1159/2003 show that some sugar is still available for the delivery obligations for preferential sugar originating in India for the 2005/06 delivery period which have already reached their limits.

- (3) Under these circumstances, the Commission must indicate that the limits concerned have not been reached,

HAS ADOPTED THIS REGULATION:

Article 1

The limits for the delivery obligations for preferential sugar originating in India for the 2005/06 delivery period have not yet been reached.

Article 2

This Regulation shall enter into force on 22 March 2006.

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

Done at Brussels, 21 March 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 987/2005 (OJ L 167, 29.6.2005, p. 12).

⁽²⁾ OJ L 146, 20.6.1996, p. 1.

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

COMMISSION DIRECTIVE 2006/34/EC
of 21 March 2006
amending the Annex to Directive 2001/15/EC as regards the inclusion of certain substances
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/398/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses ⁽¹⁾, and in particular Article 4(2) thereof,

After consulting the European Food Safety Authority,

Whereas:

- (1) Commission Directive 2001/15/EC of 15 February 2001 on substances that may be added for specific nutritional purposes in foods for particular nutritional uses ⁽²⁾ specifies certain categories of substances and mentions for each of them the chemical substances that may be used in the manufacture of foodstuffs for particular nutritional uses.
- (2) Those chemical substances that have been evaluated by the European Food Safety Authority (hereafter 'the Authority') and have received a favourable scientific evaluation should be included in the Annex to Directive 2001/15/EC.
- (3) Favourable scientific evaluation for some vitamins and mineral substances has been recently given and made public by the Authority.
- (4) It is appropriate to replace the category heading 'folic acid' in order to take account of the inclusion of other forms of folate in the Annex to Directive 2001/15/EC.
- (5) Directive 2001/15/EC should therefore be amended accordingly.
- (6) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

Article 1

The Annex to Directive 2001/15/EC is amended as set out in the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2006 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 21 March 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 186, 30.6.1989, p. 27. 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).

⁽²⁾ OJ L 52, 22.2.2001, p. 19. Directive as amended by Directive 2004/5/EC (OJ L 14, 21.1.2004, p. 19).

ANNEX

The Annex to Directive 2001/15/EC is amended as follows:

1. In the section concerning Category 1. Vitamins:

- (a) The heading 'FOLIC ACID' is replaced by 'FOLATE'.
- (b) The following line is added under the heading 'FOLATE':

Substance	Conditions of use	
	All FPNU	FSMP
'— calcium-L-methylfolate	x'	

2. In the section concerning Category 2. Minerals, the following line is added under the heading 'MAGNESIUM':

Substance	Conditions of use	
	All FPNU	FSMP
'— magnesium L-aspartate		x'

3. In the section concerning Category 2. Minerals, the following line is added under the heading 'IRON':

Substance	Conditions of use	
	All FPNU	FSMP
'— ferrous bisglycinate	x'	

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 March 2006

on special conditions governing fishery products imported from Indonesia and intended for human consumption

(notified under document number C(2006) 843)

(Text with EEA relevance)

(2006/236/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽¹⁾, and in particular Article 22(1) thereof,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽²⁾ and in particular Article 53(1) thereof,

Whereas:

- (1) In accordance with Directive 97/78/EC and Regulation (EC) 178/2002, the necessary measures must be adopted as regards imports of products from third countries that appear to involve any serious hazard for animal or human health or where such a hazard is on the increase.

⁽¹⁾ OJ L 24, 30.1.1998, p. 9. Regulation as last amended by Regulation (EC) No 882/2004 of the European Parliament and the Council (OJ L 165, 30.4.2004, p. 1).

⁽²⁾ OJ L 31, 1.2.2002, p. 1. Regulation as last amended by Regulation (EC) No 1642/2003 of the European Parliament and the Council (OJ L 245, 29.9.2003, p. 4).

- (2) Histamine and heavy metals have been detected in fishery products imported from Indonesia and intended for human consumption. The presence of these substances in food presents a potential risk for human health.

- (3) Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products ⁽³⁾ establishes the sampling and analysis procedure for histamine and the authorised levels for the latter.

- (4) Commission Regulation (EC) 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in foodstuffs ⁽⁴⁾ lays down maximum levels of heavy metals that are permitted in fish.

- (5) The results of the latest Community inspection visits to Indonesia have revealed serious shortcomings as regards hygiene in the handling of fishery products. Such shortcomings mean that the fish is not as fresh as it should be and spoils quickly, with attendant high levels of histamine in the relevant species. The inspections have also revealed serious shortcomings in the capacity of the Indonesian authorities to carry out reliable checks of fish, in particular to detect histamine and heavy metals in the relevant species.

⁽³⁾ OJ L 268, 24.9.1991, p. 15. Directive as last amended by the 2003 Act of Accession.

⁽⁴⁾ OJ L 77, 16.3.2001, p. 1. Regulation as last amended by Regulation (EC) No 199/2006 (OJ L 32, 4.2.2006, p. 34).

- (6) Member States should carry out the appropriate checks of fishery products from Indonesia on arrival at the Community border in order to prevent products unfit for human consumption from being placed on the market.
- (7) Regulation (EC) 178/2002 sets up the Rapid Alert System for Food and Feed, which should be used to implement the mutual information requirement provided for in Article 22(2) of Directive 97/78/EC. In addition the Member States will keep the Commission informed through periodical reports of all analytical results of official controls carried out in respect of consignments of fishery products from Indonesia.
- (8) This Decision should be reviewed in the light of the guarantees offered by the competent Indonesian authorities and on the basis of the results of the tests carried out by Member States.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Scope

This Decision shall apply to fishery products imported from Indonesia and intended for human consumption.

Article 2

Tests

1. Member States shall, using appropriate sampling plans and detection methods, ensure that each consignment of products covered by Article 1 undergoes necessary tests to make sure that the products concerned do not exceed the maximum levels laid down in Regulation (EC) 466/2001 for heavy metals;

Furthermore, in the case of the species belonging to the families *scombridae*, *clupeidae*, *engraulidae* and *coryphaenidae*, a test to detect the presence of histamine must be done to be sure that the levels remain below those established by Directive 91/493.

2. Member States shall submit to the Commission every three months a report of all analytical results of official controls on consignments of products covered by paragraph 1. This report shall be submitted during the month following each quarter (April, July, October, and January).

Article 3

Unfavourable test results

Member States shall not authorise imports into their territory or consignments to another Member State of products as referred to in Article 1 that are found to exceed maximum levels in the tests referred to in Article 2(1).

Article 4

Charging of expenditure

All expenditure incurred in the application of this Decision shall be charged to the consignor, the consignee or the agent of either.

Article 5

Compliance

Member States shall immediately inform the Commission of the measures they take to comply with this Decision.

Article 6

Review

This Decision shall be reviewed on the basis of the guarantees provided by the competent Indonesian authorities and on the basis of the results of the tests referred to in Article 2.

Article 7

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 21 March 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission