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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.

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II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) No 824/2011

of 12 August 2011

terminating the partial reopening of the anti-dumping interim review investigation concerning imports of polyethylene terephthalate (PET) film originating in India

THE COUNCIL OF THE EUROPEAN UNION,

expiry review the definitive anti-dumping duty on imports of PET film originating in India was confirmed.

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 and Article 11(3) and (6) thereof,

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

Whereas:

1. PROCEDURE

1.1. Existing measures

(1) By Regulation (EC) No 1676/2001⁽²⁾ (the original Regulation) the Council imposed a definitive anti-dumping duty on imports of polyethylene terephthalate (PET) film originating, inter alia, in India. On 8 March 2006, by Council Regulation (EC) No 366/2006⁽³⁾ (the amending Regulation) and following a partial interim review investigation, the anti-dumping duty on imports of PET film originating in India was amended.

(2) On 6 November 2007, by Council Regulation (EC) No 1292/2007⁽⁴⁾ (the review Regulation) and following an

(3) MTZ Polyfilms Ltd (MTZ Polyfilms), an Indian exporting producer which cooperated with the above investigations, obtained an individual duty rate by the original Regulation. This duty rate was revised by the amending Regulation.

(4) On 19 May 2006, MTZ Polyfilms lodged an application⁽⁵⁾ at the General Court ('the Court of First Instance' before the entry into force of the Lisbon Treaty) seeking the annulment of the amending Regulation in so far as it applies to MTZ Polyfilms.

(5) By its judgment of 17 November 2009 in Case T-143/06⁽⁶⁾, the General Court annulled the amending Regulation to the extent that it imposed an anti-dumping duty on MTZ Polyfilms (the judgment). The General Court found that the amending Regulation was adopted on an incorrect legal basis. It considered, in particular, that Article 11(3) of the basic Regulation could not serve as a legal basis allowing the institutions, when determining the export price, not to apply the methodology prescribed by Article 2(8) and (9) of the basic Regulation.

(6) On 13 May 2011, by Implementing Regulation (EU) No 469/2011⁽⁷⁾ the definitive anti-dumping duty on imports of PET film originating in India was amended in view of the expiry of the up till then parallel countervailing duty on 9 March 2011.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 227, 23.8.2001, p. 1.

⁽³⁾ OJ L 68, 8.3.2006, p. 6.

⁽⁴⁾ OJ L 288, 6.11.2007, p. 1.

⁽⁵⁾ OJ C 178, 29.7.2006, p. 34.

⁽⁶⁾ Case T-143/06 *MTZ Polyfilms v Council* [2009] ECR II-4133.

⁽⁷⁾ OJ L 129, 17.5.2011, p. 1.

1.2. Partial reopening

- (7) On 20 May 2010 a notice⁽¹⁾ was published in the *Official Journal of the European Union*. In the notice parties were informed that, in view of the judgment of the General Court mentioned in recital 5, imports into the European Union of PET film manufactured by MTZ Polyfilms were no longer subject to the anti-dumping measures imposed by the amending Regulation and the review Regulation, and that definitive anti-dumping duties paid pursuant to these regulations for the product concerned manufactured by MTZ Polyfilms should be repaid or remitted.
- (8) The notice also partially reopened the relevant anti-dumping interim review investigation concerning imports of PET film originating, inter alia, in India in order to implement the above judgment of the General Court as far as MTZ Polyfilms is concerned.
- (9) Moreover, by the same notice, MTZ Polyfilms was invited, should it consider that aspects of the findings which led to the adoption of the amending Regulation other than the one mentioned in recital 5 were no longer valid, to present a duly substantiated request for review in accordance with the provisions of Article 11(3) of the basic Regulation.
- (10) The Commission officially advised MTZ Polyfilms, the representatives of the exporting country, the other Indian exporting producers which cooperated in the investigation that led to the adoption of the amending Regulation, and the Union industry of the partial reopening of the investigation. Interested parties were given the opportunity to make their views known in writing and to be heard within the time limit set out in the notice.
- (11) Representations were received from two exporting producers in India (one being the party directly concerned, i.e. MTZ Polyfilms) and the Union industry.

2. IMPLEMENTATION OF THE JUDGMENT

2.1. Preliminary remark

- (12) As a preliminary remark it is important to note that MTZ Polyfilms did not reply to the invitation referred to in recital 9.

2.2. Comments of interested parties

- (13) MTZ Polyfilms argued that a partial reopening of a review investigation is illegal because there is no specific provision in the basic Regulation allowing for a

possibility to reopen an investigation. The same company also submitted that the Commission's reference in the notice referred to in recital 7 to the judgment in the IPS case (IPS judgment)⁽²⁾ was erroneous as that judgment concerned an anti-dumping proceeding which had been initiated in a different legal framework as under the basic Regulation in force at that time, an anti-dumping proceeding consisted of several stages which included the initial investigation and all subsequent review investigations. The IPS judgment therefore dealt with the possibility of opening a new investigation within the framework of an ongoing proceeding. The distinction between a proceeding and an investigation had been written out of the basic Regulation in 1995 and, in the present case, the Commission had not initiated a new investigation in the framework of a proceeding but reopened an investigation which, according to MTZ Polyfilms, had already been concluded by the imposition of definitive measures.

MTZ Polyfilms submitted that the IPS case could not serve as a precedent because it was based on Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽³⁾ (the old basic Regulation), under which mandatory deadlines, in particular the maximum time for concluding a review investigation of 15 months from the date of initiation, did not yet apply. It argued that in this case, the 15 months deadline had lapsed soon after the reopening on 20 May 2010, since the amended measures were imposed more than 14 months after the initiation of the partial interim review investigation. Finally, according to MTZ Polyfilms, the judgment required no implementing measures, since the judgment is clear in all material aspects, simple and without any specific reservation and/or qualification annulling the amending Regulation as far as it concerned imports into the Union of PET film manufactured by MTZ Polyfilms.

- (14) Another Indian exporting producer of PET film, which had cooperated with the interim review, argued that, as in calculating its dumping margin the institutions had applied the same approach as the one which had been condemned by the General Court in its judgment, the institutions should now also revise the methodology for calculating dumping of this company, resulting in the absence of a dumping margin.
- (15) The Union industry claimed that, since the General Court had annulled the amending Regulation in so far as it imposed an anti-dumping duty on MTZ Polyfilms, the individual duty rate calculated and imposed in 2001 should be reimposed as, in the interim review, MTZ Polyfilms was still found to be dumping by

⁽¹⁾ OJ C 131, 20.5.2010, p. 3.

⁽²⁾ Case T-2/95 *Industrie des Poudres Sphériques v Council* [1998] ECR II-3939.

⁽³⁾ OJ L 209, 2.8.1988, p. 1.

a considerable margin. In this respect, it also pointed to a long-standing pattern of circumvention and origin fraud allegedly practised by the Indian exporters. Moreover, it alleged that there was a huge existing overcapacity in India and that in several other major world markets trade defence measures were in place against Indian PET film, which would inevitably lead to greater import volumes on the Union market of PET film manufactured by MTZ Polyfilms.

- (16) The Union industry also called on the Commission to ensure the registration of imports as it considered that the two conditions for such registration laid down in Article 10(4) of the basic Regulation had been met.

