

Official Journal

of the European Union

L 132

English edition

Legislation

Volume 51

22 May 2008

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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COUNCIL REGULATION (EC) No 435/2008

of 19 May 2008

amending Regulation (EC) No 1371/2005 imposing a definitive anti-dumping duty on imports of grain-oriented flat-rolled products of silicon-electrical steel originating in the United States of America and Russia and repealing the anti-dumping duties imposed by Regulation (EC) No 1371/2005 on imports of grain-oriented flat-rolled products of silicon-electrical steel originating in Russia

THE COUNCIL OF THE EUROPEAN UNION,

except Viz Stal, Russia, which is subject to a duty of 0 %, are 37,8 % for the USA and 11,5 % for Russia.

Having regard to the Treaty establishing the European Community,

B. REQUEST FOR REVIEW

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 9 and 11(3) thereof,

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

Whereas:

A. MEASURES IN FORCE

- (1) By Regulation (EC) No 1371/2005⁽²⁾, the Council imposed a definitive anti-dumping duty on imports of grain-oriented flat-rolled products of silicon-electrical steel ('GOES') originating in the United States of America ('USA') and Russia (the 'definitive Regulation').
- (2) By Decision 2005/622/EC⁽³⁾, the Commission accepted price undertakings offered by two cooperating exporting producers whose exports to the Community of GOES are subject to a company-specific duty of 31,5 % (AK Steel Corporation, USA) and 11,5 % (Novolipetsk Iron and Steel Corporation ('NLMK'), Russia). The anti-dumping duties applicable to imports from all other companies,

- (3) The Commission was notified in early 2007 that NLMK had acquired 100 % of Viz Stal. Evidence was provided regarding the production, sales and distribution of GOES under the new corporate structure. As a consequence, the circumstances on the basis of which the measures were established appeared to have changed in a lasting way and the dumping margin under the new corporate structure appeared to be significantly different as compared to the level of the measures in force.
- (4) Having determined that there was sufficient *prima facie* evidence that the individual duties in force for NLMK and Viz Stal were no longer appropriate, and after consulting the Advisory Committee, the Commission initiated ex officio, by a notice ('notice of initiation') published in the *Official Journal of the European Union*, a partial interim review in accordance with Article 11(3) of the basic Regulation⁽⁴⁾. The investigation was limited to the examination of the level of dumping for the two Russian exporting producers NLMK and Viz Stal in order to calculate one single measure for the new joint company. As stated in the notice of initiation, this examination would be made on the basis of data collected during the investigation that led to the imposition of the existing measures.

C. PRODUCT UNDER REVIEW

- (5) The product under review is grain-oriented flat-rolled products of silicon-electrical steel, of a thickness of more than 0,16 mm, currently classifiable within CN codes ex 7225 11 00 (of a width of 600 mm or more) and ex 7226 11 00 (of a width of less than 600 mm).

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

⁽²⁾ OJ L 223, 27.8.2005, p. 1. Regulation as last amended by Regulation (EC) No 41/2008 (OJ L 16, 19.1.2008, p. 1).

⁽³⁾ OJ L 223, 27.8.2005, p. 42.

⁽⁴⁾ OJ C 39, 23.2.2007, p. 26.

- (6) GOES are produced from hot-rolled coils of silicon-alloyed steel of different thicknesses of which the particular grain structure is uniformly directed in order to allow for magnetic conductivity with a high degree of efficiency. Inefficiency with regard to this magnetic conductivity is called 'core loss', which is the prime indicator of the quality of the product.

— Tuscany Intertrade UK, Edinburgh, United Kingdom,

— Moorfield Commodities Company, Lugano, Switzerland.

- (7) The market is typically divided into high conductivity or high permeability grades and regular grades. The high permeability grades allow lower core losses to be achieved for any given thickness of the sheets. Such characteristics are especially relevant for industrial producers of electrical power transformers.

On-the-spot investigations were made at the premises of both of these companies.

D. INVESTIGATION

- (8) The Commission advised the Community producers of GOES, all known Community importers and users as well as all known exporting producers in the USA and Russia of the initiation of the review.

- (12) Formerly, NLMK exported to the Community via its related company Stinol AG (Switzerland). However, it was found that, since the beginning of 2006, all sales by NLMK to the Community have been made via the independent traders Tuscany Intertrade UK and Moorfield Commodities Company. Stinol AG has been a dormant company since the end of 2005.

- (9) The Commission requested information from all the abovementioned parties and from the other parties who made themselves known within the time limit set in the notice of initiation of the investigation. The Commission also gave the interested parties the opportunity to make their views known in writing and to request a hearing.

- (13) Viz Stal was formerly part of the Duferco group and exported via Duferco subsidiaries such as Duferco SA Switzerland and Duferco Commerciale Italy. Since May 2006, all of Viz Stal's sales to the Community have been made via the independent trader Moorfield Commodities Company.

- (14) It was also verified that, since its establishment, the new entity, OJSC Novolipetsk Steel, as regards its imports into the Community, has only sold via these two traders thereby continuing to use the same sales channels for sales of GOES to the Community market.

E. RESULTS OF THE INVESTIGATION

1. Determination of dumping

- (10) As stated above, the calculation of the dumping margin for the merged entity was based on the data collected during the investigation period of the investigation that led to the imposition of the existing measures ('the original investigation period'). On this basis, a weighted average of the dumping margins established for NLMK and Viz Stal results in a dumping margin of 0,7 % for the new merged entity.

- (15) In regard to import prices from the two former companies, NLMK and Viz Stal, following the acceptance of a price undertaking in August 2005, NLMK submitted all relevant monitoring information, as required by the terms of the undertaking, to the Commission on a quarterly basis. Following the takeover by NLMK, Viz Stal has voluntarily reported its sales since August 2006 under the framework of the undertaking. It was verified that the current price undertaking for the former NLMK was respected by both the former NLMK and Viz Stal companies.

2. Lasting nature of changed circumstances

- (11) In accordance with Article 11(3) of the basic Regulation, it was also examined whether the changed circumstances could reasonably be said to be of a lasting nature. In this regard, the new company, OJSC Novolipetsk Steel, co-operated in the investigation and provided relevant information. With regard to the product flow of this company's exports to the Community, cooperation was also obtained from the following unrelated companies:

- (16) It was found, in fact, that the prices at which Viz Stal, whose products are subject to 0 % anti-dumping duty, has sold GOES on the Community market since August 2006 were higher than those at which the company had sold during the original investigation period. It was also noted that Viz Stal accounted for the bulk of sales of both companies during the original investigation period, and continued to export significantly greater quantities of GOES to the EC than NLMK.

(17) Since the existing measures were imposed in August 2005, Community and world market prices have increased significantly. With continuing high world demand for steel products, it is not expected that market prices for GOES will fall in the short- to medium-term. In light of this fact, as well as the fact that Viz Stal (which continued in 2006 to account for significantly greater sales quantities of GOES to the EC than NLMK and was found not to be dumping during the original investigation) has increased its prices since August 2006, it is considered that the findings in recital (10) above are of a lasting nature.

F. CONCLUSION

(18) It was found in the original investigation that NLMK and Viz Stal accounted for the entirety of known imports of GOES into the Community from Russia ⁽¹⁾. It was also found that OJSC Novolipetsk Steel continues to account for all exports of GOES from Russia to the Community. In light of this, as well as the fact that the dumping margin for OJSC Novolipetsk Steel is at a *de minimis* level, it is concluded that the anti-dumping measures concerning imports of GOES from Russia should be repealed and the proceeding terminated in accordance with Article 9(3) of the basic Regulation.

(19) In light of this conclusion, the Commission decided by Decision 2008/384/EC ⁽²⁾ that the undertaking accepted from NLMK by Decision 2005/622/EC should be repealed.

G. DISCLOSURE

(20) Interested parties were informed of the essential facts and considerations on the basis of which it was intended to repeal the measures concerning imports of GOES from Russia and to terminate the proceeding. All parties were given an opportunity to comment. The comments received were not of a nature to change the conclusions.

(21) Following disclosure, the Community industry claimed that it has not been substantiated that, as mentioned in recital (17) above, market prices for GOES will not fall in the short- to medium-term and, as a result, the termination of the proceeding is not warranted. In support of its claim that the proceeding should not be terminated, the Community industry states that during the next two years, world capacities for the production of GOES will be expanded by more than 40 % and will significantly exceed demand. The bulk of these capacity increases will occur in the People's Republic of China. In these circumstances, the Community industry considers that Russia will be pushed away from the Chinese market and will redirect its exports to the European Union ('EU'). In light of the above, the Community industry considers that the termination of the proceeding is not based on changed circumstances of a lasting nature.

(22) It is noted, however, that the current investigation has examined the dumping margin for the new merged entity. This has been found to be at a *de minimis* level as described in recitals (10) and (18) above. As stated in recital (11) above, an examination has been made as to whether or not this dumping margin, as well as the new structure of the company, can be considered to be of a lasting nature. The investigation has confirmed the lasting nature of these changed circumstances. The fact that Russian exporters might export additional quantities to the EU in the coming years does not alter the conclusion regarding the lasting nature of these changed circumstances,

HAS ADOPTED THIS REGULATION:

Article 1

Articles 1(1) and 1(2) of Council Regulation (EC) No 1371/2005 shall be replaced by the following:

'1. A definitive anti-dumping duty is hereby imposed on imports of grain-oriented flat-rolled products of silicon-electrical steel of a thickness of more than 0,16 mm, originating in the United States of America, falling within CN codes ex 7225 11 00 (products of a width of 600 mm or more) (TARIC code 7225 11 00 10) and ex 7226 11 00 (products of a width of less than 600 mm) (TARIC codes 7226 11 00 11 and 7226 11 00 91).

2. The rate of the definitive anti-dumping duty applicable, before duty, to the net free-at-Community-frontier price of the products described in paragraph 1 and manufactured by the companies below shall be as follows:

Country	Company	Anti-dumping duty	TARIC additional code
United States of America	AK Steel Corporation, 703 Curtis Street, Middletown, Ohio	31,5 %	A669
	All other companies	37,8 %	A999'

⁽¹⁾ See recital (61) of Regulation (EC) No 1371/2005.

⁽²⁾ See page 20 of this Official Journal.

Article 2

The anti-dumping duties on imports of grain-oriented flat-rolled products of silicon-electrical steel of a thickness of more than 0,16 mm, originating in Russia, falling within CN codes ex 7225 11 00 (products of a width of 600 mm or more) (TARIC code 7225 11 00 10) and ex 7226 11 00 (products of a width of less than 600 mm) (TARIC codes 7226 11 00 11 and 7226 11 00 91) imposed by Regulation (EC) No 1371/2005 are hereby repealed and the proceeding with respect to imports originating in Russia is hereby terminated.

Article 3

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, 19 May 2008.

For the Council

The President

I. JARC

COMMISSION REGULATION (EC) No 436/2008**of 21 May 2008****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 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽¹⁾, and in particular Article 138(1) thereof,

Whereas:

- (1) Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes

the standard values for imports from third countries, in respect of the products and periods stipulated in 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 138 of Regulation (EC) No 1580/2007 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 May 2008.

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

Done at Brussels, 21 May 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

to Commission Regulation of 21 May 2008 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	MA	50,2
	TN	105,3
	TR	92,4
	ZZ	82,6
0707 00 05	JO	162,5
	TR	140,9
	ZZ	151,7
0709 90 70	EG	216,7
	TR	116,9
	ZZ	166,8
0805 10 20	EG	45,4
	IL	67,5
	MA	53,4
	TN	53,1
	TR	69,9
	US	55,3
	ZZ	57,4
0805 50 10	AR	139,9
	BR	156,0
	TR	147,0
	US	135,5
	ZA	127,6
	ZZ	141,2
0808 10 80	AR	90,8
	BR	82,2
	CA	75,2
	CL	92,8
	CN	68,3
	MK	65,0
	NZ	112,4
	US	114,7
	UY	76,8
	ZA	78,9
	ZZ	85,7

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

COMMISSION REGULATION (EC) No 437/2008**of 21 May 2008****amending Annexes VII, X and XI to Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the requirements for the processing of milk and milk products defined as Category 3 material****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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⁽¹⁾, and in particular Article 32(1) thereof,

Whereas:

(1) Regulation (EC) No 1774/2002 lays down health rules concerning animal by-products not intended for human consumption. It provides that animal by-products that may be used as feed material have to be processed in accordance with the requirements laid down in that Regulation.

(2) Annex VII to Regulation (EC) No 1774/2002 sets out specific hygiene requirements for the processing and placing on the market of processed animal protein and other processed products that could be used as feed material. In particular, Chapter V of that Annex provides for specific requirements for the processing of milk, milk products and colostrum.

(3) In accordance with the first paragraph of Article 28 of Regulation (EC) No 1774/2002 the provisions applicable to the importation of products referred to in Annexes VII and VIII to that Regulation from non-member countries are not to be more favourable or less favourable than those applicable to the production and marketing of those products in the Community. Chapter V of Annex

VII to that Regulation should therefore be amended, in order to introduce certain technical amendments, to harmonise the processing standards for milk and milk products and to clarify the import requirements applicable to them.

(4) Following the opinion of the European Food Safety Authority, adopted on 29 March 2006, related to the animal health risks of feeding animals with ready-to-use dairy products without further treatment⁽²⁾, it is appropriate to amend the specific hygiene requirements for milk, milk-based products and colostrums. Account should also be taken of the methods for the inactivation of possible foot-and-mouth disease virus in milk described in the 1999 Report of the Scientific Committee on Animal Health and Animal Welfare on a Strategy for Emergency Vaccination against Foot-and-Mouth Disease⁽³⁾ and of Appendix 3.6.2 of the Terrestrial Animal Health Code⁽⁴⁾, 2005 edition, of the World Organisation for Animal Health (OIE).

(5) Taking account of the amended specific hygiene requirements in Chapter V of Annex VII to Regulation (EC) No 1774/2002, it is appropriate to replace the model health certificates in Chapters 2(A), 2(B) and 2(C) of Annex X to that Regulation by a single model certificate for the importation from third countries of milk and milk products not intended for human consumption.

(6) It is necessary to update the reference to the specific health certificate in Part I of Annex XI to Regulation (EC) No 1774/2002 setting out lists of third countries from which Member States may authorise imports of animal by-products not intended for human consumption.

