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I

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

REGULATIONS

COUNCIL REGULATION (EC) No 383/2007

of 4 April 2007

terminating the partial interim review of the anti-dumping measures concerning imports of synthetic staple fibres of polyesters originating in the People's Republic of China, Saudi Arabia, Belarus and the Republic of Korea

THE COUNCIL OF THE EUROPEAN UNION,

(2) By Regulation (EC) No 2852/2000 ⁽³⁾, the Council imposed a definitive anti-dumping duty on imports of PSF originating in the Republic of Korea and India.

Having regard to the Treaty establishing the European Community,

(3) By Regulation (EC) No 1799/2002 ⁽⁴⁾, the Council imposed a definitive anti-dumping duty on imports of PSF originating in Belarus.

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

(4) By Regulation (EC) No 428/2005, the Council imposed a definitive anti-dumping duty on imports of PSF originating in the People's Republic of China (PRC) and Saudi Arabia and amended and renewed for five years the measures concerning the Republic of Korea.

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

(5) All these Regulations will be hereinafter referred to as 'the original Regulations'. The investigations that led to the measure imposed by the original Regulations will be hereinafter referred to as 'the original investigations'. Following the expiry reviews of the measures concerning imports of PSF originating in Australia, India, Indonesia and Thailand ⁽⁵⁾, the Council, by Regulation (EC) No 1515/2006 ⁽⁶⁾, repealed the anti-dumping duties in respect of such imports.

Whereas:

1. PROCEDURE

1.1. Existing measures

(1) By Regulation (EC) No 1522/2000 ⁽²⁾, the Council imposed a definitive anti-dumping duty on imports of synthetic staple fibres of polyesters (PSF) originating in Australia, Indonesia and Thailand.

(6) It is noted that a new anti-dumping proceeding concerning imports of PSF originating in Malaysia and Taiwan was initiated on 12 April 2006 ⁽⁷⁾ and provisional measures were imposed by Regulation (EC) No 2005/2006 ⁽⁸⁾.

⁽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 175, 14.7.2000, p. 10.

⁽³⁾ OJ L 332, 28.12.2000, p. 17. Regulation as amended by Regulation (EC) No 428/2005 (OJ L 71, 17.3.2005, p. 1).

⁽⁴⁾ OJ L 274, 11.10.2002, p. 1.

⁽⁵⁾ OJ C 174, 14.7.2005, p. 15; OJ C 323, 20.12.2005, p. 21.

⁽⁶⁾ OJ L 282, 13.10.2006, p. 1.

⁽⁷⁾ OJ C 89, 12.4.2006, p. 2.

⁽⁸⁾ OJ L 379, 28.12.2006, p. 65.

1.2. Grounds for the review

- (7) The basis for initiating this review was the information submitted by the Korean exporting producer Saehan Industries Inc., which indicated that low-melt polyester staple fibres (LMP), as defined in recital (20) below, should be excluded from the product scope, as they appeared to have different basic physical and chemical characteristics and end-uses in comparison to other types of PSF. In particular, unlike other PSF types, LMP appeared to have inherent binding properties.

1.3. Initiation

- (8) Having determined, after consulting the Advisory Committee, that sufficient evidence existed to justify the initiation of a partial interim review, the Commission announced by a notice (the notice of initiation) published in the *Official Journal of the European Union*⁽¹⁾ the initiation of a partial interim review in accordance with Article 11(3) of the basic Regulation, limited in scope to the examination of the product scope of the anti-dumping measures on imports of PSF originating in the PRC, Saudi Arabia, Belarus, Australia, Indonesia, Thailand, the Republic of Korea and India. It is noted that this review was initiated on the Commission's own initiative.

1.4. Review investigation

- (9) The Commission officially advised the authorities of the PRC, Saudi Arabia, Belarus, Australia, Indonesia, Thailand, the Republic of Korea and India (countries concerned), and all other parties known to be concerned, i.e. producers/exporters in the countries concerned and their associations, users and importers in the Community and their associations and producers in the Community and their association, of the initiation of the review investigation. Interested parties were given the opportunity to make their views known in writing and request a hearing within the time limit set in the notice of initiation. All interested parties who so requested and showed that there were particular reasons why they should be heard, were granted a hearing.
- (10) The Commission sent questionnaires to all parties known to be concerned, and all other parties which made themselves known within the deadlines set out in the notice of initiation.
- (11) In view of the scope of the review, no investigation period was set for the purpose of this review. The information received in the questionnaires covered the period

from 1998 to 2005 (period considered). For the period considered, information concerning sales/purchases volume and value, production volume and capacity for all PSF types and LMP was requested. In addition, the parties concerned were asked to comment on any differences or similarities between LMP and other types of PSF with respect to their production process, technical characteristics, end-uses, interchangeability etc.

- (12) Sufficiently complete questionnaire replies were received from one Thai, two Korean and one Saudi-Arabian exporting producer of PSF, four Community producers of PSF, five users and two importers of PSF in the Community. Several other parties, including the association of users and the association of Community producers of PSF, submitted their comments.
- (13) The Commission sought and verified all information deemed necessary for the purpose of the assessment as to whether there is a need for amendment of the scope of the existing measures.
- (14) It is noted that, since in October 2006, following parallel expiry reviews, the measures on imports of PSF originating in Australia, India, Indonesia and Thailand were repealed (see recital 5), the present review has become obsolete with respect to these countries, and its findings concern only the measures on PSF originating in the PRC, Saudi Arabia, Belarus and the Republic of Korea.

2. PRODUCT CONCERNED

- (15) The product concerned is, as uniformly defined in all original Regulations, synthetic staple fibres of polyesters, not carded, combed or otherwise processed for spinning originating in the PRC, Saudi Arabia, Belarus, Australia, Indonesia, Thailand, the Republic of Korea and India (the product concerned) and is currently classifiable within CN code 5503 20 00. It is commonly referred to as polyester staple fibres or PSF.

3. RESULTS OF THE REVIEW INVESTIGATION

3.1. Methodology

- (16) In order to assess whether LMP and other types of PSF should be considered as one single product or two different products, it was examined whether LMP and other types of PSF shared the same basic physical and technical characteristics and end-uses. In this regard, the production process, the interchangeability and the distinction between LMP and other types of PSF were also assessed.

⁽¹⁾ OJ C 325, 22.12.2005, p. 20.

3.2. Findings

3.2.1. General remarks

- (17) PSF is a basic material used in various stages of the manufacturing process of textile products. PSF is either used for spinning, i.e. manufacturing filaments for the production of textiles, after mixing or not with other fibres such as cotton and wool, or for non-woven applications such as filling, i.e. stuffing or padding of certain textile goods such as cushions, car seats and jackets.

- (18) PSF is sold in different product types for use in spinning or non-woven applications, which have a mono- or bi-component composition and different specifications such as denier/decitex, tenacity, lustre, quality grade, etc. These product types are not always interchangeable with each other (e.g. fibres for spinning and non-woven applications, mono- and bi-component fibres, fibres with specific thermal characteristics such as the flame retardant fibres, etc.). However, as the original investigations established, the physical and chemical characteristics and the end-uses of these types are basically the same. Moreover, while not every product type may be interchangeable with every other type, there is at least a partial interchangeability and overlapping use between different product types, none of them being clearly separated from at least certain others.

- (19) It should be noted that LMP is not a new product. However, LMP, as one of the PSF types, was not separately examined within the original investigations, since none of the parties concerned pointed out its allegedly different physical and technical characteristics. This review confirmed that LMP, which was firstly produced in the 1980's and traded since then in countries like Japan, Taiwan and the Community, was already produced and traded in substantial quantities by at least three Community producers and in at least one of the countries concerned, i.e. the Republic of Korea, during the original investigations. In fact, imports of PSF including LMP from the Republic of Korea were found to be dumped and to have caused injury to the Community industry.

3.2.2. Physical and technical characteristics of LMP

- (20) LMP is one of the bi-component PSF types. It is a low melting polyester fibre with a core/sheath structure; it is

composed of a polyester core and a sheath of copolymer polyester. When heated, the outer copolymer sheath melts at a lower temperature than the polyester core, and the melted sheath acts as glue. There are several sub-types of LMP, having different composition resulting, for instance, in different melting temperatures.

- (21) LMP is based on the same raw material and has the same look as other types of PSF. However, by definition, it contains two different polyester polymers. In this context, it should be noted that LMP is not the only bi-component PSF; numerous other bi-component PSF types exist, which have been always considered as constituting a single product for the purposes of anti-dumping proceedings.

- (22) Some Community users and one exporting producer argued that LMP and other types of PSF, whether mono- or bi-component, are based on different raw materials. The association of Community producers and certain Community producers argued that the basic raw materials of all PSF types, including LMP, are the same. In this respect, it should be noted that all PSF types, including LMP, are based on terephthalic acid (TPA) and ethylene glycol (MEG). These raw materials constitute the basic component, to which additives or additional components can be added in order to ensure certain specific properties of the fibre, such as low melting temperature in the case of LMP. The claim that LMP is based on different raw materials is therefore rejected.

- (23) One exporting producer also argued that the factor 'look' is not relevant in analysing physical and technical characteristics of different products or product types. In this respect, it is noted that the look by itself would normally not constitute sufficient basis for defining the product concerned, in particular when chemical products are concerned. However, this does not imply that such factor should be completely disregarded. In this particular case, the same look constitutes an additional element for finding that LMP and other types of PSF cannot be easily distinguished from each other. The claim is therefore rejected.

- (24) In view of the above, it is concluded that LMP cannot be considered as having different basic physical and chemical characteristics than other PSF types, in particular those with bi-component composition.

3.2.3. Production process

- (25) It is recalled that the original investigations established that, from a production point of view, a general distinction can be made between virgin PSF, produced from virgin raw materials, and regenerated PSF, produced from recycled polyester.

- (26) As regards LMP, this review investigation revealed that no significant difference in production of LMP and other bi-component PSF types exists. It was found that any producer of other bi-component PSF types could easily switch to the production of LMP. Bi-component spinning systems are in operation in the Community and elsewhere for more than 20 years. The bi-component fibres' production is more sophisticated than that of mono-component fibres; however, the difference between the two systems is not such as to be considered substantial.

- (27) Some Community users argued that it would not be cost-effective to switch to the production of LMP. It was argued that although the production lines for LMP and other bi-component PSF types are basically the same, a switch to the production of LMP would require certain modifications, in particular the change of spinnerets, and would cause considerable downtimes. Thus, although switching to the production of LMP or vice versa is technically feasible, it may not be efficient and this may affect the available capacity for LMP. The association of Community producers and one Community producer argued that the production process for all bi-component PSF is basically the same and switching to LMP production has no technical shortcomings, but that it purely depends on market forces such as demand and prices. Furthermore, they argued that there is sufficient overall capacity to satisfy demand for LMP in the Community if the market conditions would allow. In this respect, the following should be noted. Firstly, the conclusion that no substantial difference exists between production of LMP and other PSF types was not challenged. Secondly, the cost-effectiveness of switching to the production of LMP or vice versa may vary significantly from one producer to the other but it is in fact done by some Community producers. Finally, whether a producer would switch to the production of LMP depends largely on the sales prices it can obtain for the different PSF types in the market. In this respect, it is also noted that there are no exclusive producers of LMP in the Community or the exporting countries concerned. Therefore, this argument cannot alter the conclusions in respect of the production process.

- (28) The production process, which is as such not decisive for the definition of a product, can thus in any event not be considered as a factor differentiating LMP from other PSF types.

3.2.4. Typical end-uses of LMP

- (29) LMP is because of its low melting temperature typically used as a component in thermally bonded technical non-woven applications and in thermally bonded filling applications. The main end-uses are in the following groups of products: household (furniture, mattresses, pillows), automotive (carpets, filters), hygienic personal care (nappies, absorbents), apparel (insulation). In all its applications, LMP is mixed and melted with other PSF fibres and it usually represents around 15 % of the volume in such blends.
- (30) Some Community users argued that only in normal thermally bonded wadding for furniture and bedding end-uses LMP represents around 15 % in the blend. In certain other applications, such as acquisition distribution layers, the blend ratio varies from 35 % to 50 % of LMP and in air filtration applications LMP represents up to 70 % in the blend. In this respect, it should be added that in some other applications, such as for instance apparel insulation wadding, LMP represents less than 15 % in the blend. The review investigation has shown that the LMP's relative volume in its different end applications indeed varies, but it is in the vast majority of applications a minority component (overall on average around 15 %) as compared to other PSF types blended in these products. The assessment made in recital 29 is therefore confirmed.
- (31) The main users of LMP in the Community are non-woven application industries. These companies typically use a whole range of other PSF types belonging to the non-woven family. There are no specific users of LMP in the Community. It was also found that there is no substantial difference in distribution channels of LMP and other types of PSF. It is recalled that LMP is always used mixed with other PSF types.

(32) One exporting producer argued that the fact that the same users use LMP and other types of PSF and that the distribution channels of LMP and other types of PSF are basically the same does not entail that LMP and other types of PSF are 'like products'. Indeed, this fact by itself does not entail that LMP and other PSF types should be considered as being one single product; however, it shows that no differences exist between LMP and other PSF types as far as their distribution is concerned. In other words, from a distribution point of view, no grounds exist for the exclusion of LMP from the scope of the measures. In addition, as it was demonstrated in recital 29, LMP has the same end-uses as other PSF types, since it can only be used in blend with these fibres. The argument is therefore rejected.

(33) In view of the above, it is concluded that LMP and other PSF types have the same basic end-uses and they are distributed via the same channels.

3.2.5. Interchangeability

(34) As shown above, although LMP has no different basic physical and chemical characteristics than other PSF types, it has certain distinct properties. However, in numerous applications LMP can be substituted by other types of PSF using different bonding technologies, such as resin bonding of PSF or thermo bonding of PSF with the use of other melt bonding fibres. It is thus substantially interchangeable with other PSF types.

(35) Some parties challenged the aforesaid conclusion in respect of the interchangeability of LMP with other PSF types. One exporting producer argued that since resin bonding and bonding with the use of other melt bonding fibres requires substitution of LMP by resin and bonding fibres not made of polyesters respectively, there is no interchangeability of LMP with other PSF types. Some Community users argued that the use of other bonding technologies referred to above would result in different properties of certain end-products and, for this reason, in certain applications such substitution is not possible. These arguments were further examined. The investigation has shown that although different bonding technologies are not always interchangeable with each other in all end-applications,

certain interchangeability exists and, thus, LMP is in competition with resin bonded PSF and with PSF bonded with other than core/sheath bonding fibres for certain applications. Thus, it cannot be generally concluded that no substitutes to LMP exist and that it is not interchangeable with certain other PSF types.

(36) One exporting producer also noted that its argument concerning the threat to the environment and to the health of workers posed by certain chemical resins was not properly examined. In this respect, it is noted that such argument is not relevant in this particular case, since in certain applications resin bonding cannot be substituted by other bonding technologies and, in any event, resin bonding must comply with any environmental requirements in the Community and its Member States. This argument is therefore rejected.

3.2.6. Distinction between LMP and other types of PSF

(37) There is no visual and tangible difference between LMP and other PSF types. The cross-section of LMP is different from that of mono-component fibres; however, it is not always different from the cross-section of other bi-component PSF types. It is recalled that LMP exists in numerous variants having, for instance, different melting temperatures. Thus, a clear distinction on the basis of melting temperature is not possible. Therefore, it appears that LMP cannot be easily distinguished from other PSF types and that any reliable identification of this product type would require the use of sophisticated equipment.

(38) Some Community users disagreed with the above conclusion that LMP cannot be easily distinguished from other PSF types, in particular as far as its melting temperature is concerned. It was argued that the melting point of the sheath component of LMP, although varying between 110 °C and 190 °C, would always be considerably lower than the melting point of other PSF types, which is allegedly around 255 °C. It is noted that the above range of melting temperatures confirms that LMP, as well as other PSF types, exist in numerous variants and that their identification is not always easily feasible. Thus, the conclusions drawn in recital 37 cannot be amended.

(39) One exporting producer argued that the mere fact that LMP is visually similar to other PSF types cannot constitute a basis for non-excluding LMP from the scope of the measures. As explained in recital 23, although the 'look' by itself is normally not decisive for answering the question whether or not different product types should fall into a 'single product', it constitutes an additional element in the analysis (see also recital 16). The fact that different product types cannot be easily distinguished from each other cannot be ignored. The argument is therefore rejected.

4. CONCLUSIONS ON THE PRODUCT SCOPE

(40) The above findings show that LMP and other PSF types share the same basic physical and technical characteristics and have the same basic end-uses. In numerous applications, LMP directly or indirectly competes with other types of PSF on the Community market. On this basis, it is concluded that LMP and other types of PSF should be considered as one single product and that the partial interim review concerning the product scope for the application of the existing anti-dumping measures should be terminated.

(41) All interested parties were informed of the essential facts and considerations on the basis of which the above conclusions were reached. Parties were granted a period within which they could make representations subsequent to this disclosure.

(42) The oral and written comments submitted by the parties were considered, but have not changed the conclusions not to amend the product scope of the anti-dumping measures on imports of PSF in force,

HAS ADOPTED THIS REGULATION:

Sole Article

The partial interim review pursuant to Article 11(3) of Regulation (EC) No 384/96 of the product scope of the anti-dumping measures applicable to imports of synthetic staple fibres of polyesters, falling within CN code 5503 20 00, originating in the People's Republic of China, Saudi Arabia, Belarus and the Republic of Korea is hereby terminated without amending the anti-dumping measures in force.

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

Done at Brussels, 4 April 2007.

For the Council

The President

F.-W. STEINMEIER

COMMISSION REGULATION (EC) No 384/2007**of 10 April 2007****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 11 April 2007.

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

Done at Brussels, 10 April 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 10 April 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	190,7
	MA	113,8
	TN	143,8
	TR	187,5
	ZZ	159,0
0707 00 05	JO	171,8
	TR	91,4
	ZZ	131,6
0709 90 70	MA	75,0
	TR	118,7
	ZZ	96,9
0709 90 80	EG	242,2
	IL	89,0
	ZZ	165,6
0805 10 20	EG	49,1
	IL	61,3
	MA	45,9
	TN	56,3
	TR	74,9
	ZZ	57,5
0805 50 10	IL	65,6
	TR	68,4
	ZZ	67,0
0808 10 80	AR	86,2
	BR	78,9
	CA	104,6
	CL	88,2
	CN	96,6
	NZ	122,1
	US	123,5
	UY	77,1
	ZA	85,3
	ZZ	95,8
0808 20 50	AR	80,6
	CL	102,0
	UY	68,0
	ZA	83,3
	ZZ	83,5

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

COMMISSION REGULATION (EC) No 385/2007**of 10 April 2007****amending Regulation (EC) No 1483/2006 as regards the quantities covered by the standing invitation to tender for the resale on the Community market of cereals held by the intervention agencies of the Member States**

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 1483/2006 ⁽²⁾ opened standing invitations to tender for the resale on the Community market of cereals held by the intervention agencies of the Member States.

(2) In view of the situation on the Community market for maize and of the changes in demand for cereals in various regions in recent weeks, new quantities of cereals held in intervention should be made available in some Member States. The intervention agencies in the Member States concerned should therefore be authorised

to increase the quantities put out to tender by 500 000 tonnes of maize in Hungary.

(3) Regulation (EC) No 1483/2006 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

Annex I to Regulation (EC) No 1483/2006 is hereby replaced by the Annex hereto.

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, 10 April 2007.

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 276, 7.10.2006, p. 58. Regulation as last amended by Regulation (EC) No 204/2007 (OJ L 61, 28.2.2007, p. 5).

ANNEX

‘ANNEX I

LIST OF INVITATIONS TO TENDER

Member State	Quantities made available for sale on the Community market (tonnes)				Intervention Agency Name, address and contact details
	Common wheat	Barley	Maize	Rye	
Belgique/België	51 859	6 340	—	—	Bureau d'intervention et de restitution belge/Belgisch Interventie- en Restitutiebureau Rue de Trèves, 82/Trierstraat 82 B-1040 Bruxelles/Brussel Tel. (32-2) 287 24 78 Fax (32-2) 287 25 24 E-mail: webmaster@birb.be Web site: www.birb.be
България	—	—	—	—	State Fund Agriculture 136, Tzar Boris III Blvd. 1618, Sofia, Bulgaria Tel. (+359 2) 818 72 02 Fax (+359 2) 818 72 67 E-mail: dfz@dfz.bg Website: www.mzgar.government.bg
Česká republika	0	0	0	—	Státní zemědělský intervenční fond Odbor rostlinných komodit Ve Smečkách 33 CZ-110 00, Praha 1 Tel. (420) 222 87 16 67 – 222 87 14 03 Fax (420) 296 80 64 04 E-mail: dagmar.hejrovska@szif.cz Website: www.szif.cz
Danmark	174 021	28 830	—	—	Direktoratet for FødevarerErhverv Nyropsgade 30 DK-1780 København V Tel. (45) 33 95 88 07 Fax (45) 33 95 80 34 E-mail: mij@dfre.dk and pah@dfre.dk Website: www.dfre.dk
Deutschland	1 948 269	767 343	—	432 715	Bundesanstalt für Landwirtschaft und Ernährung Deichmanns Aue 29 D-53179 Bonn Tel. (49-228) 68 45-3704 Fax 1 (49-228) 68 45-3985 Fax 2 (49-228) 68 45-3276 E-mail: pflanzlErzeugnisse@ble.de Website: www.ble.de
Eesti	0	0	—	—	Põllumajanduse Registrite ja Informatsiooni Amet Narva mnt. 3, 51009 Tartu Tel. (372) 7371 200 Fax (372) 7371 201 E-mail: pria@pria.ee Website: www.pria.ee
Eire/Ireland	—	0	—	—	Intervention Operations, OFI, Subsidies and Storage Division, Department of Agriculture and Food Johnstown Castle Estate, County Wexford Tel. 353 53 91 63400 Fax: (353) 53 91 42843 Website: www.agriculture.gov.ie

Member State	Quantities made available for sale on the Community market (tonnes)				Intervention Agency Name, address and contact details
	Common wheat	Barley	Maize	Rye	
Ελλάδα/Ελλάδα	—	—	—	—	Payment and Control Agency for Guidance and Guarantee Community Aids (O.P.E.K.E.P.E.) 241, Archaron str., GR-104 46 Athens Tel. (30) 210 212 47 87 and 47 54 Fax (30) 210 212 47 91 E-mail: ax17u073@minagric.gr Website: www.opekepe.gr Οργανισμός Πληρωμών και Ελέγχου Κοινοτικών Ενισχύσεων Προσανατολισμού και Εγγυήσεων (Ο.Π.Ε.Κ.Ε.Π.Ε.) Αχαρνών 241, GR-104 46 Αθήνα Τηλ. (30) 210 212 47 87 και 47 54 Φαξ (30) 210 212 47 91 Ηλ. διεύθυνση: ax17u073@minagric.gr Διεύθυνση στο Διαδίκτυο: www.opekepe
España	—	—	—	—	S. Gral. Intervención de Mercados (FEGA) C/Almagro 33 — 28010 Madrid — España Tel. (34-91) 3474765 Fax (34-91) 3474838 E-mail: sgintervencion@fega.mapa.es Website: www.fega.es
France	28 724	318 778	—	—	Office national interprofessionnel des grandes cultures (ONIGC) 21, avenue Bosquet F-75326 Paris Cedex 07 Tel. (33) 144 18 22 29/23 37 Fax (33) 144 18 20 08/80 E-mail: f.abebasis@onigc.fr Website: www.onigc.fr
Italia	—	—	—	—	Agenzia per le erogazioni in agricoltura — AGEA Via Torino, 45 I-00184 Roma Tel. (39) 06 49 49 97 55 Fax (39) 06 49 49 97 61 E-mail: d.spampinato@agea.gov.it Website: www.enterisi.it
Κύπρος/Kıbrıs	—	—	—	—	
Latvija	27 020	0	—	—	Lauku atbalsta dienests Republikas laukums 2, Rīga, LV – 1981 Tel. (371) 702 7893 Fax (371) 702 7892 E-mail: lad@lad.gov.lv Website: www.lad.gov.lv
Lietuva	0	35 492	—	—	The Lithuanian Agricultural and Food Products Market regulation Agency L. Stuokos-Guceviciaus Str. 9-12, Vilnius, Lithuania Tel. (370-5) 268 5049 Fax (370-5) 268 5061 E-mail: info@litfood.lt Website: www.litfood.lt
Luxembourg	—	—	—	—	Office des licences 21, rue Philippe II Boîte postale 113 L-2011 Luxembourg Tel. (352) 478 23 70 Fax (352) 46 61 38 Telex 2 537 AGRIM LU

Member State	Quantities made available for sale on the Community market (tonnes)				Intervention Agency Name, address and contact details
	Common wheat	Barley	Maize	Rye	
Magyarország	450 000	19 011	1 900 000	—	Mezőgazdasági és Vidékfejlesztési Hivatal Soroksári út 22–24. H-1095 Budapest Tel. (36-1) 219 45 76 Fax (36-1) 219 89 05 E-mail: ertekesites@mvh.gov.hu Website: www.mvh.gov.hu
Malta	—	—	—	—	
Nederland	—	—	—	—	Dienst Regelingen Roermond Postbus 965 6040 AZ Roermond Nederland Tel. (31-475) 35 54 86 Fax (31-475) 31 89 39 E-mail: p.a.c.m.van.de.lindeloof@minlnv.nl Website: www9.minlnv.nl
Österreich	0	22 461	0	—	AMA (Agrarmarkt Austria) Dresdnerstraße 70 A-1200 Wien Tel. (43-1) 331 51-258 (43-1) 331 51-328 Fax (43-1) 331 51-4624 (43-1) 331 51-4469 E-mail: referat10@ama.gv.at Website: www.ama.at/intervention
Polska	44 440	41 927	0	—	Agencja Rynku Rolnego Biuro Produktów Roślinnych ul. Nowy Świat 6/12 00-400 Warszawa Polska Tel. (48) 22 661 78 10 Fax (48) 22 661 78 26 E-mail: cereals-intervention@arr.gov.pl Website: www.arr.gov.pl
Portugal	—	—	—	—	Instituto Nacional de Intervenção e Garantia Agrícola (INGA) Rua Castilho, n.º 45-51 1269-163 Lisboa Tel. (351) 21 751 85 00 (351) 21 384 60 00 Fax (351) 21 384 61 70 E-mail: inga@inga.min-agricultura.pt edalberto.santana@inga.min-agricultura.pt Website: www.inga.min-agricultura.pt
România	—	—	—	—	Agenția de Plăți și Intervenție pentru Agricultură B-dul Carol I, nr. 17, sector 2 București 030161 România Tel. + 40 21 3054802, + 40 21 3054842 Fax + 40 21 3054803 Website: www.apia.org.ro
Slovenija	—	—	—	—	Agencija Republike Slovenije za kmetijske trge in razvoj podeželja Dunajska 160 SI-1000 Ljubljana Tel. (386-1) 580 76 52 Fax (386-1) 478 92 00 E-mail: aktrp@gov.si Website: www.arsktrp.gov.si

Member State	Quantities made available for sale on the Community market (tonnes)				Intervention Agency Name, address and contact details
	Common wheat	Barley	Maize	Rye	
Slovensko	0	0	227 699	—	Pôdohospodárska platobná agentúra Oddelenie obilnín a škrobu Dobrovičova 12 815 26 Bratislava Slovenská republika Tel. (421-2) 58 24 32 71 Fax (421-2) 53 41 26 65 E-mail: jvargova@apa.sk Website: www.apa.sk
Suomi/Finland	30 000	95 332	—	—	Maa- ja metsätalousministeriö (MMM) Interventioyksikkö – Intervention Unit Malminkatu 16, Helsinki PL 30 FI-00023 Valtioneuvosto Tel. (358-9) 160 01 Fax (358-9) 16 05 27 72 (358-9) 16 05 27 78 E-mail: intervention.unit@mmm.fi Website: www.mmm.fi
Sverige	172 272	58 004	—	—	Statens jordbruksverk SE-551 82 Jönköping Tel. (46-36) 15 50 00 Fax (46-36) 19 05 46 E-mail: jordbruksverket@sjv.se Website: www.sjv.se
United Kingdom	—	24 825	—	—	Rural Payments Agency Lancaster House Hampshire Court Newcastle upon Tyne NE4 7YH Tel. (44) 191 226 5882 Fax (44) 191 226 5824 E-mail: cerealsintervention@rpa.gsi.gov.uk Website: www.rpa.gov.uk

“—” means no intervention stock of this cereal in this Member State.’

COMMISSION REGULATION (EC) No 386/2007**of 10 April 2007****amending and adapting Regulation (EC) No 990/2006 opening standing invitations to tender for the export of cereals held by the intervention agencies of the Member States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to the Treaty of Accession of the Republic of Bulgaria and Romania, and in particular Article 4(3) thereof,

Article 1(2) of Regulation (EC) No 990/2006 is hereby replaced by the following:

Having regard to the Act of Accession of the Republic of Bulgaria and Romania, and in particular Article 56 thereof,

‘2. For common wheat and rye, each invitation to tender shall cover a maximum quantity for export to third countries with the exception of Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Liechtenstein, Montenegro, Serbia (*) and Switzerland.

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,

For barley, each invitation to tender shall cover a maximum quantity for export to third countries with the exception of Albania, Bosnia and Herzegovina, Canada, Croatia, the former Yugoslav Republic of Macedonia, Liechtenstein, Mexico, Montenegro, Serbia (*), Switzerland and the United States of America.

Whereas:

(*) Including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999.’

(1) Following the accession of Bulgaria and Romania, Article 1(2) of Commission Regulation (EC) No 990/2006 ⁽²⁾ lapses as regards the exclusion of Bulgaria and Romania from the list of third countries towards which exports of cereals are destined, and should therefore be deleted.

(2) Annex III to Regulation (EC) No 990/2006 contains entries in all Community languages. The corresponding entries in Bulgarian, Irish, Maltese and Romanian should be added to that Annex.

Article 2

Annex III to Regulation (EC) No 990/2006 is hereby replaced by the Annex hereto.

(3) Regulation (EC) No 990/2006 should therefore be amended accordingly.

Article 3

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

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, 10 April 2007.

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 179, 1.7.2006, p. 3. Regulation as last amended by Regulation (EC) No 205/2007 (OJ L 61, 28.2.2007, p. 10).

ANNEX

‘ANNEX III

Part A

Entries referred to in Article 9 for common wheat

- *in Bulgarian:* Мека пшеница от интервенция без прилагане на възстановяване или такса, Регламент (ЕО) № 990/2006
- *in Spanish:* Trigo blando de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n.º 990/2006
- *in Czech:* Intervenční pšenice obecná nepodléhá vývozní náhradě ani clu, nařízení (ES) č. 990/2006
- *in Danish:* Blød hvede fra intervention uden restitutionsydelse eller afgift, forordning (EF) nr. 990/2006
- *in German:* Weichweizen aus Interventionsbeständen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 990/2006
- *in Estonian:* Pehme nisu sekkumisvarudest, mille puhul ei rakendata toetust või maksu, määrus (EÜ) nr 990/2006
- *in Greek:* Μαλακός σίτος παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 990/2006
- *in English:* Intervention common wheat without application of refund or tax, Regulation (EC) No 990/2006
- *in French:* Blé tendre d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n.º 990/2006
- *in Irish:* Gnáthchruthneacht in idirghabháil gan feidhmiú aisíoca nó forchur cánach, Rialachán (CE) Uimh. 990/2006
- *in Italian:* Frumento tenero d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 990/2006
- *in Latvian:* Intervences parastie kvieši bez kompensācijas vai nodokļa piemērošanas, Regula (EK) Nr. 990/2006
- *in Lithuanian:* Intervenciniai paprastieji kviečiai, kompensacija ar mokesčiai netaikytini, Reglamentas (EB) Nr. 990/2006
- *in Hungarian:* Intervencióós búza, visszatérítés, illetve adó nem alkalmazandó, 990/2006/EK rendelet
- *in Maltese:* Qamh komuni ta' l-intervent minghajr applikazzjoni għal rifużjoni jew taxxa, Regolament (KE) Nru 990/2006
- *in Dutch:* Zachte tarwe uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 990/2006
- *in Polish:* Pszenica zwyczajna interwencyjna niedająca podstawy do zastosowania refundacji lub podatku, rozporządzenie (WE) nr 990/2006
- *in Portuguese:* Trigo mole de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 990/2006
- *in Romanian:* Grâu comun de intervenție pentru care nu se acordă restituiri și nu se plătesc taxe, Regulamentul (CE) nr. 990/2006
- *in Slovak:* Intervenčná pšenica obyčajná nepodlieha vývozným náhradám ani clu, nariadenie (ES) č. 990/2006
- *in Slovenian:* Intervencija navadne pšenice brez zahtevkov za nadomestila ali carine, Uredba (ES) št. 990/2006
- *in Finnish:* Interventiovehnä, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 990/2006
- *in Swedish:* Interventionsvete, utan tillämpning av bidrag eller avgift, förordning (EG) nr 990/2006

Part B**Entries referred to in Article 9 for barley**

- *in Bulgarian:* Ечемик от интервенция без прилагане на възстановяване или такса, Регламент (ЕО) № 990/2006
- *in Spanish:* Cebada de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) nº 990/2006
- *in Czech:* Intervenční ječmen nepodléhá vývozní náhradě ani clu, nařízení (ES) č. 990/2006
- *in Danish:* Byg fra intervention uden restitutionsydelse eller afgift, forordning (EF) nr. 990/2006
- *in German:* Interventionsgerste ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 990/2006
- *in Estonian:* Sekkumisoder, mille puhul ei rakendata toetust või maksu, määrus (EÜ) nr 990/2006
- *in Greek:* Κριθή παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 990/2006
- *in English:* Intervention barley without application of refund or tax, Regulation (EC) No 990/2006
- *in French:* Orge d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) nº 990/2006
- *in Irish:* Eorna in idirghabháil gan feidhmiú aisíoca nó forchur cánach, Rialachán (CE) Uimh. 990/2006
- *in Italian:* Orzo d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 990/2006
- *in Latvian:* Intervences mieži bez kompensācijas vai nodokļa piemērošanas, Regula (EK) Nr. 990/2006
- *in Lithuanian:* Intervenciniai miežiai, kompensacija ar mokesčiai netaikytini, Reglamentas (EB) Nr. 990/2006
- *in Hungarian:* Intervenció árpa, visszatérítés, illetve adó nem alkalmazandó, 990/2006/EK rendelet
- *in Maltese:* Dqiq tal-barli ta' l-intervent minghajr applikazzjoni għal rifużjoni jew taxxa, Regolament (KE) Nru 990/2006
- *in Dutch:* Gerst uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 990/2006
- *in Polish:* Jęczmień interwencyjny niedający podstawy do zastosowania refundacji lub podatku, rozporządzenie (WE) nr 990/2006
- *in Portuguese:* Cevada de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 990/2006
- *in Romanian:* Orz de intervenție pentru care nu se acordă restituiri și nu se plătesc taxe, Regulamentul (CE) nr. 990/2006
- *in Slovak:* Intervenčný jačmeň nepodlieha vývozným náhradám ani clu, nariadenie (ES) č. 990/2006
- *in Slovenian:* Intervencija ječmena brez zahtevkov za nadomestila ali carine, Uredba (ES) št. 990/2006
- *in Finnish:* Interventio-ohra, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 990/2006
- *in Swedish:* Interventionskorn, utan tillämpning av bidrag eller avgift, förordning (EG) nr 990/2006

Part C**Entries referred to in Article 9 for rye**

- *in Bulgarian:* Ръж от интервенция без прилагане на възстановяване или такса, Регламент (ЕО) № 990/2006
 - *in Spanish:* Centeno de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) nº 990/2006
 - *in Czech:* Intervenční žito nepodléhá vývozní náhradě ani clu, nařízení (ES) č. 990/2006
 - *in Danish:* Rug fra intervention uden restitutionsydelse eller afgift, forordning (EF) nr. 990/2006
 - *in German:* Interventionsroggen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 990/2006
 - *in Estonian:* Sekkumisrukis, mille puhul ei rakendata toetust või maksu, määrus (EÜ) nr 990/2006
 - *in Greek:* Σίκαλη παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 990/2006
 - *in English:* Intervention rye without application of refund or tax, Regulation (EC) No 990/2006
 - *in French:* Seigle d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) nº 990/2006
 - *in Irish:* Seagal in idirghabháil gan feidhmiú aisíoca nó forchur cánach, Rialachán (CE) Uimh. 990/2006
 - *in Italian:* Segala d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 990/2006
 - *in Latvian:* Intervences rudzi bez kompensācijas vai nodokļa piemērošanas, Regula (EK) Nr. 990/2006
 - *in Lithuanian:* Intervenciniai rugiai, kompensacija ar mokesčiai netaikytini, Reglamentas (EB) Nr. 990/2006
 - *in Hungarian:* Intervenciós rozs, visszatérítés, illetve adó nem alkalmazandó, 990/2006/EK rendelet
 - *in Maltese:* Segala ta' l-intervent minghajn applikazzjoni għal rifużjoni jew taxxa, Regolament (KE) Nru 990/2006
 - *in Dutch:* Rogge uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 990/2006
 - *in Polish:* Żyto interwencyjne niedające podstawy do zastosowania refundacji lub podatku, rozporządzenie (WE) nr 990/2006
 - *in Portuguese:* Centeio de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n.º 990/2006
 - *in Romanian:* Secară de intervenție pentru care nu se acordă restituiri și nu se plătesc taxe, Regulamentul (CE) nr. 990/2006
 - *in Slovak:* Intervenčná raž nepodlieha vývozným náhradám ani clu, nariadenie (ES) č. 990/2006
 - *in Slovenian:* Intervencija rži brez zahtevkov za nadomestila ali carine, Uredba (ES) št. 990/2006
 - *in Finnish:* Interventioruis, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 990/2006
 - *in Swedish:* Interventionsråg, utan tillämpning av bidrag eller avgift, förordning (EG) nr 990/2006
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II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 4 April 2007

concerning the publication of the reference of the standard EN 71-1:2005 ‘Safety of Toys — Part 1: mechanical and physical properties’ regarding the technical requirements on projectiles with suction cups as an impact area in accordance with Council Directive 88/378/EEC on the safety of toys

(notified under document number C(2007) 1460)

(Text with EEA relevance)

(2007/224/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys ⁽¹⁾, and in particular the second subparagraph of Article 6(1) thereof,

Having regard to the opinion of the Standing Committee established by Article 5 of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and on Information Society Services ⁽²⁾, as amended by Directive 98/48/EC ⁽³⁾ (Committee on standards and technical regulations),

Whereas:

- (1) Article 2 of Directive 88/378/EEC provides that toys must be placed on the market only if they do not jeopardise the safety and/or health of users or third parties when they are used as intended or in a foreseeable way, bearing in mind the normal behaviour of children.

⁽¹⁾ OJ L 187, 16.7.1988, p. 1. Directive as amended by Directive 93/68/EEC (OJ L 220, 30.8.1993, p. 1).

⁽²⁾ OJ L 204, 21.7.1998, p. 37. Directive as last amended by 2003 Act of Accession.

⁽³⁾ OJ L 217, 5.8.1998, p. 18.

- (2) Pursuant to the Article 5(1) second subparagraph of Directive 88/378/EEC, toys are presumed to comply with the essential safety requirements referred to in Article 3 of the Directive if they conform to the national standards applicable to them transposing the harmonised standards the reference numbers of which have been published in the *Official Journal of the European Communities*.

- (3) According to the Article 5(1) second subparagraph of Directive 88/378/EEC, Member States are required to publish the reference numbers of national standards transposing harmonised standards, the reference numbers of which have been published in the *Official Journal of the European Communities*.

- (4) The European Committee for Standardisation (CEN), under mandate from the Commission, drew up and adopted the harmonised standard EN 71-1:1998 ‘Safety of toys — Part 1: mechanical and physical properties’ on 15 July 1998, the references of which were published for the first time in the *Official Journal of the European Communities* of 28 July 1999 ⁽⁴⁾.

- (5) On 19 September 2005, the European Committee for Standardisation adopted the standard EN 71-1:2005 ‘Safety of toys — Part 1: mechanical and physical properties’ which is a consolidated version of the harmonised standard EN 71-1:1998 and its 11 amendments.

⁽⁴⁾ OJ C 215, 28.7.1999, p. 4.

- (6) Pursuant to Article 6(1) of Directive 88/378/EEC, the Spanish authorities have raised a formal objection in respect to the requirements on projectiles toys with suction cups as an impact area intended for children above the age of three years laid down in the standard EN 71-1:2005. The Spanish authorities claim that the standard does not provide enough protection for projectiles toys intended for children above the age of three years. According to the Spanish authorities, a child older than three years might detach a suction cup from a projectile using a force higher than a force of 60 N laid down in clause 8.4.2.3 'test for protective components'.
- (7) The standard EN 71-1:2005 lays down different requirements for toys with suction cups depending on the age of the child. Regarding toys with suction cups intended for children under the age of three years, the standard requires that the 'tension test' be performed with a tensile force of 50 N (in case the largest accessible dimension is 6 mm or less) or of 90 N (in case the largest accessible dimension is greater than 6 mm). Regarding projectiles toys with suction cups as an impact area that are intended for children above the age of three years, the standard requires in clause 4.17.1(b) that resilient materials used as impact surfaces shall not become detached when tested according to clause 8.4.2.3 (tension test, protective components). The tension test for protective components specified in clause 8.4.2.3 is performed with a force of 60 N.
- (8) The Commission has been informed of several accidents with projectiles toys with a suction cup as an impact surface intended for children above the age of three years. In 1997, a Swedish child of nine years old suffocated to death after having sucked on a suction cup tip which he accidentally inhaled. Two other fatalities have occurred in the United Kingdom. In addition, the Commission has been informed of eight fatalities registered in the United States. More recently, in August 2005, the Spanish authorities informed the Commission of a fatal accident with a four years old child caused by a bow and arrow toy with a suction cup.
- (9) Suction cups affixed to projectile toys are intended for securing the projectile to a surface. Sticking and unsticking the projectiles imply that the suction cup is submitted to repeated stress. Furthermore, children above three years old often bring suction cups to their mouths to moisture the cups before sticking them on a surface. If the suction cup is not properly secured on the toy it is foreseeable that it can be detached during normal and foreseeable use. If the suction cup becomes detached and enters entirely in the mouth, it can block the airway at the back of the mouth and upper throat and cause asphyxiation.
- (10) On the basis of these findings, the Member States consider that children above the age of three years should be given the same protection as children under the age of three years. Thus, suction cups used as impact surfaces on toy projectiles intended for children over three years shall not become detached when submitted at least to the relevant tests laid down in clause 5.13.b of EN 71-1:2005, in particular to 'torque test' (clause 8.3) and 'tension test, general' (clause 8.4.2.1).
- (11) Consequently, on the basis of the information submitted by the Spanish authorities, the other national authorities and the Committee on standards and technical regulations the Commission considers that the standard EN 71-1:2005 presents shortcomings regarding the technical requirements for projectiles toys with suction cups as an impact area intended for children above the age of three years.
- (12) Pending the revision of the standard, in the interest of safety and legal certainty, the publication in the *Official Journal of the European Union* of the reference of the standard EN 71-1:2005 should therefore be accompanied by an appropriate notice.
- (13) In absence of a standard that covers the abovementioned risks and according to Article 5(2) of Directive 88/378/EEC, Member States shall presume that the abovementioned toys satisfy the essential safety requirements only if they have an EC type examination certificate issued by a notified body which conformity with the approved model has been certified by the affixation of the EC marking.

HAS ADOPTED THIS DECISION:

Article 1

In case of projectile toys with suction cups intended for children above the age of three years, the standard EN 71-1:2005 'Safety of toys — Part 1: mechanical and physical properties' as adopted by the European Committee for Standardisation on 19 September 2005 does not satisfy the essential safety requirements referred to in the Article 3 of the Directive 88/378/EEC, in particular under Annex II.II.1 (e), in so far as concerns clause 4.17.1 (b).

