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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1287/2005
of 4 August 2005
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 August 2005.

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

Done at Brussels, 4 August 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 4 August 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	44,5
	096	41,1
	999	42,8
0707 00 05	052	65,8
	096	39,7
	999	52,8
0709 90 70	052	43,4
	999	43,4
0805 50 10	382	67,4
	388	56,6
	524	81,1
	528	68,1
	999	68,3
0806 10 10	052	104,8
	220	81,8
	624	135,4
	999	107,3
0808 10 80	388	79,8
	400	66,6
	508	67,4
	512	62,2
	528	73,3
	720	73,9
	804	71,2
0808 20 50	999	70,6
	052	108,7
	388	63,9
	512	20,3
	528	53,2
	800	50,6
0809 20 95	999	59,3
	052	306,3
	400	254,5
	404	254,5
0809 30 10, 0809 30 90	999	271,8
	052	111,6
	999	111,6
0809 40 05	094	49,8
	624	63,8
	999	56,8

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

COMMISSION REGULATION (EC) No 1288/2005

of 4 August 2005

initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Regulation (EC) No 964/2003 on imports of certain tube or pipe fittings, of iron or steel originating, *inter alia*, in the People's Republic of China by imports of certain tube or pipe fittings, of iron or steel, consigned from the Philippines, whether declared as originating in the Philippines or not, and making such imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

After having consulted the Advisory Committee,

Whereas:

A. REQUEST

- (1) The Commission has received a request pursuant to Article 13(3) of the basic Regulation to investigate the possible circumvention of the anti-dumping measures imposed on imports of certain tube or pipe fittings, of iron or steel, originating, *inter alia*, in the People's Republic of China.
- (2) The request was lodged on 23 June 2005 by the Defence Committee of the Steel Butt-Welding Fittings Industry of the European Union on behalf of four Community producers.

B. PRODUCT

- (3) The product concerned by the possible circumvention is tube or pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, normally declared under CN codes ex 7307 93 11, ex 7307 93 19, ex 7307 99 30 and ex 7307 99 90 originating in the People's Republic of China (the product concerned). These codes are given for information only.
- (4) The product under investigation is tube or pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest

external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, consigned from the Philippines (the product under investigation) normally declared under the same codes as the product concerned.

C. EXISTING MEASURES

- (5) The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Council Regulation (EC) No 964/2003 ⁽²⁾ as last amended by Regulation (EC) No 2212/2003 ⁽³⁾.

D. GROUNDS

- (6) The request contains sufficient *prima facie* evidence that the anti-dumping measures on imports of certain tube or pipe fittings, of iron or steel, originating in the People's Republic of China are being circumvented by means of the transshipment and incorrect declaration of origin via the Philippines of certain tube or pipe fittings, of iron or steel.
- (7) The evidence submitted is as follows.

The request shows that a significant change in the pattern of trade involving exports from the People's Republic of China and the Philippines to the Community has taken place following the imposition of measures on the product concerned, and that there is insufficient due cause or justification other than the imposition of the duty for such a change. This change in the pattern of trade appears to stem from the transshipment and incorrect declaration of origin of certain tube or pipe fittings, of iron or steel, originating in the People's Republic of China via the Philippines.

Furthermore, the request contains sufficient *prima facie* evidence that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined in terms of quantities. Significant volumes of imports of certain tube or pipe fittings, of iron or steel, from the Philippines appear to have replaced imports of the product concerned originating in the People's Republic of China.

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

⁽²⁾ OJ L 139, 6.6.2003, p. 1.

⁽³⁾ OJ L 332, 19.12.2003, p. 3.

Finally, the request contains sufficient *prima facie* evidence that the prices of certain tube or pipe fittings, of iron or steel, are dumped in relation to the normal value previously established for the product concerned.

Should circumvention practices via the Philippines covered by Article 13 of the basic Regulation other than transshipment and incorrect declaration of origin be identified in the course of the investigation, the investigation may cover these practices also.

E. PROCEDURE

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

(a) Questionnaires

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

- (10) In any event, all interested parties should contact the Commission forthwith, but not later than the time limit set in Article 3 of this Regulation, - in order to find out whether they are listed in the request and, if necessary, request a questionnaire - within the time limit set in Article 3(1) of this Regulation, given that the time limit set in Article 3(2) of this Regulation applies to all interested parties.

- (11) The authorities of the People's Republic of China and the Philippines will be notified of the initiation of the investigation.

(b) Collection of information and holding of hearings

- (12) All interested parties are hereby invited to make their views known in writing and to provide supporting

evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) Exemption of registration of imports or measures

- (13) In accordance with Article 13(4) of the basic Regulation, imports of the product under investigation may be exempted from registration or measures if the importation does not constitute circumvention.
- (14) Since the possible circumvention takes place outside the Community, exemptions may be granted, in accordance with Article 13(4) of the basic Regulation, to producers of the product concerned that can show that they are not related to any producer subject to the measures and that are found not to be engaged in circumvention practices as defined in Articles 13(1) and 13(2) of the basic Regulation. Producers wishing to obtain an exemption should submit a request duly supported by evidence within the time limit indicated in Article 3(3) of this Regulation.

F. REGISTRATION

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

G. TIME LIMITS

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

— interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,

— producers in the Philippines may request exemption from registration of imports or measures,

— interested parties may make a written request to be heard by the Commission.

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

H. NON-COOPERATION

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

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is hereby initiated pursuant to Article 13(3) of Regulation (EC) No 384/96, in order to determine if imports into the Community of tube or pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, falling within CN codes ex 7307 93 11 (TARIC code 7307 93 11 95), ex 7307 93 19 (TARIC code 7307 93 19 95), ex 7307 99 30 (TARIC code 7307 99 30 95) and ex 7307 99 90 (TARIC code 7307 99 90 95), consigned from the Philippines, whether originating in the Philippines or not, are circumventing the measures imposed by Regulation (EC) No 964/2003.

Article 2

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

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

The Commission, by Regulation, may direct customs authorities to cease registration in respect of imports into the Community

of products manufactured by producers having applied for an exemption of registration and having been found not to be circumventing the anti-dumping duties.

Article 3

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

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

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

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

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

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate B
Office: J-79 5/16
B-1049 Brussels
Fax (+32-2) 295 65 05.

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

Article 4

This Regulation shall enter into force on the 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, 4 August 2005.

For the Commission
Peter MANDELSON
Member of the Commission

COMMISSION REGULATION (EC) No 1289/2005

of 4 August 2005

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

C. EXISTING MEASURES

Having regard to the Treaty establishing the European Community,

- (5) The measures currently in force and possibly being circumvented are antidumping measures imposed by Council Regulation (EC) No 408/2002 ⁽²⁾, as last amended by Regulation (EC) No 1623/2003 ⁽³⁾.

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

D. GROUNDS

- (6) The request contains sufficient *prima facie* evidence, that the anti-dumping measures on imports of certain zinc oxides originating in the People's Republic of China are being circumvented by means of transshipment via Kazakhstan of certain zinc oxides.

After having consulted the Advisory Committee,

Whereas:

- (7) The evidence submitted is as follows:

A. REQUEST

- (1) The Commission has received a request pursuant to Article 13(3) of the basic Regulation to investigate the possible circumvention of the anti-dumping measures imposed on imports of certain zinc oxides originating in the People's Republic of China.
- (2) The request has been lodged on 27 June 2005 by Euro-métaux on behalf of producers representing more than 45 % of the Community production of certain zinc oxides.

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

B. PRODUCT

- (3) The product concerned by the possible circumvention is zinc oxide (chemical formula ZnO) with a purity of not less than 93 % zinc oxide originating in the People's Republic of China, normally declared under CN code 2817 00 00 (the product concerned). This code is given for information only.
- (4) The product under investigation is zinc oxide (chemical formula ZnO) with a purity of not less than 93 % zinc oxide consigned from Kazakhstan (the product under investigation) normally declared under the same codes as the product concerned.

Furthermore, the request contains sufficient *prima facie* evidence that the remedial effects of the existing anti-dumping measures on imports of the product concerned are being undermined both in terms of quantity and price. Significant volumes of imports of certain zinc oxides from Kazakhstan appear to have replaced imports of the product concerned.

Finally, the request contains sufficient *prima facie* evidence that the prices of certain zinc oxides are dumped in relation to the normal value previously established for certain zinc oxides.

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

⁽²⁾ OJ L 62, 5.3.2002, p. 7.

⁽³⁾ OJ L 232, 18.9.2003, p. 1.

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

E. PROCEDURE

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

a) Questionnaires

- (9) In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the exporters/producers and to the associations of exporters/producers in Kazakhstan, the exporters/producers and to the associations of exporters/producers in the People's Republic of China, to the importers and to the associations of importers in the Community which co-operated in the investigation that led to the existing measures and to the authorities of the People's Republic of China and Kazakhstan Information, as appropriate, may also be sought from the Community industry.
- (10) In any event, all interested parties should contact the Commission forthwith, but not later than the time limit set in Article 3 in order to request a questionnaire within the time limit set in Article 3(1) of this Regulation, given that the time limit set in Article 3(2) of this Regulation applies to all interested parties.

- (11) The authorities of the People's Republic of China and Kazakhstan will be notified of the initiation of the investigation.

b) Collection of information and holding of hearings

- (12) All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

c) Exemption of registration of imports or measures

- (13) Since the possible circumvention takes place outside the Community, exemptions may be granted, in accordance with Article 13(4) of the basic Regulation, to producers of the product concerned that can show that they are not

related to any producer subject to the measures and that are found not to be engaged in circumvention practices as defined in Articles 13(1) and 13(2) of the basic Regulation. Producers wishing to obtain an exemption should submit a request duly supported by evidence within the time limit indicated in Article 3(3) of this Regulation.

- (14) In consideration of the fact that an exemption may only be granted to companies which can be treated individually, producers wishing to obtain an exemption should demonstrate that they meet the criteria for individual treatment indicated in Article 9(5) of the basic Regulation. For this purpose, duly substantiated claims should be submitted on the basis of claim forms provided by the Commission, and within the specific time limit indicated in Article 3(3) of this Regulation.

- (15) As stated above, should circumvention practices via Kazakhstan covered by Article 13 of the basic Regulation, other than transshipment, be identified in the course of the investigation, the investigation may cover these practices also. Insofar as assembly practices may be identified, it would be necessary, in making an examination of the assembly operation in accordance with the provisions of Article 13(2) of the basic Regulation, to determine whether the company claiming the exemption operates under market economy conditions i.e. that they meet the criteria laid down in Article 2(7)(c) of the basic Regulation. For this purpose, duly substantiated claims should be submitted on the basis of claim forms provided by the Commission, and within the specific time limit indicated in Article 3(3) of this Regulation.

F. REGISTRATION

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

G. TIME LIMITS

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

— interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,

— producers in Kazakhstan may request exemption from registration of imports or measures, and submit duly substantiated claim forms for (i) individual treatment pursuant to Article 9(5) of the basic Regulation and (ii) demonstrating that the company operates under market economy conditions, i.e. that they meet the criteria laid down in Article 2(7)(c) of the basic Regulation. The latter claim form is only required to be submitted by companies involved in assembly operations,

— interested parties may make a written request to be heard by the Commission.

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

H. NON-COOPERATION

- (19) In cases in which any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.

- (20) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of facts available. If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated,

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is hereby initiated pursuant to Article 13(3) of Regulation (EC) No 384/96, in order to determine if imports into the Community of certain zinc oxide (chemical formula: ZnO) with a purity of not less than 93 % zinc oxide, falling

within CN code 2817 00 00 (TARIC code 2817 00 00 13) consigned from Kazakhstan whether declared as originating in Kazakhstan or not, are circumventing the measures imposed by Regulation (EC) No 408/2002.

Article 2

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

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

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

Article 3

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

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

3. Producers in Kazakhstan requesting exemption from registration of imports or measures should submit a request duly supported by evidence within 40 days of the date of publication in the *Official Journal of the European Union*. Substantiated claims for individual treatment and, as appropriate, claims that the company operates under market economy conditions, should also be submitted within the same 40-day deadline.

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

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

Commission address for correspondence:

European Commission
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B-1049 Brussels
Fax (+ 322) 295 65 05.

Article 4

This Regulation shall enter into force on the 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, 4 August 2005.

For the Commission
Peter MANDELSON
Member of the Commission

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

II

(Acts whose publication is not obligatory)

CONFERENCE OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

**DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES
of 20 July 2005
appointing a judge to the Court of Justice of the European Communities
(2005/595/EC, Euratom)**

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community, and in particular Article 223 thereof,
Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 139 thereof,

Whereas:

Pursuant to Articles 5 and 7 of the Protocol on the Statute of the Court of Justice and as a result of the resignation of Mr Claus GULMANN, a judge should be appointed for the remainder of Mr Claus GULMANN's term of office,

HAVE DECIDED AS FOLLOWS:

Article 1

Mr Lars BAY LARSEN is hereby appointed judge to the Court of Justice of the European Communities from the date of his swearing in until 6 October 2009.

Article 2

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 20 July 2005.

The President

J. GRANT

COMMISSION

COMMISSION DECISION

of 20 July 2005

on the allocation of import quotas for controlled substances for the period 1 January to 31 December 2004 under Regulation (EC) No 2037/2000 of the European Parliament and of the Council

(notified under document number C(2005) 296)

(Only the Czech, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Polish, Portuguese, Slovakian, Slovenian, Spanish and Swedish texts are authentic)

(2005/596/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

31 December 2004, and in each 12-month period thereafter.

Having regard to the Treaty establishing the European Community,

- (3) Article 4(3)(d) of Regulation (EC) No 2037/2000 sets out the total calculated level of hydrochlorofluorocarbons which producers and importers may place on the market or use for their own account in the period 1 January to 31 December 2004.

Having regard to Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer⁽¹⁾, and in particular Article 7 thereof,

- (4) The Commission has published a notice to importers in the Community of controlled substances that deplete the ozone layer⁽²⁾ and has thereby received declarations on intended imports in 2004. It has published a further notice for the 10 Member States acceding on the 1 May 2004 and has received declarations of intended imports for the period 1 May 2004 to 31 December 2004⁽³⁾.