(7) Annexes VII, X and XI to Regulation (EC) No 1774/2002 should therefore be amended accordingly.

⁽¹⁾ OJ L 273, 10.10.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 399/2008 (OJ L 118, 6.5.2008, p. 12).

⁽²⁾ http://www.efsa.europa.eu/en/science/ahaw/ahaw_opinions/1447.html

⁽³⁾ http://ec.europa.eu/food/fs/sc/scaw/out22_en.html

⁽⁴⁾ http://www.oie.int/eng/normes/mcode/en_chapitre_3.6.2.htm

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

Article 2

This Regulation shall be applicable from 1 May 2008.

HAS ADOPTED THIS REGULATION:

Article 1

Annexes VII, X and XI to Regulation (EC) No 1774/2002 are amended in accordance with the Annex to this Regulation.

Consignments for which veterinary certificates were issued before 1 November 2008 in accordance with the models established by Regulation (EC) No 1774/2002 before its amendment by the present Regulation, shall be accepted for import into the Community until 1 February 2009.

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

Done at Brussels, 21 May 2008.

For the Commission

Androulla VASSILOU

Member of the Commission

ANNEX

Regulation (EC) No 1774/2002 is amended as follows:

(1) In Annex VII, Chapter V is replaced by the following:

CHAPTER V

Specific requirements for milk, milk products and colostrum

The following conditions apply in addition to the general conditions laid down in Chapter I.

A. Processing standards

1. Milk must be subjected to one of the following treatments:
 - 1.1. sterilisation at an F_0 (*) value of three or more;
 - 1.2. UHT (**) combined with one of the following:
 - (a) a subsequent physical treatment, by:
 - (i) a drying process, combined in the case of milk intended for feeding with additional heating to 72 °C or more; or
 - (ii) lowering the pH below 6 for at least 1 hour;
 - (b) the condition that the milk or milk product has been produced at least 21 days before shipping and that during that period no case of foot-and-mouth disease has been detected in the Member State of origin;
 - 1.3. HTST (***) applied twice;
 - 1.4. HTST (***) in combination with one of the following:
 - (a) a subsequent physical treatment, by:
 - (i) a drying process, combined in the case of milk intended for feeding with additional heating to 72 °C or more; or
 - (ii) lowering the pH below 6 for at least 1 hour;
 - (b) the condition that the milk or milk product has been produced at least 21 days before shipping and that during that period no case of foot-and-mouth disease has been detected in the Member State of origin.
2. Milk products must either be subjected to at least one of the treatments provided for in paragraph 1 or be produced from milk treated in accordance with paragraph 1.
3. Whey to be fed to animals of species susceptible to foot-and-mouth disease and produced from milk treated in accordance with paragraph 1 must be collected at least 16 hours after milk clotting and its pH must be recorded as below 6,0 before transport to animal holdings.
4. In addition to the requirements laid down in paragraphs 1, 2 and 3, milk and milk products must meet the following requirements:
 - 4.1. after completion of the processing, every precaution must be taken to prevent contamination of the products;
 - 4.2. the final product must be labelled so as to indicate that it contains Category 3 material and is not intended for human consumption, and
 - (a) packed in new containers; or
 - (b) transported in bulk in containers or other means of transport that before use were thoroughly cleansed and disinfected using a disinfectant approved for the purpose by the competent authority.

5. Raw milk and colostrum must be produced under conditions offering adequate guarantees as regards animal health. Such conditions may be established in accordance with the procedure referred to in Article 33(2).

B. Importation

1. Member States shall authorise imports of milk and milk products subject to compliance with the following conditions:
 - 1.1. they come from third countries appearing on the list in Part I of Annex XI;
 - 1.2. they come from a processing plant which appears on the list referred to in Article 29(4);
 - 1.3. they are accompanied by a health certificate conforming to the model laid down in Chapter 2 of Annex X;
 - 1.4. they have undergone at least one of the treatments provided for in paragraphs 1.1, 1.2, 1.3 and point (a) of paragraph 1.4 of Part A;
 - 1.5. they comply with paragraphs 2 and 4, and, in the case of whey, paragraph 3 of Part A.
2. By way of derogation from paragraph 1.4, Member States shall authorise imports of milk and milk products from third countries so authorised in Column "A" of Annex I to Commission Decision 2004/438/EC (****) provided that the milk or milk products have undergone a single HTST treatment and have been produced:
 - (i) either at least 21 days before shipping and that during this period no case of foot-and-mouth disease has been detected in the exporting country; or
 - (ii) have been presented at an EU border inspection post at least 21 days after production and that during this period no case of foot-and-mouth disease has been detected in the exporting country.
3. Where a risk of introduction of an exotic disease or any other risk to animal health is identified, additional conditions for the protection of animal health may be established in accordance with the procedure referred to in Article 33(2).

(*) F_0 is the calculated killing effect on bacterial spores. An F_0 value of 3,00 means that the coldest point in the product has been heated sufficiently to achieve the same killing effect as 121 °C (250 °F) in three minutes with instantaneous heating and chilling.

(**) UHT = Ultra High Temperature treatment at 132 °C for at least one second.

(***) HTST = High Temperature Short Time pasteurisation at 72 °C for at least 15 seconds or equivalent pasteurisation effect achieving a negative reaction to a phosphatase test.

(****) OJ L 154, 30.4.2004, p. 72, as corrected by OJ L 189, 27.5.2004, p. 57.'

COUNTRY

Milk and milk products not for human consumption

Part II: Certification	II. Health information	II.a. Certificate reference number	II.b.
	I, the undersigned official veterinarian, declare that I have read and understood Regulation (EC) No 1774/2002 ⁽¹⁾, and certify that the milk ⁽²⁾ or the milk products ⁽²⁾ referred to in box I.28 comply with the following conditions: 1. they were produced and derived in (<i>insert name of exporting country</i>), (<i>insert name of region</i>) ⁽³⁾, which is listed in the Annex to Decision 2004/438/EC, and which has been free from foot-and-mouth disease (FMD) and rinderpest for 12 months immediately prior to export and has not practiced vaccination against rinderpest during that period; 2. they were produced from raw milk derived from animals which at the time of milking did not show clinical signs of any disease transmissible through milk to humans or animals, and which had been kept for at least 30 days prior to production on holdings that were not subject to official restrictions due to foot-and-mouth disease or rinderpest; 3. they are (2) either [milk or milk products, excluding whey, that have undergone one of the treatments or combinations thereof described in point 4] (2) or [they comprise entirely of whey with a pH below 6, which was collected not earlier than 16 hours after clotting from milk subjected to one of the treatments described in point 4] 4. they have been subject to one of the following treatments: (2) either [High Temperature Short Time pasteurisation at 72 °C for at least 15 seconds, or an equivalent pasteurisation achieving a negative reaction to a phosphatase test, in combination with: (2) either a subsequent second High Temperature Short Time pasteurisation at 72 °C for at least 15 seconds or an equivalent pasteurisation which itself achieves a negative reaction to a phosphatase test] (2) or a subsequent drying process that in the case of milk intended for feeding is combined with additional heating to 72 °C or higher,] (2) or a subsequent process by which the pH is reduced and kept for at least one hour at a level below 6,] (2) (4) or the condition that the milk/milk product has been produced at least 21 days before the shipping and in this period no cases of FMD has been detected in the exporting country;] (2) (4) or the milk/milk product has been produced on .././..., this date, in consideration of the foreseen voyage duration, being at least 21 days before the consignment is presented to a border inspection post of the European Union] (2) or [sterilisation at a level of at least F₀3] (2) or [Ultra High Temperature treatment at 132 °C for at least one second in combination with: (2) either a subsequent drying process that in the case of milk intended for feeding is combined with additional heating to 72 °C or higher,] (2) or a subsequent process by which the pH is reduced and kept for at least one hour at a level below 6,] (2) (4) or the condition that the milk/milk product has been produced at least 21 days before the shipping and in this period no cases of FMD has been detected in the exporting country;] (2) (4) or the milk/milk product has been produced on .././..., this date, in consideration of the foreseen voyage duration, being at least 21 days before the consignment is presented to a border inspection post of the European Union] 5. every precaution was taken to avoid contamination of the milk/milk product after processing; 6. the milk/milk product was packed: (2) either [in new containers,] (2) or [in vehicles or bulk containers disinfected prior to loading using a product approved by the competent authority,] and the containers are marked so as to indicate the nature of the milk/milk product and bear labels indicating that the product is Category 3 material and not intended for human consumption.		

COUNTRY**Milk and milk products not for human consumption****Notes****Part I:**

- Box reference I.6: Person responsible for the load in EU: this box is to be filled in only if it is a certificate for transit commodity.
- Box reference I.12: Place of destination: this box is to be filled in only if it is a certificate for transit commodity.
- Box reference I.15: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship) is to be provided. In case of unloading and reloading, the consignor must inform the BIP of entry into the EU.
- Box reference I.19: use the appropriate Harmonised System (HS) code of the World Customs Organisation: 23.09.10, 23.09.90, 35.01, 35.02 or 35.04.
- Box reference I.23: for bulk containers, the container number and the seal number (if applicable) should be included.
- Box reference I.26 and I.27: fill in according to whether it is a transit or an import certificate.
- Box reference I.28: "Manufacturing plant": provide the registration number of treatment or processing establishment.

Part II:

- (¹) OJ L 273, 10.10.2002, p. 1.
- (²) Delete as appropriate.
- (³) For completion if the authorisation to import into the Community is restricted to certain regions of the third country concerned.
- (⁴) This condition applies only to third countries listed in column "A" of Annex I to Decision 2004/438/EC
 - The signature and the seal must be in a different colour from that of the printing.
 - Note for the importer: this certificate is only for veterinary purposes and has to accompany the consignment until it reaches the border inspection post.

