COMMISSION REGULATION (EC) No 1238/2005

of 28 July 2005

amending Regulation (EC) No 85/2004 laying down the marketing standard for apples

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ([1]), and in particular Article 2(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 85/2004 ([2]) provides, *inter alia*, for a reduction in the minimum size from 1 August 2005 identical to the size laid down in United Nations Economic Commission for Europe (UN/ECE) standard FFV-50.

(2) The inclusion of a ripeness criterion based on sugar content in UN/ECE standard FFV-50 has been proposed in the UN/ECE working party on agricultural quality standards.

(3) As the minimum size is also a ripeness criterion, the possibility of incorporating these two ripeness criteria to the greatest extent possible into the marketing standard for apples should be studied.

(4) Since this study must be conducted over at least three marketing years, application of the size reduction should be postponed to 1 June 2008 and the transitional provisions on sizing extended to 31 May 2008.

(5) Steps should be taken however to protect the legitimate expectations of operators who have concluded contracts on the basis of the presumption of the application from 1 August 2005 of new standards providing for a reduction in size.

(6) For the sake of clarity, it should be laid down that when a trade name is used to sell a product, the name of the variety or its synonym should also be mentioned.

(7) A number of errors have arisen in the list of varieties in the Annex to the marketing standard.

(8) Regulation (EC) No 85/2004 should therefore be amended accordingly.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 85/2004 is hereby amended as follows:

1. In the first sentence of Article 2, '31 July 2005' is replaced by '31 May 2008'.

2. In the second paragraph of Article 4, '1 August 2005' is replaced by '1 June 2008'.

3. The Annex is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 August 2005.

However, operators who, to the satisfaction of the Member States' authorities, concluded before 1 August 2005 contracts on the basis of the second and third paragraphs of point III of the Annex to Regulation (EC) No 85/2004, may market the apples covered by those contracts in accordance with the provisions of those paragraphs.

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

Done at Brussels, 28 July 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

([1]) OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).
([2]) OJ L 13, 20.1.2004, p. 3. Regulation as amended by Regulation (EC) No 907/2004 (OJ L 163, 30.4.2004, p. 50).

ANNEX

Title 4 of the Appendix to the Annex to Regulation (EC) No 85/2004 is amended as follows:

1. The first sentence in the second paragraph is replaced by the following:

'Some varieties in the following list may be marketed under trade names for which an application for protection has been made or protection has been granted in one or more country, provided that the name of the variety, or the synonym thereof, appears on the labelling.';

2. The table showing the non-exhaustive list of varieties is replaced by the following:

Variety	Synonyms	Trade name	Colour group	Russeting	Size
African Red		African Carmine™	B		
Akane	Tohoku 3	Primerouge®	B		
Alborz Seedling			C		
Aldas			B		L
Alice			B		
Alkmene	Early Windsor		C		
Alwa			B		
Angold			C		L
Apollo	Beauty of Blackmoor		C		L
Arkcharm	Arkansas No 18, A 18		C		L
Arlet			B	R	
Aroma Red coloured mutants of Aroma, for example Aroma Amorosa			C B		
Auksis			B		
Belfort	Pella		B		
Belle de Boskoop and mutants			D	R	L
Belle fleur double			D		L
Berlepsch	Freiherr von Berlepsch		C		
Berlepsch rouge	Red Berlepsch, Roter Berlepsch		B		
Blushed Golden					L
Bohemia			B		L
Boskoop rouge	Red Boskoop, Roter Boskoop		B	R	L

Variety	Synonyms	Trade name	Colour group	Russeting	Size
Braeburn			B		L
Red coloured mutants of Braeburn, for example:			A		L
Hidala		Hilwell®			
Joburn		Aurora™, Red Braeburn™, Southern Rose™			
Lochbuie Red					
Braeburn					
Mahana Red		Redfield®			
Mariri Red		Eve™, Red Braeburn™, Southern Rose™			
Redfield		Red Braeburn™, Southern Rose™			
Royal Braeburn					
Bramley's Seedling	Bramley, Triomphe de Kiel		D		L
Brettacher Sämling			D		L
Calville (group of …)			D		L
Cardinal			B		
Carola	Kalco		C		L
Caudle		Cameo™	B		
Charden			D		L
Charles Ross			D		L
Civni		Rubens®	B		
Coromandel Red	Corodel		A		
Cortland			B		L
Cox's orange pippin and mutants	Cox Orange		C	R	
Red coloured mutants of Cox's Orange Pippin for example:			B	R	
Cherry Cox					
Crimson Bramley			D		L
Cripps Pink		Pink Lady®	C		
Cripps Red		Sundowner™	C [1]		
Dalinbel			B		
Delblush		Tentation®	D		L
Delcorf and mutants, for example:		Delbarestivale®	C		L
Dalili		Ambassy®			
Monidel					
Delgollune		Delbard Jubilé®	B		L
Delicious ordinaire	Ordinary Delicious		B		

Variety	Synonyms	Trade name	Colour group	Russeting	Size
Deljeni		Primgold®	D		L
Delikates			B		
Delor			C		L
Discovery			C		
Dunn's Seedling			D	R	
Dykmanns Zoet			C		
Egremont Russet			D	R	
Elan			D		L
Elise	Red Delight	Roblos®	A		L
Ellison's orange	Ellison		C		L
Elstar and mutants, for example: Daliter Elshof Elstar Armhold Elstar Reinhardt Red coloured mutants of Elstar, for example: Bel-El Daliest Goedhof Red Elstar Valstar		 Elton™ Red Elswout™ Elista™ Elnica™	C B		
Empire			A		
Falstaff			C		
Fiesta	Red Pippin		C		
Florina		Querina®	B		L
Fortune			D	R	
Fuji and mutants			B		L
Gala Red coloured mutants of Gala, for example: Annaglo Baigent Galaxy Mitchgla Obrogala Regala Regal Prince Tenroy		 Brookfield® Mondial Gala® Delbard Gala® Gala Must® Royal Gala®	C A		
Garcia			D		L
Gloster			B		L
Goldbohemia			D		L
Golden Delicious and mutants			D		L

Variety	Synonyms	Trade name	Colour group	Russeting	Size
Golden Russet			D	R	
Goldrush	Coop 38		D		L
Goldstar			D		L
Gradigold		Golden Extreme® Golden Supreme®	D		L
Granny Smith			D		L
Gravenstein rouge	Red Gravenstein, Roter Gravensteiner		B		L
Gravensteiner	Gravenstein		D		L
Greensleeves			D		L
Holsteiner Cox and mutants	Holstein		D	R	
Holstein rouge	Red Holstein, Roter Holsteiner Cox		C	R	
Honeycrisp		Honeycrunch®	C		L
Honeygold			D		L
Horneburger			D		L
Howgate Wonder	Manga		D		L
Idared			B		L
Ingrid Marie			B	R	
Isbranica	Izbranica		C		
Jacob Fisher			D		L
Jacques Lebel			D		L
Jamba			C		L
James Grieve and mutants			D		L
James Grieve rouge	Red James Grieve		B		L
Jarka			C		L
Jerseymac			B		
Jester			D		L
Jonagold [2] and mutants, for example Crowngold Daligo Daliguy Dalijean Jonagold 2000 Jonabel Jonabres King Jonagold New Jonagold Novajo Schneica Wilmuta	 Jonasty Jonamel Excel Fukushima Veulemanns 	 Jonica®	C		L

Variety	Synonyms	Trade name	Colour group	Russeting	Size
Jonagored and mutants, for example:			A		L
Decosta					
Jomured	Van de Poel				
Jonagold Boerekamp		Early Queen®			
Jomar		Marnica®			
Jonagored Supra					
Jonaveld		First Red®			
Primo					
Romagold	Surkijn				
Rubinstar					
Red Jonaprince		Wilton's®, Red Prince®			
Jonalord			C		
Jonathan			B		
Julia			B		
Jupiter			D		L
Karmijn de Sonnaville			C	R	L
Katy	Katja		B		
Kent			D	R	
Kidd's orange red			C	R	
Kim			B		
Koit			C		L
Krameri Tuvioun			B		
Kukikovskoje			B		
Lady Williams			B		L
Lane's Prince Albert			D		L
Laxton's Superb	Laxtons Superb		C	R	
Ligol			B		L
Lobo			B		
Lodel			A		
Lord Lambourne			C		
Maigold			B		
Mc Intosh			B		
Meelis			B		L
Melba			B		
Melodie			B		L
Melrose			C		L
Meridian			C		

Variety	Synonyms	Trade name	Colour group	Russeting	Size
Moonglo			C		
Morgenduft	Imperatore		B		L
Mountain Cove		Ginger Gold™	D		L
Mutsu		Crispin®	D		L
Normanda			C		L
Nueva Europa			C		
Nueva Orleans			B		L
Odin			B		
Ontario			B		L
Orlovskoje Polosatoje			C		
Ozark Gold			D		L
Paula Red			B		
Pero de Cirio			D		L
Piglos			B		L
Pikant			B		L
Pikkolo			C		
Pilot			C		
Pimona			C		
Pinova		Corail®	C		
Pirella		Pirol®	B		L
Piros			C		L
Rafzubex		Rubinette® Rosso	A		
Rafzubin		Rubinette®	C		
Rajka			B		
Rambour d'hiver			D		L
Rambour Franc			B		
Reanda			B		L
Rebella			C		L

Variety	Synonyms	Trade name	Colour group	Russeting	Size
Red Delicious and mutants, for example:			A		L
Camspur		Redchief®			
Erovan		Early Red One®			
Evasni		Scarlet Spur®			
Flatrar		Starkspur Ultra Red®			
Fortuna Delicious					
Otago					
Red King					
Red Spur					
Red York					
Richared					
Royal Red					
Sandidge		Super Chief®			
Shotwell Delicious					
Stark Delicious					
Starking					
Starkrimson					
Starkspur					
Topred					
Trumdor		Oregon Spur Delicious®			
Well Spur					
Red Dougherty			A		
Red Rome			A		
Redkroft			A		
Regal			A		
Regina			B		L
Reglindis			C		L
Reine des Reinettes	Goldparmäne, Gold Parmoné		C		
Reineta Encarnada			B		
Reinette Rouge du Canada			B		L
Reinette d'Orléans			D		L
Reinette Blanche du Canada	Reinette du Canada, Canada Blanc, Kanada-renette		D	R	L
Reinette de France			D		L
Reinette de Landsberg			D		L
Reinette grise du Canada	Graue Kanadarenette		D	R	L
Relinda			C		
Remo			B		
Renora			B		L
Resi			B		
Resista			D		L
Retina			B		L

Variety	Synonyms	Trade name	Colour group	Russeting	Size
Rewena			B		L
Roja de Benejama	Verruga, Roja del Valle, Clavelina		A		
Rome Beauty	Belle de Rome, Rome		B		
Rosana	Berner Rosenapfel		B		L
Royal Beaut			A		L
Rubin			C		L
Rubinola			B		L
Sciearly		Pacific Beauty™	A		
Scifresh		Jazz™	B		
Sciglo		Southern Snap™	A		
Sciray	GS48		A		
Scired		Pacific Queen™	A	R	
Sciros		Pacific Rose™	A		L
Selena			B		L
Shampion			B		L
Sidrunkollane Talioun			D		L
Sinap Orlovskij	Orlovski Sinap		D		L
Snygold	Earlygold		D		L
Sommerregent			C		
Spartan			A		
Splendour			A		
St. Edmunds Pippin			D	R	
Stark's Earliest			C		
Štaris	Staris		A		
Sturmer Pippin			D	R	
Sügisdessert			C		L
Sügisjoonik			C		L
Summerred			B		
Sunrise			A		
Sunset			D	R	
Suntan			D	R	L
Sweet Caroline			C		L
Talvenauding			B		
Tellisaare			B		

Variety	Synonyms	Trade name	Colour group	Russeting	Size
Tiina			B		L
Topaz			B		
Tydeman's Early Worcester	Tydeman's Early		B		L
Veteran			B		
Vista Bella	Bellavista		B		
Wealthy			B		
Worcester Pearmain			B		
York			B		

([1]) With minimum 20 % red colouring for Class I and Class II.
([2]) However, for the variety Jonagold, at least one tenth of the surface of the fruit in Class II must be streaked with red colouring.