Article 2

The publication in the *Official Journal of the European Union* of the reference of the standard EN 71-1:2005 'Safety of toys — Part 1: mechanical and physical properties' shall be accompanied by the following additional notice:

'In case of projectiles toys with suction cups with an impact area, the requirement laid down in clause 4.17.1 (b), according to which the tension test is performed in accordance with clause 8.4.2.3, does not cover the risk of asphyxiation presented by these toys'.

Article 3

A notice identical to that provided for in Article 2 of this Decision shall accompany the reference to a national standard

transposing standard EN 71-1:2005 'Safety of toys — Part 1: mechanical and physical properties', to be published by the Member States pursuant to Article 5(1) second subparagraph of Directive 88/378/EEC.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 4 April 2007.

For the Commission

Günter VERHEUGEN

Vice-President

RECOMMENDATIONS

COMMISSION

COMMISSION RECOMMENDATION

of 3 April 2007

concerning a coordinated Community monitoring programme for 2007 to ensure compliance with maximum levels of pesticide residues in and on cereals and certain other products of plant origin and national monitoring programmes for 2008

*(notified under document number C(2007) 1452)***(Text with EEA relevance)**

(2007/225/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Each pesticide should thus generally be monitored in 20 to 30 food products over a series of three-year cycles.

Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals ⁽¹⁾, and in particular Article 7(2)(b) thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables ⁽²⁾, and in particular Article 4(2)(b) thereof,

Whereas:

(1) Directives 86/362/EEC and 90/642/EEC provide that the Commission should progressively work towards a system which would permit the estimation of dietary exposure to pesticides. To make realistic estimations possible, data on the monitoring of pesticide residues should be available in a number of food products which constitute major components of the European diet. It is generally recognised that major components of the European diet are constituted by some 20 to 30 food products. In view of the resources available at national level for pesticide residue monitoring, Member States are only able to analyse samples of eight products each year within a coordinated monitoring programme. Pesticide uses show changes within the timescale of three-year cycles.

(2) Residues of the pesticides covered by this Recommendation should be monitored in 2007, as this will allow using these data for the estimation of actual dietary exposure to them.

(3) A systematic statistical approach to numbers of samples to be taken in each coordinated monitoring exercise is necessary. Such an approach has been set out by the Codex Alimentarius Commission ⁽³⁾. On the basis of a binomial probability distribution, it can be calculated that examination of 642 samples allows with a certainty of more than 99 %, the detection of a sample containing pesticide residues above the limit of determination (LOD), provided that not less than 1 % of products of plant origin contain residues above that limit. Collection of these samples should be apportioned between Member States on the basis of population and consumer numbers, with a minimum of 12 samples per product and per year.

(4) Guidelines concerning 'Quality control procedures for pesticide residue analysis' are published on the Commission website ⁽⁴⁾. It is agreed that these guidelines should be applied as far as possible by the analytical laboratories of the Member States and should be reviewed continuously in the light of experience gained in the monitoring programmes.

⁽¹⁾ OJ L 221, 7.8.1986, p. 37. Directive as last amended by Commission Directive 2007/11/EC (OJ L 63, 1.3.2007, p. 26).

⁽²⁾ OJ L 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2007/12/EC (OJ L 59, 27.2.2007, p. 75).

⁽³⁾ Codex Alimentarius, Pesticide Residues in Foodstuffs, Rome 1994, ISBN 92-5-203271-1; Volume 2, p. 372.

⁽⁴⁾ Document SANCO/10232/2006 of 24 March 2006.
http://europa.eu.int/comm/food/plant/protection/resources/qualcontrol_en.pdf

- (5) Commission Directive 2002/63/EC⁽¹⁾ establishes Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin. The sampling methods and procedures laid down in this Directive incorporate those recommended by the Codex Alimentarius Commission.
- (6) Directives 86/362/EEC and 90/642/EEC require Member States to specify the criteria applied in drawing up their national inspection programmes. Such information should include the criteria applied in determining the numbers of samples to be taken and analyses to be carried out and the reporting levels applied, the criteria by which the reporting levels have been fixed and details of accreditation under the Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law animal health and animal welfare rules⁽²⁾, taking into consideration Article 18 of Commission Regulation (EC) No 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004⁽³⁾, which gives a derogation on the accreditation requirement. The number and type of infringements and the action taken should also be indicated.
- (7) Maximum residue levels for baby food have been established in accordance with Article 6 of Commission Directive 91/321/EEC of 14 May 1991 on infant formulae and follow-on formulae⁽⁴⁾ and Article 6 of Commission Directive 96/5/EC, Euratom of 16 February 1996 on processed cereal-based foods and baby foods for infants and young children⁽⁵⁾.
- (8) Information on the results of monitoring programmes is particularly appropriate for treatment, storage and transmission by electronic/informatics methods. Formats have been developed for supply of data by e-mail from the Member States. Member States should therefore be able to send their reports to the Commission in the standard format. The further development of such a standard format is most effectively undertaken by the development of guidelines by the Commission.
- (9) The measures provided for in this recommendation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HEREBY RECOMMENDS:

1. Member States are invited, during the year 2007, to take and analyse samples for the product/pesticide residue combinations set out in Annex I, on the basis of the number of samples of each product allocated to them in Annex II, reflecting as appropriate, national, Community and third country share of the Member State's market.

The lot to be sampled should be chosen randomly, in line with a monitoring approach.

The sampling procedure, including the number of units, should be in line with Directive 2002/63/EC.

2. Of the total amount of samples as given according to Annex I and II, each Member State should take and analyse:

(a) at least 10 samples of baby food based mainly on vegetables, fruits or cereals;

(b) a number of samples (with a minimum of one sample, where available) from produce originating from organic farming that reflects the market share of organic produce in each Member State.

3. Member States are invited to report the results of the analysis of samples tested for the product/pesticide residue combinations set out in Annex I by 31 August 2008 at the latest, indicating:

(a) The analytical methods used and reporting levels achieved, in accordance with the quality control procedures set out in the Quality Control Procedures for Pesticide Residue Analysis;

(b) The number and type of infringements and the action taken.

4. The report should be produced in a format — including the electronic format — conforming to the guidance to the Member States with regard to implementation of Commission recommendations concerning coordinated Community monitoring programmes provided by the Standing Committee on the Food Chain and Animal Health.

The result on samples of baby food and on samples taken from produce originating from organic farming should be reported in separate datasheets.

⁽¹⁾ OJ L 187, 16.7.2002, p. 30.

⁽²⁾ OJ L 165, 30.4.2004, p. 1, as corrected by OJ L 191, 28.5.2004, p. 1. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽³⁾ OJ L 338, 22.12.2005, p. 83. Regulation as amended by Regulation (EC) No 1666/2006 (OJ L 320, 18.11.2006, p. 47).

⁽⁴⁾ OJ L 175, 4.7.1991, p. 35. Directive as last amended by Directive 2006/82/EC (OJ L 362, 20.12.2006, p. 94).

⁽⁵⁾ OJ L 49, 28.2.1996, p. 17. Directive as last amended by Directive 2003/13/EC (OJ L 41, 14.2.2003, p. 33).

