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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2015/384

of 2 March 2015

on the conclusion, on behalf of the European Union, of a Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Senegal and the Implementation Protocol thereto

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 in conjunction with Article 218(6), second subparagraph, point (a) and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The Union and the Republic of Senegal negotiated a partnership agreement on sustainable fisheries ('the Agreement') for a duration of five years, renewable by tacit agreement, and an Implementation Protocol thereto for a period of five years, granting Union vessels fishing opportunities in the waters over which the Republic of Senegal has sovereignty or jurisdiction in respect of fisheries.
- (2) The Agreement and Protocol were signed on 20 November 2014 in accordance with Decision 2014/733/EU ⁽¹⁾ and will apply on a provisional basis from the date of their signature.
- (3) The Agreement and Protocol should be approved.
- (4) The Agreement establishes a Joint Committee responsible for monitoring its implementation. Furthermore, in accordance with the Protocol, the Joint Committee may approve certain amendments to the Protocol. In order to facilitate the approval of such amendments, the Commission should be empowered, subject to specific conditions, to approve them under a simplified procedure,

HAS ADOPTED THIS DECISION:

Article 1

The Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Senegal and the Implementation Protocol thereto are hereby approved on behalf of the Union ⁽²⁾.

Article 2

The President of the Council shall, on behalf of the Union, give the notifications provided for in Article 16 of the Agreement and Article 13 of the Protocol.

⁽¹⁾ OJ L 304, 23.10.2014, p. 1.

⁽²⁾ The Agreement and the Protocol were published in OJ L 304, 23.10.2014, p. 3 together with the decision on signing.

Article 3

Subject to the provisions and conditions set out in the Annex, the Commission shall be empowered to approve, on behalf of the Union, modifications to the Protocol in the Joint Committee.

Article 4

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

Done at Brussels, 2 March 2015.

For the Council

The President

D. REIZNIECE-OZOLA

ANNEX

Scope of the empowerment and procedure for the establishment of the Union position in the Joint Committee

1. The Commission shall be authorised to negotiate with Republic of Senegal and, where appropriate and, subject to complying with point 3 of this Annex, agree modifications to the Protocol, in respect of the following issues:
 - (a) adjustment of fishing opportunities and setting new fishing opportunities in accordance with Article 7(3)(a) of the Agreement and Articles 6 and 7 of the Protocol;
 - (b) decision on the rules on sectoral support in accordance with Article 7(3)(b) of the Agreement and Article 4 of the Protocol;
 - (c) conditions including technical specifications and procedures on fishing by Union fishing vessels in accordance with Article 7(3)(c) of the Agreement and the Annex to the Protocol.
2. In the Joint Committee established under the Agreement, the Union shall:
 - (a) act in accordance with the objectives pursued by the Union within the framework of the Common Fisheries Policy;
 - (b) follow the Council Conclusions of 19 March 2012 on a Communication on the external dimension of the Common Fisheries Policy;
 - (c) promote positions that are consistent with the relevant rules adopted by Regional Fisheries Management Organisations.

3. When a decision on amendments to the Protocol referred to in point 1 is expected to be adopted during a Joint Committee meeting, the necessary steps shall be taken so that the position to be expressed on behalf of the Union takes account of the latest statistical, biological and other relevant data transmitted to the Commission.

To this effect and based on such data, a document setting out the particulars of the proposed Union position shall be transmitted by the Commission, in sufficient time before the relevant Joint Committee meeting, to the Council or to its preparatory bodies for consideration and approval.

In respect of issues referred to in point 1(a), the approval of the envisaged Union position by the Council shall require a qualified majority of votes. In the other cases, the Union position envisaged in the preparatory document shall be deemed to be agreed, unless a number of Member States equivalent to a blocking minority objects during a meeting of the Council's preparatory body or within 20 days from receipt of the preparatory document, whichever occurs earlier. In case of such objection, the matter shall be referred to the Council.

If, in the course of further meetings, including on the spot, it is impossible to reach an agreement in order for the Union position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.

