

Official Journal

of the European Union

L 125



English edition

Legislation

Volume 54

14 May 2011

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Council Implementing Regulation (EU) No 464/2011 of 11 May 2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of zeolite A powder originating in Bosnia and Herzegovina** 1
- ★ **Commission Implementing Regulation (EU) No 465/2011 of 13 May 2011 amending Regulation (EU) No 882/2010 as regards the lodging of export-licence applications for out-of-quota sugar for marketing year 2010/2011** 9
- Commission Implementing Regulation (EU) No 466/2011 of 13 May 2011 establishing the standard import values for determining the entry price of certain fruit and vegetables 10
- Commission Implementing Regulation (EU) No 467/2011 of 13 May 2011 fixing the import duties in the cereals sector applicable from 16 May 2011 12
- Commission Implementing Regulation (EU) No 468/2011 of 13 May 2011 on selling prices for cereals in response to the 12th individual invitations to tender within the tendering procedures opened by Regulation (EU) No 1017/2010 15

Price: EUR 3

(Continued overleaf)

EN

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

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

DIRECTIVES

★ **Commission Directive 2011/59/EU of 13 May 2011 amending, for the purpose of adaptation to technical progress, Annexes II and III to Council Directive 76/768/EEC relating to cosmetic products ⁽¹⁾** 17

DECISIONS

2011/279/EU:

★ **Commission Decision of 13 May 2011 accepting an undertaking offered in connection with the anti-dumping proceeding concerning imports of zeolite A powder originating in Bosnia and Herzegovina** 26

⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) No 464/2011

of 11 May 2011

imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of zeolite A powder originating in Bosnia and Herzegovina

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Whereas:

1. PROVISIONAL MEASURES

- (1) By Regulation (EU) No 1036/2010 ⁽²⁾ ('the provisional Regulation'), the Commission imposed a provisional anti-dumping duty on imports of zeolite A powder originating in Bosnia and Herzegovina ('BiH').
- (2) The proceeding was initiated as a result of a complaint lodged on 4 January 2010 by Industrias Quimicas del Ebro SA, MAL Magyar Aluminium, PQ Silicas BV, Silkem d.o.o. and Zeolite Mira Srl Unipersonale (the 'complainants'), representing a major proportion, in this case more than 25 % of the total Union production of zeolite A powder. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding.

2. SUBSEQUENT PROCEDURE

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

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

- (4) The Commission continued to seek and verify all information it deemed necessary for its definitive findings.
- (5) The investigation of dumping and injury covered the period from 1 January 2009 to 31 December 2009 ('the investigation period' or 'IP'). The examination of trends relevant for the assessment of injury covered the period from 1 January 2005 to the end of the investigation period ('period considered').
- (6) All parties were informed of the essential facts and considerations on the basis of which the Commission intended to recommend the imposition of a definitive anti-dumping duty on imports of zeolite A powder originating in the BiH and the definitive collection of the amounts secured by way of the provisional duty. They were also granted a period of time within which they could make representations.
- (7) The oral and written comments submitted by the interested parties were considered and taken into account where appropriate.

3. PRODUCT CONCERNED AND LIKE PRODUCT

- (8) In the absence of any comments on these issues, recitals 12 to 15 of the provisional Regulation are hereby confirmed.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 298, 16.11.2010, p. 27.

- (9) In view of the above, it is definitively concluded that all types of zeolite A powder as defined above are alike within the meaning of Article 1(4) of the basic Regulation.

4. SAMPLING

- (10) The Bosnian exporting producer group ('Birac') returned to its claim made at the provisional stage of the investigation that a non-sampled Union producer (Silkem d.o.o. or 'Silkem') should have been fully consolidated into the reply to the questionnaire of a sampled Union producer (MAL Magyar Aluminium or 'MAL') because the two companies are related. It was claimed that if that omission were accepted it would amount to discrimination between Union producers and exporters as in cases where there are related exporting producers located in countries subject to an anti-dumping investigation they are all required to submit replies to questionnaires. Further, Birac claimed that both MAL and Silkem should be declared to be non-cooperating.

- (11) Those claims cannot be accepted. For the reasons explained at recital 19 of the provisional Regulation both MAL and Silkem have fully cooperated with the investigation. It is recalled that Silkem provided information in the reply to the sampling form and account was taken of Silkem in the macro data indicators. However, the company was not included in the list of sampled companies on account of its small size. Therefore, Silkem did not need to submit so-called micro data and a fortiori those have not been verified. Moreover, since their sales of the product concerned are relatively small in comparison to those of MAL, there is no indication that consolidating Silkem's data into MAL's data would have made any difference.

- (12) Furthermore, the allegation of discrimination between exporting producers and Union producers is clearly unfounded because the situations are different. On the one hand, the investigation into the existence of dumping is the one that is normally conducted at company level for which the Commission services need to calculate a company-specific dumping margin. Furthermore, a group of exporting producers has to be looked at in its totality since otherwise there is a risk that exports would be channelled through the part of the group with the lowest duty level. On the other hand, the injury investigation aims at examining whether the Union industry as a whole suffers material injury. In this case, the sampled Union producers in this investigation were considered to represent the entire Union production in respect of certain injury indicators (micro indicators). This claim is therefore rejected.

- (13) Birac also claimed that a Bosnian mining company, related to MAL, which supplies to this particular Union producer a pre-raw material (i.e. bauxite) should also

have cooperated with the investigation. In this respect it is noted that the mining company was listed in MAL's questionnaire response. Also, the costs associated with the sourcing of bauxite, and its conversion into aluminium trihydrate, were fully reported in MAL's cost of production. Therefore, the MAL Group fully complied with the reporting requirements set out by the Commission services. This claim is therefore rejected.

- (14) In the absence of any other comments on these issues, recitals 16 to 20 of the provisional Regulation are hereby definitively confirmed.

5. DUMPING

5.1. Normal value

- (15) It is recalled that in the absence of representative domestic sales, normal value was constructed in accordance with Article 2(3) of the basic Regulation.

- (16) To construct normal value pursuant to Article 2(3) of the basic Regulation, the selling, general and administrative (SG&A) expenses incurred and the weighted average profit realised by each of the cooperating exporting producers on domestic sales of the like product, in the ordinary course of trade, during the investigation period, were added to their own average cost of production during the investigation period. Since there are no separate types of the product concerned or like product, a weighted average profit was used. Where necessary, the costs of production and SG&A expenses were adjusted, before being used in the ordinary course of trade test and in constructing normal values.

- (17) Further to the provisional disclosure Birac submitted comments regarding the determination of the profit margin used for constructing normal value. According to Birac, the methodology applied violates Article 2(3) of the basic Regulation because in this specific case the result of using the profit margin of the non-representative domestic sales to construct normal value is exactly the same as if the prices of the non-representative domestic sales had been used. It claimed that such an incoherent approach cannot have been intended by a combined reading of Article 2(3) and 2(6) of the basic Regulation. It also considered that the profit margin used is unreasonable and disproportionate, in particular in comparison to the target profit used for the underselling calculations.

- (18) Furthermore, Birac claimed that the domestic sales, due to their nature, should not be considered as having been made in the ordinary course of trade and should thus not be used to establish normal value.

(19) Regarding the first claim, it is noted that the method applied is in line with the provisions of the basic Regulation and the jurisprudence stemming from WTO rulings, according to which when constructing the normal value, the profit of the domestic sales in the ordinary course of trade has to be used, even if these sales were not representative. In this specific case it is noted that since all domestic sales were profitable, constructing the normal value indeed gave the same result as if the normal value had been based on domestic sales prices. It should first be noted that the profit and SG&A data were based on the company's own domestic sales which were considered to be in the ordinary course of trade. It is further noted that 'reasonableness' cannot be measured against the target profit used for the underselling calculations, since that profit reflects the situation on the EU market in the absence of dumped imports and cannot therefore constitute a proper benchmark for determining the profit to be used in the context of constructing normal value. The claim should therefore be rejected.

(20) As regards the claim that the domestic sales should not be considered as having been made in the ordinary course of trade, the investigation established that the data and evidence provided by Birac constituted a reliable basis for determining the normal value. Therefore this claim was not considered warranted and was therefore rejected.

(21) In the absence of any other comments concerning the determination of normal value, the method described in recitals 21 to 26 of the provisional Regulation is hereby confirmed.

5.2. Export price

(22) In the absence of any comments regarding the export price, recitals 27 and 28 of the provisional Regulation are hereby confirmed.

5.3. Comparison

(23) In the absence of any comments regarding the comparison between normal value and export price, recital 29 of the provisional Regulation is hereby confirmed.

5.4. Dumping margin

(24) In the absence of any other comments concerning the determination of the dumping margin, which would alter the provisional findings, recitals 30 to 32 of the provisional Regulation are hereby confirmed.

6. INJURY

(25) Comments on the findings concerning injury were received from certain Union producers, two users in the EU and from the sole Bosnian exporting producer.

(26) To the extent that arguments have already been fully addressed in the provisional Regulation they are not repeated in this Regulation.

6.1. General remarks

(27) It is made clear at recitals 45 and 68 of the provisional Regulation that the term 'Union industry' in this investigation covers all Union producers. In addition the injury factors on which the finding of injury was reached are, as a rule, based on data relating to the Union industry. When data relating to the Union industry have been used, section 5.4 of the provisional Regulation identifies this by referring to 'macro data'. However, where information was not available for the entire Union industry the data of the representative sample of Union producers was used. No comments were received on these issues and thus the provisional findings are definitively confirmed.

(28) However, an erroneous statement was made in recital 34 of the provisional Regulation. This recital should have read 'All Union producers constitute the Union industry within the meaning of Article 4(1) and Article 5(4) of the basic Regulation and will be hereafter referred to as the "Union industry"'.

(29) In the absence of any other comments, the findings set out in recitals 52 to 56 of the provisional Regulation are hereby confirmed.

6.2. Union consumption

(30) In the absence of any comments, the findings set out in recitals 35 to 38 of the provisional Regulation are hereby confirmed.

6.3. Imports from the country concerned

(31) In the absence of any comments, the findings set out in recitals 39 to 43 of the provisional Regulation are hereby confirmed.

6.4. Situation of the Union industry

6.4.1. Injury indicators

(32) In October 2010 an industrial incident occurred at the site of one of the Union producers, MAL. However, figures supplied by the company show that its deliveries of the product concerned had recovered by January 2011. It was therefore clear that this incident did not cause serious supply problems on the EU market.

- (33) Birac asserted that as the above-mentioned Bosnian mining company related to MAL made profits in the IP, the Commission should adjust MAL's COP and profit in the calculation of the economic indicators because MAL's profit situation was allegedly reduced as a result of high profits made by its related mining company in BiH.
- (34) With respect to the above claim it is noted that the purchases of bauxite from the related company were made at arm's length. This issue was covered during the on-the-spot verification. Because MAL purchased bauxite from both related and unrelated companies during the IP at roughly the same average prices, the Commission was satisfied that bauxite purchases were made at arm's length and therefore no adjustments are necessary to the profitability trend of MAL which was used in the calculation of the trend shown at recital 52 of the provisional Regulation. This claim was therefore rejected.
- (35) Birac also claimed that since it obtained certain raw materials directly from its production of alumina it had significant competitive advantages over the majority of the Union producers and this should be reflected in the injury margins. This argument cannot be accepted. If a company has a competitive advantage this should normally have an effect on its overall dumping calculation in terms of lower costs and hence also a lower normal value. This kind of competitive advantage has conceptually nothing to do with the injury margin. The latter examines whether a level of duty lower than the dumping margin would be sufficient to remove the injury. This claim was therefore rejected.
- (36) Union users claimed that the positive development of certain injury factors was ignored in the Commission provisional assessment (profitability, cash flow and return on investment) stating that all factors should be analysed. However in the injury assessment these positive developments are fully analysed. They were taken into account but they were not considered decisive in this case for the reasons set out in recitals 52 to 60 of the provisional Regulation. That claim was therefore rejected.
- (37) In the absence of any other comments, the findings set out in recitals 44 to 64 of the provisional Regulation are hereby confirmed.

6.5. Conclusion on injury

- (38) Accordingly, and in the absence of any other comments in this respect, the conclusions reached at recitals 65 to 69 of the provisional Regulation, are hereby confirmed.

7. CAUSATION

- (39) One cooperating user claimed that the causation analysis is flawed because the Commission stated that a temporary improvement was seen in certain injury factors for the IP (2009). That user did not agree with the assessment made by the Commission that the higher profitability in 2009 as compared to 2008 was the result of short-lived temporary developments which would not be repeated in 2010.
- (40) With respect to the above submission it is noted that the party's arguments are simply statements and not backed up by any new evidence. In contrast, the Commission's position is supported by information submitted by the Union producers during the investigation both during the provisional and definitive stages. The information submitted in the run up to the verification visits was also verified on the spot. The post-IP deterioration in profit margins predicted by the Commission is also confirmed by data for the entire year 2010 provided by two Union producers. That claim is therefore rejected.
- (41) Birac contested the provisional finding concerning the impact of imports from third countries. However, the Commission's analysis in the provisional Regulation (recital 77) was that Birac was the only major exporter to the EU market. There were practically no imports from other sources. Birac provides no new evidence in this respect and its claim is therefore rejected.
- (42) One cooperating user contested the analysis made in the provisional Regulation concerning the fall in consumption and quoted the cathode-ray colour television tubes anti-dumping investigation as a precedent regarding a contraction in demand⁽¹⁾. It was claimed that in that investigation a contraction in demand led to the closure of the proceedings. However there is no parallel between the cathode-ray colour television tubes case and the current investigation. In the former, consumption fell dramatically because the product concerned was substituted by other products. By contrast, the fall in consumption in the current investigation is very moderate (7 % — as stated in recitals 37 and 38 of the provisional Regulation). In this respect it is also noted that the development of consumption was further elaborated in recitals 78 to 80 of the provisional Regulation, but the cooperating user concerned was not in a position to provide any evidence to rebut the Commission's findings. Those claims are therefore rejected.
- (43) In the light of the above, the findings set out in recitals 70 to 92 of the provisional Regulation, i.e. that the material injury to the Union industry was caused by the dumped imports, are hereby confirmed.

⁽¹⁾ Commission Decision 2006/781/EC (OJ L 316, 16.11.2006, p. 18).

8. UNION INTEREST

(44) One cooperating user claimed that the Commission provided misleading information regarding the importance of zeolite costs in its total costs at recital 104 of the provisional Regulation. In particular it claimed that costs of zeolite are more than the 5 % of total cost as quoted at that recital. In this respect it is noted that this party did not supply any new data to support its claim while the Commission's findings were based on verified information from the cooperating users. It is noted that the term 'total costs' used in recital 104 of the provisional Regulation includes all manufacturing costs plus SG&A expenses. In addition, the 'less than 5 %' statement is an average covering both laundry detergent and water softener products combined. Finally it should be clarified that the zeolite costs in water softener are higher than those of laundry detergent but by far the most important use relates to laundry detergent. Indeed with respect to this particular cooperating user the water softeners constituted a minor part of the turnover of its downstream products using zeolite. That claim is therefore rejected.

(45) One cooperating user challenged the finding in recital 102 of the provisional Regulation that China is a potential alternative source of supply. Bearing in mind the comments made, the Commission accepts that, although some Chinese merchandise has entered the EU market during the IP, it is unlikely that China will in the near future become a major supplier (see recital 41 above). However, given the capacity utilisation rates in the Union for the product concerned, the Commission maintains its view that there are no supply problems in respect of the product concerned. That claim is therefore rejected.

(46) One cooperating user claimed that if duties were imposed as a result of this investigation, zeolite costs would increase to such an extent that its prices for laundry detergent and water softener products would also increase thereby increasing consumer prices. This argument is based on the assumption that users will pass on price increases of zeolite as a result of an anti-dumping duty. In the first place, the Commission is of the opinion that Union producers would rather benefit from the measures by increased economies of scale and not by increasing prices (see recitals 108 and 111 of the provisional Regulation). Finally, as stated above, the proportion of costs associated with zeolite in the total cost of production of downstream products is small so any consequence of the duty, albeit unlikely, would not put into question the provisional conclusion that there are no overriding Union interest reasons against the imposition of measures. That claim is therefore rejected.

(47) One cooperating user claimed that it may switch to non-zeolite formulas in its laundry detergents which would negatively impact the Union producers of zeolite. The Union producers are aware from information on the file 'Open for Inspection by Interested Parties' that this risk to their business exists. However, no concrete

evidence exists in order to evaluate the alleged impact to the Union industry of this hypothetical switch. That claim is therefore rejected.

(48) The points made above were taken into account in the definitive stage of the investigation but do not alter its main conclusions. In the absence of any other comments, the findings set out in recitals 93 to 112 of the provisional Regulation are hereby confirmed. It is therefore concluded that no arguments have been raised to suggest that it is not in the Union interest to impose measures as a result of this investigation.

9. DEFINITIVE ANTI-DUMPING MEASURES

9.1. Injury elimination level

(49) In the absence of any comments, the findings set out in recitals 114 to 116 of the provisional Regulation are hereby confirmed.

9.2. Definitive measures

(50) In view of the conclusions reached with regard to dumping, injury, causation and Union interest, and in accordance with Article 9(4) of the basic Regulation, a definitive anti-dumping duty should be imposed at the level of the lowest of the dumping and injury margins found, in accordance with the lesser duty rule. In this case, the duty rate should accordingly be set at the level of the dumping found. This was calculated at 28,1 %.

(51) On the basis of the above, the rate of the definitive anti-dumping duty for BiH is 28,1 %.

10. DEFINITIVE COLLECTION OF THE PROVISIONAL DUTY

(52) In view of the magnitude of the dumping margin found and given the level of the injury caused to the Union industry, it is considered necessary that the amounts secured by way of provisional anti-dumping duty imposed by the provisional Regulation should be definitively collected to the extent of the amount of the duty definitively imposed by this Regulation.

11. FORM OF THE MEASURES

(53) In the course of the investigation the Bosnian exporting producer Alumina d.o.o. Zvornik, together with its related company in the Union, Kauno Tiekimas AB, located in Kaunas Lithuania, offered a price undertaking in accordance with Article 8(1) of the basic Regulation. It is noted that recently Fabrika glinice 'Birac' became a holding company and Alumina d.o.o, located in Zvornik, remained the sole exporting producer of the group.

- (54) The Commission examined the offer. The product concerned is a commodity product which only exists in one product type and specification, thus excluding a possible risk of price compensation through various product types. The investigation showed that all exports to the Union were invoiced via the related company in the Union (i.e. Kauno Tiekimas AB, Kaunas, Lithuania). This related company sells also other products produced by the Birac group. However, the market for zeolite A powder is well defined and the customers purchasing zeolite A powder would by nature not buy the other products produced by the Birac Group. Therefore, it was concluded that a risk of cross-compensation by possibly selling other products to the same clients was very low.
- (55) By Decision 2011/279/EU ⁽¹⁾ the Commission accepted the undertaking offer from Alumina d.o.o. Zvornik and its related company Kauno Tiekimas. The Council recognises that the offer of a price undertaking eliminates the injurious effect of dumping and limits to a sufficient degree the risk of circumvention.
- (56) To further enable the Commission and the customs authorities to effectively monitor the compliance of Alumina d.o.o. Zvornik and its related company with the undertaking, when the request for release for free circulation is presented to the relevant customs authority, exemption from the anti-dumping duty is to be conditional on (i) the presentation of an undertaking invoice, which is a commercial invoice containing at least the elements listed and the declaration stipulated in the Annex; (ii) the fact that imported goods are manufactured, shipped and invoiced either directly by Alumina d.o.o. Zvornik to the first independent customer in the Union or invoiced directly by Kauno Tiekimas to the first unrelated customer in the Union and (iii) the fact that the goods declared and presented to the customs authorities correspond exactly with the description on the undertaking invoice. Where the above conditions are not met, the appropriate anti-dumping duty shall be incurred at the time of acceptance of the declaration for release into free circulation.
- (57) Whenever, pursuant to Article 8(9) of the basic Regulation, the Commission withdraws its acceptance of an undertaking following a breach by referring to particular transactions and declares the relevant undertaking invoices to be invalid, a customs debt shall be incurred at the time of acceptance of the declaration for release into free circulation.
- (58) Importers should be aware that a customs debt may be incurred, as a normal trade risk, at the time of acceptance of the declaration for release into free circulation as described in recitals 56 and 57 even if an undertaking offered by the manufacturer from whom they were buying, directly or indirectly, had been accepted by the Commission.
- (59) Pursuant to Article 14(7) of the basic Regulation, customs authorities should inform the Commission immediately whenever indications of a violation of the undertaking are found.
- (60) For the reasons stated above, the undertaking offered by Alumina d.o.o. Zvornik and Kauno Tiekimas is considered acceptable by the Commission. The companies concerned have been informed of the essential facts, considerations and obligations upon which acceptance were based.
- (61) In the event of a breach or withdrawal of the undertakings, or in the event of withdrawal of acceptance of the undertakings by the Commission, the anti-dumping duty which has been imposed by the Council in accordance with Article 9(4) shall automatically apply by means of Article 8(9) of the basic Regulation,
- HAS ADOPTED THIS REGULATION:
- Article 1*
1. A definitive anti-dumping duty is hereby imposed on imports of zeolite A powder, also referred to as Zeolite NaA or Zeolite 4A powder, currently falling within CN code ex 2842 10 00 (TARIC code 2842 10 00 30) and originating in Bosnia and Herzegovina.
 2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, of the products described in paragraph 1 shall be 28,1 %.
 3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.
- Article 2*
1. Imports declared for release into free circulation which are invoiced by companies from which undertakings are accepted by the Commission and whose names are listed in Decision 2011/279/EU, shall be exempt from the anti-dumping duty imposed by Article 1, on condition that:
 - (a) they are manufactured, shipped and either invoiced directly by Alumina d.o.o., Zvornik, Bosnia and Herzegovina to the first independent customer in the Union or invoiced directly by the company Kauno Tiekimas AB, Kaunas, Lithuania to the first independent customer in the Union;

⁽¹⁾ See page 26 of this Official Journal.

(b) they are accompanied by an undertaking invoice which is a commercial invoice containing at least the elements and the declaration set out in the Annex to this Regulation; and

(c) the goods declared and presented to the customs authorities correspond exactly with the description on the undertaking invoice.

2. A customs debt shall be incurred at the time of acceptance of the declaration for release into free circulation:

— whenever it is established, in respect of imports described in paragraph 1, that one or more of the conditions listed in that paragraph are not fulfilled, or

— when the Commission withdraws its acceptance of the undertaking pursuant to Article 8(9) of the basic Regulation by a Regulation or Decision which refers to particular transactions and declares the relevant undertaking invoices to be invalid.

Article 3

Amounts secured by way of the provisional anti-dumping duty pursuant to Regulation (EU) No 1036/2010 on imports of zeolite A powder, currently falling within CN code ex 2842 10 00 (TARIC code 2842 10 00 30) originating in Bosnia and Herzegovina shall be definitively collected.

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, 11 May 2011.

For the Council
The President
MARTONYI J.

ANNEX

The following elements shall be indicated in the commercial invoice accompanying the companies' sales to the Union of goods which are subject to the undertaking:

1. The heading 'COMMERCIAL INVOICE ACCOMPANYING GOODS SUBJECT TO AN UNDERTAKING'.
2. The name of the company issuing the commercial invoice.
3. The commercial invoice number.
4. The date of issue of the commercial invoice.
5. The TARIC additional code under which the goods on the invoice are to be customs-cleared at the Union frontier (Taric additional code xxxx or yyyy).
6. The exact description of the goods, including:
 - plain language description of the goods corresponding to the goods subject to the undertaking,
 - the company product code number (CPC),
 - TARIC code,
 - quantity (in tonnes).
7. The description of the terms of the sale, including:
 - price per tonne,
 - the applicable payment terms,
 - the applicable delivery terms,
 - total discounts and rebates.
8. Name of the company acting as an importer (i.e. the person who declares the goods for customs clearance) in the Union to which the commercial invoice accompanying goods subject to an undertaking is issued directly by the company.
9. The name of the official of the company that has issued the commercial invoice and the following signed declaration:

'I, the undersigned, certify that the sale for direct export to the European Union of the goods covered by this invoice is being made within the scope and under the terms of the Undertaking offered by Alumina d.o.o., Zvornik and its related company Kauno Tiekimas AB, and accepted by the European Commission by Decision 2011/279/EU. I declare that the information provided in this invoice is complete and correct.'

COMMISSION IMPLEMENTING REGULATION (EU) No 465/2011**of 13 May 2011****amending Regulation (EU) No 882/2010 as regards the lodging of export-licence applications for out-of-quota sugar for marketing year 2010/2011**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 7e in conjunction with Article 9(1) thereof,

Whereas:

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

(2) Commission Regulation (EU) No 397/2010 of 7 May 2010 fixing the quantitative limit for the exports of out-of-quota sugar and isoglucose until the end of the 2010/2011 marketing year ⁽³⁾ has fixed the quantitative limit at 650 000 tonnes in the case of sugar.

(3) The quantities of sugar covered by applications for export licences exceeded that quantitative limit. Therefore Commission Regulation (EU) No 882/2010

of 6 October 2010 fixing the acceptance percentage for the issuing of export licences, rejecting export-licence applications and suspending the lodging of export-licence applications for out-of-quota sugar ⁽⁴⁾ suspended the lodging of applications for out-of-quota sugar export licences for the period 11 October 2010 to 30 September 2011.

(4) Commission Implementing Regulation (EU) No 461/2011 of 12 May 2011 amending Regulation (EU) No 397/2010 fixing the quantitative limit for the exports of out-of-quota sugar and isoglucose until the end of the 2010/2011 marketing year ⁽⁵⁾, the quantitative limit for the exports of out-of-quota sugar in respect of marketing year 2010/2011 was increased by 700 000 tonnes.

(5) As the quantitative limit in respect of marketing year 2010/2011 is increased, the lodging of applications should once again be possible as of the first week of July.

(6) Regulation (EU) No 882/2010 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EU) No 882/2010, paragraph 3 is deleted.

Article 2

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

It shall apply from 4 July 2011.

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

Done at Brussels, 13 May 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 115, 8.5.2010, p. 26.

⁽⁴⁾ OJ L 264, 7.10.2010, p. 13.

⁽⁵⁾ OJ L 124, 13.5.2011, p. 41.

COMMISSION IMPLEMENTING REGULATION (EU) No 466/2011**of 13 May 2011****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 May 2011.

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

Done at Brussels, 13 May 2011.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	63,1
	TN	102,3
	TR	68,9
	ZZ	78,1
0707 00 05	TR	108,9
	ZZ	108,9
0709 90 70	MA	86,8
	TR	123,4
	ZZ	105,1
0709 90 80	EC	27,0
	ZZ	27,0
0805 10 20	EG	56,5
	IL	55,5
	MA	45,5
	TN	54,9
	TR	71,6
	ZZ	56,8
0805 50 10	TR	53,9
	ZZ	53,9
0808 10 80	AR	91,1
	BR	71,3
	CA	107,1
	CL	84,0
	CN	96,2
	NZ	114,9
	US	172,7
	UY	59,9
	ZA	84,5
	ZZ	98,0

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

COMMISSION IMPLEMENTING REGULATION (EU) No 467/2011
of 13 May 2011
fixing the import duties in the cereals sector applicable from 16 May 2011

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EU) No 642/2010 of 20 July 2010 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products falling within CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002, ex 1005 other than hybrid seed, and ex 1007 other than hybrids for sowing, is to be equal to the intervention price valid for such products on importation increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

- (2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, for the purposes of calculating the import duty referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

- (3) Pursuant to Article 2(2) of Regulation (EU) No 642/2010, the price to be used for the calculation of the import duty on products of CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00, 1005 10 90, 1005 90 00 and 1007 00 90 is the daily cif representative import price determined as specified in Article 5 of that Regulation.