Official veterinarian

Name (in capital letters):

Qualification and title:

Date:

Signature:

Stamp:'

(3) In Annex XI, Part I is replaced by the following:

PART I**List of third countries from which Member States may authorise imports of milk and milk products (health certificate Chapter 2)**

Authorised third countries listed in Annex I to Decision 2004/438/EC.'

COMMISSION REGULATION (EC) No 438/2008

of 21 May 2008

cancelling the registration of certain names in the Register of protected designations of origin and protected geographical indications (Löwensteiner Mineralquelle (PDO), Bad Niedernauer Quelle (PDO), Kisslegger Mineralquelle (PDO), Teinacher Mineralquellen (PDO), Lieler Quelle (PDO), Gemminger Mineralquelle (PDO), Überkinger Mineralquellen (PDO))

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Commission, registration of these designations should be cancelled.

Having regard to the Treaty establishing the European Community,

(3) In light of the above, these designations must be removed from the 'Register of protected designations of origin and protected geographical indications'.

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 12(1) thereof,

(4) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Protected Geographical Indications and Protected Designations of Origin,

Whereas:

(1) In accordance with the second subparagraph of Article 12(2) of Regulation (EC) No 510/2006 and pursuant to Article 17(2) of that Regulation, Germany's applications to cancel the registration of 'Löwensteiner Mineralquelle', 'Bad Niedernauer Quelle', 'Kisslegger Mineralquelle', 'Teinacher Mineralquellen', 'Lielier Quelle', 'Gemminger Mineralquelle' and 'Überkinger Mineralquellen' have been published in the *Official Journal of the European Union* ⁽²⁾.

HAS ADOPTED THIS REGULATION:

Article 1

Registration of the designations listed in this Annex to this Regulation is hereby cancelled.

Article 2

(2) As no objection within the meaning of Article 7 of Regulation (EC) No 510/2006 has been received by the

This Regulation shall enter into force on the 20th 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, 21 May 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12. Regulation as amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ C 194, 22.8.2007, p. 18 (Löwensteiner Mineralquelle), OJ C 194, 22.8.2007, p. 19 (Bad Niedernauer Quelle), OJ C 194, 22.8.2007, p. 20 (Kisslegger Mineralquelle), OJ C 195, 23.8.2007, p. 13 (Teinacher Mineralquellen), OJ C 195, 23.8.2007, p. 14 (Lielier Quelle), OJ C 195, 23.8.2007, p. 15 (Gemminger Mineralquelle) and OJ C 195, 23.8.2007, p. 16 (Überkinger Mineralquellen).

ANNEX

Foodstuffs listed in Annex I to Regulation (EC) No 510/2006:

Class 2.2. Natural mineral waters and spring waters

GERMANY

Löwensteiner Mineralquelle (PDO)

Bad Niedernauer Quelle (PDO)

Kisslegger Mineralquelle (PDO)

Teinacher Mineralquellen (PDO)

Lieler Quelle (PDO)

Gemminger Mineralquelle (PDO)

Überkingen Mineralquelle (PDO)

COMMISSION REGULATION (EC) No 439/2008
of 21 May 2008
amending Annex II to Regulation (EC) No 2076/2005 as regards imports of fishery products from
Fiji
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽¹⁾, and in particular Article 9 thereof,

Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption ⁽²⁾, and in particular Article 16 thereof,

Whereas:

(1) Article 11(1) of Regulation (EC) No 854/2004 provides that products of animal origin are to be imported only from a third country or a part of a third country that appears on a list drawn up in accordance with that Regulation.

(2) Commission Regulation (EC) No 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 822/2004 of the European Parliament and of the Council ⁽³⁾ provides, by way of derogation from Article 11(1) of Regulation (EC) No 854/2004, that Member States, subject to certain conditions, may authorise imports of fishery products from the third countries listed in Annex II to that Regulation.

(3) Those third countries have not yet undergone a Community inspection to check their sanitary conditions and ascertain whether the controls applied by their competent authorities are equivalent to the requirements under Community legislation. Fiji is currently listed in Annex II to Regulation (EC) No 2076/2005.

(4) A Community inspection carried out in Fiji revealed serious shortcomings as regards hygiene in the handling of fishery products and in the capacity of the competent authorities of that third country to carry out reliable checks on fishery products. Accordingly, Fiji cannot provide the necessary guarantees that fishery products have been obtained in conditions at least equivalent to those governing the production and placing on the market of fishery products in the Community.

(5) Imports into the Community of fishery products from Fiji should therefore no longer be authorised.

(6) In order to allow the entry into the Community of fishery products from Fiji produced and certified before the entry into force of this Regulation, a transitional period should be laid down.

(7) Regulation (EC) No 2076/2005 should therefore be amended accordingly.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 2076/2005 is replaced by the text in the Annex to this Regulation.

Article 2

For a transitional period not exceeding six weeks from the date of entry into force of this Regulation, Member States may authorise imports of fishery products from Fiji produced and certified before that date.

Article 3

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

⁽¹⁾ OJ L 139, 30.4.2004, p. 55; corrected version in OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Commission Regulation (EC) No 1243/2007 (OJ L 281, 25.10.2007, p. 8).

⁽²⁾ OJ L 139, 30.4.2004, p. 206; corrected version in OJ L 226, 25.6.2004, p. 83. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽³⁾ OJ L 338, 22.12.2005, p. 83. Regulation as last amended by Regulation (EC) No 1246/2007 (OJ L 281, 25.10.2007, p. 21).

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

Done at Brussels, 21 May 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX

‘ANNEX II

List of third countries and territories from which imports of fishery products in whatever form for human consumption may be permitted

AO – ANGOLA

AZ – AZERBAIJAN ⁽¹⁾

BJ – BENIN

CG – CONGO ⁽²⁾

CM – CAMEROON

ER – ERITREA

IL – ISRAEL

MM – MYANMAR

SB – SOLOMON ISLANDS

SH – SAINT HELENA

TG – TOGO

⁽¹⁾ Authorised only for imports of caviar.

⁽²⁾ Authorised only for imports of fishery products caught, frozen and packed in their final packaging at sea.’

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 30 April 2008

exempting express and courier services in Italy from the application of Directive 2004/17/EC of the European Parliament and of the Council coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors

(notified under document number C(2008) 1642)

(Only the Italian text is authentic)

(Text with EEA relevance)

(2008/383/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

was transmitted by the Italian authorities by e-mail of 20 February 2008.

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors ⁽¹⁾, and in particular Article 30(4) and (6) thereof,

Having regard to the request submitted by Italy by e-mail of 17 January 2008,

After consulting the Advisory Committee for Public Contracts,

Whereas:

I. FACTS

- (1) On 17 January 2008, Italy transmitted a request pursuant to Article 30(4) of Directive 2004/17/EC to the Commission by e-mail. The Commission requested additional information by e-mail of 6 February 2008, which

- (2) The request submitted by Italy on behalf of Gruppo Poste Italiane SpA (hereinafter referred to as 'Poste Italiane') concerns express and courier services, domestic and international, in Italy.
- (3) The request is accompanied by the conclusions of the independent national authority, Autorità Garante della Concorrenza e del Mercato (the Italian Competition Authority), that the conditions for the applicability of Article 30(1) of Directive 2004/17/EC would be met.

II. LEGAL FRAMEWORK

- (4) Article 30 of Directive 2004/17/EC provides that contracts intended to enable the performance of one of the activities to which Directive 2004/17/EC applies shall not be subject to that Directive if, in the Member State in which it is carried out, the activity is directly exposed to competition on markets to which access is not restricted. Direct exposure to competition is assessed on the basis of objective criteria, taking account of the specific characteristics of the sector concerned. Access is deemed to be unrestricted if the Member State has implemented and applied the relevant Community legislation opening a given sector or a part of it.

⁽¹⁾ OJ L 134, 30.4.2004, p. 1. Directive as last amended by Commission Regulation (EC) No 213/2008 (OJ L 74, 15.3.2008, p. 1).

- (5) Since Italy has implemented and applied Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service ⁽¹⁾, access to the market should be deemed not to be restricted in accordance with the first subparagraph of Article 30(3) of Directive 2004/17/EC.
- (6) Direct exposure to competition in a particular market should be evaluated on the basis of various criteria, none of which are, *per se*, decisive. In respect of the markets concerned by this decision, the market share of the main players constitutes one criterion which should be taken into account. Another criterion is the degree of concentration.
- (7) This Decision is without prejudice to the application of the rules on competition.

III. ASSESSMENT

- (8) As a public enterprise within the meaning of Article 2(1)(b) of Directive 2004/17/EC exercising several of the activities mentioned in Article 6 of that Directive, Poste Italiane, on whose behalf the request has been introduced, is a contracting entity for the purposes of Directive 2004/17/EC. According to the available information, it would seem to be the sole contracting entity operating in the markets concerned by this decision.
- (9) A number of companies are active in the provision of courier and express services in Italy, both for domestic as well as for international services. Whether seen alone or together with its wholly owned subsidiary, SDA Express Courier (SDA), Poste Italiane does not have the biggest market share in respect of either domestic or international express and courier services. In fact, for domestic express and courier services, its market share in 2006 amounted to 5,2 % (15,4 % including the 10,2 % share of SDA) and the aggregate market shares of its two largest competitors on this market amounted to 43,5 % in 2006. In respect of international express and courier services, Poste Italiane had a market share in 2006 of 2,7 % (3,4 % including the 0,7 % share of SDA) whereas the aggregate market shares of its two largest competitors in 2006 amounted to 61,7 %. These factors should

therefore be taken as an indication of direct exposure to competition of express and courier services, domestic and international.