4. The Commission shall be invited to take, in good time, any steps necessary as a follow-up to the decision of the Joint Committee, including, where appropriate, publication of the relevant decision in the *Official Journal of the European Union* and submission of any proposal necessary for the implementation of that decision.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2015/385

of 3 March 2015

entering a name in the register of protected designations of origin and protected geographical indications [Oli de l'Empordà/Aceite de L'Empordà (PDO)]

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Spain's application to register the name 'Oli de l'Empordà'/Aceite de L'Empordà' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Oli de l'Empordà'/Aceite de L'Empordà' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Oli de l'Empordà'/Aceite de L'Empordà' (PDO) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.5. Oils and fats (butter, margarine, oil, etc.), as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.

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, 3 March 2015.

For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 358, 10.10.2014, p. 8.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

COMMISSION IMPLEMENTING REGULATION (EU) 2015/386
of 5 March 2015
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92 ⁽²⁾. That period should be set at 3 months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of 3 months from the date of entry into force of this Regulation.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

Article 3

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, 5 March 2015.

For the Commission,

On behalf of the President,

Heinz ZOUREK

Director-General for Taxation and Customs Union

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
A four-wheeled skateboard with dimensions of approximately 80 × 27 × 17 cm, a weight of 10 kg and a maximum load capacity of 65 kg. The article is equipped with an electric motor powered by two rechargeable 24 V batteries. The article has the following characteristics: — the wheels are made of polyurethane and have a diameter of 85 mm, — only the two rear wheels are driven by a belt, — the surface of the article is covered with an anti-slip layer, — the electric motor is mounted under the article, — it has a speed range of 10-32 km/h, no brakes and no steering system. The skateboard is presented with a handheld remote control. The skateboard is powered by an electric motor, which is operated by the person riding the board by means of the remote control. While riding the skateboard, its speed can be regulated by pulling a trigger on the remote control.	9506 99 90	Classification is determined by general rules 1 and 6 for the interpretation of the combined nomenclature and by the wording of CN codes 9506, 9506 99 and 9506 99 90. Although the article is powered by an electric motor, it has the characteristics of a sport entertainment product rather than of a motor vehicle as, due to the absence of brakes and a steering system, it requires a physical activity to ride the skateboard (similar to the activity needed to ride a non-motorised skateboard). Consequently, classification under heading 8703 as motor vehicles principally designed for the transport of persons is excluded. Given its speed capacity of up to 32 km/h, the article is not considered to be a wheeled toy designed to be ridden by children (see also the CN Explanatory Notes to CN code 9503 00 10). Consequently, classification under heading 9503 as wheeled toys is excluded. Given its characteristics and design, the article is intended to be used as a sport entertainment product (skateboard). It is therefore to be classified under CN code 9506 99 90 as articles and equipment for other sports or outdoor games.

COMMISSION IMPLEMENTING REGULATION (EU) 2015/387
of 5 March 2015
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92 ⁽²⁾. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months from the date of entry into force of this Regulation.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

Article 3

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, 5 March 2015.

For the Commission,
On behalf of the President,
Heinz ZOUREK
Director-General for Taxation and Customs Union

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
An electrical apparatus, consisting of a cylindrical metal housing incorporating a lamp that emits ultraviolet (UV) radiation and an electronic module with light indicators for the status of the apparatus. The power of the UV light varies from 14 to 39 W. The apparatus is supplied with a standard voltage of 220 V. It is presented to be used for the photochemical purification of water. The purification is performed by the UV irradiation of the passing water, thereby destroying bacteria, viruses and other micro-organisms therein. It is presented to be used in household, medical or industrial environment.	8421 21 00	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8421 and 8421 21 00. The function of the apparatus is the purification of water, which is a function described in heading 8421. The fact that the bacteria, viruses and other micro-organism are not physically separated but destroyed does not exclude classification under this heading. The heading covers filters and purifiers of all types (see also the Harmonised System Explanatory Notes to heading 8421, point (II)). Classification under heading 8543 as electrical machines and apparatus, having individual functions, not specified or included elsewhere is consequently excluded. The apparatus is therefore to be classified under CN code 8421 21 00 as an apparatus for filtering and purifying water.

COMMISSION IMPLEMENTING REGULATION (EU) 2015/388
of 5 March 2015
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92 ⁽²⁾. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months from the date of entry into force of this Regulation.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

Article 3

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.