5. Member States are invited to send to the Commission and to the other Member States, by 31 August 2007 at the latest, the information required under Article 7(3) of Directive 86/362/EEC and Article 4(3) of Directive 90/642/EEC concerning the 2006 monitoring exercise to ensure, at least by check sampling, compliance with maximum pesticide residue levels including:
- (a) The results of their national programmes concerning pesticide residues;
 - (b) Information on their laboratories quality control procedures and, in particular, information concerning aspects of the guidelines concerning Quality Control Procedures for Pesticide Residue Analysis which they have not been able to apply or have had difficulty in applying;
 - (c) Information on accreditation in accordance with the provisions of Article 12 of Regulation (EC) No 882/2004 (including scope of the accreditation, accreditation body and copy of accreditation certificate) of the laboratories carrying out the analyses;
 - (d) Information about the proficiency tests and ring tests in which the laboratory has participated.
6. Member States are invited to send to the Commission, by 30 September 2007 at the latest, their intended national programme for monitoring maximum pesticide residue levels fixed by Directives 90/642/EEC and 86/362/EEC for the year 2008, including information on:
- (a) The criteria applied in determining the number of samples to be taken and analyses to be carried out;
 - (b) The reporting levels applied and the criteria by which the reporting levels have been fixed; and
 - (c) Details of accreditation, under Regulation (EC) No 882/2004, of the laboratories carrying out analyses.
- Done at Brussels, 3 April 2007.
- For the Commission*
Markos KYPRIANOU
Member of the Commission

ANNEX I

PESTICIDE/PRODUCT COMBINATIONS TO BE MONITORED

	2007	2008 (*)	2009 (*)
Acephate	(c)	(a)	(b)
Acetamiprid	(c)	(a)	(b)
Aldicarb	(c)	(a)	(b)
Amitraz		(a)	(b)
Azinphos-methyl	(c)	(a)	(b)
Azoxystrobin	(c)	(a)	(b)
Benomyl + carbendazim (expressed as carbendazim)	(c)	(a)	(b)
Bifenthrin	(c)	(a)	(b)
Bromide total		(a)	(b)
Bromopropylate	(c)	(a)	(b)
Bupirimate	(c)	(a)	(b)
Buprofezin	(c)	(a)	(b)
Captan	(c)	(a)	(b)
Folpet	(c)	(a)	(b)
Carbaryl	(c)	(a)	(b)
Chlofentezin		(a)	(b)
Chlormequat (**)	(c)	(a)	(b)
Chlorothalonil	(c)	(a)	(b)
Chlorpropham	(c)	(a)	(b)
Chlorpyrifos	(c)	(a)	(b)
Chlorpyrifos-methyl	(c)	(a)	(b)
Cypermethrin	(c)	(a)	(b)
Cyprodinil	(c)	(a)	(b)
Deltamethrin	(c)	(a)	(b)
Diazinon	(c)	(a)	(b)
Dichlofluanid	(c)	(a)	(b)
Dichlorvos	(c)	(a)	(b)
Dicofol	(c)	(a)	(b)
Dimethoate + Omethoate (sum expressed as dimethoate)	(c)	(a)	(b)
Dinocap		(a)	(b)
Diphenylamine	(c)	(a)	(b)
Endosulfan	(c)	(a)	(b)

	2007	2008 (*)	2009 (*)
Fenarimol		(a)	(b)
Fenhexamid	(c)	(a)	(b)
Fenitrothion	(c)	(a)	(b)
Fludioxonil	(c)	(a)	(b)
Flusilazole		(a)	(b)
Glyphosate (***)		(a)	(b)
Hexaconazole		(a)	(b)
Hexythiazox	(c)	(a)	(b)
Imazalil	(c)	(a)	(b)
Imidacloprid	(c)	(a)	(b)
Indoxacarb	(c)	(a)	(b)
Iprodione	(c)	(a)	(b)
Iprovalicarb	(c)	(a)	(b)
Kresoxim-methyl	(c)	(a)	(b)
Lambda-cyhalothrin	(c)	(a)	(b)
Malathion	(c)	(a)	(b)
Maneb group	(c)	(a)	(b)
Mepanipyrim	(c)	(a)	(b)
Mepiquat (**)		(a)	(b)
Metalaxyl	(c)	(a)	(b)
Methamidophos	(c)	(a)	(b)
Methidathion	(c)	(a)	(b)
Methiocarb	(c)	(a)	(b)
Methomyl/Thiodicarb (sum expressed as methomyl)	(c)	(a)	(b)
Myclobutanil	(c)	(a)	(b)
Oxydemeton-methyl	(c)	(a)	(b)
Parathion	(c)	(a)	(b)
Penconazole	(c)	(a)	(b)
Phosalone	(c)	(a)	(b)
Pirimicarb	(c)	(a)	(b)
Pirimiphos-methyl	(c)	(a)	(b)
Prochloraz	(c)	(a)	(b)
Procymidone	(c)	(a)	(b)
Profenofos	(c)	(a)	(b)
Propargite	(c)	(a)	(b)
Pyrethrins	(c)	(a)	(b)

	2007	2008 (*)	2009 (*)
Pyrimethanil	(c)	(a)	(b)
Pyriproxyfen	(c)	(a)	(b)
Oxamyl	(c)	(a)	(b)
Quinoxifen	(c)	(a)	(b)
Spiroxamine	(c)	(a)	(b)
Tebuconazole	(c)	(a)	(b)
Thiophanate-methyl	(c)	(a)	(b)
Tebufenozide	(c)	(a)	(b)
Trifloxystrobin		(a)	(b)
Thiabendazole	(c)	(a)	(b)
Tolclofos-methyl	(c)	(a)	(b)
Tolyfluanid	(c)	(a)	(b)
Triademefon + Triadimenol (expressed as sum of triadimenol and triadimefon)	(c)	(a)	(b)
Vinclozolin	(c)	(a)	(b)

(a) Beans (fresh or frozen), carrots, cucumbers, oranges or mandarins, pears, potatoes, rice, spinach (fresh or frozen).

(b) Aubergines, bananas, cauliflower, grapes, orange juice ⁽¹⁾, peas (fresh/frozen, without pod), peppers (sweet), wheat.

(c) Apples, head cabbage, leek, lettuce, tomatoes, peaches including nectarines and similar hybrids; rye or oats, strawberries.

(*) Indicative for 2008 and 2009, subject to programmes which will be recommended for these years.

(**) Chlormequat and mepiquat should be analysed in cereals, carrots, fruiting vegetables and pears.

(***) Only cereals.

⁽¹⁾ For orange juice, Member States should specify the source (concentrates or fresh fruits).

ANNEX II

Number of samples of each product to be taken and analysed by each Member State.

Country code	Samples	Country code	Samples
AT	12 (*) 15 (**)	IE	12 (*) 15 (**)
B	12 (*) 15 (**)	LU	12 (*) 15 (**)
BG	12 (*) 15 (**)	LT	12 (*) 15 (**)
CY	12 (*) 15 (**)	LV	12 (*) 15 (**)
CZ	12 (*) 15 (**)	MT	12 (*) 15 (**)
DE	93	NL	17
DK	12 (*) 15 (**)	PT	12 (*) 15 (**)
ES	45	PL	45
EE	12 (*) 15 (**)	RO	17
EL	12 (*) 15 (**)	SE	12 (*) 15 (**)
FR	66	SI	12 (*) 15 (**)
FI	12 (*) 15 (**)	SK	12 (*) 15 (**)
HU	12 (*) 15 (**)	UK	66
IT	65		

Total minimum number of samples: 642

(*) Minimum number of samples for each single residue method applied.

(**) Minimum number of samples for each multi-residue method applied.