2.3. Analysis of comments

- (17) In respect of the alleged illegality of the reopening, it is recalled that in its IPS judgment the General Court recognised that in cases where a proceeding consists of several administrative steps, the annulment of one of those steps does not annul the complete proceeding. The anti-dumping proceeding is an example of such a multi-step proceeding. Consequently, the annulment of the amending Regulation in relation to one party does not imply the annulment of the entire procedure prior to the adoption of that Regulation. Moreover, according to Article 266 of the Treaty on the Functioning of the European Union (TFEU), the Union institutions are required to comply with the judgment. This also implies the possibility of remedying the aspects of the amending Regulation which led to its annulment, while leaving unchanged the uncontested parts which are not affected by the Court of Justice judgment — as was held in case C-458/98 P⁽¹⁾ (the IPS appeal case). In the light of the above, the claim that there is no legal basis for the partial reopening of a review investigation was found to be unwarranted.
- (18) The claim that the introduction of deadlines to conclude anti-dumping investigations prevents the Commission from following the approach underlying the IPS case was also found to be unwarranted. It is considered that this deadline is not relevant for the implementation of a Court of Justice judgment. Indeed, such deadline only governs the completion of the initial review investigation from the date of initiation to the date of definitive action, and does not concern any subsequent action that might have to be taken for instance as a result of judicial review. It should be noted that the General Court has not handed down any judgments which apply this reasoning, as that would make it impossible to finalise any anti-dumping investigation which was annulled by the General Court in order to take account of the General Court's findings (as Article 266 TFEU requires). Indeed, the General Court's judgment will always be handed down at a point in time when the deadline for the investigation has expired.
- (19) Concerning the claim of the other Indian exporting producer of PET film, it is recalled that the General Court annulled the amending Regulation only to the extent that it imposes an anti-dumping duty on MTZ

Polyfilms. As a consequence, the judgment is no basis for revisiting the approach and/or calculations with regard to other exporting producers. Therefore, this claim has to be rejected.

- (20) Concerning the Union industry's claim mentioned in recital 15, the reasoning in recital 17 is equally valid, i.e. case-law has established that, if the Court of Justice judges that an illegality has taken place, the Commission can resume an investigation procedure at the point just before the illegality occurred. Therefore, there is no immediate need to resort to previously established data, as argued by the Union industry.

- (21) Concerning the Union industry's request for registration of imports, based on the information in the request and according to the statistical data available to the Commission it was concluded that the condition mentioned in Article 10(4)(b) of the basic Regulation, i.e. a substantial rise in the imports concerned, was not met (see also recital 24). The request for registration was therefore rejected.

2.4. Investigation

- (22) As mentioned in recital 5, the General Court annulled the amending Regulation as far as MTZ Polyfilms is concerned as it considered that Article 11(3) of the basic Regulation cannot serve as a legal basis allowing the institutions, when determining the export price, to depart from the methodology prescribed by Article 2(8) and (9) of the basic Regulation. It is also noted that all findings in the review Regulation, other than the ones which the General Court found to be erroneous, remain formally valid. This applies, in particular, to the finding that there were significant changes in circumstances justifying an amendment to the anti-dumping duty applicable to MTZ Polyfilms. Therefore, this aspect of the review was not reinvestigated in the context of the current procedure. During the review investigation period (RIP), MTZ Polyfilms exported the product concerned to the Union under a price undertaking and these sales respected the terms of the undertaking, i.e. were at prices which were above the agreed minimum prices. For the reasons explained in the review Regulation, it is confirmed that the export prices to the Union during the RIP cannot be used to calculate the dumping margin of MTZ Polyfilms.
- (23) In view of the above considerations, the current investigation was limited to an analysis of the facts available to the institutions regarding the export activities of MTZ Polyfilms. In this respect, as the Court of Justice has held in the IPS judgment, the institutions, when resuming an anti-dumping investigation following a judgment annulling a regulation imposing anti-dumping duties, are entitled to take account of recent information, including information dating from after the original investigation period. It also follows from the IPS judgment that this possibility to take recent information into account applies also to reviews, which is the case at hand here.

⁽¹⁾ Case C-458/98 P *Industrie des Poudres Sphériques v Council* [2000] ECR I-8147.

- (24) It is noted that after the coming into effect of the amending Regulation, and according to the available statistical information, import volumes of PET film manufactured by MTZ Polyfilms decreased strongly and even ceased as from 2008. Furthermore, the Council notes that the judgment annulling the review Regulation as far as MTZ Polyfilms is concerned was delivered on 17 November 2009. The notice referred to in recital 7, which indicated that following the General Court judgment the imports of PET film manufactured by MTZ Polyfilms were no longer subject to the anti-dumping measures, was published on 20 May 2010. This means that for more than one year those imports have only been subject to countervailing and customs duties, and not to an anti-dumping duty. In that context, the data gathered on the basis of Article 14(6) of the basic Regulation indicate that during recent years no such imports have taken place.

2.5. Conclusion

- (25) In the light of all the abovementioned circumstances, in particular the limited scope of the investigation at hand, which, in the light of the General Court judgment, did not re-examine the findings on the existence of changed circumstances and the unavailability of a reliable export price, the Council concludes that the recalculation of a dumping margin for MTZ Polyfilms and the reimposition of an anti-dumping duty on exports of PET film manufactured by MTZ Polyfilms would be inappropriate. As a consequence, it is concluded that the review investigation which was opened with a view to implement the General Court's findings should be terminated without reimposing a duty.
- (26) All parties concerned were informed of the essential facts and considerations on the basis of which it was intended to terminate the partial reopening of the anti-dumping interim review investigation concerning imports of PET

film originating in India. Comments were received from the Union industry which reiterated, as already presented in recital 15, that the individual duty rate calculated and imposed in 2001 should be reimposed on MTZ Polyfilms, and expressed the view that the decrease in exports to the Union by MTZ Polyfilms does not mean that in the future the company is not likely to engage in injurious dumping. The Union industry also pointed out that the overall volume of imports of PET film from India had recently increased. The comments in recital 15 have already been addressed in recital 20. As regards the likely future behaviour of MTZ Polyfilms, it is considered that the absence of any imports from the company for a significant period of time, during which they were subject to low duty rates, as explained in recital 24, sufficiently demonstrates that the company is not likely to engage in injurious dumping. Despite the fact that recently imports from India have increased, the imports from MTZ Polyfilms have remained at zero,

HAS ADOPTED THIS REGULATION:

Article 1

1. The partial reopening of the anti-dumping interim review investigation concerning imports of polyethylene terephthalate (PET) film originating in India and manufactured by MTZ Polyfilms is hereby terminated.

2. Imports of PET film originating in India and manufactured by MTZ Polyfilms shall not be subject to an anti-dumping duty pursuant to this proceeding.

Article 2

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, 12 August 2011.

For the Council
The President
M. DOWGIELEWICZ

COMMISSION IMPLEMENTING REGULATION (EU) No 825/2011
of 12 August 2011
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the twentieth day following that 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, 12 August 2011.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification CN code	Reasons
(1)	(2)	(3)
Styrene butadiene copolymer in primary form. This copolymer is manufactured by mixing styrene butadiene rubber latex (SBR) with high styrene content resin. The final product consists of a mixture of styrene butadiene copolymers with a proportion of styrene of 65 % by weight or more.	3903 90 90	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Notes 1, 4 and 6 to Chapter 39, Note 4 (a) and 4 (c) to Chapter 40, subheading Note 1 to Chapter 39 and the wording of CN codes 3903, 3903 90 and 3903 90 90. Styrene butadiene copolymers with a proportion of styrene of 65 % by weight or more do not comply with the definition of synthetic rubbers referred to in Note 4 (a) to Chapter 40 since once these products are vulcanised with sulphur, they do not fulfil the elongation and recovery requirements indicated in that Note. Therefore the product is to be classified under CN code 3903 90 90 as other styrene polymers.

COMMISSION IMPLEMENTING REGULATION (EU) No 826/2011
of 12 August 2011
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the twentieth day following that 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, 12 August 2011.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
Tablets in different colours and shapes of animals with an average weight of ca. 950 mg each, put up for retail sale, one tablet consisting of (% by weight): — sucrose 61 — starch 2,4 Additionally one tablet has a content of: — vitamin A (50 % as retinol acetate: 375 µg and 50 % as beta carotene: 2 252 µg) — vitamin B1 1,05 mg — vitamin B2 1,2 mg — vitamin B3 13,5 mg — vitamin B6 1,05 mg — vitamin B9 300 µg — vitamin B12 4,5 µg — vitamin C 60 mg — vitamin D 10 µg — vitamin E 10 mg Furthermore the following substances are present: stearic acid, maleic acid, magnesium stearate, sodium bisulfite, gluten, cotton-seed oil, silicon dioxide, citric acid, gelatine, calcium carbonate, mono- and diglycerides, natural and artificial fragrances, and food colouring agents. The recommended daily dose indicated on the label is one tablet per day. According to the label the product is for human consumption.	2106 90 98	Classification is determined by the General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 1 to Chapter 29, Additional Note 1 to Chapter 30 and the wording of CN codes 2106, 2106 90 and 2106 90 98. Due to its composition the product does not have the characteristics of a sugar confectionery of heading 1704 (see also the Harmonized System Explanatory Notes to Chapter 17, General, point (b)). Due to the presence of substances which are not covered by Note 1(a), (b), (c), (f) or (g) to Chapter 29, the product is to be excluded from that Chapter. The product does not meet the requirements of Additional Note 1 to Chapter 30 as no statements on the use for specific diseases, ailments or their symptoms are given, and therefore cannot be classified under heading 3004. Given its characteristics the product is to be classified as a food preparation of heading 2106.

COMMISSION IMPLEMENTING REGULATION (EU) No 827/2011
of 12 August 2011
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the twentieth day following that 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, 12 August 2011.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
Blue polymethine dye (fluorescent dye) diluted in a mixture of the solvents ethylene glycol and methanol. Composition (% by weight): — Ethylene glycol 96,9 — Methanol 3,0 — Polymethine dye 0,002 The product is meant to be used in automatic blood analysers. It is used for staining leukocytes by means of fluorescent marking after they have undergone a specific preparatory treatment. The product is put up in a small, labelled container for use in laboratories.	3212 90 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 2 to Section VI and the wording of CN codes 3212 and 3212 90 00. Colouring matter of heading 3204 put up for retail sale is classified under heading 3212. Such products are not covered by heading 3822 and therefore the product in question cannot be classified under that heading as a diagnostic or laboratory reagent. See also the products excluded from heading 3822 under point (c) of the Harmonized System Explanatory Notes (HSEN) to that heading. According to its characteristics, the product is a dye within the meaning of heading 3212, and is used for the purposes of staining. Due to the fact that the product is classifiable under heading 3212 and is put up in measured doses or for retail sale, it fulfils the provisions of Note 2 to Section VI. Thus, it is to be classified under this heading and under no other heading of the nomenclature. See also the third paragraph of point C of the HSEN to heading 3212.

COMMISSION IMPLEMENTING REGULATION (EU) No 828/2011

of 17 August 2011

suspending the introduction into the Union of specimens of certain species of wild fauna and flora

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein⁽¹⁾, and in particular Article 19(1) thereof,

After consulting the Scientific Review Group,

Whereas:

- (1) Article 4(6) of Regulation (EC) No 338/97 provides that the Commission may establish restrictions to the introduction of certain species into the Union in accordance with the conditions laid down in points (a) to (d) thereof. Furthermore, implementing measures for such restrictions have been laid down in Commission Regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 of the protection of species of wild fauna and flora by regulating trade therein⁽²⁾.
- (2) A list of species for which the introduction into the Union is suspended was established in Commission Regulation (EU) No 997/2010 of 5 November 2010 suspending the introduction into the Union of specimens of certain species of wild fauna and flora⁽³⁾.
- (3) On the basis of recent information, the Scientific Review Group has concluded that the conservation status of *Sagittarius serpentarius*, listed in Annex B to Regulation (EC) No 338/97, will be seriously jeopardised if its introduction into the Union from Tanzania is not suspended. The introduction of *Sagittarius serpentarius* from Tanzania should therefore be suspended.
- (4) The Scientific Review Group has also concluded that, on the basis of the most recent available information, the suspension of the introduction into the Union of the following species should no longer be required:

— *Lynx lynx* (Hunting trophies) from Azerbaijan;

— *Hexaprotodon liberiensis* from Guinea;

— *Moschus anhuiensis*, *Moschus berezovskii*, *Moschus chrysogaster*, *Moschus fuscus* and *Moschus moschiferus* from China;

— *Uromastix aegyptia* from Egypt;

— *Chamaeleo ellioti* from Burundi;

— *Chamaeleo pfefferi* from Cameroon;

— *Varanus exanthematicus* (rancher specimens lesser than or equal to 35 cm total length), *Varanus niloticus* (rancher specimens lesser than or equal to 35 cm total length) and *Kinixys belliana* (rancher specimens lesser than or equal to 5 cm straight carapace length) from Benin;

— *Varanus niloticus* from Burundi and Mozambique;

— *Varanus salvator* from China, India and Singapore;

— *Python reticulatus* from India and Singapore;

— *Aldabrachelys gigantea* from the Seychelles;

— *Geochelone elegans* from Pakistan;

— *Geochelone platynota* from Myanmar;

— *Indotestudo elongata* from Bangladesh, China and India.

(5) The countries of origin of the species which are subject to new restrictions to introduction into the Union pursuant to this Regulation have all been consulted.

(6) The species names for *Pachypodium sofiense* and *Euphorbia suzannae-marnierae* have been adapted to latest official CITES references. Technical errors under the phylum MOLLUSCA have been corrected as well.

(7) The list of species for which the introduction into the Union is suspended should therefore be amended and Regulation (EU) No 997/2010 should be, for reasons of clarity, replaced.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Trade in Wild Fauna and Flora,

⁽¹⁾ OJ L 61, 3.3.1997, p.1.

⁽²⁾ OJ L 166, 19.6.2006, p.1.

⁽³⁾ OJ L 290, 6.11.2010, p. 4.

HAS ADOPTED THIS REGULATION:

Article 1

Subject to the provisions of Article 71 of Regulation (EC) No 865/2006, the introduction into the Union of specimens of the species of wild fauna and flora listed in the Annex to this Regulation is suspended.

Article 2

Regulation (EU) No 997/2010 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation.

Article 3

This Regulation shall enter into force on the twentieth day following that 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, 17 August 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

Specimens of species included in Annex A to Regulation (EC) No 338/97 whose introduction into the Union is suspended

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
FAUNA				
CHORDATA				
MAMMALIA				
ARTIODACTYLA				
Bovidae				
<i>Capra falconeri</i>	Wild	Hunting trophies	Uzbekistan	(a)
CARNIVORA				
Canidae				
<i>Canis lupus</i>	Wild	Hunting trophies	Belarus, Kyrgyzstan, Turkey	(a)
Felidae				
Ursidae				
<i>Ursus arctos</i>	Wild	Hunting trophies	Canada (British Columbia)	(a)
<i>Ursus thibetanus</i>	Wild	Hunting trophies	Russia	(a)
AVES				
FALCONIFORMES				
Falconidae				
<i>Falco cherrug</i>	Wild	All	Armenia, Bahrain, Iraq, Mauritania, Tajikistan	(a)

Specimens of species included in Annex B to Regulation (EC) No 338/97 whose introduction into the Union is suspended

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
FAUNA				
CHORDATA				
MAMMALIA				
ARTIODACTYLA				
Bovidae				
<i>Ovis vignei boharensis</i>	Wild	All	Uzbekistan	(b)

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Saiga borealis</i>	Wild	All	Russia	(b)
<i>Saiga tatarica</i>	Wild	All	Kazakhstan, Russia	(b)
Cervidae				
<i>Cervus elaphus bactrianus</i>	Wild	All	Uzbekistan	(b)
Hippopotamidae				
<i>Hexaprotodon liberiensis</i> (synonym <i>Choeropsis liberiensis</i>)	Wild	All	Nigeria	(b)
<i>Hippopotamus amphibius</i>	Wild	All	Gambia, Niger, Nigeria, Sierra Leone, Togo	(b)
Moschidae				
<i>Moschus moschiferus</i>	Wild	All	Russia	(b)
CARNIVORA				
Eupleridae				
<i>Cryptoprocta ferox</i>	Wild	All	Madagascar	(b)
Felidae				
<i>Panthera leo</i>	Wild	All	Ethiopia	(b)
<i>Profelis aurata</i>	Wild	All	Togo	(b)
Mustelidae				
<i>Hydrictis maculicollis</i>	Wild	All	Tanzania	(b)
Odobenidae				
<i>Odobenus rosmarus</i>	Wild	All	Greenland	(b)
MONOTREMATA				
Tachyglossidae				
<i>Zaglossus bartoni</i>	Wild	All	Indonesia, Papua New Guinea	(b)
<i>Zaglossus bruijnii</i>	Wild	All	Indonesia	(b)
PHOLIDOTA				
Manidae				
<i>Manis temminckii</i>	Wild	All	Democratic Republic of the Congo	(b)

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
PRIMATES				
Atelidae				
<i>Alouatta guariba</i>	Wild	All	All	(b)
<i>Ateles belzebuth</i>	Wild	All	All	(b)
<i>Ateles fusciceps</i>	Wild	All	All	(b)
<i>Ateles geoffroyi</i>	Wild	All	All	(b)
<i>Ateles hybridus</i>	Wild	All	All	(b)
<i>Lagothrix lagotricha</i>	Wild	All	All	(b)
<i>Lagothrix lugens</i>	Wild	All	All	(b)
<i>Lagothrix poeppigii</i>	Wild	All	All	(b)
Cebidae				
<i>Callithrix geoffroyi</i> (synonym <i>C. jacchus geoffroyi</i>)	Wild	All	Brazil	(b)
Cercopithecidae				
<i>Cercopithecus erythrogaster</i>	Wild	All	All	(b)
<i>Cercopithecus erythrotis</i>	Wild	All	All	(b)
<i>Cercopithecus hamlyni</i>	Wild	All	All	(b)
<i>Cercopithecus mona</i>	Wild	All	Togo	(b)
<i>Cercopithecus petaurista</i>	Wild	All	Togo	(b)
<i>Cercopithecus pogonias</i>	Wild	All	Nigeria	(b)
<i>Cercopithecus preussi</i> (synonym <i>C. lhoesti preussi</i>)	Wild	All	Nigeria	(b)
<i>Colobus vellerosus</i>	Wild	All	Nigeria, Togo	(b)
<i>Lophocebus albigena</i> (synonym <i>Cercocebus albigena</i>)	Wild	All	Nigeria	(b)
<i>Macaca cyclopis</i>	Wild	All	All	(b)
<i>Macaca sylvanus</i>	Wild	All	Algeria, Morocco	(b)
<i>Ptilocolobus badius</i> (synonym <i>Colobus badius</i>)	Wild	All	All	(b)
Galagidae				
<i>Euoticus pallidus</i> (synonym <i>Galago elegantulus pallidus</i>)	Wild	All	Nigeria	(b)

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Galago matschiei</i> (synonym <i>G. inustus</i>)	Wild	All	Rwanda	(b)
Lorisidae				
<i>Arctocebus calabarensis</i>	Wild	All	Nigeria	(b)
<i>Perodicticus potto</i>	Wild	All	Togo	(b)
Pitheciidae				
<i>Chiropotes chiropotes</i>	Wild	All	Guyana	(b)
<i>Pithecia pithecia</i>	Wild	All	Guyana	(b)
AVES				
ANSERIFORMES				
Anatidae				
<i>Oxyura jamaicensis</i>	All	Live	All	(d)
CICONIIFORMES				
Balaenicipitidae				
<i>Balaeniceps rex</i>	Wild	All	Tanzania	(b)
FALCONIFORMES				
Accipitridae				
<i>Accipiter erythropus</i>	Wild	All	Guinea	(b)
<i>Accipiter melanoleucus</i>	Wild	All	Guinea	(b)
<i>Accipiter ovampensis</i>	Wild	All	Guinea	(b)
<i>Aquila rapax</i>	Wild	All	Guinea	(b)
<i>Aviceda cuculoides</i>	Wild	All	Guinea	(b)
<i>Gyps africanus</i>	Wild	All	Guinea	(b)
<i>Gyps bengalensis</i>	Wild	All	All	(b)
<i>Gyps indicus</i>	Wild	All	All	(b)
<i>Gyps rueppellii</i>	Wild	All	Guinea	(b)
<i>Gyps tenuirostris</i>	Wild	All	All	(b)
<i>Hieraetus ayresii</i>	Wild	All	Cameroon, Guinea, Togo	(b)
<i>Hieraetus spilogaster</i>	Wild	All	Guinea, Togo	(b)

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Leucopternis lacernulatus</i>	Wild	All	Brazil	(b)
<i>Lophaetus occipitalis</i>	Wild	All	Guinea	(b)
<i>Macheiramphus alcinus</i>	Wild	All	Guinea	(b)
<i>Polemaetus bellicosus</i>	Wild	All	Cameroon, Guinea, Togo	(b)
<i>Spizaetus africanus</i>	Wild	All	Guinea	(b)
<i>Stephanoaetus coronatus</i>	Wild	All	Côte d'Ivoire, Guinea, Togo	(b)
<i>Torgos tracheliotus</i>	Wild	All	Cameroon, Sudan	(b)
<i>Trigonoceps occipitalis</i>	Wild	All	Côte d'Ivoire, Guinea	(b)
<i>Urotriorchis macrourus</i>	Wild	All	Guinea	(b)
Falconidae				
<i>Falco chicquera</i>	Wild	All	Guinea, Togo	(b)
Sagittariidae				
<i>Sagittarius serpentarius</i>	Wild	All	Cameroon, Guinea, Tanzania, Togo	(b)
GRUIFORMES				
Gruidae				
<i>Balearica pavonina</i>	Wild	All	Guinea, Mali	(b)
<i>Balearica regulorum</i>	Wild	All	Botswana, Burundi, Democratic Republic of the Congo, Kenya, South Africa, Zambia, Zimbabwe	(b)
<i>Bugeranus carunculatus</i>	Wild	All	South Africa, Tanzania	(b)
PSITTACIFORMES				
Loriidae				
<i>Chamosyna diadema</i>	Wild	All	All	(b)
Psittacidae				
<i>Agapornis fischeri</i>	Wild	All	Tanzania	(b)
<i>Agapornis nigrigenis</i>	Wild	All	All	(b)
<i>Agapornis pullarius</i>	Wild	All	Democratic Republic of the Congo, Côte d'Ivoire, Guinea, Mali, Togo	(b)
<i>Amazona autumnalis</i>	Wild	All	Ecuador	(b)

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Ara chloropterus</i>	Wild	All	Argentina, Panama	(b)
<i>Ara severus</i>	Wild	All	Guyana	(b)
<i>Aratinga acuticaudata</i>	Wild	All	Uruguay	(b)
<i>Aratinga auricapillus</i>	Wild	All	All	(b)
<i>Coracopsis vasa</i>	Wild	All	Madagascar	(b)
<i>Cyanoliseus patagonus</i>	Wild	All	Chile, Uruguay	(b)
<i>Deroptyus accipitrinus</i>	Wild	All	Peru, Surinam	(b)
<i>Hapalopsittaca amazonina</i>	Wild	All	All	(b)
<i>Hapalopsittaca pyrrhops</i>	Wild	All	All	(b)
<i>Leptosittaca branickii</i>	Wild	All	All	(b)
<i>Poicephalus gularis</i>	Wild	All	Cameroon, Côte d'Ivoire, Congo, Guinea	(b)
<i>Poicephalus robustus</i>	Wild	All	Democratic Republic of the Congo, Côte d'Ivoire, Guinea, Mali, Nigeria, Togo, Uganda	(b)
<i>Psittacus erithacus</i>	Wild	All	Benin, Equatorial Guinea, Liberia, Nigeria	(b)
<i>Psittacus erithacus timneh</i>	Wild	All	Guinea, Guinea-Bissau	(b)
<i>Psittacus erithacus fulgidus</i>	Wild	All	All	(b)
<i>Pyrrhura caeruleiceps</i>	Wild	All	Colombia	(b)
<i>Pyrrhura pyrrhura</i>	Wild	All	Brazil	(b)
<i>Pyrrhura subandina</i>	Wild	All	Colombia	(b)
<i>Tricharia malachitacea</i>	Wild	All	Argentina, Brazil	(b)
STRIGIFORMES				
Strigidae				
<i>Asio capensis</i>	Wild	All	Guinea	(b)
<i>Bubo lacteus</i>	Wild	All	Guinea	(b)
<i>Bubo poensis</i>	Wild	All	Guinea	(b)
<i>Glaucidium capense</i>	Wild	All	Rwanda	(b)
<i>Glaucidium perlatum</i>	Wild	All	Cameroon, Guinea	(b)

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Ptilopsis leucotis</i>	Wild	All	Guinea	(b)
<i>Scotopelia bouvieri</i>	Wild	All	Cameroon	(b)
<i>Scotopelia peli</i>	Wild	All	Guinea	(b)
REPTILIA				
CROCODYLIA				
Alligatoridae				
<i>Caiman crocodilus</i>	Wild	All	El Salvador, Guatemala, Mexico	(b)
<i>Palaeosuchus trigonatus</i>	Wild	All	Guyana	(b)
Crocodylidae				
<i>Crocodylus niloticus</i>	Wild	All	Madagascar	(b)
SAURIA				
Agamidae				
<i>Uromastyx dispar</i>	Wild	All	Algeria, Mali, Sudan	(b)
<i>Uromastyx geyri</i>	Wild	All	Mali, Niger	(b)
Chamaeleonidae				
<i>Brookesia decaryi</i>	Wild	All	Madagascar	(b)
<i>Calumma ambreense</i>	Wild	All	Madagascar	(b)
<i>Calumma andringitraense</i>	Wild	All	Madagascar	(b)
<i>Calumma boettgeri</i>	Wild	All	Madagascar	(b)
<i>Calumma brevicorne</i>	Wild	All	Madagascar	(b)
<i>Calumma capuroni</i>	Wild	All	Madagascar	(b)
<i>Calumma cucullatum</i>	Wild	All	Madagascar	(b)
<i>Calumma fallax</i>	Wild	All	Madagascar	(b)
<i>Calumma furcifer</i>	Wild	All	Madagascar	(b)
<i>Calumma gallus</i>	Wild	All	Madagascar	(b)
<i>Calumma gastrotaenia</i>	Wild	All	Madagascar	(b)
<i>Calumma glawi</i>	Wild	All	Madagascar	(b)
<i>Calumma globifer</i>	Wild	All	Madagascar	(b)

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Calumma guibei</i>	Wild	All	Madagascar	(b)
<i>Calumma guillaumeti</i>	Wild	All	Madagascar	(b)
<i>Calumma hilleniusi</i>	Wild	All	Madagascar	(b)
<i>Calumma linota</i>	Wild	All	Madagascar	(b)
<i>Calumma malthe</i>	Wild	All	Madagascar	(b)
<i>Calumma marojezense</i>	Wild	All	Madagascar	(b)
<i>Calumma nasutum</i>	Wild	All	Madagascar	(b)
<i>Calumma oshaughnessyi</i>	Wild	All	Madagascar	(b)
<i>Calumma parsonii</i>	Wild	All	Madagascar	(b)
<i>Calumma peyrierasi</i>	Wild	All	Madagascar	(b)
<i>Calumma tsaratananense</i>	Wild	All	Madagascar	(b)
<i>Calumma vatosoa</i>	Wild	All	Madagascar	(b)
<i>Calumma vencesi</i>	Wild	All	Madagascar	(b)
<i>Chamaeleo camerunensis</i>	Wild	All	Cameroon	(b)
<i>Chamaeleo deremensis</i>	Wild	All	Tanzania	(b)
<i>Chamaeleo eisentrauti</i>	Wild	All	Cameroon	(b)
<i>Chamaeleo feae</i>	Wild	All	Equatorial Guinea	(b)
<i>Chamaeleo fuelleborni</i>	Wild	All	Tanzania	(b)
<i>Chamaeleo gracilis</i>	Wild	All	Benin	(b)
	Ranched	All	Benin	(b)
	Ranched	Snout to vent length greater than 8 cm	Togo	(b)
<i>Chamaeleo montium</i>	Wild	All	Cameroon	(b)
<i>Chamaeleo senegalensis</i>	Ranched	Snout to vent length greater than 6 cm	Togo	(b)
<i>Chamaeleo werneri</i>	Wild	All	Tanzania	(b)
<i>Chamaeleo wiedersheimi</i>	Wild	All	Cameroon	(b)
<i>Furcifer angeli</i>	Wild	All	Madagascar	(b)

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Furcifer antimenae</i>	Wild	All	Madagascar	(b)
<i>Furcifer balteatus</i>	Wild	All	Madagascar	(b)
<i>Furcifer belalandaensis</i>	Wild	All	Madagascar	(b)
<i>Furcifer bifidus</i>	Wild	All	Madagascar	(b)
<i>Furcifer campeni</i>	Wild	All	Madagascar	(b)
<i>Furcifer labordi</i>	Wild	All	Madagascar	(b)
<i>Furcifer minor</i>	Wild	All	Madagascar	(b)
<i>Furcifer monoceras</i>	Wild	All	Madagascar	(b)
<i>Furcifer nicosiai</i>	Wild	All	Madagascar	(b)
<i>Furcifer petteri</i>	Wild	All	Madagascar	(b)
<i>Furcifer rhinocerotus</i>	Wild	All	Madagascar	(b)
<i>Furcifer tuzetae</i>	Wild	All	Madagascar	(b)
<i>Furcifer willsii</i>	Wild	All	Madagascar	(b)
Cordylidae				
<i>Cordylus mossambicus</i>	Wild	All	Mozambique	(b)
<i>Cordylus tropidosternum</i>	Wild	All	Mozambique	(b)
<i>Cordylus vittifer</i>	Wild	All	Mozambique	(b)
Gekkonidae				
<i>Phelsuma abbotti</i>	Wild	All	Madagascar	(b)
<i>Phelsuma antanosy</i>	Wild	All	Madagascar	(b)
<i>Phelsuma barbouri</i>	Wild	All	Madagascar	(b)
<i>Phelsuma berghofi</i>	Wild	All	Madagascar	(b)
<i>Phelsuma breviceps</i>	Wild	All	Madagascar	(b)
<i>Phelsuma comorensis</i>	Wild	All	Comoros	(b)
<i>Phelsuma dubia</i>	Wild	All	Comoros, Madagascar	(b)
<i>Phelsuma flavigularis</i>	Wild	All	Madagascar	(b)
<i>Phelsuma guttata</i>	Wild	All	Madagascar	(b)
<i>Phelsuma hielscheri</i>	Wild	All	Madagascar	(b)

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Phelsuma klemmeri</i>	Wild	All	Madagascar	(b)
<i>Phelsuma laticauda</i>	Wild	All	Comoros	(b)
<i>Phelsuma malamakibo</i>	Wild	All	Madagascar	(b)
<i>Phelsuma masohoala</i>	Wild	All	Madagascar	(b)
<i>Phelsuma modesta</i>	Wild	All	Madagascar	(b)
<i>Phelsuma mutabilis</i>	Wild	All	Madagascar	(b)
<i>Phelsuma pronki</i>	Wild	All	Madagascar	(b)
<i>Phelsuma pusilla</i>	Wild	All	Madagascar	(b)
<i>Phelsuma seippi</i>	Wild	All	Madagascar	(b)
<i>Phelsuma serraticauda</i>	Wild	All	Madagascar	(b)
<i>Phelsuma standingi</i>	Wild	All	Madagascar	(b)
<i>Phelsuma v-nigra</i>	Wild	All	Comoros	(b)
<i>Uroplatus eburni</i>	Wild	All	Madagascar	(b)
<i>Uroplatus fimbriatus</i>	Wild	All	Madagascar	(b)
<i>Uroplatus guentheri</i>	Wild	All	Madagascar	(b)
<i>Uroplatus henkeli</i>	Wild	All	Madagascar	(b)
<i>Uroplatus lineatus</i>	Wild	All	Madagascar	(b)
<i>Uroplatus malama</i>	Wild	All	Madagascar	(b)
<i>Uroplatus phantasticus</i>	Wild	All	Madagascar	(b)
<i>Uroplatus pietschmanni</i>	Wild	All	Madagascar	(b)
<i>Uroplatus sikorae</i>	Wild	All	Madagascar	(b)
Helodermatidae				
<i>Heloderma suspectum</i>	Wild	All	Mexico, United States	(b)
Iguanidae				
<i>Iguana iguana</i>	Wild	All	El Salvador	(b)
Scincidae				
<i>Corucia zebrata</i>	Wild	All	Solomon Islands	(b)
Varanidae				
<i>Varanus beccarii</i>	Wild	All	Indonesia	(b)

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Varanus dumerilii</i>	Wild	All	Indonesia	(b)
<i>Varanus exanthematicus</i>	Wild	All	Benin, Togo	(b)
	Ranched	Greater than 35 cm total length	Benin, Togo	(b)
<i>Varanus jobiensis</i> (synonym <i>V. karlschmidtii</i>)	Wild	All	Indonesia	(b)
<i>Varanus niloticus</i>	Wild	All	Benin, Togo	(b)
	Ranched	Greater than 35 cm total length	Benin	(b)
	Ranched	All	Togo	(b)
<i>Varanus ornatus</i>	Wild	All	Togo	(b)
	Ranched	All	Togo	(b)
<i>Varanus salvadorii</i>	Wild	All	Indonesia	(b)
SERPENTES				
Boidae				
<i>Boa constrictor</i>	Wild	All	El Salvador, Honduras	(b)
<i>Calabaria reinhardtii</i>	Wild	All	Togo	(b)
	Ranched	All	Benin, Togo	(b)
<i>Eunectes murinus</i>	Wild	All	Paraguay	(b)
Elapidae				
<i>Naja atra</i>	Wild	All	Laos	(b)
<i>Naja kaouthia</i>	Wild	All	Laos	(b)
<i>Naja siamensis</i>	Wild	All	Laos	(b)
Pythonidae				
<i>Liasis fuscus</i>	Wild	All	Indonesia	(b)
<i>Morelia boeleni</i>	Wild	All	Indonesia	(b)
<i>Python molurus</i>	Wild	All	China	(b)
<i>Python natalensis</i>	Ranched	All	Mozambique	(b)
<i>Python regius</i>	Wild	All	Benin, Guinea	(b)
<i>Python reticulatus</i>	Wild	All	Malaysia (Peninsular)	(b)

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Python sebae</i>	Wild	All	Mauritania	(b)
TESTUDINES				
Emydidae				
<i>Chrysemys picta</i>	All	Live	All	(d)
<i>Trachemys scripta elegans</i>	All	Live	All	(d)
Geoemydidae				
<i>Batagur borneoensis</i>	Wild	All	All	(b)
<i>Cuora amboinensis</i>	Wild	All	Indonesia, Malaysia, Vietnam	(b)
<i>Cuora galbinifrons</i>	Wild	All	China, Laos, Vietnam	(b)
<i>Heosemys spinosa</i>	Wild	All	Indonesia	(b)
<i>Leucocephalon yuwonoi</i>	Wild	All	Indonesia	(b)
<i>Malayemys subtrijuga</i>	Wild	All	Indonesia	(b)
<i>Notochelys platynota</i>	Wild	All	Indonesia	(b)
<i>Siebenrockiella crassicolis</i>	Wild	All	Indonesia	(b)
Podocnemididae				
<i>Erymnochelys madagascariensis</i>	Wild	All	Madagascar	(b)
<i>Peltocephalus dumerilianus</i>	Wild	All	Guyana	(b)
<i>Podocnemis lewyana</i>	Wild	All	All	(b)
<i>Podocnemis unifilis</i>	Wild	All	Suriname	(b)
Testudinidae				
<i>Chelonoidis denticulata</i>	Wild	All	Bolivia, Ecuador	(b)
<i>Geochelone sulcata</i>	Ranched	All	Benin, Togo	(b)
<i>Gopherus agassizii</i>	Wild	All	All	(b)
<i>Gopherus berlandieri</i>	Wild	All	All	(b)
<i>Indotestudo forstenii</i>	Wild	All	All	(b)
<i>Indotestudo travancorica</i>	Wild	All	All	(b)
<i>Kinixys belliana</i>	Wild	All	Mozambique	(b)
	Ranched	Greater than 5 cm straight carapace length	Benin	(b)

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Kinixys homeana</i>	Wild	All	Benin, Togo	(b)
	Ranched	All	Benin	(b)
<i>Kinixys spekii</i>	Wild	All	Mozambique	(b)
<i>Manouria emys</i>	Wild	All	Indonesia	(b)
<i>Manouria impressa</i>	Wild	All	Vietnam	(b)
<i>Stigmochelys pardalis</i>	Wild	All	Democratic Republic of the Congo, Mozambique, Uganda	(b)
	Ranched	All	Mozambique, Zambia	(b)
	Source "F" ⁽¹⁾	All	Zambia	(b)
<i>Testudo horsfieldii</i>	Wild	All	Kazakhstan	(b)
Trionychidae				
<i>Amyda cartilaginea</i>	Wild	All	Indonesia	(b)
<i>Chitra chitra</i>	Wild	All	Malaysia	(b)
<i>Pelochelys cantorii</i>	Wild	All	Indonesia	(b)
AMPHIBIA				
ANURA				
Dendrobatidae				
<i>Cryptophyllobates azureiventris</i>	Wild	All	Peru	(b)
<i>Dendrobates variabilis</i>	Wild	All	Peru	(b)
<i>Dendrobates ventrimaculatus</i>	Wild	All	Peru	(b)
Mantellidae				
<i>Mantella aurantiaca</i>	Wild	All	Madagascar	(b)
<i>Mantella bernhardi</i>	Wild	All	Madagascar	(b)
<i>Mantella crocea</i>	Wild	All	Madagascar	(b)
<i>Mantella expectata</i>	Wild	All	Madagascar	(b)
<i>Mantella milotympanum</i> (syn. <i>M. aurantiaca milotympanum</i>)	Wild	All	Madagascar	(b)
<i>Mantella viridis</i>	Wild	All	Madagascar	(b)
Microhylidae				
<i>Scaphiophryne gottlebei</i>	Wild	All	Madagascar	(b)

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
Ranidae				
<i>Conraua goliath</i>	Wild	All	Cameroon	(b)
<i>Rana catesbeiana</i>	All	Live	All	(d)
ACTINOPTERYGII				
PERCIFORMES				
Labridae				
<i>Cheilinus undulatus</i>	Wild	All	Indonesia	(b)
SYNGNATHIFORMES				
Syngnathidae				
<i>Hippocampus barbouri</i>	Wild	All	Indonesia	(b)
<i>Hippocampus comes</i>	Wild	All	Indonesia	(b)
<i>Hippocampus histrix</i>	Wild	All	Indonesia	(b)
<i>Hippocampus kelloggi</i>	Wild	All	Indonesia	(b)
<i>Hippocampus kuda</i>	Wild	All	Indonesia, Vietnam	(b)
<i>Hippocampus spinosissimus</i>	Wild	All	Indonesia	(b)
ARTHROPODA				
ARACHNIDA				
ARANEAE				
Theraphosidae				
<i>Brachypelma albopilosum</i>	Wild	All	Nicaragua	(b)
SCORPIONES				
Scorpionidae				
<i>Pandinus imperator</i>	Ranched	All	Benin	(b)
INSECTA				
LEPIDOPTERA				
Papilionidae				
<i>Ornithoptera croesus</i>	Wild	All	Indonesia	(b)

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Ornithoptera urvillianus</i>	Wild	All	Solomon Islands	(b)
	Ranched	All	Solomon Islands	(b)
<i>Ornithoptera victoriae</i>	Wild	All	Solomon Islands	(b)
	Ranched	All	Solomon Islands	(b)
MOLLUSCA				
BIVALVIA				
VENEROIDA				
Tridacnidae				
<i>Hippopus hippopus</i>	Wild	All	New Caledonia, Tonga, Vanuatu, Vietnam	(b)
<i>Tridacna crocea</i>	Wild	All	Fiji, Tonga, Vanuatu, Vietnam	(b)
<i>Tridacna derasa</i>	Wild	All	Fiji, New Caledonia, Philippines, Palau, Tonga, Vanuatu, Vietnam	(b)
<i>Tridacna gigas</i>	Wild	All	Fiji, Marshall Islands, Micronesia, Palau, Papua New Guinea, Solomon Islands, Tonga, Vanuatu, Vietnam	(b)
<i>Tridacna maxima</i>	Wild	All	Micronesia, Fiji, Marshall Islands, Mozambique, New Caledonia, Tonga, Vanuatu, Vietnam	(b)
<i>Tridacna rosewateri</i>	Wild	All	Mozambique	(b)
<i>Tridacna squamosa</i>	Wild	All	Fiji, Mozambique, New Caledonia, Tonga, Vanuatu, Vietnam	(b)
<i>Tridacna tevoroa</i>	Wild	All	Tonga	(b)
GASTROPODA				
MESOGASTROPODA				
Strombidae				
<i>Strombus gigas</i>	Wild	All	Grenada, Haiti	(b)
CNIDARIA				
ANTHOZOA				
HELIOPORACEA				
Helioporidae				
<i>Heliopora coerulea</i>	Wild	All	Solomon Islands	(b)

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
SCLERACTINIA				
Agariciidae				
<i>Agaricia agaricites</i>	Wild	All	Haiti	(b)
Caryophylliidae				
<i>Catalaphyllia jardinei</i>	Wild	All except maricultured specimens attached to artificial substrates	Indonesia	(b)
<i>Catalaphyllia jardinei</i>	Wild	All	Solomon Islands	(b)
<i>Euphyllia cristata</i>	Wild	All except maricultured specimens attached to artificial substrates	Indonesia	(b)
<i>Euphyllia divisa</i>	Wild	All except maricultured specimens attached to artificial substrates	Indonesia	(b)
<i>Euphyllia fimbriata</i>	Wild	All except maricultured specimens attached to artificial substrates	Indonesia	(b)
<i>Plerogyra</i> spp.	Wild	All except maricultured specimens attached to artificial substrates	Indonesia	(b)
Faviidae				
<i>Favites halicora</i>	Wild	All	Tonga	(b)
<i>Platygyra sinensis</i>	Wild	All	Tonga	(b)
Merulinidae				
<i>Hydnophora microconos</i>	Wild	All except maricultured specimens attached to artificial substrates	Indonesia	(b)
Mussidae				
<i>Acanthastrea hemprichii</i>	Wild	All	Tonga	(b)
<i>Blastomussa</i> spp.	Wild	All except maricultured specimens attached to artificial substrates	Indonesia	(b)

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Cynarina lacrymalis</i>	Wild	All except mariculture specimens attached to artificial substrates	Indonesia	(b)
<i>Scolymia vitiensis</i>	Wild	All	Tonga	(b)
<i>Scolymia vitiensis</i>	Wild	All except mariculture specimens attached to artificial substrates	Indonesia	(b)
Pocilloporidae				
<i>Seriatopora stellata</i>	Wild	All	Indonesia	(b)
Trachyphylliidae				
<i>Trachyphyllia geoffroyi</i>	Wild	All	Fiji	(b)
<i>Trachyphyllia geoffroyi</i>	Wild	All except mariculture specimens attached to artificial substrates	Indonesia	(b)
FLORA				
Amaryllidaceae				
<i>Galanthus nivalis</i>	Wild	All	Bosnia and Herzegovina, Switzerland, Ukraine	(b)
Apocynaceae				
<i>Pachypodium inopinatum</i>	Wild	All	Madagascar	(b)
<i>Pachypodium rosulatum</i>	Wild	All	Madagascar	(b)
<i>Pachypodium softense</i>	Wild	All	Madagascar	(b)
Cycadaceae				
<i>Cycadaceae</i> spp.	Wild	All	Madagascar, Mozambique, Vietnam	(b)
Euphorbiaceae				
<i>Euphorbia ankarensis</i>	Wild	All	Madagascar	(b)
<i>Euphorbia banae</i>	Wild	All	Madagascar	(b)
<i>Euphorbia berorohae</i>	Wild	All	Madagascar	(b)
<i>Euphorbia bongolavensis</i>	Wild	All	Madagascar	(b)
<i>Euphorbia bulbispina</i>	Wild	All	Madagascar	(b)
<i>Euphorbia duranii</i>	Wild	All	Madagascar	(b)

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Euphorbia fianarantsoae</i>	Wild	All	Madagascar	(b)
<i>Euphorbia guillauminiana</i>	Wild	All	Madagascar	(b)
<i>Euphorbia iharanae</i>	Wild	All	Madagascar	(b)
<i>Euphorbia kondoi</i>	Wild	All	Madagascar	(b)
<i>Euphorbia labatii</i>	Wild	All	Madagascar	(b)
<i>Euphorbia lophogona</i>	Wild	All	Madagascar	(b)
<i>Euphorbia millotii</i>	Wild	All	Madagascar	(b)
<i>Euphorbia neohumbertii</i>	Wild	All	Madagascar	(b)
<i>Euphorbia pachypodioides</i>	Wild	All	Madagascar	(b)
<i>Euphorbia razafindratsirae</i>	Wild	All	Madagascar	(b)
<i>Euphorbia suzannae-marnierae</i>	Wild	All	Madagascar	(b)
<i>Euphorbia waringiae</i>	Wild	All	Madagascar	(b)
Orchidaceae				
<i>Anacamptis pyramidalis</i>	Wild	All	Switzerland, Turkey	(b)
<i>Barlia robertiana</i>	Wild	All	Turkey	(b)
<i>Cephalanthera rubra</i>	Wild	All	Norway	(b)
<i>Cypripedium japonicum</i>	Wild	All	China, North Korea, Japan, South Korea	(b)
<i>Cypripedium macranthos</i>	Wild	All	South Korea, Russia	(b)
<i>Cypripedium margaritaceum</i>	Wild	All	China	(b)
<i>Cypripedium micranthum</i>	Wild	All	China	(b)
<i>Dactylorhiza latifolia</i>	Wild	All	Norway	(b)
<i>Dactylorhiza romana</i>	Wild	All	Turkey	(b)
<i>Dactylorhiza russowii</i>	Wild	All	Norway	(b)
<i>Dactylorhiza traunsteineri</i>	Wild	All	Liechtenstein	(b)
<i>Dendrobium bellatulum</i>	Wild	All	Vietnam	(b)
<i>Dendrobium nobile</i>	Wild	All	Laos	(b)
<i>Dendrobium wardianum</i>	Wild	All	Vietnam	(b)
<i>Himantoglossum hircinum</i>	Wild	All	Switzerland	(b)

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Nigritella nigra</i>	Wild	All	Norway	(b)
<i>Ophrys holoserica</i>	Wild	All	Turkey	(b)
<i>Ophrys insectifera</i>	Wild	All	Liechtenstein, Norway,	(b)
<i>Ophrys pallida</i>	Wild	All	Algeria	(b)
<i>Ophrys sphegodes</i>	Wild	All	Switzerland	(b)
<i>Ophrys tenthredinifera</i>	Wild	All	Turkey	(b)
<i>Ophrys umbilicata</i>	Wild	All	Turkey	(b)
<i>Orchis coriophora</i>	Wild	All	Russia, Switzerland	(b)
<i>Orchis italica</i>	Wild	All	Turkey	(b)
<i>Orchis laxiflora</i>	Wild	All	Switzerland	(b)
<i>Orchis mascula</i>	Wild/ Ranched	All	Albania	(b)
<i>Orchis morio</i>	Wild	All	Turkey	(b)
<i>Orchis pallens</i>	Wild	All	Russia	(b)
<i>Orchis provincialis</i>	Wild	All	Switzerland	(b)
<i>Orchis punctulata</i>	Wild	All	Turkey	(b)
<i>Orchis purpurea</i>	Wild	All	Switzerland, Turkey	(b)
<i>Orchis simia</i>	Wild	All	Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Switzerland, Turkey	(b)
<i>Orchis tridentata</i>	Wild	All	Turkey	(b)
<i>Orchis ustulata</i>	Wild	All	Russia	(b)
<i>Phalaenopsis parishii</i>	Wild	All	Vietnam	(b)
<i>Serapias cordigera</i>	Wild	All	Turkey	(b)
<i>Serapias parviflora</i>	Wild	All	Turkey	(b)
<i>Serapias vomeracea</i>	Wild	All	Switzerland, Turkey	(b)
<i>Spiranthes spiralis</i>	Wild	All	Liechtenstein, Switzerland	(b)
Primulaceae				
<i>Cyclamen intaminatum</i>	Wild	All	Turkey	(b)

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), Point:
<i>Cyclamen mirabile</i>	Wild	All	Turkey	(b)
<i>Cyclamen pseudibericum</i>	Wild	All	Turkey	(b)
<i>Cyclamen trochopteranthum</i>	Wild	All	Turkey	(b)
Stangeriaceae				
<i>Stangeriaceae</i> spp.	Wild	All	Madagascar, Mozambique, Vietnam	(b)
Zamiaceae				
<i>Zamiaceae</i> spp.	Wild	All	Madagascar, Mozambique, Vietnam	(b)

(¹) Animals born in captivity but for which the criteria of Chapter XIII of Regulation (EC) No 865/2006 are not met, as well as parts and derivatives thereof.

COMMISSION IMPLEMENTING REGULATION (EU) No 829/2011**of 17 August 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 Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

Implementing Regulation (EU) No 543/2011 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 XVI, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 August 2011.

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

Done at Brussels, 17 August 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 157, 15.6.2011, 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	AR	38,5
	ZZ	38,5
0709 90 70	TR	133,0
	ZZ	133,0
0805 50 10	AR	67,3
	BR	45,3
	CL	75,4
	TR	64,0
	UY	61,5
	ZA	77,7
	ZZ	65,2
0806 10 10	EG	67,9
	TR	155,3
	ZZ	111,6
0808 10 80	AR	77,5
	BR	58,3
	CA	98,2
	CL	103,2
	CN	67,9
	NZ	101,1
	US	161,4
	ZA	100,7
	ZZ	96,0
0808 20 50	AR	161,3
	CL	81,6
	CN	49,3
	NZ	115,4
	ZA	117,2
0809 30	ZZ	105,0
	TR	128,5
0809 40 05	ZZ	128,5
	BA	48,4
	ZZ	48,4

⁽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'.

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