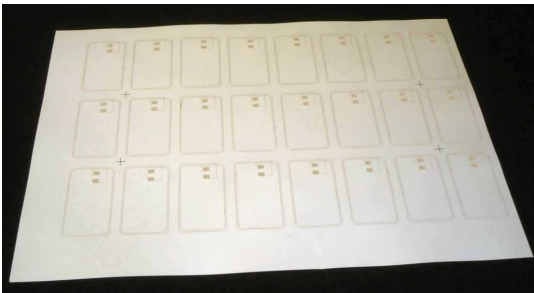
Done at Brussels, 5 March 2015.

For the Commission,
On behalf of the President,
Heinz ZOUREK
Director-General for Taxation and Customs Union

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
A plastic sheet with dimensions of 62 cm × 52 cm × 150 µm containing 24 antennae. Each antenna is constituted of copper wires in the form of windings of a planar rectangular shape and is connected with two interface pads. The antennae are presented in an array of 8 × 3 and are glued alongside each other on the plastic sheet. The plastic sheet does not contain electronic chips. The antennae are presented to be used as parts of smart cards. See image (*)	8504 50 95	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 2(a) to Section XVI and by the wording of CN codes 8504, 8504 50 and 8504 50 95. As the antennae are constituted only of windings acting as inductors, they fall in heading 8504 as inductors. Consequently, classification under heading 8548 as parts not specified or included elsewhere in Chapter 85 is excluded. The article is therefore to be classified under CN code 8504 50 95 as other inductors.

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2015/389**of 5 March 2015****amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EEC) No 2658/87 established a nomenclature of goods (hereinafter referred to as the 'Combined Nomenclature'), which is set out in Annex I to that Regulation.
- (2) In order to determine the content of oil in products of subheadings 2712 90 31 to 2712 90 39 of the Combined Nomenclature, point (a) of Additional note 4 to Chapter 27 of Part Two of the Combined Nomenclature provides for the application of a method set out in a standard elaborated by the International Organization for Standardization (ISO 2908).
- (3) The ISO 2908 standard was withdrawn in 2006 by the International Organization for Standardization and has not been replaced. Moreover, no EN standard laying down a method equivalent to the ISO 2908 method has been established by the European Committee for Standardization. The customs laboratories should therefore be free to apply appropriate working methods of their choice for determining the content of oil in products of subheadings 2712 90 31 to 2712 90 39 of the Combined Nomenclature.
- (4) Furthermore, it is appropriate to indicate clearly in point (a) of Additional note 4 to Chapter 27 of Part Two of the Combined Nomenclature that the oil content is to be determined as a percentage by weight.
- (5) As a consequence, it is appropriate to amend point (a) of Additional note 4 to Chapter 27 of Part Two of the Combined Nomenclature by removing the reference to the international standard which has been withdrawn and clarifying the unit in which the oil content is to be expressed.
- (6) Regulation (EEC) No 2658/87 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

In Chapter 27 of Part Two of the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87, point (a) of Additional note 4 is replaced by the following:

‘(a) with an oil content of 3,5 % by weight or higher, if their viscosity at 100 °C is lower than $9 \times 10^{-6} \text{ m}^2 \text{ s}^{-1}$ by the EN ISO 3104 method; or’.

⁽¹⁾ OJ L 256, 7.9.1987, 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, 5 March 2015.

*For the Commission,
On behalf of the President,
Heinz ZOUREK
Director-General for Taxation and Customs Union*

COMMISSION IMPLEMENTING REGULATION (EU) 2015/390**of 5 March 2015****amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EEC) No 2658/87 established a nomenclature of goods (hereinafter referred to as the 'Combined Nomenclature'), which is set out in Annex I to that Regulation.
- (2) The current text of point (a) of Additional note 2 to Chapter 20 of Part Two of the Combined Nomenclature provides for the content of various sugars of a product to be calculated on the basis of a figure indicated by a refractometer using the method laid down in the Annex to Commission Implementing Regulation (EU) No 974/2014 ⁽²⁾.
- (3) Products manufactured on the basis of seaweeds and other algae prepared or preserved by processes not provided for in Chapter 12 of Part Two of the Combined Nomenclature, on the basis of manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content of heading 0714 of the Combined Nomenclature or on the basis of vine leaves are all classified in Chapter 20 of Part Two of the Combined Nomenclature. When applying the calculation using the refractometric method to those products, they are found to have such a high level of sugar that they are considered to contain added sugar within the meaning of Additional note 3 to that Chapter although they do not contain any added sugar.
- (4) In order to ensure a correct classification of such products, it is therefore appropriate to provide for the use of the high performance liquid chromatography (HPLC) method and for the application of an established formula already applied by the customs laboratories for the purposes of calculating the sugar content of those specific products falling under Chapter 20 of Part Two of the Combined Nomenclature.
- (5) In order to ensure uniform interpretation of the Combined Nomenclature throughout the Union with regard to measuring the sugar content of various products, point (a) of Additional note 2 to Chapter 20 of Part Two of the Combined Nomenclature should be amended.
- (6) Regulation (EEC) No 2658/87 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

In Chapter 20 of Part Two of the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87, point (a) of Additional note 2 is replaced by the following:

'(a) The content of various sugars expressed as sucrose (sugar content) of products classified in this Chapter corresponds to the figure indicated by a refractometer (used in accordance with the method prescribed in the Annex to Implementing Regulation (EU) No 974/2014) at a temperature of 20 °C and multiplied by one of the following factors:

- 0,93 in respect of products of subheadings 2008 20 to 2008 80, 2008 93, 2008 97 and 2008 99;
- 0,95 in respect of products of the other headings.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 974/2014 of 11 September 2014 laying down the refractometry method of measuring dry soluble residue in products processed from fruit and vegetables for the purposes of their classification in the Combined Nomenclature (OJ L 274, 16.9.2014, p. 6).

However, the content of various sugars expressed as sucrose (sugar content) of the following products classified in this Chapter:

- products manufactured on the basis of seaweed and other algae prepared or preserved by processes not provided for in Chapter 12;
- products manufactured on the basis of manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content of heading 0714;
- products manufactured on the basis of vine leaves;

corresponds to the figure resulting from a calculation carried out on the basis of measurements which have been obtained applying the high performance liquid chromatography method (the "HPLC method"), using the following formula:

$$S + (G + F) \times 0,95;$$

where:

"S" is the sucrose content determined by the HPLC method;

"F" is the fructose content determined by the HPLC method;

"G" is the glucose content determined by the HPLC method.'

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, 5 March 2015.

For the Commission,

On behalf of the President,

Heinz ZOUREK

Director-General for Taxation and Customs Union

COMMISSION REGULATION (EU) 2015/391**of 9 March 2015****refusing to authorise certain health claims made on foods and referring 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 17(3) 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'.
- (3) Following receipt of an application the Authority is to inform without delay the other Member States and the Commission thereof, and 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 Specialised Nutrition Europe (formerly European Dietetic Food Industry Association), submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to beta-palmitate and contribution to softening stools (Question No EFSA-Q-2008-174 ⁽²⁾). The claim proposed by the applicant was worded, inter alia, as follows: 'Beta-palmitate enrichment contributes to soften stool consistency which helps to increase their frequency'.
- (6) On the basis of the data presented, the Authority concluded in its opinion, received by the Commission and the Member States on 21 February 2014, that a cause and effect relationship has not been established between the consumption of beta-palmitate and softening of stools. 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 Specialised Nutrition Europe, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of choline and 'development of brain' (Question No EFSA-Q-2008-134 ⁽³⁾). The claim proposed by the applicant was worded, inter alia, as follows: 'Choline is needed for the development of brain of infants and young children from birth to three years'.
- (8) On the basis of the data presented, the Authority concluded in its opinion, received by the Commission and the Member States on 5 May 2014, that the claimed effect, 'development of brain' for infants and young children from birth to three years in relation to dietary choline, was not sufficiently defined for a scientific evaluation. In particular, the Authority considered that from the references provided by the applicant it is not possible to establish the physiological function of the nervous system that is the subject of the health claim and therefore the claimed effect is general and non-specific. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.

⁽¹⁾ OJ L 404, 30.12.2006, p. 9.

⁽²⁾ EFSA Journal 2014;12(2):3578.

⁽³⁾ EFSA Journal 2014;12(5):3651.

- (9) Following an application from Specialised Nutrition Europe, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to 'complex carbohydrates' and 'contribute to satiety' (Question No EFSA-Q-2008-131 ⁽¹⁾). The claim proposed by the applicant was worded, inter alia, as follows: 'Complex carbohydrates contribute to satiety'.
- (10) On the basis of the data presented, the Authority concluded in its opinion, received by the Commission and the Member States on 5 May 2014, that a cause and effect relationship has not been established between the consumption of 'complex carbohydrates' and a beneficial physiological effect for infants and young children (from birth to three years of age). According to the Authority, the applicant did not provide evidence to establish that an increase in satiety is a beneficial physiological effect for infants and young children. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (11) In accordance with Article 28(6) of Regulation (EC) No 1924/2006, health claims referred to in its Article 14(1)(b) and not authorised by a decision pursuant to Article 17(3) of Regulation (EC) No 1924/2006 may continue to be used for six months after such decision is taken, provided the application for authorisation was made before 19 January 2008. Accordingly, as the health claims listed in the Annex to this Regulation fulfil the above conditions, the transitional period laid down in that Article should apply.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

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 14(1) 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.

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, 9 March 2015.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ EFSA Journal 2014;12(5):3652.

ANNEX

Rejected health claims

Application — Relevant provisions of Regulation (EC) No 1924/2006	Nutrient, substance, food or food category	Claim	EFSA opinion reference
Article 14(1)(b) health claim referring to children's development and health	Beta-palmitate	Beta-palmitate enrichment contributes to soften stool consistency which helps to increase their frequency	Q-2008-174
Article 14(1)(b) health claim referring to children's development and health	Choline	Choline is needed for the development of brain of infants and young children from birth to three years	Q-2008-134
Article 14(1)(b) health claim referring to children's development and health	'Complex carbohydrates'	Complex carbohydrates contribute to satiety	Q-2008-131

COMMISSION IMPLEMENTING REGULATION (EU) 2015/392**of 9 March 2015**

terminating a ‘new exporter’ review of Council Implementing Regulation (EU) No 1389/2011 imposing a definitive anti-dumping duty on imports of trichloroisocyanuric acid originating in the People’s Republic of China, re-imposing the duty with regard to imports from the exporter and terminating the registration of these imports

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (‘the basic Regulation’) ⁽¹⁾ and in particular Article 11(4) thereof,

Whereas:

1. Measures in force

- (1) In October 2005, the Council imposed definitive anti-dumping measures on imports of trichloroisocyanuric acid and preparations thereof (‘TCCA’), originating in the People’s Republic of China (‘PRC’) by Regulation (EC) No 1631/2005 ⁽²⁾ (‘the original Regulation’). The anti-dumping duty rates ranged from 7,3 % to 42,6 %.
- (2) By Implementing Regulation (EU) No 855/2010 ⁽³⁾, the Council amended the original Regulation by lowering the anti-dumping duty rate for one exporting producer to 3,2 %.
- (3) Following an expiry review, pursuant to Article 11(2) of the basic Regulation, the Council imposed definitive anti-dumping measures consisting of individual duties ranging from 3,2 % to 40,5 % with a residual duty of 42,6 % on imports of TCCA originating in the PRC by Implementing Regulation (EU) No 1389/2011 ⁽⁴⁾.
- (4) By Implementing Regulation (EU) No 569/2014 ⁽⁵⁾, the Commission imposed an individual duty rate of 32,8 % on one new exporting producer.

2. Current investigation

- (5) On 4 January 2014, the European Commission (‘the Commission’) received a request to initiate a ‘new exporter’ review pursuant to Article 11(4) of the basic Regulation. The request was lodged by Juancheng Kangtai Chemical Co. Ltd (‘the applicant’), an exporting producer of TCCA in the PRC. The applicant claimed that it did not export TCCA to the European Union during the period of investigation of the original investigation and started exporting only after the end of that period. It also claimed that it was not related to any of the exporting producers of TCCA which are subject to the measures in force.
- (6) The Commission considered that the prima facie evidence submitted by the applicant was sufficient to justify the initiation of a review pursuant to Article 11(4) of the basic Regulation. After the Union producers had been given an opportunity to comment, the Commission initiated, by Implementing Regulation (EU) No 727/2014 ⁽⁶⁾, a review of Implementing Regulation (EU) No 1389/2011 with regard to the applicant.
- (7) Pursuant to Article 2 of Implementing Regulation (EU) No 727/2014, the anti-dumping duty imposed by Implementing Regulation (EU) No 1389/2011 was repealed with regard to the applicant. Simultaneously, pursuant to Article 14(5) of the basic Regulation, the Commission directed the customs authorities to register the applicant’s imports.

3. Withdrawal of the request

- (8) On 28 November 2014, the applicant formally withdrew its request for a ‘new exporter’ review. On this basis, the Commission considered that the review investigation should be terminated.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 261, 7.10.2005, p. 1.

⁽³⁾ OJ L 254, 29.9.2010, p. 1.

⁽⁴⁾ OJ L 346, 30.12.2011, p. 6.

⁽⁵⁾ OJ L 157, 27.5.2014, p. 80.

⁽⁶⁾ OJ L 192, 1.7.2014, p. 42.

4. Disclosure

- (9) The Commission informed the interested parties of the intention to terminate the review investigation, to re-impose a definitive anti-dumping duty on imports of TCCA and to levy this duty retroactively on imports subject to registration under Implementing Regulation (EU) No 727/2014. Interested parties were given the opportunity to comment. No comments were received.

5. Retroactive levying of the anti-dumping duty

- (10) In view of the findings outlined above, the Commission concluded that the review concerning imports of TCCA manufactured by Juancheng Kangtai Chemical Co. Ltd and originating in the People's Republic of China should be terminated. Consequently, the registration of the applicant's imports should cease and the country-wide duty applicable to all other companies (42,6 %) imposed by Implementing Regulation (EU) No 1389/2011 should be levied retroactively on these imports from the date of initiation of this review.
- (11) This Regulation is in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation.

HAS ADOPTED THIS REGULATION:

Article 1

1. The new exporter review initiated by Implementing Regulation (EU) No 727/2014 is hereby terminated and the anti-dumping duty applicable according to Article 1 of Implementing Regulation (EU) No 1389/2011 to all other companies (TARIC additional code A999) in the People's Republic of China is hereby imposed on imports identified in Article 1 of Implementing Regulation (EU) No 727/2014.
2. The anti-dumping duty applicable according to Article 1 of Implementing Regulation (EU) No 1389/2011 to all other companies in the People's Republic of China is hereby levied with effect from 2 July 2014 on imports of trichloroisocyanuric acid and preparations thereof, also referred to as 'symclosene' under the international non-proprietary name (INN), which have been registered pursuant to Article 3 of Implementing Regulation (EU) No 727/2014.
3. The customs authorities are hereby directed to cease the registration of imports carried out pursuant to Article 3 of Implementing Regulation (EU) No 727/2014.
4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

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

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

Done at Brussels, 9 March 2015.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2015/393**of 9 March 2015****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, 9 March 2015.

*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	EG	65,6
	MA	82,2
	TR	83,0
	ZZ	76,9
0707 00 05	JO	229,9
	MA	206,0
	TR	189,5
	ZZ	208,5
0709 93 10	MA	111,2
	TR	190,3
	ZZ	150,8
0805 10 20	EG	49,0
	IL	73,9
	MA	61,6
	TN	54,4
	TR	70,8
	ZZ	61,9
	ZZ	61,9
0805 50 10	TR	53,2
	ZZ	53,2
	ZZ	53,2
0808 10 80	BR	68,8
	CA	85,3
	CL	94,4
	MK	24,7
	US	211,2
	ZZ	96,9
	ZZ	96,9
0808 30 90	AR	116,8
	CL	128,1
	CN	90,9
	ZA	101,0
	ZZ	109,2

⁽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'.

CORRIGENDA**Corrigendum to Commission Implementing Regulation (EU) No 1071/2014 of 10 October 2014 on exceptional support measures for the eggs and poultrymeat sectors in Italy**

(Official Journal of the European Union L 295 of 11 October 2014)

On page 53, Article 1, third paragraph, point (e)(ii):

for: '(ii) EUR 0,162354 per chick of roosters for a maximum of 436 247 heads;',

read: '(ii) EUR 0,162354 per chick of rural chickens for a maximum of 436 247 heads;'.

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