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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 832/2008**of 22 August 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 Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 August 2008.

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

Done at Brussels, 22 August 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 510/2008 (OJ L 149, 7.6.2008, p. 61).

⁽²⁾ OJ L 350, 31.12.2007, p. 1. Regulation as last amended by Regulation (EC) No 590/2008 (OJ L 163, 24.6.2008, p. 24).

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MK	23,3
	XS	22,4
	ZZ	22,9
0707 00 05	MK	23,5
	TR	128,2
	ZZ	75,9
0709 90 70	TR	94,1
	ZZ	94,1
0805 50 10	AR	62,8
	UY	56,0
	ZA	78,0
	ZZ	65,6
0806 10 10	EG	180,5
	IL	87,5
	MK	56,1
	TR	120,3
	ZZ	111,1
0808 10 80	AR	79,4
	BR	85,6
	CL	93,0
	CN	78,2
	NZ	104,7
	US	94,5
	ZA	84,3
0808 20 50	ZZ	88,5
	AR	131,9
	CL	75,8
	TR	147,3
	ZA	109,8
	ZZ	116,2
0809 30	MK	34,9
	TR	143,1
	ZZ	89,0
0809 40 05	IL	129,2
	MK	66,2
	TR	114,4
	XS	70,3
	ZZ	95,0

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

COMMISSION REGULATION (EC) No 833/2008
of 20 August 2008
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on the 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, 20 August 2008.

For the Commission

Olli REHN

Member of the Commission

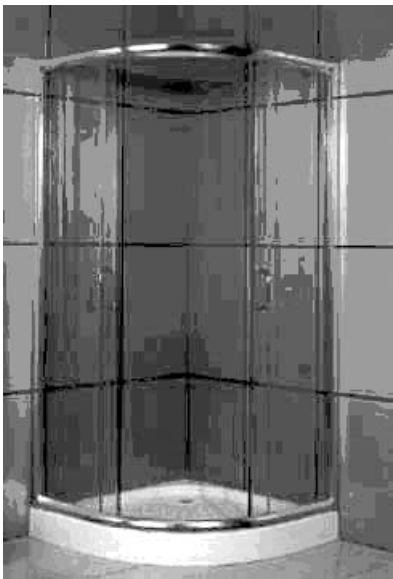
⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 360/2008 (OJ L 111, 23.4.2008, p. 9).

⁽²⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
An unassembled angle shower cabin consisting of: — a shower-bath of plastics with the following dimensions: 80 (W) × 80 (D) × 10 (H) cm, — an overall structure made of aluminium, — four panels of glass embedded in aluminium frames with the following dimensions: 40 (W) × 180 (H) cm. The overall structure is to be mounted on the shower-bath and attached to the walls. Two of the glass panels function as sliding doors. (See photograph) (*)	3922 10 00	Classification is determined by General Rules 1, 2(a), 3(b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 3922 and 3922 10 00. The product is a composite article, presented unassembled, consisting of different components. The component that gives the shower cabin its essential character is the shower-bath of plastics, because it is the basis for the cabin structure. Therefore, the product is to be classified under subheading 3922 10 00 as a shower-bath.

(*) Product already assembled.



COMMISSION REGULATION (EC) No 834/2008
of 22 August 2008
amending Regulation (EC) No 1319/2006 on the exchange between the Member States and the
Commission of certain information concerning pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 192(2) in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1319/2006 ⁽²⁾ lays down the day by which Member States are to communicate certain quotations to the Commission as the Thursday of each week, in respect of the preceding week.
- (2) In order to have information which is as up-to-date as possible for the management of the market and to take account of technological progress in the transmission of information, that time limit for communication should be shortened.
- (3) Regulation (EC) No 1319/2006 should be amended accordingly.

- (4) To enable the Member States to adapt to the new time limit for communication, this Regulation should apply from 1 September 2008.

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

HAS ADOPTED THIS REGULATION:

Article 1

The introductory phrase of Article 1(1) of Regulation (EC) No 1319/2006 is hereby replaced by the following:

‘The Member States shall communicate to the Commission by 12:00 (Brussels time) on the Wednesday of each week, in respect of the preceding week.’