Whereas:

- (1) The quantitative limits for the placing on the market in the Community of controlled substances are set out in Article 4 of Regulation (EC) No 2037/2000 and Annex III thereto.

- (2) Article 4(2)(c) of Regulation (EC) No 2037/2000 sets out the total calculated level of methyl bromide which producers and importers may place on the market or use for their own account in the period 1 January to

- (5) For hydrochlorofluorocarbons the allocation of quotas to producers and importers is in accordance with the provisions of Commission Decision 2002/654/EC of 12 August 2002 determining a mechanism for the allocation of quotas to producers and importers for hydrochlorofluorocarbons for the years 2003 to 2009 under Regulation (EC) No 2037/2000 of the European Parliament and of the Council⁽⁴⁾.

⁽¹⁾ OJ L 244, 29.9.2000, p. 1. Regulation as last amended by Commission Regulation (EC) No 2077/2004 (OJ L 359, 4.12.2004, p. 28).

⁽²⁾ OJ C 162, 11.7.2003, p. 10.

⁽³⁾ OJ C 133, 11.5.2004, p. 2.

⁽⁴⁾ OJ L 220, 15.8.2002, p. 59.

- (6) Commission Decision 2004/176/EC of 20 January 2004 on the allocation of import quotas for controlled substances for the period 1 January to 31 December 2004 under Regulation (EC) No 2037/2000 of the European Parliament and of the Council⁽¹⁾ should be amended to take account of increased quantitative limits in Annex III to Regulation (EC) No 2037/2000 as amended by the 2003 Act of Accession⁽²⁾, due to the accession of 10 new Member States on 1 May 2004. This increase in the amount of controlled substances that can be placed on the market then needs to be allocated.
- (7) In the interests of legal clarity and transparency Decision 2004/176/EC should therefore be replaced. In view of the experience gained in this decision and its associated licensing and for the purpose of ensuring that interested companies and operators may continue to benefit in due time from the licensing system, it is appropriate that the present decision shall apply from 1 May 2004.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18(1) of Regulation (EC) No 2037/2000,

may be released for free circulation in the Community in 2004 from sources outside the Community shall be 550 060,00 ODP kilograms.

5. The quantity of controlled substances of group VI (methyl bromide) subject to Regulation (EC) No 2037/2000 which may be released for free circulation in the Community in 2004 from sources outside the Community shall be 4 629 950,61 ODP kilograms.

6. The quantity of controlled substances of group VIII (hydrochlorofluorocarbons) subject to Regulation (EC) No 2037/2000 that may be released for free circulation in the Community in 2004 from sources outside the Community shall be 2 552 968,89 ODP kilograms.

7. The quantity of controlled substances of group IX (bromochloromethane) subject to Regulation (EC) No 2037/2000 that may be released for free circulation in the Community in 2004 from sources outside the Community shall be 114 612,00 ODP kilograms.

HAS ADOPTED THIS DECISION:

Article 1

1. The quantity of controlled substances of group I (chlorofluorocarbons 11, 12, 113, 114 and 115) and group II (other fully halogenated chlorofluorocarbons) subject to Regulation (EC) No 2037/2000 which may be released for free circulation in the Community in 2004 from sources outside the Community shall be 4 860 000,00 ozone depleting potential (ODP) kilograms.

2. The quantity of controlled substances of group III (halons) subject to Regulation (EC) No 2037/2000 that may be released for free circulation in the Community in 2004 from sources outside the Community shall be 54 350 000,00 ODP kilograms.

3. The quantity of controlled substances of group IV (carbon tetrachloride) subject to Regulation (EC) No 2037/2000 that may be released for free circulation in the Community in 2004 from sources outside the Community shall be 9 621 160,00 ODP kilograms.

4. The quantity of controlled substances of group V (1,1,1-trichloroethane) subject to Regulation (EC) No 2037/2000 that

Article 2

1. The allocation of import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 and other fully halogenated chlorofluorocarbons during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex I hereto.

2. The allocation of import quotas for halons during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex II hereto.

3. The allocation of import quotas for carbon tetrachloride during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex III hereto.

4. The allocation of import quotas for 1,1,1-trichloroethane during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex IV hereto.

5. The allocation of import quotas for methyl bromide during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex V hereto.

⁽¹⁾ OJ L 55, 24.2.2004, p. 57.

⁽²⁾ OJ L 236, 23.9.2003, p. 710.

6. The allocation of import quotas for hydrochlorofluorocarbons during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex VI hereto.

7. The allocation of import quotas for bromochloromethane during the period 1 January to 31 December 2004 shall be for the purposes indicated and to the companies indicated in Annex VII hereto.

8. The import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, methyl bromide, hydrobromofluorocarbons, hydrochlorofluorocarbons and bromochloromethane during the period 1 January to 31 December 2004 shall be as set out in Annex VIII hereto.

Article 3

Decision 2004/176/EC is repealed.

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

Article 4

This Decision is addressed to the following undertakings:

Agropest S.A.
ul. Górnica 12/14
PL-91-765 Łódź

Agroquímicos de Levante SA
Poligono Industrial Castilla
Calle Vial nº 5 s/n
E-46380 Cheste (Valencia)

Albemarle Chemicals
Étang de la Gaffette
Boulevard Maritime
BP 28
F-13521 Port-de-Bouc

Albemarle Europe SPRL
Parc scientifique Einstein
Rue du Bosquet 9
B-1348 Louvain-La-Neuve

Alcobre SA
C/Luis I, Nave 6-B
Poligono Industrial Vallecás
E-28031 Madrid

Alfa Agricultural Supplies S.A.
73, Ethnikis Antistaseos str.
GR-152 31 Halandri, Athens

Arch Chemicals NV
Keetberglaan 1A
Haven 1061
B-2070 Zwijndrecht

Arkema & Arkema Quimica SA
Cours Michelet — La Défense 10
F-92091 Paris-La Défense

Asahi Glass Europe BV
World Trade Center
Strawinskylaan 1525
1077 XX Amsterdam
Nederland

Avantec SA
Bld Henri-Cahn
BP 27
F-94363 Bry-sur-Marne Cedex

BaySystems Iberia
C/ Pau Clarís 196
E-08037 Barcelona

Biochem Iberica
Químicos Agrícolas e Industriais, Lda
Estrada M. 502 — Apartado 250
Atalaia
P-2870-901 Montijo

Boc Gazy
ul. Pory 59
PL-02-757 Warszawa

Calorie SA
503, rue Hélène-Boucher
ZI Buc — BP 33
F-78534 Buc Cedex

Caraïbes Froid SARL
BP 6033
Sainte-Thérèse, route du Lamentin
F-97219 Fort-de-France, Martinique

Cleanaway Ltd
Airborne Close, Leigh-on-Sea
Essex SS9 4EL
United Kingdom

Desautel SAS (FR)
Parc d'entreprises — BP 9
F-01121 Montluel Cedex

DuPont de Nemours (Nederland) BV
Baanhoekweg 22
Postbus 145
3300 AC Dordrecht
Nederland

Empor d.o.o.
Leskoškova 9a
1000 Ljubljana
Slovenia

Etis d.o.o.
Tržaška 333
1111 Ljubljana
Slovenia

Eurobrom BV
Postbus 158
2280 AD Rijswijk
Nederland

Fenner-Dunlop BV
Oliemolenstraat 2
9203 ZN Drachten
Nederland

G.A.L Cycle-Air Ltd
3, Sinopis Str., Strovolos
P.O. Box 28385, Nicosia
Cyprus

Galco SA
Avenue Carton de Wiart 79
B-1090 Bruxelles

Galex SA
BP 128
F-13321 Marseille Cedex 16

Great Lakes Chemical (Europe) Ltd
Halebank, Widnes
Cheshire WA8 8NS
United Kingdom

Guido Tazzetti & Co. SpA
Strada Settimo, 266
I-10156 Torino

Harp International Ltd
Gellihirion Industrial Estate
Rhondda Cynon Taff
Pontypridd CF37 5SX
United Kingdom

Honeywell Fluorine Products Europe BV
Kempenweg 90
Postbus 264
6000 AG Weert
Nederland

HUNC — Halon Users National Consortium
PO Box 111
Petersfields Hants GU31 4PL
United Kingdom

Ineos Fluor Ltd
PO Box 13, The Heath
Runcorn, Cheshire WA7 4QF
United Kingdom

Laboratorios Miret SA (LAMIRSA)
Geminis 4, Pol. Ind. Can Parellada
E-08228 Les Fonts de Terrassa
Barcelona

Linde Gaz Polska
ul. J. Lea 112
PL-30-133 Kraków

Matero
P.O. Box 51744
3508 Limassol Cyprus

Mebrom NV
Assenedestraat 4
B-9940 Rieme Ertvelde

Phosphoric Fertilizers Industry S.A.
Thessaloniki Plant, P.O. Box 10183
GR-54110 Thessaloniki

Prodex-System
ul. Artemidy 24
PL-01-497 Warszawa

P.U.P.H. SOLFUM Sp. z o.o.
ul. Wojska Polskiego 83
PL-91-755 Łódź

PW Gaztech
ul. Kopernika 5
PL-11-200 Bartoszyce

Refrigerant Products Ltd
N9 Central Park Estate
Westinghouse Road
Trafford Park
Manchester M17 1PG
United Kingdom

Rhodia Organique Fine Ltd
PO Box 46
St Andrews Road, Avonmouth
Bristol BS11 9YF
United Kingdom

Sigma Aldrich Chemie GmbH
Kappelweg 1
D-91625 Schnelldorf

Sigma Aldrich Chimie SARL
80, rue de Luzais
L'isle d'abeau Chesnes
F-38297 Saint-Quentin Fallavier

Sigma Aldrich Company Ltd
The Old Brickyard
New Road
Gillingham SP8 4XT
United Kingdom

SJB Chemical Products BV
Wellerondom 11
Postbus 253
3230 AG Brielle
Nederland

Solquimia Iberia, SL
C/Duque de Alba Nº 3, 1º
E-28012 Madrid

Solvay Fluor und Derivate GmbH
Hans-Böckler-Allee 20
D-30173 Hannover

Solvay Solexis SpA
Viale Lombardia, 20
I-20021 Bollate (MI)

Syngenta Crop Protection
Surrey Research Park
Guildford
Surrey GU2 7YH
United Kingdom

Synthesia Española SA
Conde Borrell, 62
E-08015 Barcelona

Synthomer Ltd
Templefields, Central Road
Harlow
Essex CM20 2BH
United Kingdom

Termo-Schiessl
ul. Raszyńska 13
PL-05-500 Piaseczno

Universal Chemistry & Technology SpA
Viale A. Filippetti, 20
I-20122 Milano

Wigmors
ul. Irysowa 5
PL-51-117 Wrocław

Article 5

This Decision shall apply from 1 May 2004 and shall expire on 31 December 2004.

Done at Brussels, 20 July 2005.

For the Commission
Stavros DIMAS
Member of the Commission

ANNEX I

GROUPS I AND II

Import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 and other fully halogenated chlorofluorocarbons allocated to importers in accordance with Regulation (EC) No 2037/2000 for feedstock uses and for destruction during the period 1 January to 31 December 2004.

Company

Cleanaway Ltd (UK)
Honeywell Fluorine Products (NL)
Solvay Fluor GmbH (DE)
Syngenta Crop Protection (UK)

ANNEX II

GROUP III

Import quotas for halons allocated to importers in accordance with Regulation (EC) No 2037/2000 for destruction during the period 1 January to 31 December 2004.

Company

Cleanaway Ltd (UK)
Desautel SAS (FR)
HUNC — Halon Users National Consortium (UK)

ANNEX III

GROUP IV

Import quotas for carbon tetrachloride allocated to importers in accordance with Regulation (EC) No 2037/2000 for feedstock uses and for destruction for the period 1 January to 31 December 2004.

Company

Cleanaway Ltd (UK)
Fenner-Dunlop BV (NL)
Honeywell Fluorine Products (NL)
Ineos Fluor Ltd (UK)
Phosphoric Fertilisers Industry (EL)
Synthomer (UK)

ANNEX IV

GROUP V

Import quotas for 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EC) No 2037/2000 for feedstock uses and for destruction for the period 1 January to 31 December 2004.

Company

Arch Chemicals (B)
Arkema & Arkema Quimica (FR)
Cleanaway Ltd (UK)

ANNEX V

GROUP VI

Import quotas for methyl bromide allocated to importers in accordance with Regulation (EC) No 2037/2000 for non quarantine and pre-shipment uses, for quarantine and pre-shipment applications, for feedstock uses and for destruction for the period 1 January to 31 December 2004.

Company

Agropest (PL)
Agroquímicos de Levante (ES)
Albemarle Europe (B)
Alfa Agricultural Supplies (EL)
Albemarle Chemicals (FR)
Biochem Iberica (PT)
Cleanaway Ltd (UK)
Eurobrom BV (NL)
Great Lakes Chemical (UK)
Mebrom NV (B)
P.U.P.H. SOLFUM Sp. z o.o. (PL)
Sigma Aldrich Chemie GmbH (DE)

ANNEX VI

GROUP VIII

Import quotas for hydrochlorofluorocarbons allocated to producers and importers in accordance with Regulation (EC) No 2037/2000 and in accordance with the provisions of Decision 2002/654/EC for feedstock uses, process agents, for reclamation, for destruction and other applications allowed under Article 5 of Regulation (EC) No 2037/2000 for the period 1 January to 31 December 2004.

Producer

Arkema & Arkema Quimica (FR)
DuPont de Nemours (NL)
Honeywell Fluorine Products (NL)
Ineos Fluor Ltd (UK)
Rhodia Organique (UK)
Solvay Fluor GmbH (DE)
Solvay Solexis SpA (IT)

Importer

Alcobre (ES)
Asahi Glass (NL)
Avantec SA (FR)
Boc Gazy (PL)
BaySystems Iberia (ES)
Calorie SA (FR)
Caraïbes Froid SARL (FR)
Etis d.o.o. (SI)
Empor d.o.o. (SI)
Galco S.A. (B)
Galex S.A. (FR)
Guido Tazzetti (IT)
HARP International (UK)
Linde Gaz Polska (PL)
Matero (CY)
Mebrom (B)
Prodex-System (PL)
PW Gaztech (PL)
Refrigerant Products (UK)
Sigma Aldrich Chimie (FR)
Sigma Aldrich Company (UK)
SJB Chemical Products (NL)
Solquimia Iberia, SL (ES)
Synthesia Española (ES)
Termo-Schiessl (PL)
Universal Chemistry & Technology (IT)
Wigmors (PL)

ANNEX VII

GROUP IX

Import quotas for bromochloromethane allocated to importers in accordance with Regulation (EC) No 2037/2000 for feedstock uses during the period 1 January to 31 December 2004.

Company

Eurobrom BV (NL)

Laboratorios Miret SA (LAMIRSA) (ES)

Sigma Aldrich Chemie GmbH (DE)

ANNEX VIII

(This Annex is not published because it contains confidential commercial information).

COMMISSION DECISION**of 2 August 2005****recognising the system for identification and registration of ovine animals in Ireland according to
Article 4(2)(d) of Council Regulation (EC) No 21/2004***(notified under document number C(2005) 2911)***(Only the English text is authentic)****(Text with EEA relevance)***(2005/597/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC ⁽¹⁾, and in particular Article 4(2)(d) thereof,

Whereas:

- (1) The competent authority of Ireland has submitted a request, accompanied by appropriate documentation, for the recognition of the system of identification and registration of ovine animals implemented in that Member State.
- (2) Following a Commission veterinary inspection mission in Ireland the system of identification and registration of ovine animals has been audited by the Commission experts as fully operational provided that certain commitments are fulfilled.
- (3) Ireland has taken all necessary measures to ensure compliance with Regulation (EC) No 21/2004 as of 9 July 2005.
- (4) The competent authority should carry out appropriate checks in order to verify the proper implementation of the system of identification and registration of ovine animals.
- (5) The system of identification and registration of ovine animals in Ireland should therefore be approved

allowing the replacement of the second means of identification by that system, except in the case of animals involved in intra-Community trade.

- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee of the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The system for the identification and registration of ovine animals provided for under Article 4(2)(c) of Regulation (EC) No 21/2004 implemented by Ireland is hereby recognised as fully operational as of 9 July 2005.

Article 2

Without prejudice to provisions to be laid down according to Article 10(1)(a) of Regulation (EC) No 21/2004 the competent authority shall carry out the appropriate on-the-spot checks each year to verify compliance by keepers with the requirements on identification and registration of ovine animals.

Article 3

This Decision is addressed to Ireland.

Done at Brussels, 2 August 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 5, 9.1.2004, p. 8.

COMMISSION DECISION

of 2 August 2005

prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1 August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No 999/2001

*(notified under document number C(2005) 2916)***(Only the English text is authentic)****(Text with EEA relevance)**

(2005/598/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽¹⁾, and in particular the fifth subparagraph of Article 12(1), Articles 13(3) and 16(7) and Article 23 thereof,

Whereas:

(1) The opinion of the Scientific Panel on biological hazards of the European Food Safety Authority (EFSA) of 21 April 2004 on the scientific justification for proposing amendments to the United Kingdom Date Based Export Scheme (DBES) and to the Over Thirty Months (OTM) rule, concludes that cattle born or reared in the United Kingdom before 1 August 1996 should be kept out of the food and feed chains, because of the higher bovine spongiform encephalopathy (BSE) incidence in this group. For cattle born after that date, the opinion concludes that the BSE risk to consumers is in a range comparable with that in other Member States. From 1 August 1996 all mammalian meat and bone meal was banned from feed to all farmed animals in the United Kingdom.

(2) In those circumstances it is appropriate to prohibit the placing on the market of all products, consisting of, or incorporating materials derived from bovine animals born or reared within the United Kingdom before 1 August 1996 and to ensure that these materials are destroyed in order to avoid any risk of transmission of transmissible spongiform encephalopathy (TSE) to humans or animals.

(3) Following scientific advice recommending that hides do not pose a risk, no conditions should be imposed in relation to their trade. Therefore it should be possible to use hides of those animals for leather production.

(4) The placing on the market of the hides should meet the requirements of Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption ⁽²⁾, and of Commission Regulation (EC) No 878/2004 of 29 April 2004 laying down transitional measures in accordance with Regulation (EC) No 1774/2002 for certain animal by-products classified as Category 1 and 2 materials and intended for technical purposes ⁽³⁾. Since no restrictions apply on milk and milk-based products under Regulation (EC) No 999/2001, milk and milk-based products should also be excluded from the prohibition for the placing on the market.

(5) Commission Regulation (EC) No 1326/2001 of 29 June 2001 laying down transitional measures to permit the changeover to the Regulation of the European Parliament and of the Council (EC) No 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies, and amending Annexes VII and XI to that Regulation ⁽⁴⁾ has suspended the implementation of certain provisions in Regulation (EC) No 999/2001 as a transitional measure, and in particular the measures related to the placing on the market of products, laid down in its Article 16. Under the circumstances, the marketing ban on products derived from animals born or reared in the United Kingdom before 1 August 1996 should therefore be adopted as a transitional measure, pending the adoption and entry into force of a decision determining the BSE status of the United Kingdom.

(6) Articles 12 and 13 of Regulation (EC) No 999/2001 lay down rules concerning measures to be applied following suspicion and confirmation of a TSE. Article 13 specifies that Member States, which have implemented a substitute scheme offering a level of protection equivalent to the movement restriction and cohort killing and destruction measures provided for in those articles, may, by way of derogation, apply those equivalent measures provided that they have been approved in accordance with a comitology procedure.

⁽¹⁾ OJ L 147, 31.5.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 260/2005 (OJ L 46, 17.2.2005, p. 31).

⁽²⁾ OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 416/2005 (OJ L 66, 12.3.2005, p. 10).

⁽³⁾ OJ L 162, 30.4.2004, p. 62.

⁽⁴⁾ OJ L 177, 30.6.2001, p. 60. Regulation as last amended by Regulation (EC) No 1234/2003 (OJ L 173, 11.7.2003, p. 6).

- (7) On 24 May 2001 the United Kingdom applied for recognition of the measures it applies as being equivalent to the movement restrictions and cohort culling required by Article 12 and 13 of Regulation (EC) No 999/2001.
- (8) On 11 January 2002 the Scientific Steering Committee (SSC) adopted an opinion on the additional safeguard provided by different culling schemes under the current conditions in the United Kingdom and Germany. The SSC recognised that the measures in place in the United Kingdom, namely a total feed ban, the operation of the destruction scheme for over 30 month (OTM scheme) cattle and a specified risk material ban, provided they are implemented effectively, provide a level of safety that cannot be significantly improved by the killing and destruction of animals at risk as required in Article 13(1)(c) of Regulation (EC) No 999/2001.
- (9) Since no products, other than milk and milk based products as well as hides prepared for use for leather production only, derived from bovine animals born or reared within the United Kingdom before 1 August 1996 may be placed on the market, a scheme providing for the destruction of those animals at the end of their productive life in accordance with Regulation (EC) No 1774/2002 should be considered as offering equivalent safeguards to the measures laid down in Articles 12 and 13 of Regulation (EC) No 999/2001 on the basis of the SSC opinion of 11 January 2002. For animals at risk born after 31 July 1996 all the eradication measures laid down in Regulation (EC) No 999/2001 should continue to apply.
- (10) It is therefore appropriate, in parallel with the marketing ban, to exempt the United Kingdom from most of the control and eradication requirements laid down in Articles 12 and 13 of Regulation (EC) No 999/2001 in relation to animals born or reared in the United Kingdom before 1 August 1996.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

1. No products consisting of or incorporating materials, other than milk, derived from bovine animals born or reared within the United Kingdom before 1 August 1996 shall be placed on the market.

2. On the death of any bovine animal born or reared within the United Kingdom before 1 August 1996, all its body parts shall be disposed of in accordance with Regulation (EC) No 1774/2002.

3. Notwithstanding paragraphs 1 and 2, the hides of the animals referred to therein may be used for leather production, in compliance with Regulation (EC) No 1774/2002 and with Article 4(1) and Article 5 of Regulation (EC) No 878/2004.

Article 2

1. When a transmissible spongiform encephalopathy (TSE) is suspected or has been officially confirmed in a bovine animal born or reared within the United Kingdom before 1 August 1996, the United Kingdom shall be exempted from the implementation of the requirements:

- (a) in Article 12 of Regulation (EC) No 999/2001 to place the remaining bovine animals from that holding other than those born in the 12 months following 1 August 1996 under official movement restriction until the results of a clinical and epidemiological examination are known;
- (b) in Article 13 of Regulation (EC) No 999/2001 and Annex VII to that Regulation concerning confirmed cases, to identify and destroy animals other than the confirmed case.

2. However, the following animals shall be identified, killed and destroyed in accordance with Regulation (EC) No 999/2001:

- (a) where the disease is confirmed in a female animal, all its progeny born within two years prior to, or after, clinical onset of the disease;
- (b) where the disease is confirmed in an animal born in the 12 months preceding 1 August 1996, cohort animals born after 31 July 1996.

Article 3

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 2 August 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission