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Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 1853/2005 of 14 November 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
★ Commission Regulation (EC) No 1854/2005 of 14 November 2005 supplementing the Annex to Regulation (EC) No 2400/96 as regards the entry of a name in the 'Register of protected designations of origin and protected geographical indications' (<i>Miel de Provence</i>) (PGI)	3
★ Commission Regulation (EC) No 1855/2005 of 14 November 2005 supplementing the Annex to Regulation (EC) No 2400/96 as regards the entry of certain names in the Register of protected designations of origin and protected geographical indications (<i>Mela Alto Adige or Südtiroler Apfel</i> (PGI), <i>Asperge des Sables des Landes</i> (PGI), <i>Pâtes d'Alsace</i> (PGI), <i>Jamón de Trevélez</i> (PGI), <i>Oliva Ascolana del Piceno</i> (PDO))	5
★ Commission Regulation (EC) No 1856/2005 of 14 November 2005 amending Regulation (EC) No 1291/2000 laying down common detailed rules for the application of the system of import and export licences and advanced fixing certificates for agricultural products as regards the products for which presentation of a licence or certificate is required	7
★ Commission Regulation (EC) No 1857/2005 of 14 November 2005 amending Regulation (EC) No 1864/2004 opening and providing for the administration of tariff quotas for preserved mushrooms imported from third countries	9

Corrigenda

★ Corrigendum to Council Regulation (EC) No 692/2005 of 28 April 2005 amending Regulation (EC) No 2605/2000 imposing definitive anti-dumping duties on imports of certain electronic weighing scales (REWS) originating, <i>inter alia</i> , in the People's Republic of China (OJ L 112, 3.5.2005)	11
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1



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

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

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1853/2005
of 14 November 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 15 November 2005.

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

Done at Brussels, 14 November 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 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 14 November 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	64,3
	096	36,8
	204	47,6
	999	49,6
0707 00 05	052	110,6
	204	23,8
	999	67,2
0709 90 70	052	109,0
	204	95,7
	999	102,4
0805 20 10	204	60,0
	999	60,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	62,7
	624	88,6
	999	75,7
0805 50 10	052	64,0
	388	68,2
	999	66,1
0806 10 10	052	118,3
	400	246,4
	508	267,3
	624	162,5
	720	99,7
	999	178,8
0808 10 80	388	107,2
	400	105,4
	404	142,5
	512	131,2
	720	26,7
	800	165,3
0808 20 50	052	102,4
	720	56,5
	999	79,5

⁽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 1854/2005

of 14 November 2005

supplementing the Annex to Regulation (EC) No 2400/96 as regards the entry of a name in the 'Register of protected designations of origin and protected geographical indications' (*Miel de Provence*) (PGI)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾, and in particular Article 7(5)(b), Article 6(3) and Article 6(4) thereof,

Whereas:

- (1) In accordance with Article 6(2) of Regulation (EEC) No 2081/92, France's application to register *Miel de Provence* was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) Germany opposed the registration under Article 7(1) of Regulation (EEC) No 2081/92. The statement of objection relates to non-compliance with the conditions laid down in Article 2 and the possible threat to the existence of a product which has been legally on the market for at least five years preceding the date of the publication provided for in Article 6(2).
- (3) By letter of 11 January 2005 the Commission asked the Member States concerned to seek agreement among themselves in accordance with their internal procedures.
- (4) As no agreement was reached between France and Germany within three months, the Commission must adopt a decision in accordance with the procedure provided for in Article 15 of Regulation (EEC) No 2081/92.
- (5) The statement of objection sent by Germany puts forward three arguments against registration. Firstly, Germany claims that registration would conflict with Article 4(2) of Regulation (EEC) No 2081/92. The opposing party claims that the organoleptic characteristics, the characteristics relating to the method of

production and the quality criteria for the product applied for cannot be considered to be specific to the region of Provence.