Article 2

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

It shall apply from 1 September 2008.

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

Done at Brussels, 22 August 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 510/2008 (OJ L 149, 7.6.2008, p. 61).

⁽²⁾ OJ L 243, 6.9.2006, p. 3.

COMMISSION REGULATION (EC) No 835/2008**of 22 August 2008****on the release of securities in relation to certain import tariff quotas in the beef sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 144(1) in conjunction with Article 4 thereof,

Whereas,

(1) Commission Decision 2008/61/EC of 17 January 2008 amending Annex II to Council Decision 79/542/EEC as regards the imports of bovine fresh meat from Brazil ⁽²⁾ has modified the import requirements for bovine meat from Brazil. That Decision provides that it is only possible to allow imports to continue on a secure basis by strengthening the control and surveillance of holdings from which animals eligible for export to the Community are sourced and by establishing a provisional list of such approved holdings drawn up by Brazil for which certain guarantees are provided.

(2) Moreover, in the first half of 2008 the authorities of Argentina have adopted a series of measures affecting the normal trade flows of beef from that third country to the Community.

(3) In view of these particular circumstances, Commission Regulation (EC) No 313/2008 of 3 April 2008 derogating from Regulation (EC) No 1445/95 as regards import requirements for bovine meat from Brazil ⁽³⁾ provided for an extension of the validity of import licences issued under certain import tariff quotas in the beef sector until 30 June 2008.

(4) Operators that had obtained, prior to the entry into force of Decision 2008/61/EC, import rights for the importation of bovine meat within the import tariff quotas referred to in Commission Regulation (EC) No 529/2007 of 11 May 2007 opening and providing for the administration of an import tariff quota for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91 (1 July 2007 to 30 June 2008) ⁽⁴⁾ and in Commission Regulation (EC) No 545/2007 of 16 May 2007 opening and providing for the administration of an import tariff quota for frozen beef intended for processing (1 July 2007 to 30 June 2008) ⁽⁵⁾, continued to be faced with severe practical difficulties to source the products before the end of the import tariff quota period. Consequently, a significant part of the import rights allocated to operators remained unused before 1 July 2008. In view of these particular circumstances, it is necessary to provide that, under certain conditions, the securities lodged in relation to those import rights that were not used by 1 July 2008 should be released.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. At the request of the interested parties, the securities related to import rights lodged in application of Article 5(2) of Regulation (EC) No 529/2007 and of Article 6(3) of Regulation (EC) No 545/2007 shall be released, under the following conditions:

(a) the applicant has applied for and obtained import rights under the quota referred to in:

(i) Article 1(1) of Regulation (EC) No 529/2007; or

(ii) Article 1 of Regulation (EC) No 545/2007;

(b) the import rights have been used only partially or not at all by 1 July 2008.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 510/2008 (OJ L 49, 7.6.2008, p. 61).

⁽²⁾ OJ L 15, 18.1.2008, p. 33.

⁽³⁾ OJ L 93, 4.4.2008, p. 11.

⁽⁴⁾ OJ L 123, 12.5.2007, p. 26.

⁽⁵⁾ OJ L 129, 17.5.2007, p. 14. Regulation as last amended by Regulation (EC) No 749/2008 (OJ L 202, 31.7.2008, p. 37).

2. The securities referred to in paragraph 1 shall be released proportionally to the import rights which have not been used by 1 July 2008.

Article 2

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

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

Done at Brussels, 22 August 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

COMMISSION REGULATION (EC) No 836/2008**of 22 August 2008****amending Regulation (EC) No 791/2008 fixing the export refunds on white and raw sugar exported without further processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector ⁽¹⁾, and in particular the fourth subparagraph of Article 33(2) thereof,

Whereas:

- (1) Export refunds on products listed in Article 1(1)(b) of Regulation (EC) No 318/2006 were fixed from 8 August 2008 by Commission Regulation (EC) No 791/2008 ⁽²⁾.

- (2) In the light of additional information available to the Commission, related in particular to the change in the relation between prices in the internal and world market, it is necessary to adjust export refunds currently applying.

- (3) Regulation (EC) No 791/2008 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 791/2008 is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 August 2008.

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

Done at Brussels, 22 August 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 1260/2007 (OJ L 283, 27.10.2007, p. 1). Regulation (EC) No 318/2006 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 October 2008.

⁽²⁾ OJ L 213, 8.8.2008, p. 19.

ANNEX

Export refunds on white and raw sugar exported without further processing applicable from 23 August 2008

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	14,72 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	13,23 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	14,72 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	13,23 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,1601
1701 99 10 9100	S00	EUR/100 kg	16,01
1701 99 10 9910	S00	EUR/100 kg	14,39
1701 99 10 9950	S00	EUR/100 kg	14,39
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,1601

NB: The destinations are defined as follows:

S00 — All destinations with the exception of:

- (a) third countries: Andorra, Liechtenstein, the Holy See (Vatican City State), Croatia, Bosnia-Herzegovina, Serbia (*), Montenegro, Albania and the former Yugoslav Republic of Macedonia;
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar.

(*) Including Kosovo, under the aegis of the United Nations, pursuant to UN Security Council Resolution 1244 of 10 June 1999.

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 % the refund amount applicable shall be multiplied, for each exporting operation concerned, by a conversion factor obtained by dividing by 92 the yield of the raw sugar exported, calculated in accordance with paragraph 3 of Point III of the Annex I of Regulation (EC) No 318/2006.

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 1 August 2008

amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles

(notified under document number C(2008) 4017)

(Text with EEA relevance)

(2008/689/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

materials and components listed in Annex II to Directive 2000/53/EC.

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles ⁽¹⁾, and in particular Article 4(2)(b) thereof,

Whereas:

(1) Article 4(2)(a) of Directive 2000/53/EC prohibits the use of lead, mercury, cadmium or hexavalent chromium in materials and components of vehicles put on the market after 1 July 2003, other than in cases listed in Annex II to that Directive and under the conditions specified therein. According to Article 4(2)(b) of Directive 2000/53/EC, Annex II to that Directive is to be adapted to scientific and technical progress by the Commission on a regular basis.

(2) Annex II to Directive 2000/53/EC lists vehicle materials and components exempted from the heavy metal ban contained in Article 4(2)(a) thereof. Several of these exemptions expire on dates specified in that Annex. Vehicles put on the market before the expiry date of a given exemption may contain heavy metals in

(3) Certain exemptions from the prohibition contained in Article 4(2)(a) of Directive 2000/53/EC should not be prolonged because the use of lead, mercury, cadmium or hexavalent chromium in those applications has become avoidable by technical progress.

(4) Certain materials and components containing lead, mercury, cadmium or hexavalent chromium should continue to be exempt from the prohibition of Article 4(2)(a), since the use of these substances in those specific materials and components is still unavoidable. In some cases it is appropriate to review the expiry date of these exemptions in order to provide sufficient time to eliminate the prohibited substances in the future.

(5) Annex II to Directive 2000/53/EC as amended by Commission Decision 2005/438/EC of 10 June 2005 amending Annex II to Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles ⁽²⁾ provides, in the third indent of the Notes, that spare parts put on the market after 1 July 2003 which are used for vehicles put on the market before 1 July 2003 are exempted from the provisions of Article 4(2)(a) of Directive 2000/53/EC. This exemption allows for the repair of vehicles put on the market before the entry into force of the heavy metal ban contained in Article 4(2)(a) of Directive 2000/53/EC with spare parts meeting the same quality and safety requirements as the parts with which they were originally equipped.

⁽¹⁾ OJ L 269, 21.10.2000, p. 34. Directive as last amended by Directive 2008/33/EC (OJ L 81, 20.3.2008, p. 62).

⁽²⁾ OJ L 152, 15.6.2005, p. 19.

- (6) Spare parts for vehicles put on the market after 1 July 2003 but before the expiry date of a given exemption of Annex II to Directive 2000/53/EC are not covered by the third indent of the Notes thereto. Hence, spare parts for those vehicles must be heavy metal free, even if they are used to replace parts which originally contained heavy metals.
- (7) In certain cases it is technically impossible to repair vehicles with spare parts other than original ones as this would require changes in dimensional and functional properties of entire vehicle systems. Such spare parts cannot fit into the vehicle systems originally manufactured with parts containing heavy metals and these vehicles cannot be repaired and may need to be prematurely disposed of. As a result, Annex II needs to be amended accordingly. This decision should affect only a limited number of vehicles and vehicle materials and components and for a limited period of time.
- (8) As consumer safety is essential and product reuse, refurbishment and extension of life-time are beneficial for the environment, spare parts should be available for the repair of vehicles which were put on the market between 1 July 2003 and the expiry date of a given exemption. The use of lead, mercury, cadmium or hexavalent chromium in materials and components used in spare parts for the repair of such vehicles should thus be tolerated.
- (9) It is appropriate to harmonize the wording of the exemptions with the other environmental directives related to waste where similar exemptions are mentioned.
- (10) Directive 2000/53/EC should therefore be amended accordingly.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 18(1) of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste ⁽¹⁾,
- HAS ADOPTED THIS DECISION:
- Article 1*
- Annex II to Directive 2000/53/EC is replaced by the text set out in the Annex to this Decision.
- Article 2*
- This Decision shall enter into force on the third day following its publication in the *Official Journal of the European Union*.
- Article 3*
- This Decision is addressed to the Member States.
- Done at Brussels, 1 August 2008.
- For the Commission*
Stavros DIMAS
Member of the Commission

⁽¹⁾ OJ L 114, 27.4.2006, p. 9.

ANNEX

‘ANNEX II

Materials and components exempt from Article 4(2)(a)

Materials and components	Scope and expiry date of the exemption	To be labelled or made identifiable in accordance with Article 4(2)(b)(iv)
<i>Lead as an alloying element</i>		
1. Steel for machining purposes and galvanised steel containing up to 0,35 % lead by weight		
2(a). Aluminium for machining purposes with a lead content up to 2 % by weight	As spare parts for vehicles put on the market before 1 July 2005	
2(b). Aluminium with a lead content up to 1,5 % by weight	As spare parts for vehicles put on the market before 1 July 2008	
2(c). Aluminium with a lead content up to 0,4 % by weight		
3. Copper alloy containing up to 4 % lead by weight		
4(a). Bearing shells and bushes	As spare parts for vehicles put on the market before 1 July 2008	
4(b). Bearing shells and bushes in engines, transmissions and air conditioning compressors	1 July 2011 and after that date as spare parts for vehicles put on the market before 1 July 2011	
<i>Lead and lead compounds in components</i>		
5. Batteries		X
6. Vibration dampers		X
7(a). Vulcanising agents and stabilisers for elastomers in brake hoses, fuel hoses, air ventilation hoses, elastomer/metal parts in the chassis applications, and engine mountings	As spare parts for vehicles put on the market before 1 July 2005	
7(b). Vulcanising agents and stabilisers for elastomers in brake hoses, fuel hoses, air ventilation hoses, elastomer/metal parts in the chassis applications, and engine mountings containing up to 0,5 % lead by weight	As spare parts for vehicles put on the market before 1 July 2006	
7(c). Bonding agents for elastomers in powertrain applications containing up to 0,5 % lead by weight	1 July 2009	
8(a). Solder in electronic circuit boards and other electrical applications except on glass	Vehicles type approved before 31 December 2010 and spare parts for these vehicles (review in 2009)	X ⁽¹⁾
8(b). Solder in electrical applications on glass	Vehicles type approved before 31 December 2010 and spare parts for these vehicles (review in 2009)	X ⁽¹⁾

Materials and components	Scope and expiry date of the exemption	To be labelled or made identifiable in accordance with Article 4(2)(b)(iv)
9. Valve seats	As spare parts for engine types developed before 1 July 2003	
10. Electrical components which contain lead in a glass or ceramic matrix compound except glass in bulbs and glaze of spark plugs		X ⁽²⁾ (for components other than piezo in engines)
11. Pyrotechnic initiators	Vehicles type approved before 1 July 2006 and spare parts for these vehicles	