IV. CONCLUSIONS

- (10) In view of the factors examined in recitals (8) and (9), the condition of direct exposure to competition laid down in Article 30(1) of Directive 2004/17/EC should be considered to be met in Italy in respect of express and courier services, domestic and international.
- (11) Since the condition of unrestricted access to the market is deemed to be met, Directive 2004/17/EC should not apply when contracting entities award contracts intended to enable express and courier services, domestic and international, to be carried out in Italy, nor when design contests are organised for the pursuit of such an activity in Italy.
- (12) This Decision is based on the legal and factual situation as of January to February 2008 as it appears from the information submitted by the Italian Republic. It may be revised, should significant changes in the legal or factual situation mean that the conditions for the applicability of Article 30(1) of Directive 2004/17/EC are no longer met,

HAS ADOPTED THIS DECISION:

Article 1

Directive 2004/17/EC shall not apply to contracts awarded by contracting entities and intended to enable express and courier services, domestic and international, to be carried out in Italy.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 30 April 2008.

For the Commission

Charlie MCCREEVY

Member of the Commission

⁽¹⁾ OJ L 15, 21.1.1998, p. 14. Directive as last amended by Directive 2008/6/EC (OJ L 52, 27.2.2008, p. 3).

COMMISSION DECISION**of 21 May 2008****amending Decision 2005/622/EC accepting undertakings offered in connection with the anti-dumping proceeding concerning imports of grain oriented flat-rolled products of silicon-electrical steel originating in the United States of America and Russia**

(2008/384/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

B. REPEAL OF DECISION 2005/622/EC

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 8 and 9 thereof,

After consulting the Advisory Committee,

Whereas:

(3) On 23 February 2007, the Commission initiated ⁽⁴⁾ a partial interim review limited to the examination of the level of dumping for two Russian exporting producers, NLMK and Viz Stal.

(4) The findings of the review, which are set out in Council Regulation (EC) No 435/2008 ⁽⁵⁾, were that the measures in force on imports of GOES from Russia should be repealed and that the proceeding concerning those imports should be terminated.

(5) In view of the above, Commission Decision 2005/622/EC, by which the Commission accepted an undertaking from NLMK, should be amended and the undertaking accepted from NLMK should be repealed,

HAS DECIDED AS FOLLOWS:

A. PREVIOUS PROCEDURE

(1) By Regulation (EC) No 1371/2005 ⁽²⁾, the Council imposed a definitive anti-dumping duty on imports of grain oriented flat-rolled products of silicon-electrical steel (GOES) originating in the United States of America (USA) and Russia.

(2) By Decision 2005/622/EC ⁽³⁾, the Commission accepted price undertakings offered by two co-operating exporting producers whose exports to the Community of GOES are subject to company-specific duties, namely AK Steel Corporation, USA, and Novolipetsk Iron & Steel Corporation (NLMK), Russia.

Article 1

The undertaking accepted by Commission Decision 2005/622/EC from Novolipetsk Iron & Steel Corporation (NLMK), is hereby repealed.

Article 2

Article 1 of Commission Decision 2005/622/EC shall be replaced by the following:

'Article 1

The undertaking offered by the producer mentioned in the accompanying table, in connection with the present anti-dumping proceeding concerning imports of grain oriented flat-rolled products of silicon-electrical steel originating in the United States of America is hereby accepted.

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

⁽²⁾ OJ L 223, 27.8.2005, p. 1. Regulation as last amended by Regulation (EC) No 41/2008 (OJ L 16, 19.1.2008, p. 1).

⁽³⁾ OJ L 223, 27.8.2005, p. 42.

⁽⁴⁾ OJ C 39, 23.2.2007, p. 26.

⁽⁵⁾ OJ L 132, 22.5.2008, p. 1.

Country	Company	TARIC additional code
USA	Produced by AK Steel Corporation 703, Curtis Street, Middletown, Ohio, or, Produced by AK Steel Corporation, 703, Curtis Street, Middletown, Ohio, and sold by AK Steel BV, Oosterhout, the Netherlands, to the first independent customer in the Community acting as an importer.	A673'

Article 3

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

Done at Brussels, 21 May 2008.

For the Commission
Peter MANDELSON
Member of the Commission

CORRIGENDA

Corrigendum to Council Decision 2008/373/EC of 28 April 2008 concerning the conclusion of the Agreement amending the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000

(Official Journal of the European Union L 129 of 17 May 2008)

On page 2 of the cover in the Contents, on page 44 in the title and on page 45 in the closing formula:

for: '... 28 April 2008 ...',

read: '... 29 April 2008 ...'.