- (6) By contrast, the Commission takes the view that the application for registration is based as much on the *reputation* of Provence honey as on its *special quality*, which is the honey's floral origin, specific to the botanical environment of Provence.
- (7) Germany then refers to the possible threat to the existence of an entirely or partly identical name or of a mark or the existence of products which have been legally on the market for at least five years preceding the date of the publication provided for in Article 6(2) of Regulation (EEC) No 2081/92. In particular, it refers to the possibility that producers currently marketing honey under the name *Miel de Provence* could no longer use that name after registration if their products do not comply with the specification, either as a result of their floral origin or area of production.
- (8) The Commission takes the view that this argument is based on unproved hypotheses. According to the second indent of Article 7(4) of Regulation (EEC) No 2081/92, the opposing party must 'show' the jeopardy claimed. Germany has only raised the possibility of jeopardy without showing that there are in fact producers who would suffer as a result of registration.
- (9) Finally, Germany argues that the use of the name *Miel de Provence* is permitted under Council Directive 2001/110/EC of 20 December 2001 relating to honey⁽³⁾ for honey from the French region of Provence-Alpes-Côte-d'Azur. It claims that this region is different from the geographical area covered by the specification drawn up under Regulation (EEC) No 2081/92. Also, the specification for the application for registration excludes honey made from sunflower, rape or lucerne (alfalfa), which are floral and plant origins present in the geographical area. As a result, to comply with the specification, traders currently marketing this product under the name *Miel de Provence* will have to exclude honey of floral origin not provided for in the specification. According to Germany, registration of *Miel de Provence* under Regulation (EEC) No 2081/92 would conflict with Directive 2001/110/EC relating to honey.

⁽¹⁾ OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ C 261, 30.10.2003, p. 4.

⁽³⁾ OJ L 10, 12.1.2002, p. 47.

- (10) As pointed out in recital 8, the argument relating to the existence of jeopardy has not been proved. In addition, the claimed infringement of Directive 2001/110/EC relating to honey is not one of the reasons that can be used for objections under Article 7(4) of Regulation (EEC) No 2081/92. Also, Directive 2001/110/EC allows certain names without making them compulsory. By contrast, Regulation (EEC) No 2081/92 is intended to regulate the use of registered names, even where they could be used more freely beforehand. As a result, the lack of restriction at a given moment is not, in principle, a reason to refuse registration.
- (11) In the light of the above, the name should thus be entered in the 'Register of protected designations of origin and protected geographical indications'.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Regulatory Committee on the Protection of Geographical Indications and Designations of Origin for Agricultural Products and Foodstuffs,

HAS ADOPTED THIS REGULATION:

Article 1

The name in the Annex to this Regulation is hereby added to the Annex to Commission Regulation (EC) No 2400/96 ⁽¹⁾.

Article 2

This Regulation shall enter into force on the 20th 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, 14 November 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 327, 18.12.1996, p. 11.

ANNEX

Products listed in Annex I to the EC Treaty intended for human consumption

Other animal products (eggs, honey, various milk products except butter, etc.)

FRANCE

Miel de Provence (PGI)

COMMISSION REGULATION (EC) No 1855/2005

of 14 November 2005

supplementing the Annex to Regulation (EC) No 2400/96 as regards the entry of certain names in the Register of protected designations of origin and protected geographical indications (*Mela Alto Adige or Südtiroler Apfel* (PGI), *Asperge des Sables des Landes* (PGI), *Pâtes d'Alsace* (PGI), *Jamón de Trevélez* (PGI), *Oliva Ascolana del Piceno* (PDO))

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and food-stuffs⁽¹⁾, and in particular Article 6(3) and (4) thereof,

Whereas:

- (1) In accordance with Article 6(2) of Regulation (EEC) No 2081/92, the Italian application to register the two names 'Mela Alto Adige' or 'Südtiroler Apfel' and 'Oliva Ascolana del Piceno', the French application to register the two names 'Asperge des Sables des Landes' and 'Pâtes d'Alsace', and the Spanish application to register the name 'Jamón de Trevélez' were published in the *Official Journal of the European Union*⁽²⁾.

- (2) As no objection under Article 7 of Regulation (EEC) No 2081/92 was sent to the Commission, these names should be entered in the Register of protected designations of origin and protected geographical indications,

HAS ADOPTED THIS REGULATION:

*Article 1*The names in the Annex to this Regulation are hereby added to the Annex to Commission Regulation (EC) No 2400/96⁽³⁾.*Article 2*This Regulation shall enter into force on the 20th 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, 14 November 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ C 12, 18.1.2005, p. 20 (*Mela Alto Adige or Südtiroler Apfel*); OJ C 47, 23.2.2005, p. 2 (*Asperge des Sables des Landes*); OJ C 47, 23.2.2005, p. 6 (*Pâtes d'Alsace*); OJ C 51, 1.3.2005, p. 2 (*Jamón de Trevélez*); OJ C 59, 9.3.2005, p. 33 (*Oliva Ascolana del Piceno*).

⁽³⁾ OJ L 327, 18.12.1996, p. 11.

ANNEX

Products listed in Annex I to the EC Treaty, intended for human consumption**Meat-based products (heated, salted, smoked, etc.)**

SPAIN

Jamón de Trevélez (PGI)

Fruit, vegetables, cereals, whether or not processed

ITALY

Mela Alto Adige or Südtiroler Apfel (PGI)

Oliva Ascolana del Piceno (PDO)

FRANCE

Asperge des Sables des Landes (PGI)

Foodstuffs referred to in Annex I to Regulation (EEC) No 2081/92:**Pasta**

FRANCE

Pâtes d'Alsace (PGI)

COMMISSION REGULATION (EC) No 1856/2005

of 14 November 2005

amending Regulation (EC) No 1291/2000 laying down common detailed rules for the application of the system of import and export licences and advanced fixing certificates for agricultural products as regards the products for which presentation of a licence or certificate is required

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organisation of the market in seeds ⁽¹⁾, and in particular Article 4(2) thereof,

Having regard to Council Regulation (EC) No 865/2004 of 29 April 2004 on the common organisation of the market in olive oil and table olives and amending Regulation (EEC) No 827/68 ⁽²⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) The fourth indent of Article 5(1) of Commission Regulation (EC) No 1291/2000 ⁽³⁾ states that a licence is not required and may not be produced for the purpose of operations relating to quantities not exceeding those set out in Annex III to that Regulation.
- (2) In the seeds sector, Commission Regulation (EC) No 2081/2004 of 6 December 2004 laying down rules for the communication of the information necessary for implementing Council Regulation (EEC) No 2358/71 on the common organisation of the market in seeds ⁽⁴⁾ has repealed Commission Regulation (EEC) No 1117/79 of 6 June 1979 specifying the products in the seeds sector to be subject to the system of import licences ⁽⁵⁾; as a result hybrid maize and sorghum for sowing are no longer subject to the import licence scheme.

⁽¹⁾ OJ L 246, 5.11.1971, p. 1. Regulation as last amended by Commission Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

⁽²⁾ OJ L 161, 30.4.2004, p. 97.

⁽³⁾ OJ L 152, 24.6.2000, p. 1. Regulation last amended by Commission Regulation (EC) No 1741/2004 (OJ L 311, 8.10.2004, p. 17).

⁽⁴⁾ OJ L 360, 7.12.2004, p. 6.

⁽⁵⁾ OJ L 139, 7.6.1979, p. 11.

(3) In the olive oil and table olives sector, Article 10(3) of Regulation (EC) No 865/2004 provides for a decision to make exports from the Community of any of the products listed in Article 1(a) of that Regulation subject to presentation of an export licence if necessary for the purposes of following market developments. Other than in that instance, a licence does not have to be presented for the export of those products.

(4) Annex III to Regulation (EC) No 1291/2000 should therefore be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinions of the Management Committee for Seeds and the Management Committee for Olive Oil and Table Olives,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 1291/2000 is hereby amended as follows:

1. in Part B — Oils and Fats — the section entitled 'Export licence with or without advance fixing of the refund (Commission Regulation (EC) No 2543/95)' is deleted;
2. Part J — Seeds — is deleted.

Article 2

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

It shall apply from 1 November 2005.

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

Done at Brussels, 14 November 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 1857/2005

of 14 November 2005

amending Regulation (EC) No 1864/2004 opening and providing for the administration of tariff quotas for preserved mushrooms imported from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products ⁽¹⁾, and in particular Article 15(1) thereof,

Whereas:

(1) Commission Regulation (EC) No 1864/2004 ⁽²⁾ opens tariff quotas of imports into the Community of preserved mushrooms of the genus *Agaricus*.

(2) Due to the conclusion of Additional Protocols to the Europe Agreements with Bulgaria and Romania, approved by Council and Commission Decisions 2005/430/EC, Euratom ⁽³⁾ and 2005/431/EC, Euratom ⁽⁴⁾, the duty rates for products originating in Romania and the tariff quotas for products originating in Bulgaria laid down in Regulation (EC) No 1864/2004 should be modified.

(3) The Additional Protocols to the Europe Agreements with Bulgaria and Romania, approved by Council and Commission Decisions 2005/430/EC, Euratom and 2005/431/EC, Euratom started to apply as of 1 August 2005. The present Regulation should therefore be made applicable as of that date.

(4) Regulation (EC) No 1864/2004 should therefore be amended accordingly.

⁽¹⁾ OJ L 297, 21.11.1996, p. 29. Regulation as last amended by Commission Regulation (EC) No 386/2004 (OJ L 64, 2.3.2004, p. 25).

⁽²⁾ OJ L 325, 28.10.2004, p. 30.

⁽³⁾ OJ L 155, 17.6.2005, p. 1.

⁽⁴⁾ OJ L 155, 17.6.2005, p. 26.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1864/2004 is amended as follows:

1. In Article 1(2), the second subparagraph is replaced by the following:

'However, no duty shall apply in respect of products originating in Romania (Order No 09.4726) and Bulgaria (Order No 09.4725).'

2. Annex I is replaced by the following:

'ANNEX I

Volume and period of application of tariff quotas referred to in Article 1(1) in tonnes (drained net weight)	
Country of origin	1 January to 31 December of each year
Bulgaria	2 887,5 ⁽¹⁾
Romania	500
China	23 750
Other countries	3 290

⁽¹⁾ As from 1 January 2006, the allocation for Bulgaria shall be increased by 275 tonnes each year.'

Article 2

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

It shall apply from 1 August 2005.

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

Done at Brussels, 14 November 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

CORRIGENDA

Corrigendum to Council Regulation (EC) No 692/2005 of 28 April 2005 amending Regulation (EC) No 2605/2000 imposing definitive anti-dumping duties on imports of certain electronic weighing scales (REWS) originating, *inter alia*, in the People's Republic of China

(Official Journal of the European Union L 112 of 3 May 2005)

On page 7 in Article 1(1), table, column 'Company':

(a) *for*: 'Shanghai Adeptech Precision Co., Ltd
No 3217 Hong Mei Road, Shanghai 201103,
People's Republic of China',

read: 'Shanghai Adeptech Precision Co. Ltd
No 1688 Huateng Road, Huaxin Town,
Qingpu District, Shanghai,
People's Republic of China';

(b) *for*: 'Shanghai Excell M & E Enterprise Co., Ltd
No 1688 Huateng Road, Huaxin Town,
Qingpu District, Shanghai,
People's Republic of China',

read: 'Shanghai Excell M & E Enterprise Co. Ltd
No 3217 Hong Mei Road, Shanghai 201103,
People's Republic of China'.