Hexavalent chromium

12(a). Corrosion preventive coatings	As spare parts for vehicles put on the market before 1 July 2007	
12(b). Corrosion preventive coatings related to bolt and nut assemblies for chassis applications	As spare parts for vehicles put on the market before 1 July 2008	
13. Absorption refrigerators in motorcaravans		X

Mercury

14(a). Discharge lamps for headlight application	Vehicles type approved before 1 July 2012 and spare parts for these vehicles	X
14(b). Fluorescent tubes used in instrument panel displays	Vehicles type approved before 1 July 2012 and spare parts for these vehicles	X

Cadmium

15. Batteries for electrical vehicles	31 December 2008 and after that date as spare parts for vehicles put on the market before 31 December 2008	
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(1) Dismantling if, in correlation with entry 10, an average threshold of 60 grams per vehicle is exceeded. For the application of this clause, electronic devices not installed by the manufacturer on the production line shall not be taken into account.

(2) Dismantling if, in correlation with entry 8, an average threshold of 60 grams per vehicle is exceeded. For the application of this clause, electronic devices not installed by the manufacturer on the production line shall not be taken into account.

Notes:

A maximum concentration value up to 0,1 % by weight and in homogeneous material, for lead, hexavalent chromium and mercury and up to 0,01 % by weight in homogeneous material for cadmium shall be tolerated.

The re-use of parts of vehicles which were already on the market at the date of expiry of an exemption shall be allowed without limitation since it is not covered by Article 4(2)(a).

Spare parts put on the market after 1 July 2003 which are used for vehicles put on the market before 1 July 2003 shall be exempted from the provisions of Article 4(2)(a) (*).

(*) This clause shall not apply to wheel balance weights, carbon brushes for electric motors and brake linings.

COMMISSION DECISION

of 4 August 2008

amending Directive 2001/109/EC of the European Parliament and of the Council and Decision 2002/38/EC, as regards the statistical surveys carried out by the Member States on plantations of certain species of fruit trees

(notified under document number C(2008) 4070)

(2008/690/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2001/109/EC of the European Parliament and of the Council of 19 December 2001 concerning the statistical surveys to be carried out by the Member States in order to determine the production potential of plantations of certain species of fruit trees ⁽¹⁾, and in particular the third subparagraph of Article 1(2) and Article 4(2) thereof,

Whereas:

- (1) Directive 2001/109/EC, which establishes the list of species to be surveyed in the Member States, is implemented by Commission Decision 2002/38/EC of 27 December 2001 setting out the survey parameters and laying down the code and standard rules for the transcription, in machine-readable form, of the data relating to the surveys on plantations of certain species of fruit trees ⁽²⁾. That Decision establishes the limits of the production areas to be set and their respective codes and lists the species of fruits and the varieties concerned.
- (2) For technical reasons, Directive 2001/109/EC should be amended in order to update the Annex.
- (3) Annex I to Decision 2002/38/EC should be amended in order to establish the limits of production areas in Bulgaria and Romania.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee for Agricultural Statistics instituted by Council Decision 72/279/EEC ⁽³⁾,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Directive 2001/109/EC is replaced by the text set out in Annex I to this Decision.

Article 2

Annex I to Decision 2002/38/EC is amended as set out in Annex II to this Decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 4 August 2008.

For the Commission

Joaquín ALMUNIA

Member of the Commission

⁽¹⁾ OJ L 13, 16.1.2002, p. 21. Directive as last amended by Council Directive 2006/110/EC (OJ L 363, 20.12.2006, p. 418).

⁽²⁾ OJ L 16, 18.1.2002, p. 35. Decision as amended by Decision 2006/128/EC (OJ L 51, 22.2.2006, p. 21).

⁽³⁾ OJ L 179, 7.8.1972, p. 1.

ANNEX I

'ANNEX

SPECIES SURVEYED IN THE VARIOUS MEMBER STATES

	Apples	Pears	Peaches	Apricots	Oranges	Lemons	Small-fruited Citrus fruits
Belgium	x	x					
Bulgaria	x	x	x	x			
Czech Republic	x	x	x	x			
Denmark	x	x					
Germany	x	x					
Estonia	x						
Ireland	x						
Greece	x	x	x	x	x	x	x
Spain	x	x	x	x	x	x	x
France	x	x	x	x	x	x	x
Italy	x	x	x	x	x	x	x
Cyprus	x	x	x	x	x	x	x
Latvia	x	x					
Lithuania	x	x					
Luxembourg	x	x					
Hungary	x	x	x	x			
Malta			x (*)				
Netherlands	x	x					
Austria	x	x	x	x			
Poland	x	x	x (*)	x (*)			
Portugal	x	x	x	x	x	x	x
Romania	x (*)	x (*)	x (*)	x (*)			
Slovenia	x	x	x (*)	x (*)			
Slovakia	x	x	x (*)	x (*)			
Finland	x						
Sweden	x	x					
United Kingdom	x	x					

(*) Surveys are not conducted for: age of trees, density of plantation and variety of fruit.'

ANNEX II

Annex I to Decision 2002/38/EC is amended as follows:

1. The following entry is inserted after the entry relating to Belgium:

Bulgaria	26	Severozapaden	01	BG31
		Severen tsentralen	02	BG32
		Severoiztochen	03	BG33
		Yugoiztochen	04	BG34
		Yugozapaden	05	BG41
		Yuzhen tsentralen	06	BG42'

2. The following entry is inserted after the entry relating to Portugal:

Romania	27	Nord-Vest	01	RO11
		Centru	02	RO12
		Nord-Est	03	RO21
		Sud-Est	04	RO22
		Sud - Muntenia	05	RO31
		Bucureşti - Ilfov	06	RO32
		Sud-Vest Oltenia	07	RO41
		Vest	08	RO42'

COMMISSION DECISION

of 14 August 2008

on a temporary derogation from the rules of origin laid down in Annex II to Council Regulation (EC) No 1528/2007 to take account of the special situation of Seychelles with regard to preserved tuna

(notified under document number C(2008) 4344)

(2008/691/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for goods originating in certain States which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements ⁽¹⁾, and in particular Article 36(4) of Annex II thereto,

Whereas:

- (1) On 24 April 2008 Seychelles requested, in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007, a derogation from the rules of origin set out in that Annex for the period of one year starting from 1 March 2008. The request covers a total annual quantity of 4 000 tonnes of canned tuna of HS Heading 1604. The request is made because catches and supply of originating raw tuna have decreased in the South West Indian Ocean.
- (2) According to the information provided by Seychelles the catches of raw tuna in 2007 were very low even compared to the normal seasonal variations. The indication for 2008 shows only a slight improvement over 2007 catch levels. This abnormal situation makes it impossible for Seychelles to comply with the rules of origin laid down in Annex II to Regulation (EC) No 1528/2007 during a certain period.
- (3) In order to ensure that Seychelles may continue its exports to the European Community, following the expiration of the ACP-EC Partnership Agreement ⁽²⁾, a new derogation should be granted.
- (4) To ensure smooth transition from the ACP-EC Partnership Agreement to the ESA (Eastern and Southern Africa States)-EU Interim Economic Partnership Agreement a new derogation should be granted with retroactive effect from 1 January 2008.

- (5) A temporary derogation from the rules of origin laid down in Annex II to Regulation (EC) No 1528/2007 would not cause serious injury to an established Community industry taking into account the imports concerned, provided that certain conditions relating to quantities, surveillance and duration are respected.
- (6) It is therefore justified to grant temporary derogation under Article 36(1)(a) of Annex II to Regulation (EC) No 1528/2007.
- (7) Seychelles will benefit from an automatic derogation from the rules of origin for canned tuna of HS Heading 1604 pursuant to Article 42(8) of the Origin Protocol attached to the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part (ESA-EU Interim Partnership Agreement), when that Agreement enters into force or is provisionally applied.
- (8) In accordance with Article 4(2) of Regulation (EC) No 1528/2007 the rules of origin set out in Annex II to that Regulation and the derogations from them are to be superseded by the rules of the ESA-EU Interim Partnership Agreement, the entry into force or provisional application of which is expected to take place in 2008. The derogation therefore should not be granted for the requested period going beyond the end of 2008 but should be granted for the period from 1 January to 31 December 2008.
- (9) In accordance with Article 42(8) of the Origin Protocol attached to the ESA-EU Interim Partnership Agreement, the automatic derogation from the rules of origin is limited to an annual quota of 8 000 tonnes of canned for the countries having initialled the ESA-EU Interim Partnership Agreement (Comoros, Mauritius, Madagascar, Seychelles and Zimbabwe). Mauritius has already lodged an official request for a temporary derogation in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007 and other countries of the ESA region, notably Madagascar are expected to do the same. It would be inappropriate to grant derogations under Article 36 of Annex II to Regulation (EC) No 1528/2007 which exceed the annual quota for canned

⁽¹⁾ OJ L 348, 31.12.2007, p. 1.

⁽²⁾ OJ L 317, 15.12.2000, p. 3. Agreement as last amended by Decision No 1/2008 of the ACP-EC Council of Ministers (OJ L 171, 1.7.2008, p. 63).

tuna granted to the ESA region under the ESA-EU Interim Partnership Agreement. The derogation therefore should not be granted for the requested quantities, but should be granted for 3 000 tonnes of preserved tuna.

- (10) Accordingly a derogation should be granted to Seychelles in respect of 3 000 tonnes of preserved tuna for a period from 1 January until 31 December 2008.
- (11) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽¹⁾ lays down rules relating to the management of tariff quotas. In order to ensure efficient management carried out in close co-operation between the authorities of Seychelles, the customs authorities of the Community and the Commission, those rules should apply *mutatis mutandis* to the quantities imported under the derogation granted by this Decision.
- (12) In order to allow more efficient monitoring of the operation of the derogation, the authorities of Seychelles should communicate regularly to the Commission details of the EUR.1 movement certificates issued.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Annex II to Regulation (EC) No 1528/2007 and in accordance with Article 36(1)(a) of that Annex, preserved tuna of HS Heading 1604 manufactured from non-originating materials shall be regarded as originating in Seychelles in accordance with the terms set out in Articles 2 to 6 of this Decision.

Article 2

The derogation provided for in Article 1 shall apply to the products and the quantities set out in the Annex which are declared for free circulation into the Community from Seychelles during the period from 1 January 2008 to 31 December 2008.

Article 3

The quantities set out in the Annex to this Decision shall be managed in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 4

The customs authorities of Seychelles shall take the necessary measures to carry out quantitative checks on exports of the products referred to in Article 1.

To that end, all the EUR.1 movement certificates they issue in relation to those products shall bear a reference to this Decision. The competent authorities of Seychelles shall forward to the Commission a quarterly statement of the quantities in respect of which EUR.1 movement certificates have been issued pursuant to this Decision and the serial numbers of those certificates.

Article 5

Box 7 of EUR.1 movement certificates issued under this Decision shall contain the following:

‘Derogation — Decision 2008/691/EC’.

Article 6

This Decision shall apply from 1 January 2008.

It shall apply until the rules of origin set out in Annex II to Regulation (EC) No 1528/2007 are superseded by those annexed to any agreement with Seychelles when that agreement is either provisionally applied, or enters into force, whichever is the earlier, but in any event this Decision shall not apply after 31 December 2008.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 14 August 2008.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 214/2007 (OJ L 62, 1.3.2007, p. 6).

ANNEX

SEYCHELLES

Order No	CN code	Description of goods	Period	Quantity
09.1666	ex 1604 14 11, ex 1604 14 18, ex 1604 20 70	Preserved tuna ⁽¹⁾	1.1.2008 to 31.12.2008	3 000 tonnes

⁽¹⁾ In any form of packaging whereby the product is considered as preserved within the meaning of HS heading 1604.