- (4) Import duties should be fixed for the period from 16 May 2011 and should apply until new import duties are fixed and enter into force,

HAS ADOPTED THIS REGULATION:

Article 1

From 16 May 2011, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 16 May 2011.

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

Done at Brussels, 13 May 2011.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 187, 21.7.2010, p. 5.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 16 May 2011

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	0,00
1005 10 90	Maize seed, other than hybrid	0,00
1005 90 00	Maize, other than seed ⁽²⁾	0,00
1007 00 90	Grain sorghum, other than hybrids for sowing	0,00

⁽¹⁾ For goods arriving in the Union via the Atlantic Ocean or via the Suez Canal the importer may benefit, pursuant to Article 2(4) of Regulation (EU) No 642/2010, from a reduction in the duty of:

- 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or on the Black Sea,
- 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom, or on the Atlantic coast of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 3 of Regulation (EU) No 642/2010 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

29.4.2011-12.5.2011

1. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	247,86	192,42	—	—	—	—
Fob price USA	—	—	255,38	245,38	225,38	164,90
Gulf of Mexico premium	—	15,33	—	—	—	—
Great Lakes premium	71,88	—	—	—	—	—

⁽¹⁾ Premium of 14 EUR/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).⁽²⁾ Discount of 10 EUR/t (Article 5(3) of Regulation (EU) No 642/2010).⁽³⁾ Discount of 30 EUR/t (Article 5(3) of Regulation (EU) No 642/2010).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

Freight costs: Gulf of Mexico–Rotterdam: 16,82 EUR/t

Freight costs: Great Lakes–Rotterdam: 47,76 EUR/t

COMMISSION IMPLEMENTING REGULATION (EU) No 468/2011**of 13 May 2011****on selling prices for cereals in response to the 12th individual invitations to tender within the tendering procedures opened by Regulation (EU) No 1017/2010**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 43(f), in conjunction with Article 4, thereof

Whereas:

- (1) Commission Regulation (EU) No 1017/2010 ⁽²⁾ has opened the sales of cereals by tendering procedures, in accordance with the conditions provided for in Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention ⁽³⁾.
- (2) In accordance with Article 46(1) of Regulation (EU) No 1272/2009 and Article 4 of Regulation (EU) No 1017/2010, in the light of the tenders received in response to individual invitations to tender, the Commission has to fix for each cereal and per Member State a minimum selling price or to decide not to fix a minimum selling price.

- (3) On the basis of the tenders received for the 12th individual invitations to tender, it has been decided that no minimum selling price should be fixed for any cereal and for any Member State.
- (4) In order to give a rapid signal to the market and to ensure efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

For the 12th individual invitations to tender for selling of cereals within the tendering procedures opened by Regulation (EU) No 1017/2010, in respect of which the time limit for the submission of tenders expired on 11 May 2011, the decisions on the selling price per cereal and Member State are set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 13 May 2011.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 293, 11.11.2010, p. 41.

⁽³⁾ OJ L 349, 29.12.2009, p. 1.

ANNEX

Decisions on sales

(EUR/tonne)

Member State	The minimum selling price		
	Common wheat	Barley	Maize
	CN code 1001 90	CN code 1003 00	CN code 1005 90 00
Belgique/België	X	X	X
Bulgaria	X	X	X
Česká republika	X	X	X
Danmark	X	X	X
Deutschland	X	—	X
Eesti	X	X	X
Éire/Ireland	X	X	X
Elláda	X	X	X
España	X	X	X
France	X	°	X
Italia	X	X	X
Kýpros	X	X	X
Latvija	X	X	X
Lietuva	X	X	X
Luxembourg	X	X	X
Magyarország	X	X	X
Malta	X	X	X
Nederland	X	X	X
Österreich	X	X	X
Polska	X	X	X
Portugal	X	X	X
România	X	X	X
Slovenija	X	X	X
Slovensko	X	X	X
Suomi/Finland	X	—	X
Sverige	X	—	X
United Kingdom	X	—	X

— no minimum selling price fixed (all offers rejected)

° no offers

X no cereals available for sales

not applicable

DIRECTIVES

COMMISSION DIRECTIVE 2011/59/EU

of 13 May 2011

amending, for the purpose of adaptation to technical progress, Annexes II and III to Council Directive 76/768/EEC relating to cosmetic products

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products ⁽¹⁾, and in particular Article 8(2) thereof,

After consulting the Scientific Committee on Consumer Safety,

Whereas:

(1) Following the publication of a scientific study in 2001, entitled 'Use of permanent hair dyes and bladder cancer risk', the Scientific Committee on Cosmetic Products and Non-Food Products intended for Consumers, subsequently replaced by the Scientific Committee on Consumer Products ('SCCP'), pursuant to Commission Decision 2004/210/EC ⁽²⁾, concluded that the potential risks were of concern. The SCCP recommended that the Commission take further steps to control the use of hair dye substances.

(2) The SCCP further recommended an overall safety assessment strategy for hair dye substances including the requirements for testing substances used in hair dye products for their potential genotoxicity/mutagenicity.

(3) Following the opinions of the SCCP, the Commission agreed with Member States and stakeholders on an overall strategy to regulate substances used in hair dye products according to which the industry was required to submit files, containing updated scientific data on the safety of hair dye substances, for a risk assessment by the SCCP.

(4) The SCCP, subsequently replaced by the Scientific Committee on Consumer Safety ('SCCS') pursuant to Commission Decision 2008/721/EC of 5 August 2008 setting up an advisory structure of Scientific Committees and experts in the field of consumer safety, public health and the environment and repealing Decision 2004/210/EC ⁽³⁾, assessed the safety of individual substances for which updated files had been submitted by industry.

(5) The last step of the safety assessment strategy was to evaluate possible consumer health risk by reaction products formed by oxidative hair dye substances during the hair dyeing process. In its opinion of 21 September 2010 the SCCS did not raise any major concern regarding genotoxicity and carcinogenicity of hair dyes and their reaction products currently used in the Union.

(6) Some hair dye substances are provisionally authorised for use in hair dye products until 31 December 2010 under the restrictions and conditions laid down in Part 2 of Annex III to Directive 76/768/EEC.

(7) In the light of the risk assessment of the submitted safety data and the final opinions given by the SCCS on the safety of individual substances and of the reaction products, it is appropriate to include in Part 1 of Annex III to Directive 76/768/EEC provisionally authorised hair dye substances, currently listed in Part 2 of that Annex.

(8) The safety assessment by the SCCS concerning the substances hydroxyethyl-2-nitro-p-toluidine and HC Red No 10 + HC Red No 11, listed in Part 2 of Annex III to Directive 76/768/EEC, could not be finalised before 31 December 2010. Therefore, the provisional use of the substances should be prolonged until 31 December 2011.

⁽¹⁾ OJ L 262, 27.9.1976, p. 169.

⁽²⁾ OJ L 66, 4.3.2004, p. 45.

⁽³⁾ OJ L 241, 10.9.2008, p. 21.

- (9) Concerning the substance o-aminophenol, the SCCS stated in its opinion of 22 June 2010 that based on the available data no final conclusion on the safety of that substance could be drawn. Based on that opinion o-aminophenol cannot be considered safe when used in hair dye products and should therefore be listed in Annex II to Directive 76/768/EEC.
- (10) Directive 76/768/EEC should therefore be amended accordingly.
- (11) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Cosmetic Products,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes II and III to Directive 76/768/EEC are amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 3 January 2012 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 3 January 2012.

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, 13 May 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

Directive 76/768/EEC is amended as follows:

(1) in Annex II, the following entry is added:

Ref. No	Chemical name	CAS No/EC No
'1372	2-Aminophenol (o-Aminophenol; CI 76520) and its salts	CAS No 95-55-6/67845-79-8/51-19-4 EC No 202-431-1/267-335-4'

(2) Annex III is amended as follows:

(a) Part 1 is amended as follows:

(i) the following entries are added:

Ref. No	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Max. authorised concentration in the finished cosmetic product	Other limitations and requirements	
'215	4-amino-3-nitrophenol (CAS No 610-81-1) (EC No 210-236-8)	(a) Hair dye substance in oxidative hair dye products (b) Hair dye substance in non-oxidative hair dye products	(b) 1,0 %	(a) After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 1,5 %	(a) As mentioned in reference number 205, column f (a) (b) As mentioned in reference number 208, column f
216	2,7-Naphthalenediol (CAS No 582-17-2) (EC No 209-478-7)	(a) Hair dye substance in oxidative hair dye products (b) Hair dye substance in non-oxidative hair dye products	(b) 1,0 %	(a) After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 1,0 %	(a) As mentioned in reference number 205, column f (a)
217	m-Aminophenol (CAS No 591-27-5) (EC No 209-711-2) and its salts m-Aminophenol HCl (CAS No 51-81-0) (EC No 200-125-2) m-Aminophenol sulphate (CAS No 68239-81-6) (EC No 269-475-1) sodium m-Aminophenol (CAS No 38171-54-9)	Hair dye substance in oxidative hair dye products		After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 1,2 %	As mentioned in reference number 205, column f (a)

Ref. No	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Max. authorised concentration in the finished cosmetic product	Other limitations and requirements	
218	2,6-Dihydroxy-3,4-dimethylpyridine (CAS No 84540-47-6) (EC No 283-141-2)	Hair dye substance in oxidative hair dye products		After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 1,0 %	As mentioned in reference number 205, column f (a)
222	2-Hydroxyethyl picramic acid (CAS No 99610-72-7) (EC No 412-520-9)	(a) Hair dye substance in oxidative hair dye products (b) Hair dye substance in non-oxidative hair dye products	(b) 2,0 %	(a) After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 1,5 % For (a) and (b): — Do not use with nitrosating agents — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	(a) As mentioned in reference number 205, column f (a)
223	p-Methylamino-phenol (CAS No 150-75-4) (EC No 205-768-2) and its sulphate p-Methylamino-phenol sulphate (CAS No 55-55-0/1936-57-8) (EC No 200-237-1/217-706-1)	Hair dye substance in oxidative hair dye products		After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 0,68 % (as sulphate) — Do not use with nitrosating agents — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	As mentioned in reference number 205, column f (a)
225	Ethanol, 2-[4-[Ethyl[(2-Hydroxyethyl)Amino]-2-Nitrophenyl]-Amino]-, (CAS No 104516-93-0) and its hydrochloride HC Blue No 12 (CAS No 132885-85-9) (EC No 407-020-2)	(a) Hair dye substance in oxidative hair dye products		(a) After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 0,75 % (as hydrochloride) For (a) and (b): — Do not use with nitrosating agents — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	(a) As mentioned in reference number 205, column f (a)

Ref. No	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Max. authorised concentration in the finished cosmetic product	Other limitations and requirements	
		(b) Hair dye substance in non-oxidative hair dye products	(b) 1,5 % (as hydrochloride)		
227	3-Amino-2,4-dichlorophenol (CAS No 61693-42-3) (EC No 262-909-0) and its hydrochloride 3-Amino-2,4-dichlorophenol HCl (CAS No 61693-43-4)	(a) Hair dye substance in oxidative hair dye products (b) Hair dye substance in non-oxidative hair dye products	(b) 1,5 % (as hydrochloride)	(a) After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 1,5 % (as hydrochloride)	(a) As mentioned in reference number 205, column f (a)
230	Phenyl methyl pyrazolone (CAS No 89-25-8) (EC No 201-891-0)	Hair dye substance in oxidative hair dye products		After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 0,25 %	As mentioned in reference number 205, column f (a)
232	2-Methyl-5-hydroxyethylamino-phenol (CAS No 55302-96-0) (EC No 259-583-7)	Hair dye substance in oxidative hair dye products		After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 1,5 % — Do not use with nitrosating agents — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	As mentioned in reference number 205, column f (a)
234	Hydroxybenzomorpholine (CAS No 26021-57-8) (EC No 247-415-5)	Hair dye substance in oxidative hair dye products		After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 1,0 % — Do not use with nitrosating agents — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	As mentioned in reference number 205, column f (a)

Ref. No	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Max. authorised concentration in the finished cosmetic product	Other limitations and requirements	
237	2,2'-[(4-Amino-3-nitrophenyl)-imino]bisethanol (CAS No 29705-39-3) and its hydrochloride HC Red No 13 (CAS No 94158-13-1) (EC No 303-083-4)	(a) Hair dye substance in oxidative hair dye products (b) Hair dye substance in non-oxidative hair dye products	(b) 2,5 % (as hydrochloride)	(a) After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 1,25 % (as hydrochloride)	(a) As mentioned in reference number 205, column f (a)
238	2,6-Dimethoxy-3,5-pyridine-diamine (CAS No 85679-78-3 (free base)) and its hydrochloride 2,6-Dimethoxy-3,5-pyridine-diamine HCl (CAS No 56216-28-5) (EC No 260-062-1)	Hair dye substance in oxidative hair dye products		After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 0,25 % (as hydrochloride)	As mentioned in reference number 205, column f (a)
239	HC Violet No 1 (CAS No 82576-75-8) (EC No 417-600-7)	(a) Hair dye substance in oxidative hair dye products (b) Hair dye substance in non-oxidative hair dye products	(b) 0,28 %	(a) After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 0,25 % For (a) and (b): — Do not use with nitrosating agents — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	(a) As mentioned in reference number 205, column f (a) (b) As mentioned in reference number 208, column f
241	1,5-Naphthalenediol (CAS No 83-56-7) (EC No 201-487-4)	(a) Hair dye substance in oxidative hair dye products (b) Hair dye substance in non-oxidative hair dye products	(b) 1,0 %	(a) After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 1,0 %	(a) As mentioned in reference number 205, column f (a)

Ref. No	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Max. authorised concentration in the finished cosmetic product	Other limitations and requirements	
242	Hydroxypropyl bis(N-hydroxyethyl-p-phenylenediamine) (CAS No 128729-30-6) and its tetrahydrochloride Hydroxypropyl bis(N-hydroxyethyl-p-phenylenediamine) HCl (CAS No 128729-28-2) (EC No 416-320-2)	Hair dye substance in oxidative hair dye products		After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 0,4 % (as tetrahydrochloride)	As mentioned in reference number 205, column f (a)
243	4-Amino-2-hydroxytoluene (CAS No 2835-95-2) (EC No 220-618-6)	Hair dye substance in oxidative hair dye products		After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 1,5 %	As mentioned in reference number 205, column f (a)
244	2,4-Diaminophenoxyethanol (CAS No 70643-19-5), its hydrochloride and its sulphate 2,4-Diaminophenoxyethanol HCl (CAS No 66422-95-5) (EC No 266-357-1) 2,4-Diaminophenoxyethanol sulphate (CAS No 70643-20-8) (EC No 274-713-2)	Hair dye substance in oxidative hair dye products		After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 2,0 % (as hydrochloride)	As mentioned in reference number 205, column f (a)
245	2-Methylresorcinol (CAS No 608-25-3) (EC No 210-155-8)	(a) Hair dye substance in oxidative hair dye products (b) Hair dye substance in non-oxidative hair dye products	(b) 1,8 %	(a) After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 1,8 %	(a) As mentioned in reference number 205, column f (a)
246	4-Amino-m-cresol (CAS No 2835-99-6) (EC No 220-621-2)	Hair dye substance in oxidative hair dye products		After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 1,5 %	As mentioned in reference number 205, column f (a)

Ref. No	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Max. authorised concentration in the finished cosmetic product	Other limitations and requirements	
248	2-Amino-4-hydroxyethylaminoanisole (CAS No 83763-47-7) (EC No 280-733-2) and its sulphate 2-Amino-4-hydroxyethylaminoanisole sulphate (CAS No 83763-48-8) (EC No 280-734-8)	Hair dye substance in oxidative hair dye products		After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 1,5 % (as sulphate) — Do not use with nitrosating agents — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	As mentioned in reference number 205, column f (a)
249	Hydroxyethyl-3,4-methylenedioxyaniline and its hydrochloride Hydroxyethyl-3,4-methylenedioxyaniline HCl (CAS No 94158-14-2) (EC No 303-085-5)	Hair dye substance in oxidative hair dye products		After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 1,5 % — Do not use with nitrosating agents — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	As mentioned in reference number 205, column f (a)
250	3-Nitro-p-hydroxyethylamino-phenol (CAS No 65235-31-6) (EC No 265-648-0)	(a) Hair dye substance in oxidative hair dye products (b) Hair dye substance in non-oxidative hair dye products	(b) 1,85 %	(a) After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 3,0 % For (a) and (b): — Do not use with nitrosating systems — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	(a) As mentioned in reference number 205, column f (a) (b) As mentioned in reference number 208, column f
251	4-Nitrophenyl aminoethylurea (CAS No 27080-42-8) (EC No 410-700-1)	(a) Hair dye substance in oxidative hair dye products (b) Hair dye substance in non-oxidative hair dye products	(b) 0,5 %	(a) After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 0,25 % For (a) and (b): — Do not use with nitrosating agents — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	(a) As mentioned in reference number 205, column f (a)

Ref. No	Substance	Restrictions			Conditions of use and warnings which must be printed on the label
		Field of application and/or use	Max. authorised concentration in the finished cosmetic product	Other limitations and requirements	
252	2-Amino-6-chloro-4-nitrophenol (CAS No 6358-09-4) (EC No 228-762-1)	(a) Hair dye substance in oxidative hair dye products (b) Hair dye substance in non-oxidative hair dye products	(b) 2,0 %	(a) After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 2,0 %	(a) As mentioned in reference number 205, column f (a) (b) As mentioned in reference number 208, column f

(ii) the entry with reference number 201 is replaced by the following:

'201	2-Chloro-6-ethylamino-4-nitrophenol (CAS No 131657-78-8) (EC No 411-440-1)	(a) Hair dye substance in oxidative hair dye products (b) Hair dye substance in non-oxidative hair dye products	(b) 3,0 %	(a) After mixing under oxidative conditions the maximum concentration applied to hair must not exceed 1,5 % (a) and (b): — Do not use with nitrosating agents — Maximum nitrosamine content: 50 µg/kg — Keep in nitrite-free containers	(a) As mentioned in reference number 205, column f (a)
------	--	--	-----------	---	--

(b) Part 2 is amended as follows:

- (i) the entries with reference numbers 3 to 6, 11, 12, 16, 19 to 22, 25, 27, 31 to 39, 44, 48, 49, 55 and 56 are deleted;
- (ii) in the entries with reference numbers 10 and 50, in column g, the date '31.12.2010' is replaced by '31.12.2011'.

DECISIONS

COMMISSION DECISION

of 13 May 2011

accepting an undertaking offered in connection with the anti-dumping proceeding concerning imports of zeolite A powder originating in Bosnia and Herzegovina

(2011/279/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the 'basic Regulation'), and in particular Articles 8 and 9 thereof,

After consulting the Advisory Committee,

Whereas:

of 11 May 2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of zeolite A powder originating in Bosnia and Herzegovina ⁽²⁾ (the 'product concerned').

B. UNDERTAKING

(4) Subsequent to the adoption of provisional anti-dumping measures, the cooperating exporting producer in Bosnia and Herzegovina, Alumina d.o.o. Zvornik, together with its related company in the Union, AB Kauno Tiekimas filialas 'Kauno Tiekimas', located in Kaunas, Lithuania, offered a price undertaking in accordance with Article 8(1) of the basic Regulation. In this undertaking offer, both companies offered to sell the product concerned at or above price levels which eliminate the injurious effects of dumping found during the investigation.

A. PROCEDURE

(1) By Regulation (EU) No 1036/2010 ⁽²⁾, the Commission imposed a provisional anti-dumping duty on imports into the Union of zeolite A powder originating in Bosnia and Herzegovina.

(2) Following the adoption of the provisional anti-dumping measures, the Commission continued the investigation of dumping, injury and Union interest. The investigation confirmed the provisional findings of injurious dumping relating to these imports.

(3) The definitive findings and conclusions of the investigation are set out in Council Regulation (EU) No 464

(5) The minimum import price (MIP) offer from the companies was based on the normal value calculated for the investigation period.

