

Official Journal of the European Union

L 309



English edition

Legislation

Volume 57

30 October 2014

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⁽¹⁾ Text with EEA relevance

EN

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) No 1151/2014

of 4 June 2014

supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards on the information to be notified when exercising the right of establishment and the freedom to provide services

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC ⁽¹⁾, and in particular Article 35(5), Article 36(5) and Article 39(4) thereof,

Whereas:

- (1) The information in notifications provided by credit institutions should be detailed enough so that the competent authorities of the Member State in which they have been authorised should be able to assess whether the administrative structure and the financial situation of those credit institutions are adequate to carry out the activities envisaged in the territory of another Member State in which they wish to operate, while preparing the competent authorities of the host Member State for the supervision of those credit institutions.
- (2) For the purposes of making a clear distinction between the initial notifications, the notifications resulting from changes in the particulars of the initial notifications and those related to a planned termination of a branch's operation, it is necessary to define some technical terms used.
- (3) To keep the amount of information to be notified within reasonable limits, only information that is relevant for assessing an initial notification should be transmitted to competent authorities. An initial notification should include details for identifying the branch and credit institution wishing to establish this branch as well as details for examining the branch's programme of operations envisaged by the credit institution. These details should include financial forecasts for the next three years in order for the competent authorities to ensure that the activities of the branch will not undermine the soundness of the financial situation of the credit institution in the future. These details should also include information on the levels and scope of protection offered to the branch's customers.
- (4) When credit institutions intend to carry out one or more of the investment services and activities defined in point 2 of Article 4(1) of Directive 2004/39/EC of the European Parliament and of the Council ⁽²⁾ in another Member State, specific information relating to the structural organisation of the branch should be notified to the competent authorities of the home Member State. This information should give details on the internal

⁽¹⁾ OJ L 176, 27.6.2013, p. 338.

⁽²⁾ Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ L 145, 30.4.2004, p. 1).

arrangements to ensure compliance with the requirements laid down in that Directive so that the competent authorities should be able to assess the adequacy of the structural organisation of the branch for the investment services and activities envisaged.

- (5) The competent authorities of home and host Member States need to receive updated information in the case of changes to the particulars of a branch passport notification, including the termination of the branch, in order to be in a position to make an informed decision within their powers and respective responsibilities.
- (6) This Regulation should also address notification by credit institutions in relation to the carrying out of activities in a host Member State by way of the provision of cross-border services. Given the nature of cross-border services, competent authorities of host Member States are often confronted with a lack of information regarding operations being conducted in their jurisdictions, and therefore it is essential to specify in detail what information needs to be notified.
- (7) The provisions in this Regulation are closely linked, since they deal with notifications related to the exercise of the right of establishment and the freedom to provide services. To ensure coherence between those provisions, which should enter into force at the same time, and to facilitate a comprehensive view and compact access to them by persons subject to those obligations, including investors that are non-Union residents, it is desirable to include certain regulatory technical standards required by Directive 2013/36/EU in a single Regulation.
- (8) The provisions in this Regulation should be read along with the provisions in Commission Implementing Regulation (EU) No 926/2014 ⁽¹⁾.
- (9) This Regulation is based on the draft regulatory technical standards submitted by the European Supervisory Authority (European Banking Authority) (EBA) to the Commission.
- (10) EBA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation specifies the information to be notified when exercising the right of establishment and the freedom to provide services in accordance with Article 35(5), Article 36(5) and Article 39(4) of Directive 2013/36/EU.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (1) 'branch passport notification' means a notification made in accordance with Article 35(1) of Directive 2013/36/EU by a credit institution wishing to establish a branch within the territory of another Member State to the competent authorities of its home Member State;
- (2) 'change in branch particulars notification' means a notification made in accordance with Article 36(3) of Directive 2013/36/EU by a credit institution to the competent authorities of the home and host Member States of a change in the particulars communicated pursuant to Article 35(2)(b), (c) or (d) of that Directive;

⁽¹⁾ Commission Implementing Regulation (EU) No 926/2014 of 27 August 2014 laying down implementing technical standards with regard to standard forms, templates and procedures for notifications relating to the exercise of the right of establishment and the freedom to provide services according to Directive 2013/36/EU of the European Parliament and of the Council Text with EEA relevance (OJ L 254, 28.8.2014, p. 2).

⁽²⁾ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

- (3) 'services passport notification' means a notification made in accordance with Article 39(1) of Directive 2013/36/EU by a credit institution wishing to exercise the freedom to provide services by carrying out its activities within the territory of another Member State for the first time to the competent authorities of its home Member State.

Article 3

Branch passport notification

1. The information to be notified in a branch passport notification shall include the following:
 - (a) name and address of the credit institution and name and intended principal place of business of the branch;
 - (b) programme of operations as specified in paragraph 2.
2. The programme of operations referred to in paragraph 1(b) shall comprise the following information:
 - (a) types of business envisaged, comprising the following information:
 - (i) the main objectives and business strategy of the branch and an explanation of how the branch will contribute to the strategy of the institution and, where applicable, of its group;
 - (ii) a list of the activities in Annex I to Directive 2013/36/EU that the credit institution intends to carry out in the host Member State;
 - (iii) an indication of the activities that will constitute the core business in the host Member State, including the intended start date for each core activity;
 - (iv) a description of the target customers and counterparties;
 - (b) structural organisation of the branch, comprising the following information:
 - (i) a description of the organisational structure of the branch, including functional and legal reporting lines and the position and role of the branch within the corporate structure of the institution and, where applicable, of its group;
 - (ii) a description of the governance arrangements and internal control mechanisms of the branch, including the following information:
 - risk management procedures of the branch and details of liquidity risk management of the institution, and where applicable, of its group,
 - any limits that apply to the activities of the branch, in particular to its lending activities,
 - details of the internal audit arrangements of the branch, including details of the person responsible for these arrangements and, where applicable, details of the external auditor,
 - anti-money laundering arrangements of the branch, including details of the person appointed to ensure compliance with these arrangements,
 - controls over outsourcing and other arrangements with third parties in connection with the activities carried out in the branch that are covered by the institution's authorisation;
 - (iii) where the branch is expected to carry out one or more of the investment services and activities defined in point 2 of Article 4(1) of Directive 2004/39/EC, a description of the following arrangements:
 - the arrangements for safeguarding client money and assets;
 - the arrangements for compliance with the obligations laid down in Articles 19, 21, 22, 25, 27 and 28 of Directive 2004/39/EC and measures adopted pursuant thereto by the relevant competent authorities of the host Member State;
 - the internal code of conduct including controls over personal account dealing;
 - the details of the person responsible for dealing with complaints in relation to the investment services and activities of the branch;
 - the details of the person appointed to ensure compliance with the arrangements of the branch relating to investment services and activities;

- (c) the details of professional experience of the persons responsible for the management of the branch;
- (d) other information, comprising the following:
 - (i) a financial plan containing forecasts for balance sheet and profit and loss account covering a period of three years;
 - (ii) the name and contact details of the Union deposit guarantee and investor protection schemes of which the institution is a member and which cover the activities and services of the branch, together with the maximum coverage of the investor protection scheme;
 - (iii) details of the branch's IT arrangements.

Article 4

Change in branch particulars notification and notification of termination of operation of a branch

1. A change in branch particulars notification which is not related to a planned termination of operation of a branch shall be notified where there is a change in the information specified in Article 3(1)(a) and (b), other than the one specified in Article 3(2)(d) since the last notification by the credit institution, or, if that information had not been notified, since the date of the entry into force of this Regulation.
2. The information to be notified when a credit institution plans to terminate the operation of a branch shall include the following:
 - (a) the name and contact details of the persons who will be responsible for the process of terminating the operation of the branch;
 - (b) the estimated schedule for the planned termination and any relevant updates as the process evolves;
 - (c) the information on the process of terminating the business relations with branch customers.

Article 5

Services passport notification

The information to be notified in a services passport notification shall include the following:

- (a) the activities listed in Annex I to Directive 2013/36/EU that the credit institution intends to carry out for the first time in the host Member State;
- (b) the activities that will constitute the core business of the credit institution in the host Member State;
- (c) the intended commencement date for each core service activity where applicable.

Article 6

Entry into force

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

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

Done at Brussels, 4 June 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION DELEGATED REGULATION (EU) No 1152/2014**of 4 June 2014****supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards on the identification of the geographical location of the relevant credit exposures for calculating institution-specific countercyclical capital buffer rates****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms ⁽¹⁾, and in particular the third subparagraph of Article 140(7) thereof,

Whereas:

- (1) The calculation of the institution-specific countercyclical capital buffer rates requires that the location of the own funds requirements for all credit exposures of a specific institution, including exposures held in the trading book and all securitisation exposures, are identified geographically.
- (2) The geographical location should be determined in the basis of the location of the risk of the exposures. That will ensure that the build-up of additional reserves from implementing the countercyclical buffer is allocated to the financial system with excess credit growth.
- (3) The place of residence of the obligor or of the debtor should be generally used for determining the geographical location of all credit exposures as this is considered to best reflect the location where the risk is situated and which is, therefore, of importance to the financial system. However, the geographical location of credit exposures identified as specialised lending exposures pursuant to Article 147(8) of Regulation (EU) No 575/2013 of the European Parliament and of the Council ⁽²⁾ should be based on the location of the assets generating the income that is the primary source of repayment of the obligation.
- (4) For a clear and unambiguous understanding of the measures for the identification of the geographical location of the relevant credit exposures, it is essential to specify a list of definitions of the technical terms used in this Regulation.
- (5) Exposures to a legal person should, in principle, be allocated to the Member State or to the third country, in which that person has its registered office. However, the place of actual centre of administration and the place of registered office of a legal person might differ. This has been recognised by the Court in its rulings in cases C-81/87 (Daily Mail), C-212/97 (Centros), C-208/00 (Überseering), C-167/01 (Inspire Art), C-411/03 (Sevic) and C-210/06 (Cartesio). To ensure proper allocation of the countercyclical capital buffer in those cases, institutions, who are aware that such a discrepancy exists with regard to an obligor, should allocate the relevant exposures to the place of the actual centre of the administration of the relevant legal person.
- (6) For exposures to collective investment undertakings (CIU), it is appropriate that they are allocated in the location of the obligor of the underlying exposure as defined in this Regulation. Where the definition of the obligor of the underlying exposure is unreasonably burdensome, the exposure to the CIU may be allocated to the home Member State of the institution.
- (7) Exposures to other assets should be allocated to the home Member State of the institution, if their obligor cannot be identified.

⁽¹⁾ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).

⁽²⁾ Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).

- (8) Proportionality and materiality considerations should be taken into account for institutions with limited foreign overall exposure or limited trading book activity, by allowing the use of simpler allocation methods for these institutions. This is intended to alleviate the burden for smaller institutions which tend to have limited foreign and trading book activity.
- (9) This Regulation is based on the draft regulatory technical standards submitted by the European Banking Authority to the Commission.
- (10) The European Banking Authority has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, it has analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (1) 'general credit exposure' means the risk exposure amount calculated in accordance with Article 92(3) of Regulation (EU) No 575/2013 of an exposure referred to in Article 140(4)(a) of Directive 2013/36/EU;
- (2) 'trading book exposure' means the risk exposure amount calculated in accordance with Article 92(3) of Regulation (EU) No 575/2013 of an exposure referred to in Article 140(4)(b) of Directive 2013/36/EU;
- (3) 'securitisation exposure' means the risk exposure amount calculated in accordance with Article 92(3) of Regulation (EU) No 575/2013 of an exposure referred to in Article 140(4)(c) of Directive 2013/36/EU;
- (4) 'location of the obligor' means the Member State or the third country, where the natural or legal person, who is the institution's counterparty to a general credit exposure or the issuer of a financial instrument not included in the trading book or the counterparty to a non-trading book exposure, is ordinarily resident (in the case of a natural person), or has its registered office (in the case of a legal person); for a legal person whose centre of actual administration is in a Member State or in a third country other than the Member State or the country of its registered office, 'location of the obligor' means the Member State or the third country of its actual place of administration;
- (5) 'location of the debtor' means the Member State or the third country, where the natural or legal person who is the issuer of the financial instrument in the trading book, or the counterparty to a trading book exposure, is ordinarily resident (in the case of a natural person), or has its registered office (in the case of a legal person); for a legal person whose centre of actual administration is in a Member State or in a third country other than the state or the country of its registered office, 'location of the debtor' means the Member State or the third country of its actual place of administration;
- (6) 'location of the income' means the Member State or the third country of the location of the assets which generate the income that is the primary source of repayment of the obligation in relation to a specialised lending exposure;
- (7) 'foreign exposure' means a general credit exposure whose obligor is not located in the institution's home Member State;
- (8) 'specialised lending exposure' means the general credit exposures possessing the characteristics referred to in Article 147(8) of Regulation (EU) No 575/2013.

Article 2

Location of general credit exposures

- (1) All general credit exposures, which do not fall under paragraphs 2 to 5 of this Article, shall be allocated to the location of the obligor.

⁽¹⁾ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

- (2) General credit exposures to CIUs as referred to in point (o) of Article 112 of Regulation (EU) No 575/2013, shall be allocated to the location of the obligor of the underlying exposures. If there is more than one location corresponding to the obligors of the underlying exposures of a given CIU exposure, Article 4(2) of this Regulation may also apply to that CIU exposure.
- (3) Specialised lending exposures as referred to in Article 147(8) of Regulation (EU) No 575/2013 shall be allocated to the location of the income.
- (4) General credit exposures to other items as referred to in point (q) of Article 112 of Regulation (EU) No 575/2013 shall be allocated to the institution's home Member State if the institution cannot identify their obligor.
- (5) The following general credit exposures may be allocated to an institution's home Member State:
- (a) exposures to CIUs as referred to in point (o) of Article 112 of Regulation (EU) No 575/2013, where the institution cannot identify the location of the obligor or obligors of the underlying exposures based on information existing internally or available externally without disproportionate effort;
 - (b) foreign exposures, whose aggregate does not exceed 2 % of the aggregate of the general credit, trading book and securitisation exposures of that institution. The aggregate of the general credit, trading book and securitisation exposures is calculated by excluding the general credit exposures located in accordance with point (a) of this paragraph and with paragraph 4.
- (6) Institutions shall calculate the percentage referred to in point (b) of paragraph 5, both on an annual and on an ad hoc basis. An ad hoc calculation is required when an event that affects the financial or economic situation of the institution occurs.

Article 3

Geographical location of trading book exposures

- (1) Subject to paragraphs 2 and 3, trading book exposures shall be allocated to the location of the debtor.
- (2) For trading book exposures subject to the own funds requirements under Part Three, Title IV, Chapter 5 of Regulation (EU) No 575/2013, institutions shall determine their geographical location by multiplying their aggregate risk exposure amount by the ratio below:
- (a) the own funds requirements for sub-portfolios split according to the geographical location determined according to the model provided in Chapter 5 of Title IV of Part Three of Regulation (EU) No 575/2013 to
 - (b) the sum of own funds requirements determined under point (a) across all geographical locations.
- (3) Institutions, whose total trading book exposures does not exceed 2 % of their total general credit, trading book and securitisation exposures, may allocate those exposures to the home Member State of the institution.
- (4) Institutions shall calculate the percentage referred to in paragraph 3, both on an annual and on an ad hoc basis. An ad hoc calculation is required when an event that affects the financial or economic situation of the institution occurs.

Article 4

Geographical location of securitisation exposures

- (1) A securitisation exposure shall be allocated to the location of the obligor of the underlying exposures.
- (2) Where there is more than one location corresponding to the obligor of the underlying exposures of a given securitisation exposure, that exposure may be allocated to the location of the obligor of the underlying exposures with the highest proportion in the underlying securitisation exposures.

(3) Securitisation exposures for which information on underlying securitisation exposures is not available, may be allocated to the home Member State of the institution if the institution cannot identify the underlying obligor based on existing available information from internal or external sources or without applying a disproportionate effort to obtain the information.

Article 5

Entry into force

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

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

Done at Brussels, 4 June 2014.

For the Commission

The President

José Manuel BARROSO

COMMISSION REGULATION (EU) No 1153/2014**of 29 October 2014****amending Regulation (EC) No 198/2006 as regards the data to be collected, and the sampling, precision and quality requirements****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1552/2005 of the European Parliament and of the Council of 7 September 2005 on statistics relating to vocational training in enterprises ⁽¹⁾, and in particular Articles 7(3), 8(2) and 9(4) thereof,

Whereas:

- (1) Regulation (EC) No 1552/2005 establishes a common framework for the production of European statistics on vocational training in enterprises.
- (2) Commission Regulation (EC) No 198/2006 ⁽²⁾ defines the specific data to be collected with respect to training and non-training enterprises and to the different forms of vocational training, the sampling and precision requirements, the quality requirements for the data to be collected, and the structure of the quality reports.
- (3) Requirements concerning the quality of the data to be collected and transmitted for European statistics on vocational training in enterprises, the standard quality report and any measures necessary for assessing or improving the quality of the data should be adopted.
- (4) It is appropriate to modify the coding scheme, sampling, precision and quality requirements in order to reduce the burden for future data collection on statistics relating to vocational training in enterprises.
- (5) Regulation (EC) No 198/2006 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, II, III and V to Regulation (EC) No 198/2006 are replaced by the texts set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the twentieth 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, 29 October 2014.

*For the Commission**The President*

José Manuel BARROSO

⁽¹⁾ OJ L 255, 30.9.2005, p. 1.⁽²⁾ Commission Regulation (EC) No 198/2006 of 3 February 2006 implementing Regulation (EC) No 1552/2005 of the European Parliament and of the Council on statistics relating to vocational training in enterprises (OJ L 32, 4.2.2006, p. 15).

ANNEX

1. Annex I to Regulation (EC) No 198/2006 is replaced by the following:

‘ANNEX I

Variables*Note to the table:*

The values “core” and “key” in the column “variable group” are explained in Annex III. The value “ID” means that the variable is an “identification variable” (no missing allowed). In the column “variable type” the value “QL” refers to “qualitative variable” of type yes/no, “QM” to “qualitative variable” with multiple categories as described in the table and “QT” refers to “quantitative variable”. CVT stands for continuing vocational training. IVT stands for initial vocational training. NACE refers to the classification of economic activity according to NACE Rev. 2.

1. Variables to be collected from all enterprises: sample characteristics

Variable name	Variable group	Variable type	Variable description
COUNTRY	ID		Country code
ENTERPR	ID		Enterprise ID
REFYEAR	ID		Reference year
WEIGHT	ID		Weighting factor. Two decimal positions — use “.” as decimal separator
NACE_SP	ID		Sampling plan economic activity category
SIZE_SP	ID		Sampling plan size group
NSTRA_SP	ID		Sampling plan — number of enterprises in the stratum defined by NACE_SP and SIZE_SP, i.e. the population
N_SP	ID		Sampling plan — number of sampled enterprises from the sample-frame in the stratum defined by NACE_SP and SIZE_SP
SUB_SP	ID		Sub-sample indicator, shows if enterprise belongs to sub-sample
N_RESPST	ID		Number of responding enterprises in the stratum defined by NACE_SP and SIZE_SP
N_EMPREG	ID		Number of persons employed according to the register
RESPONSE	ID		Response indicator (sampling unit type)
PROC	ID		Data collection mode
IDLANGUA	ID		Language of data collection
IDREGION	ID		Region identification NUTS — level 1
EXTRA1	ID		Extra variable 1 (see Annex III)

Variable name	Variable group	Variable type	Variable description
EXTRA2	ID		Extra variable 2 (see Annex III)
EXTRA3	ID		Extra variable 3 (see Annex III)

2. Variables to be collected from all enterprises: background data

Variable name	Variable group	Variable type	Variable description
A1	Core	QM	Actual NACE CODE
A2tot	Core	QT	Total number of persons employed on 31 December of the reference year
A2m		QT	Total number of males employed on 31 December of the reference year
A2f		QT	Total number of females employed on 31 December of the reference year
A4	Key	QT	Total number of hours worked in the reference year by persons employed
A5	Key	QT	Total labour costs (direct + indirect) of all persons employed in the reference year

3. Variables to be collected from all enterprises: CVT strategies

Variable name	Variable group	Variable type	Variable description
A8		QL	Person or unit within the enterprise with responsibility for the organisation of CVT
A9		QM	Assessment of future skill needs of the enterprise
			<i>Yes but not regularly (mainly linked to changes in personnel)</i>
			<i>Yes, it is part of the overall planning process in the enterprise</i>
			<i>No</i>
A10		QM	Reaction to future needs through
			<i>Continuing vocational training of current staff</i>
			<i>Recruitment of new staff with the suitable qualifications, skills and competences</i>
			<i>Recruitment of new staff combined with specific training</i>
			<i>Internal reorganisation to better use existing skills and competences</i>
A12		QM	Skills and competences important in the next few years (3 most important)

Variable name	Variable group	Variable type	Variable description
			<i>General IT skills</i>
			<i>IT professional skills</i>
			<i>Management skills</i>
			<i>Team working skills</i>
			<i>Customer handling skills</i>
			<i>Problem solving skills</i>
			<i>Office administration skills</i>
			<i>Foreign language skills</i>
			<i>Technical, practical or job-specific skills</i>
			<i>Oral or written communication skills</i>
			<i>Numeracy and/or literacy skills</i>
			<i>None of these</i>
			<i>Do not know</i>
A13		QL	Planning of CVT in the enterprise leads to a written training plan or programme
A14		QL	Annual training budget, which includes provision for CVT
A15		QL	National, sector or other agreements between the social partners, which cover the provision of CVT
A16a		QL	Staff representatives/committees involved in the management process of CVT
A16b		QM	Aspects covered by staff representatives/committees
			<i>Objective setting of training</i>
			<i>Establishing criteria for the selection of participants or specific target groups</i>
			<i>Form/type of training (e.g. internal/external courses; other forms such as guided-on-the-job training)</i>
			<i>Content of training</i>
			<i>Budget for training</i>
			<i>Selection of external training providers</i>
			<i>Evaluation/assessment of training outcomes</i>

4. Variables to be collected from all enterprises: CVT characteristics

Variable name	Variable group	Variable type	Variable description
B1a	Core	QL	Provision of internal CVT courses in the reference year
B1b	Core	QL	Provision of external CVT courses in the reference year
B2a	Core	QL	Provision of guided-on-the-job training in the reference year
		QM	Participation in guided-on-the-job training
			<i>Less than 10 % of all persons employed</i>
			<i>From 10 % to less than 50 % of all persons employed</i>
			<i>50 % or more of all persons employed</i>
B2b	Core	QL	Provision of job rotation, exchanges, secondments or study visits in the reference year
		QM	Participation in job rotation, exchanges, secondments or study visits
			<i>Less than 10 % of all persons employed</i>
			<i>From 10 % to less than 50 % of all persons employed</i>
			<i>50 % or more of all persons employed</i>
B2c	Core	QL	Participation in conferences/workshops in the reference year
		QM	Participation in conferences/workshops
			<i>Less than 10 % of all persons employed</i>
			<i>From 10 % to less than 50 % of all persons employed</i>
			<i>50 % or more of all persons employed</i>
B2d	Core	QL	Participation in learning or quality circles in the reference year
		QM	Participation in learning or quality circles
			<i>Less than 10 % of all persons employed</i>
			<i>From 10 % to less than 50 % of all persons employed</i>
			<i>50 % or more of all persons employed</i>
B2e	Core	QL	Planned training by self-directed learning/e-learning in the reference year
		QM	Participation in self-directed learning/e-learning
			<i>Less than 10 % of all persons employed</i>
			<i>From 10 % to less than 50 % of all persons employed</i>

Variable name	Variable group	Variable type	Variable description
			<i>50 % or more of all persons employed</i>
B3		QL	Provision of CVT courses in the year before the reference year
B4		QL	Provision of other forms of CVT in the year before the reference year
B5a		QL	Existence of CVT contributions in the reference year
		QT	Amount of CVT contributions (in euros)
B5b		QL	Existence of CVT receipts in the reference year
		QT	Amount of CVT receipts (in euros)
B6		QM	Measures from which the enterprise benefits
			<i>Tax incentives (tax allowances, tax exemptions, tax credits, tax relief, tax deferrals)</i>
			<i>Receipts from training funds (national, regional, sector)</i>
			<i>EU subsidies (e.g. European Social Fund)</i>
			<i>Government subsidies</i>
			<i>Other sources</i>
			<i>None of these</i>

Sections 5 and 6 shall be addressed to enterprises providing CVT courses in the reference year [(B1a or B1b) = yes].

Section 7 shall be addressed to all training enterprises in the reference year, i.e.:

- enterprises providing CVT courses in 2015 [(B1a or B1b) = yes], or
- enterprises providing other forms of CVT in 2015 [(B2a or B2b or B2c or B2d or B2e) = yes].

Section 8 shall be addressed to non-training enterprises only.

5. Variables to be collected from enterprises which provided CVT courses: CVT participants, subjects and providers

Variable name	Variable group	Variable type	Variable description
C1tot	Key	QT	Total number of participants in all CVT courses
C2m		QT	Number of CVT course participants — males
C2f		QT	Number of CVT course participants — females
C3tot	Key	QT	Paid working time (in hours) spent on all CVT courses
C3i		QT	Paid working time (in hours) for internal CVT courses

Variable name	Variable group	Variable type	Variable description
C3e		QT	Paid working time (in hours) for external CVT courses
C4		QT	Share of training hours spent on obligatory courses for health and safety at work
C5		QM	Subjects covered (3 most important)
			<i>General IT skills</i>
			<i>IT professional skills</i>
			<i>Management skills</i>
			<i>Team working skills,</i>
			<i>Customer handling skills</i>
			<i>Problem solving skills</i>
			<i>Office administration skills</i>
			<i>Foreign language skills</i>
			<i>Technical, practical or job-specific skills</i>
			<i>Oral or written communication skills</i>
			<i>Numeracy and/or literacy skills</i>
			<i>None of these</i>
C6		QM	Providers (external CVT courses) (3 most important)
			<i>Schools, colleges, universities and other higher education institutions</i>
			<i>Public training institutions (financed or guided by the government; e. g. adult education centres)</i>
			<i>Private training companies</i>
			<i>Private companies of which the main activity is not training</i>
			<i>Employers' associations, chambers of commerce, sector bodies</i>
			<i>Trade unions</i>
			<i>Other training providers</i>

6. Variables to be collected from enterprises which provided CVT courses: CVT costs

Variable name	Variable group	Variable type	Variable description
C7a		QL	Existence of fees or payments for courses
		QT	CVT course costs — fees and payments for courses for employees (in euros)

Variable name	Variable group	Variable type	Variable description
C7b		QL	Existence of travel or subsistence payments
		QT	<i>CVT course costs — travel and subsistence payments (in euros)</i>
C7c		QL	Existence of labour costs of internal trainers
		QT	<i>CVT course costs — labour costs of internal trainers (in euros)</i>
C7d		QL	Existence of costs of training centre, rooms or teaching materials
		QT	<i>CVT course costs — training centre, rooms and teaching materials for CVT courses (in euros)</i>
C7sub		QL	Existence of “CVT costs sub-total” only (no sub-categories)
	Key	QT	<i>CVT costs sub-total (in euros)</i>
PAC	Key	QT	Personal absence cost — to be calculated ($PAC = C3_{tot} \times A5/A4$ in euros)
C7tot	Key	QT	Total CVT costs — to be calculated ($C7_{tot} = C7_{sub} + B5a - B5b$ in euros)

7. Variables to be collected from enterprises which provided CVT courses or other forms of CVT: CVT quality, outcomes and difficulties

Variable name	Variable group	Variable type	Variable description
D2a		QM	Assessment of the outcomes of CVT activities
			<i>Yes, for all activities</i>
			<i>Yes, for some activities</i>
			<i>No, proof of participation is sufficient</i>
D2b		QM	Methods of assessment
			<i>Certification after written or practical test</i>
			<i>Satisfaction survey amongst participants</i>
			<i>Assessment of participants' behaviour or performance in relation to training objectives</i>
			<i>Assessment/measurement of the impact of training on performance of relevant departments or the whole enterprise</i>
			<i>Other</i>
D3		QM	Factors limiting CVT provision in the reference year
			<i>No limiting factors: level of training provided was appropriate to the needs of the enterprise</i>

Variable name	Variable group	Variable type	Variable description
			<i>Recruitment of individuals with the required qualifications, skills and competences</i>
			<i>Difficulties in assessing training needs in the enterprise</i>
			<i>Lack of suitable offers of CVT courses in the market</i>
			<i>High costs of CVT courses</i>
			<i>Higher focus on IVT provision than on CVT</i>
			<i>Major efforts in CVT realised in recent years</i>
			<i>Limited time available for staff to participate in CVT</i>
			<i>Other reasons</i>

8. Variables to be collected from non-training enterprises: reasons for non-provision of CVT activities

Variable name	Variable group	Variable type	Variable description
E1		QM	Reasons for not providing CVT in the reference year
			<i>The existing qualifications, skills and competences were appropriate to the current needs of the enterprise</i>
			<i>Recruitment of individuals with the required qualifications, skills and competences was preferred</i>
			<i>Difficulties in assessing training needs in the enterprise</i>
			<i>Lack of suitable offers of CVT courses in the market</i>
			<i>High costs of CVT courses</i>
			<i>Higher focus on IVT provision than on CVT</i>
			<i>Major efforts in CVT realised in recent years</i>
			<i>No time available for staff to participate in CVT</i>
			<i>Other reasons</i>

9. Variables to be collected from all enterprises: initial vocational training (IVT)

Variable name	Variable group	Variable type	Variable description
F1	Core	QL	IVT participants usually employed in the enterprise
F2		QM	Reasons for providing IVT (if F1 = yes)

Variable name	Variable group	Variable type	Variable description
			<i>To qualify future employees according to the needs of the enterprise</i>
			<i>To choose the best apprentices for future employment after completion of initial vocational training</i>
			<i>To avoid possible mismatch with enterprise needs in case of external recruitment</i>
			<i>To make use of the productive capacities of IVT participants already during their initial vocational training</i>
			<i>Other reasons'</i>

2. Annex II to Regulation (EC) No 198/2006 is replaced by the following:

‘ANNEX II

Sample

1. Business registers referred to in Regulation (EC) No 177/2008 of the European Parliament and of the Council ⁽¹⁾ shall be taken as the main source of the sampling frame. A nationally representative stratified probability sample of enterprises shall be taken from this frame.
2. The sample shall be stratified by NACE Rev. 2 and size category according to the following minimum specifications:
 - 20 NACE Rev. 2 categories [B, C10-C12, C13-C15, C17-C18, C19-C23, C24-C25, C26-C28+C33, C29-C30, C16+C31-C32, D-E, F, G45, G46, G47, H, I, J, K64-K65, K66, L+M+N+R+S],
 - 3 enterprise size categories, according to their number of persons employed: (10-49) (50-249) (250 and more) for countries with fewer than 50 million inhabitants,
 - 6 enterprise size categories, according to their number of persons employed: (10-19) (20-49) (50-249) (250-499) (500-999) (1 000 and more) for Member States with 50 million inhabitants or more.
3. A sample size shall be calculated to ensure a maximum half-length of 0,2 of the 95 % confidence interval for the estimated parameters, which are a proportion of “training enterprises” (after allowance for the non-response rate in the sample) for each of the 60 stratified elements identified above (120 stratified elements for Member States with 50 million inhabitants or more).
4. The following formula may be used in determining the sample size:

$$n_h = 1 / [c^2 \times te_h + 1/N_h] / r_h$$

Where:

r_h = the anticipated response rate in the stratum cell, h

c = maximum length of half the confidence interval

te_h = the anticipated proportion of training enterprises in the stratum cell, h

N_h = the total number of enterprises (training and non-training) in the stratum cell, h'

⁽¹⁾ Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes (OJ L 61, 5.3.2008, p. 6).

3. Annex III to Regulation (EC) No 198/2006 is replaced by the following:

'ANNEX III

Imputation principles and record weighting

Member States shall take all appropriate measures to reduce item and unit non-response. Prior to imputation countries shall make all reasonable efforts to use other data sources.

Core variables, for which neither missing values shall be accepted nor imputation permitted, are:

— A1, A2tot, B1a, B1b, B2a(QL), B2b(QL), B2c(QL), B2d(QL), B2e(QL), F1.

Key variables, for which every effort should be made to avoid missing values and for which imputation is recommended, are:

— A4, A5, C1tot, C3tot, C7sub(QT), PAC, C7tot.

Imputation for item non-response shall be recommended within the following general limits:

1. When a record contains less than 50 % of variables presented then this record shall normally be considered as a unit non-response.
2. For a single NACE Rev. 2/size cell imputations shall not be allowed if more than 50 % of the responding enterprises have missing data for more than 25 % of the quantitative variables.
3. For a single NACE Rev. 2/size cell, no imputation shall be performed on a quantitative variable if the proportion of responding enterprises for that particular variable is less than 50 %.
4. For a single NACE Rev. 2/size cell, no imputation shall be performed on a qualitative variable if the proportion of responding enterprises for that particular variable is less than 80 %.

Quantitative and qualitative variables are identified in Annex I.

Rules for imputation are provided in the manual referred to in Article 8.

Member States shall calculate and transmit a weighting factor — to be applied to each data record — together with the auxiliary variables, which may have been used in the calculation of this weighting factor. These auxiliary variables should be recorded as the variables EXTRA1, EXTRA2, EXTRA3 as necessary. The methodology adopted for establishing the weighting factors shall be detailed in the quality report.'

4. Annex V to Regulation (EC) No 198/2006 is replaced by the following:

'ANNEX V

Standard quality report

Member States shall submit a standard quality report in accordance with the European Statistical System Standard Quality Report Structure. A copy of the national questionnaire shall be submitted together with the standard quality report.

The standard quality criteria shall apply as follows:

1. RELEVANCE

Implementation of the survey and the degree to which statistics meet current and potential user needs. This covers a description of users and their individual needs and an evaluation to what degree these needs have been satisfied.

2. ACCURACY

2.1. **Sampling errors**

This covers:

- Description of the sample design and of the effective sample.
- Description of the calculation of the final weighting factors including non-response model and auxiliary variables used, estimator used, e.g. Horvitz-Thompson estimator, variance of the estimates according to the sample strata, variance estimation software. In particular, a description of the auxiliary variables or information used should be reported in order to recalculate the final weighting factors at Eurostat since it is needed for variance estimation.
- In case of non-response analysis, a description of the biases in the sample and results.

Tables to be provided (broken down by NACE Rev. 2 and size classes according to the national sampling plan):

- Number of enterprises in the sampling frame.
- Number of enterprises in the gross sample and in the effective sample.

Tables to be provided for the observed effective sample (broken down by NACE Rev. 2 and size classes according to the national sampling plan):

- Coefficients of variation ⁽¹⁾ for the following key statistics.
- Total number of persons employed, total number of enterprises that provided any form of CVT, ratio of the total number of enterprises that provided any form of CVT to the total number of enterprises.
- Total number of enterprises that provided CVT courses, ratio of the total number of enterprises that provided CVT courses to the total number of enterprises.
- Total number of persons employed in enterprises that provided any form of CVT, total number of participants in CVT courses, ratio of the total number of participants in CVT courses to the total number of persons employed, ratio of the total number of participants in CVT courses to the total number of persons employed in enterprises that provided CVT.
- Total costs of CVT courses.
- Total number of enterprises providing IVT, ratio of the total number of enterprises providing IVT to the total number of enterprises.

2.2. **Non-sampling errors**

2.2.1. *Coverage errors*

This covers:

- Description of the register used for sampling and its overall quality, information included in the register, and its updating frequency.
- Errors due to the discrepancies between the sampling frame and the target population and sub-populations (over-coverage, under-coverage, misclassifications).
- Methods used to obtain this information and notes on the processing of misclassifications.

Tables to be provided for the observed effective sample (broken down by NACE Rev. 2 and size classes according to the national sampling plan):

- Number of enterprises.
- Ratio of the number of enterprises for which the observed strata equals the sampling strata.

⁽¹⁾ The coefficient of variation is the ratio of the square root of the variance of the estimator to the expected value. It is estimated by the ratio of the square root of the estimate of the sampling variance to the estimated value. The estimation of the sampling variance must take into account the sampling design and changes of strata.

2.2.2. Measurement errors

Where appropriate an assessment of errors that occurred at the stage of data collection due to:

- The questionnaire design (results of pre-tests or laboratory methods; questioning strategies).
- Reporting unit/respondent considering the data collection mode used (e.g. problems and strategies to find the appropriate respondent(s) in the enterprise, memory problems, errors when filling the forms, assistance to the respondent). This includes a description and assessment of measures taken to ensure the high quality of the information related to “participants” and to assure that “participant events” were not collected.
- Existence/use of relevant information systems and administrative records in the enterprise, e.g. correspondence between the administrative and survey concept (reference period, availability of individual data).
- Methods used to reduce this kind of errors, problems with the questionnaire as a whole or with single questions.

2.2.3. Processing errors

This covers a description of the data editing process such as processing system and tools used, errors due to coding, editing, weighting or tabulation, quality checks at macro/micro level and corrections/failed edits.

2.2.4. Non-response errors

This covers an assessment of unit non-response and item non-response and a description of the measures undertaken regarding “re-contacts” as well as:

- Report on imputation procedures including methods used for imputation and/or re-weighting.
- Methodological notes and results of non-response analysis or other methods to assess the effects of non-response.

Tables to be provided for the observed effective sample (broken down by NACE Rev. 2 and size classes according to the national sampling plan):

- Unit response rates ⁽¹⁾.
- Item response rates ⁽²⁾ for the following with respect to all respondents: total number of hours worked for all respondents and total labour cost for all respondents.
- Item response rates for the following with respect to enterprises offering CVT courses:
 - Total number of participants in CVT courses for enterprises offering CVT courses.
 - Total number of hours of all CVT courses for enterprises offering CVT courses, number of hours of internal CVT for enterprises offering CVT courses, number of hours of external CVT for enterprises offering CVT courses.
 - Total costs of CVT courses for enterprises offering CVT courses.

3. TIMELINESS AND PUNCTUALITY

This covers a table of dates when different phases of the project started and ended such as fieldwork (considering the different data collection modes), reminders and follow-up, data checking and editing, further validation and imputation, non-response survey (as appropriate) and estimations as well as data transmission to Eurostat and dissemination of national results.

⁽¹⁾ The unit response rate is the ratio of the number of in scope respondents to the number of questionnaires sent to the population selected.

⁽²⁾ The item response rate for a variable is the ratio of the number of available data to the number of available and missing data (equal to the number of in scope respondents).

4. ACCESSIBILITY AND CLARITY

This covers the type of results sent to enterprises, a dissemination scheme of results and a copy of any methodological documents about the statistics provided.

5. COMPARABILITY

This covers the deviations from the standard European questionnaire and definitions provided in the manual referred to in Article 8 and a description of links done with other statistical sources (use of certain data available in registers, survey linked to another national survey).

6. COHERENCE

This covers a comparison of statistics for the same phenomenon or item from other surveys or sources and an assessment of coherence with structural business statistics for the number of persons employed as a function of NACE Rev. 2 and size classes.

Tables to be provided for the observed effective sample (broken down by NACE Rev. 2 and size classes according to the national sampling plan):

— Number of persons employed from structural business statistics and number of persons employed from CVTS.

— Percentage of differences $(SBS - CVTS)/SBS$.

7. COST AND BURDEN

This covers an analysis of the burden and benefit at national level through, for example, a consideration of average time for answering the questionnaire, problematic questions and variables, variables most/least useful in describing CVT at national level, estimated or actual satisfaction level of data users at national level, difference of burden between small and large enterprises and efforts made to reduce the burden.'

COMMISSION REGULATION (EU) No 1154/2014**of 29 October 2014****refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods ⁽¹⁾, and in particular Article 18(5) thereof,

Whereas:

- (1) Pursuant to Regulation (EC) No 1924/2006 health claims made on foods are prohibited unless they are authorised by the Commission in accordance with that Regulation and included in a list of permitted claims.
- (2) Regulation (EC) No 1924/2006 also provides that applications for authorisations of health claims may be submitted by food business operators to the national competent authority of a Member State. The national competent authority is to forward valid applications to the European Food Safety Authority (EFSA), hereinafter referred to as 'the Authority', for a scientific assessment, as well as to the Commission and the Member States for information.
- (3) The Authority is to deliver an opinion on the health claim concerned.
- (4) The Commission is to decide on the authorisation of health claims taking into account the opinion delivered by the Authority.
- (5) Following an application from EJP Pharmaceutical ApS, submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of zinc and prevention of bad breath (Question No EFSA-Q-2010-01092) ⁽²⁾. The claim proposed by the applicant was worded as follows: 'Prevents bad breath by neutralising of volatile sulphur compounds (VSC) in the mouth and oral cavity'.
- (6) On 1 June 2011, the Commission and the Member States received the scientific opinion, from the Authority, which concluded that the claim 'prevents bad breath by neutralising of volatile sulphur compounds in the mouth and oral cavity' is related to breath odour rather than to a function of the body as required by Article 13 of Regulation (EC) No 1924/2006. During the evaluation of the claim, the applicant was requested to clarify how the proposed claim is linked to a function of the body. The applicant argued that the production of volatile sulphur compounds and halitosis as part of the bacterial flora of the mouth and oral cavity is related to the function of the mouth and oral cavity, and thus to a function of the body. However, the Authority noted that the evidence provided did not demonstrate that the chemical neutralisation of volatile sulphur compounds in the mouth, in order to improve bad breath, constitutes a physiological effect in relation to a function of the body. Therefore, the applicant did not provide evidence that zinc has a physiological effect in relation to a function of the body as required by Article 13(1)(a) of Regulation (EC) No 1924/2006. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (7) Following an application from Leiber GmbH, submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Yestimun® and defence against pathogens in the upper respiratory tract (Question No EFSA-Q-2012-00761) ⁽³⁾. The claim proposed by the applicant was worded as follows: 'Daily administration of Yestimun® helps to maintain the body's defence against pathogens'.

⁽¹⁾ OJ L 404, 30.12.2006, p. 9.

⁽²⁾ EFSA Journal 2011;9(6):2169.

⁽³⁾ EFSA Journal 2013;11(4):3159.

- (8) On 8 April 2013 the Commission and the Member States received the scientific opinion from the Authority, which concluded that on the basis of the data presented, a cause and effect relationship could not be established between the consumption of Yestimun® ((1,3)-(1,6)-β-D-glucans from brewer's yeast cell wall) and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (9) Following an application from Vivatch, submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Transitech® and improvement of bowel function which is maintained after cessation of consumption of the food (Question No EFSA-Q-2013-00087) ⁽¹⁾. The claim proposed by the applicant was worded as follows: 'Improves transit and durably regulates it'.
- (10) On 13 June 2013, the Commission and the Member States received the scientific opinion from the Authority, which concluded that on the basis of the data presented, a cause and effect relationship had not been established between the consumption of Transitech® and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (11) Following an application from Clasado Limited, submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Bimuno® GOS and reduction of gastro-intestinal discomfort (Question No EFSA-Q-2012-01007) ⁽²⁾. The claim proposed by the applicant was worded as follows: 'Regular daily consumption of 1,37 g galacto-oligosaccharides from Bimuno® may reduce abdominal discomfort'.
- (12) On 18 June 2013, the Commission and the Member States received the scientific opinion from the Authority, which concluded that a health claim on Bimuno® GOS and reducing gastro-intestinal discomfort pursuant to Article 13(5) of Regulation (EC) No 1924/2006 has already been assessed by the Authority with an unfavourable outcome ⁽³⁾ and that the supplementary information submitted by the applicant did not provide evidence that could be used for the scientific substantiation of this claim. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (13) Following an application from Fuko Pharma Ltd, submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of *Lactobacillus rhamnosus* GG and maintenance of normal defecation during antibiotic treatment (Question No EFSA-Q-2013-00015) ⁽⁴⁾. The claim proposed by the applicant was worded as follows: '*Lactobacillus rhamnosus* GG for maintaining normal defecation during oral antibiotic treatment'.
- (14) On 18 June 2013, the Commission and the Member States received the scientific opinion from the Authority, which concluded that on the basis of the data presented, a cause and effect relationship had not been established between the consumption of *Lactobacillus rhamnosus* GG and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (15) Following an application from Gelita AG, submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of VeriSol®P and a change in skin elasticity leading to an improvement in skin function (Question No EFSA-Q-2012-00839) ⁽⁵⁾. The claim proposed by the applicant was worded as follows: 'Characteristic collagen peptide mixture (collagen hydrolysate) having a beneficial physiological effect on the maintenance of skin health, as indicated by an increased skin elasticity and a reduction of wrinkles volume, by contributing to a normal collagen and elastin synthesis'.
- (16) On 20 June 2013, the Commission and the Member States received the scientific opinion from the Authority, which concluded that on the basis of the data presented, a cause and effect relationship could not be established between the consumption of Verisol®P and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.

⁽¹⁾ EFSA Journal 2013;11(6):3258.

⁽²⁾ EFSA Journal 2013;11(6):3259.

⁽³⁾ EFSA Journal 2011;9(12):2472.

⁽⁴⁾ EFSA Journal 2013;11(6):3256.

⁽⁵⁾ EFSA Journal 2013;11(6):3257.

- (17) Following an application from Pharmatoka S.A.S., submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of proanthocyanidins in Urell® and the reduction of bacterial colonisation of the urinary tract (Question No EFSA-Q-2012-00700) ⁽¹⁾. The claim proposed by the applicant was worded, inter alia, as follows: 'Proanthocyanidins from Urell® contribute to support defence against bacterial pathogens in the lower urinary tract'.
- (18) On 26 July 2013, the Commission and the Member States received the scientific opinion from the Authority, which concluded that on the basis of the data presented, a cause and effect relationship could not be established between the consumption of proanthocyanidins in Urell® and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (19) Following an application from the Institute of Cellular Pharmacology (ICP) Ltd, submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Preservation® and rapid recovery of cellular activity post stress (Question No EFSA-Q-2013-00021) ⁽²⁾. The claim proposed by the applicant was worded as follows: 'improves the physiological response to stress by accelerating the appearance of heat shock proteins (HSPs) and maintains an effective level of HSPs to ensure that the organism is primed should the cell encounter further stress'.
- (20) On 26 July 2013, the Commission and the Member States received the scientific opinion from the Authority, which concluded that the claimed effect indicated by the applicant is general and non-specific, and that the references provided by the applicant did not provide information which could be used to define a specific beneficial physiological effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (21) The health claims subject to this Regulation are health claims as referred to in Article 13(1)(a) of Regulation (EC) No 1924/2006, which are subject to the transitional period laid down in Article 28(5) of that Regulation until the adoption of the list of permitted health claims provided that they comply with that Regulation.
- (22) The list of permitted health claims has been established by Commission Regulation (EU) No 432/2012 ⁽³⁾ and is applicable since 14 December 2012. As regards claims referred to in Article 13(5) of Regulation (EC) No 1924/2006 for which the evaluation by the Authority or consideration by the Commission has not been completed by 14 December 2012 and which by virtue of this Regulation are not included in the list of permitted health claims, it is appropriate to provide for a transitional period during which they may still be used, in order to allow both food business operators and the competent national authorities to adapt to the prohibition of such claims.
- (23) The comments from the applicants and the members of the public received by the Commission pursuant to Article 16(6) of Regulation (EC) No 1924/2006 have been considered when setting the measures provided for in this Regulation.
- (24) 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

1. The health claims listed in the Annex to this Regulation shall not be included in the Union list of permitted claims as provided for in Article 13(3) of Regulation (EC) No 1924/2006.
2. However, the health claims referred to in paragraph 1 used prior to the entry into force of this Regulation, may continue to be used for a maximum period of six months after the entry into force of this Regulation.

⁽¹⁾ EFSA Journal 2013;11(7):3326.

⁽²⁾ EFSA Journal 2013;11(7):3330.

⁽³⁾ Commission Regulation (EU) No 432/2012 of 16 May 2012 establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health (OJ L 136, 25.5.2012, p. 1).

Article 2

This Regulation shall enter into force on the twentieth 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, 29 October 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX

REJECTED HEALTH CLAIMS

Application — Relevant provisions of Regulation (EC) No 1924/2006	Nutrient, substance, food or food category	Claim	EFSA opinion reference
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	Zinc	Prevents bad breath by neutralising of volatile sulphur compounds (VSC) in the mouth and oral cavity.	Q-2010-01092
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	Yestimun®	Daily administration of Yestimun® helps to maintain the body's defence against pathogens.	Q-2012-00761
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	Transitech®	Improves transit and durably regulates it.	Q-2013-00087
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	Bimuno® GOS	Regular daily consumption of 1,37 g galacto-oligosaccharides from Bimuno® may reduce abdominal discomfort.	Q-2012-01007
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	<i>Lactobacillus rhamnosus</i> GG	<i>Lactobacillus rhamnosus</i> GG for maintaining normal defecation during oral antibiotic treatment.	Q-2013-00015
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	VeriSol®P	Characteristic collagen peptide mixture (collagen hydrolysate) having a beneficial physiological effect on the maintenance of skin health, as indicated by an increased skin elasticity and a reduction of wrinkles volume, by contributing to a normal collagen and elastin synthesis.	Q-2012-00839
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	Proanthocyanidins in Urell®	Proanthocyanidins from Urell® contribute to support defence against bacterial pathogens in the lower urinary tract	Q-2012-00700
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	Preservation®	Improves the physiological response to stress by accelerating the appearance of heat shock proteins (HSPs) and maintains an effective level of HSPs to ensure that the organism is primed should the cell encounter further stress.	Q-2013-00021

**COMMISSION IMPLEMENTING REGULATION (EU) No 1155/2014
of 29 October 2014**

correcting the Swedish language version of Commission Implementing Regulation (EU) No 564/2013 on the fees and charges payable to the European Chemicals Agency pursuant to Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular Article 80(1) thereof,

Whereas:

- (1) There is an error in the Swedish language version of Commission Implementing Regulation (EU) No 564/2013 ⁽²⁾ which should be corrected. The other language versions are not affected.
- (2) Implementing Regulation (EU) No 564/2013 should therefore be corrected accordingly.
- (3) The measures provided for in this Implementing Regulation are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Concerns only the Swedish language version.

Article 2

This Regulation shall enter into force on the twentieth 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, 29 October 2014.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 564/2013 of 18 June 2013 on the fees and charges payable to the European Chemicals Agency pursuant to Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products (OJ L 167, 19.6.2013, p. 17).

COMMISSION IMPLEMENTING REGULATION (EU) No 1156/2014**of 29 October 2014****correcting the Slovenian version of Commission Regulation (EC) No 1135/2009 imposing special conditions governing the import of certain products originating in or consigned from China, and repealing Commission Decision 2008/798/EC****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular Article 53(1)(b) thereof,

Whereas:

- (1) The Slovenian language version of Commission Regulation (EC) No 1135/2009 ⁽²⁾ contains one repetitive error, i.e. the term 'feed and food business operators' is erroneous. Therefore a correction of the Slovenian language version is necessary. The other language versions are not affected.
- (2) Regulation (EC) No 1135/2009 should therefore be corrected accordingly.
- (3) 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

Concerns only the Slovenian language version.

*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, 29 October 2014.

*For the Commission**The President*

José Manuel BARROSO

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.⁽²⁾ Commission Regulation (EC) No 1135/2009 of 25 November 2009 imposing special conditions governing the import of certain products originating in or consigned from China, and repealing Commission Decision 2008/798/EC (OJ L 311, 26.11.2009, p. 3).

COMMISSION IMPLEMENTING REGULATION (EU) No 1157/2014**of 29 October 2014****correcting the Slovenian version of Commission Regulation (EC) No 141/2007 concerning a requirement for approval in accordance with Regulation (EC) No 183/2005 of the European Parliament and of the Council for feed business establishments manufacturing or placing on the market feed additives of the category ‘coccidiostats and histomonostats’****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene ⁽¹⁾, and in particular Article 10(3) thereof,

Whereas:

- (1) In the Slovenian language version of Commission Regulation (EC) No 141/2007 ⁽²⁾ the terms ‘feed business operators’, ‘feed business establishments’, ‘placing on the market’ and ‘category’ are erroneous. Therefore a correction of the Slovenian language version is necessary. The other language versions are not affected.
- (2) Regulation (EC) No 141/2007 should therefore be corrected accordingly.
- (3) 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

Concerns only the Slovenian language version.

⁽¹⁾ OJ L 35, 8.2.2005, p. 1.

⁽²⁾ Commission Regulation (EC) No 141/2007 of 14 February 2007 concerning a requirement for approval in accordance with Regulation (EC) No 183/2005 of the European Parliament and of the Council for feed business establishments manufacturing or placing on the market feed additives of the category coccidiostats and histomonostats (OJ L 43, 15.2.2007, p. 9).

Article 2

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, 29 October 2014.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1158/2014**of 29 October 2014****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 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 XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day 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, 29 October 2014.

*For the Commission,
On behalf of the President,*

Jerzy PLEWA
Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

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	AL	57,9
	MA	92,9
	MK	54,8
	ZZ	68,5
0707 00 05	AL	65,0
	MK	80,7
	TR	123,3
	ZZ	89,7
0709 93 10	MA	82,8
	TR	109,6
	ZZ	96,2
0805 50 10	AR	72,8
	TR	96,4
	UY	29,5
	ZA	84,3
	ZZ	70,8
0806 10 10	BR	278,0
	MD	36,9
	PE	362,4
	TR	144,8
	US	411,7
	ZZ	246,8
	ZZ	246,8
0808 10 80	BR	53,4
	CL	86,8
	MD	27,7
	NZ	148,1
	ZA	148,8
0808 30 90	ZZ	93,0
	CN	68,8
	TR	99,6
	ZZ	84,2

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COUNCIL DECISION

of 28 October 2014

appointing a Danish member and a Danish alternate member of the Committee of the Regions

(2014/747/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Danish Government,

Whereas:

- (1) On 22 December 2009 and on 18 January 2010, the Council adopted Decisions 2009/1014/EU ⁽¹⁾ and 2010/29/EU ⁽²⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015. On 8 July 2014, by Council Decision 2014/445/EU ⁽³⁾, Mr Marc PERERA CHRISTENSEN was appointed as alternate member until 25 January 2015.
- (2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Søren PAPE POULSEN.
- (3) An alternate member's seat will become vacant following the appointment of Mr Marc PERERA CHRISTENSEN as member of the Committee of the Regions.

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015:

(a) as member:

— Mr Marc PERERA CHRISTENSEN, *Anden Viceborgmester, Aarhus City Council*

and

(b) as alternate member:

— Mr Martin HULGAARD, *Viceborgmester, Municipality of Struer.*

Article 2

This Decision shall enter into force on the day of its adoption.

Done at Luxembourg, 28 October 2014.

For the Council

The President

G. L. GALLETTI

⁽¹⁾ OJ L 348, 29.12.2009, p. 22

⁽²⁾ OJ L 12, 19.1.2010, p. 11.

⁽³⁾ OJ L 201, 10.7.2014, p. 25.

COMMISSION DECISION

of 28 October 2014

on a measure taken by Germany in accordance with Article 7 of Council Directive 89/686/EEC prohibiting the placing on the market of fire-brigade safety belts of types FHA, FHB and FSMS

(notified under document C(2014) 7757)

(2014/748/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States Relating to personal protective equipment ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) In August 2013, the German authorities notified to the Commission a measure of prohibition of placing on the market of fire-brigade safety belts of types FHA, FHB and FSMS manufactured by Dietrich&Co. GmbH, Rossauer Strasse 49a, 09661 Rossau, OT Seifersbach (Germany). The products bore CE marking, according to Directive 89/686/EEC, having been tested and type-examined according to harmonised standard EN 358:1999 *Personal protective equipment for work positioning and prevention of falls from a height — Belts for work positioning and restraint and work positioning lanyards*.
- (2) Fire-brigade safety belts are personal protective equipment (PPE) classified as Certification Category III. PPE of this kind, which is designed to protect against fatal hazards or serious and irreversible risks to health, the direct effect of which the manufacturer assumes that users will be unable to recognise in time, are subject to an EC type-approval examination and an EC quality control system by the notified body commissioned by the manufacturer.
- (3) The audit carried out by the German authorities at the production plant of the above-mentioned manufacturer revealed that presented type-approval certificates for fire-brigade safety belts of types FHA, FHB and FSMS were not valid, since part of the equipment — the strap material — had been replaced, while EC type approval examination related solely to the items submitted for testing. Therefore, the following requirements of Directive 89/686/EEC were not met:
 - Article 8(2) (EC Type examination): the products were not identical to the models for which EC type examination was issued,
 - Article 12 (EC Declaration of Conformity): the Declaration of Conformity was not valid because reference was made to the quality control system in accordance with Article 11, which was not carried out,
 - Article 13(1) (CE Marking): the identification number of the notified body, DEKRA EXAM (NB 0158) was misused since no quality control system was carried out.
- (4) Moreover, fire-brigade safety belts Type FHB did not meet the requirements of harmonised standard EN 358:1999, clause § 4.2.1 regarding static strength and thus the basic health and safety requirement 1.3.2 *Lightness and design strength* laid down in Annex II to Directive 89/686/EEC. The static strength for the fire-brigade safety belts manufactured by Dietrich&Co. GmbH were measured at between 7,2 kN and 9,4 kN, instead of at least 15 kN, as prescribed in the standard.
- (5) The Commission wrote to the manufacturer inviting him to communicate his observations on the measures taken by the German authorities.

⁽¹⁾ OJ L 399, 30.12.1989, p. 18.

- (6) On 22 October 2013, the Commission was informed by German authorities about the result of the action. According to the documents received from the manufacturer the German authorities established that the failure to meet the requirements of the Directive 89/686/EEC only concerned the production of 2011 and 2012. Corrective action has been taken by the manufacturer and as of beginning of 2013 the production was in conformity with that Directive. The manufacturer Dietrich & Co carried out a voluntary recall that covered the following fire-brigade safety belts type FHB:
- serial numbers 0439 to 0738, manufactured in 2011,
 - serial numbers 0739 to 1078, manufactured in 2012.
- (7) In light of the documentation available, the comments expressed and the action taken by the parties concerned, the Commission considers that the fire brigade safety belts of types FHA, FHB and FSMS manufactured in 2011 and 2012 failed to comply with clause § 4.2.1 of the harmonised standard EN 358:1999 referred to the basic health and safety requirement 1.3.2 *Lightness and design strength* set out in Annex II to Directive 89/686/EEC. The manufacturer has already taken all the necessary measures to remove such non-compliant products from the market and to correct the deficits to meet the requirements of Directive 89/686/EEC, according to the order of the German authorities,

HAS ADOPTED THIS DECISION:

Article 1

The measure taken by the German authorities, prohibiting the placing on the market of fire-brigade safety belts of types FHA, FHB and FSMS manufactured by Dietrich&Co. GmbH, is justified.

Article 2

This Decision regards exclusively products manufactured in 2011 and in 2012.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 28 October 2014.

For the Commission
Ferdinando NELLI FEROCI
Member of the Commission

CORRIGENDA**Corrigendum to Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit guarantee schemes**

(Official Journal of the European Union L 173 of 12 June 2014)

On page 172, Article 21, first paragraph:

for: '... 4 July 2019 ...',

read: '... 4 July 2015 ...'.

Corrigendum to Commission Delegated Regulation (EU) No 611/2014 of 11 March 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the support programmes for the olive-oil and table-olives sector

(Official Journal of the European Union L 168 of 7 June 2014)

On page 60 in Article 7(2):

for: '2. Each recipient organisation accredited under Regulation (EU) No 1308/2013 may submit an approval application for one single work programme by a date to be laid down by the Member State but no later than 15 February of each year.'

read: '2. Each recipient organisation recognised under Regulation (EU) No 1308/2013 may submit an approval application for one single work programme by a date to be laid down by the Member State but no later than 15 February of each year.'