(6) The undertaking offer also contained the provision that the sales of the product concerned would be shipped directly from Alumina d.o.o. Zvornik to the first independent customer in the Union and invoiced either from Alumina d.o.o. Zvornik to the first independent customer in the Union or invoiced directly by Kauno. Furthermore, the companies offered to establish a link between the transfer invoices concerning the product concerned issued by Alumina d.o.o. Zvornik to Kauno Tiekimas and the resale invoices to the first independent customer in the Union by Kauno Tiekimas.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 298, 16.11.2010, p. 27.

⁽³⁾ See page 1 of this Official Journal.

- (7) Both companies also agreed to undertake to provide the Commission with regular and detailed information concerning their sales to the Union, allowing for the undertaking to be monitored effectively by the Commission.

C. COMMENTS OF PARTIES AND ACCEPTANCE OF THE UNDERTAKING

- (8) The Union industry indicated that it disagrees with the acceptance of an undertaking offer, in particular with a fixed MIP. It was argued that prices of zeolite A powder depend on cost of raw materials, especially caustic soda, and energy and that the market prices are expected to rise. In this respect it is noted that available information concerning the evolution of the cost of production (which includes raw materials and energy costs) confirms that the evolution was linear. The information gathered throughout the investigation suggest that the prices of main raw materials did not change dramatically with exception to the caustic soda in the mid-2009, however this trend was reversed towards the end of 2009 and prices returned to long-time average. Furthermore, energy is not a raw material input and could not be linked with a MIP. The Union industry disputed whether the Bosnian exporting producer and its related company in the Union could be considered trustworthy, account taken of their financial situation. Nevertheless, no concrete and verifiable information was provided to corroborate this claim. The trustworthiness of the aforesaid parties was also questioned since it was argued that they declared on importation the product concerned under various CN codes. In this respect, it is noted that the product concerned is currently falling within CN code ex 2842 10 00 and that the customs declaration is not carried out by the companies offering the undertaking. It was also argued that the Bosnian exporting producer may sell other products in the Union, thus, increasing the danger of cross compensation and that the related company in the Union may provide compensation to its Union clients when selling the product under MIP. In this respect, it is noted that the Commission has not established any systemic danger of cross compensation, in particular as the market and clients for zeolite A powder is well defined. Indeed, the clients that purchase zeolite A powder do not purchase any other products produced by Alumina d.o.o. Zvornik since they operate in completely different markets than the customers of the other products. In this respect, it is emphasised that all parties subject to this undertaking offer will be closely monitored. The Union industry also submitted that the undertaking offer was not submitted within the time period foreseen under the basic Regulation. In this respect, it is noted that the offer was indeed submitted within the time frame period foreseen under Article 8(2) of the basic Regulation. The Union industry submitted some additional comments concerning the calculation method of the MIP and the monitoring of such undertaking, which were however not considered pertinent or justified

since the Commission ensured that the proposed MIP is in line with its administrative practices followed with respect to undertaking offers.

- (9) In view of the above, the undertaking offered by the two companies is acceptable.
- (10) In order to enable the Commission to effectively monitor the companies' compliance with the undertaking, when the request for release for free circulation is presented to the relevant customs authority, exemption from the anti-dumping duty will be conditional on (i) the presentation of an undertaking invoice containing at least the elements listed in the Annex to Regulation (EU) No 464; (ii) the fact that the imported goods are manufactured by Alumina d.o.o. Zvornik and shipped directly by it to the first independent customer in the Union and invoiced to the first independent customer in the Union either directly by Alumina d.o.o. Zvornik or Kauno Tiekimas and (iii) the fact that the goods declared and presented to customs correspond precisely to the description on the undertaking invoice. Where no such invoice is presented, or when it does not correspond to the product presented to customs, the appropriate rate of anti-dumping duty shall instead be payable.
- (11) To ensure that the undertaking is respected, importers have been made aware by the Council Regulation mentioned above in recital 3 that the non-fulfilment of the conditions provided for by that Regulation, or the withdrawal by the Commission of the acceptance of the undertaking, may lead to a customs debt being incurred for the relevant transactions.
- (12) In the event of a breach or withdrawal of the undertaking or in case of withdrawal of acceptance of the undertaking by the Commission, the anti-dumping duty imposed in accordance with Article 9(4) of the basic Regulation shall automatically apply pursuant to Article 8(9) of the basic Regulation,

HAS ADOPTED THIS DECISION:

Article 1

The undertaking offered by the exporting producer, together with its related importer in the Union mentioned below in connection with the anti-dumping proceeding concerning imports of zeolite A powder originating in Bosnia and Herzegovina is hereby accepted.

Country	Company	Taric Additional Code
Bosnia and Herzegovina	Manufactured, shipped and invoiced directly by Alumina d.o.o., Zvornik, Bosnia and Herzegovina to the first independent customer in the Union	B115
Bosnia and Herzegovina	Manufactured and shipped directly by Alumina d.o.o., Zvornik, Bosnia and Herzegovina to the first independent customer in the Union and invoiced directly by AB Kauno Tiekimas filialas, Kaunas, Lithuania to the first independent customer in the Union	B116

Article 2

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

Done at Brussels, 13 May 2011.

For the Commission

The President

José Manuel BARROSO

2011 SUBSCRIPTION PRICES (excluding VAT, including normal transport charges)

EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 1 100 per year
EU Official Journal, L + C series, paper + annual DVD	22 official EU languages	EUR 1 200 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 770 per year
EU Official Journal, L + C series, monthly DVD (cumulative)	22 official EU languages	EUR 400 per year
Supplement to the Official Journal (S series), tendering procedures for public contracts, DVD, one edition per week	multilingual: 23 official EU languages	EUR 300 per year
EU Official Journal, C series — recruitment competitions	Language(s) according to competition(s)	EUR 50 per year

Subscriptions to the *Official Journal of the European Union*, which is published in the official languages of the European Union, are available for 22 language versions. The Official Journal comprises two series, L (Legislation) and C (Information and Notices).

A separate subscription must be taken out for each language version.

In accordance with Council Regulation (EC) No 920/2005, published in Official Journal L 156 of 18 June 2005, the institutions of the European Union are temporarily not bound by the obligation to draft all acts in Irish and publish them in that language. Irish editions of the Official Journal are therefore sold separately.

Subscriptions to the Supplement to the Official Journal (S Series — tendering procedures for public contracts) cover all 23 official language versions on a single multilingual DVD.

On request, subscribers to the *Official Journal of the European Union* can receive the various Annexes to the Official Journal. Subscribers are informed of the publication of Annexes by notices inserted in the *Official Journal of the European Union*.

Sales and subscriptions

Subscriptions to various priced periodicals, such as the subscription to the *Official Journal of the European Union*, are available from our sales agents. The list of sales agents is available at:

http://publications.europa.eu/others/agents/index_en.htm

EUR-Lex (<http://eur-lex.europa.eu>) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

For further information on the European Union, see: <http://europa.eu>



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN