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EN

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

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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2016/31**of 14 January 2016****amending Regulation (EU) No 267/2012 concerning restrictive measures against Iran**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP ⁽¹⁾,

Having regard to the joint proposal of the High Representative of the Union for Foreign Affairs and Security Policy and of the European Commission,

Whereas:

- (1) Council Regulation (EU) No 267/2012 ⁽²⁾ gives effect to the measures provided for in Decision 2010/413/CFSP.
- (2) On 31 July 2015, the Council adopted Decision (CFSP) 2015/1337 ⁽³⁾ amending Decision 2010/413/CFSP to extend until 14 January 2016 the exemption provided for in Article 20(14) concerning acts and transactions carried out with regard to listed entities insofar as necessary for the execution of the obligations provided for in contracts concluded before 23 January 2012 or in ancillary contracts necessary for the execution of such obligations where the supply of Iranian crude oil and petroleum products or the proceeds derived from their supply are for the reimbursement of outstanding amounts with respect to contracts concluded before 23 January 2012 to persons or entities within the territories of Member States or under their jurisdiction, where those contracts specifically provide for such reimbursements.
- (3) On 14 January 2016, the Council adopted Decision (CFSP) 2016/36 ⁽⁴⁾ further extending the abovementioned exemption until 28 January 2016.
- (4) This measure falls within the scope of the Treaty and regulatory action at the level of the Union is therefore necessary in order to implement it, in particular with a view to ensuring its uniform application by economic operators in all Member States.
- (5) Regulation (EU) No 267/2012 should therefore be amended accordingly,

⁽¹⁾ OJ L 195, 27.7.2010, p. 39.⁽²⁾ Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 (OJ L 88, 24.3.2012, p. 1).⁽³⁾ Council Decision (CFSP) 2015/1337 of 31 July 2015 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ L 206, 1.8.2015, p. 68).⁽⁴⁾ Council Decision (CFSP) 2016/36 of 14 January 2016 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (see page 17 of this Official Journal).

HAS ADOPTED THIS REGULATION:

Article 1

In point (b) of Article 28a of Regulation (EU) No 267/2012, the words ‘until 14 January 2016’ are replaced by the words ‘until 28 January 2016’.

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, 14 January 2016.

For the Council
The President
A.G. KOENDERS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/32**of 14 January 2016****extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) 2015/82 on imports of citric acid originating in the People's Republic of China to imports of citric acid consigned from Malaysia, whether declared as originating in Malaysia or not**

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 ⁽¹⁾, ('the basic Regulation') and in particular Article 13 thereof,

Whereas:

1. PROCEDURE**1.1. Existing measures**

- (1) The Council, following an anti-dumping investigation ('the original investigation'), imposed a definitive anti-dumping duty on imports of citric acid originating in the People's Republic of China ('PRC') by Regulation (EC) No 1193/2008 ⁽²⁾. The measures took the form of an *ad valorem* duty ranging between 6,6 % and 42,7 % ('the original measures').
- (2) The European Commission ('the Commission'), by Decision 2008/899/EC ⁽³⁾ accepted the price undertakings offered by seven Chinese exporting producers or group of exporting producers together with the China Chamber of Commerce of Metals, Minerals & Chemicals Importers & Exporters.
- (3) The Commission, by Decision 2012/501/EU ⁽⁴⁾, subsequently withdrew the undertaking offered by one exporting producer, i.e. Laiwu Taihe Biochemistry Co. Ltd ('Laiwu').
- (4) By Implementing Regulation (EU) 2015/82 ⁽⁵⁾ the Commission, following an expiry review and a partial interim review ('previous investigations') pursuant to Article 11(2) and (3) of the basic Regulation respectively, maintained the definitive measures and amended their level. The definitive anti-dumping duties in force on imports of citric acid originating in the PRC range between 15,3 % and 42,7 % ('the measures in force').

1.2. Product concerned and product under investigation

- (5) The product concerned is as defined in the original investigation, citric acid (including trisodium citrate dihydrate), originating in the PRC, currently falling within CN codes 2918 14 00 and ex 2918 15 00 ('the product concerned').

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ Council Regulation (EC) No 1193/2008 of 1 December 2008 imposing a definitive anti-dumping duty and collecting definitively the provisional duties imposed on imports of citric acid originating in the People's Republic of China (OJ L 323, 3.12.2008, p. 1).

⁽³⁾ Commission Decision 2008/899/EC of 2 December 2008 accepting the undertakings offered in connection with the anti-dumping proceeding concerning imports of citric acid originating in the People's Republic of China (OJ L 323, 3.12.2008, p. 62).

⁽⁴⁾ Commission Decision 2012/501/EU of 7 September 2012 amending Decision 2008/899/EC accepting the undertakings offered in connection with the anti-dumping proceeding concerning imports of citric acid originating in the People's Republic of China (OJ L 244, 8.9.2012, p. 27).

⁽⁵⁾ Commission Implementing Regulation (EU) 2015/82 of 21 January 2015 imposing a definitive anti-dumping duty on imports of citric acid originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 and of partial interim reviews pursuant to Article 11(3) of Regulation (EC) No 1225/2009 (OJ L 15, 22.1.2015, p. 8).

- (6) The product under investigation is the same as that defined in the previous recital, but consigned from Malaysia, whether declared as originating in Malaysia or not, currently falling within the same CN codes as the product concerned ('the product under investigation'). The TARIC codes for the product under investigation are 2918 14 00 10 and 2918 15 00 11.
- (7) The investigation showed that citric acid exported from the PRC to the Union and citric acid consigned from Malaysia to the Union have the same basic physical and technical characteristics and have the same uses, and are therefore to be considered as like products within the meaning of Article 1(4) of the basic Regulation.

1.3. Grounds for the initiation

- (8) The Commission had at its disposal sufficient prima facie evidence that the measures in force are being circumvented by imports of the product under investigation from Malaysia.
- (9) The information at the Commission's disposal showed that a significant change in the pattern of trade involving exports from the People's Republic of China and Malaysia to the Union has taken place following the imposition of measures on the product concerned, as outlined in recitals 1 to 4 above, without sufficient due cause or economic justification for such a change other than the imposition of the duty.
- (10) Furthermore, the Commission had at its disposal sufficient prima facie evidence that the remedial effects of the measures in force are being undermined both in terms of quantity and price.
- (11) Finally, the Commission had sufficient prima facie evidence that the prices of the product under investigation are dumped in relation to the normal value previously established for the product concerned.

1.4. *Ex-officio* initiation

- (12) Having determined, after having informed the Member States, that sufficient prima facie evidence existed for the initiation of an investigation, on 1 May 2015 the Commission initiated, on its own initiative, an investigation by Commission Implementing Regulation (EU) 2015/706 ⁽¹⁾ (the 'initiating Regulation') pursuant to Articles 13(3) and 14(5) of the basic Regulation. The Commission, by the initiating Regulation, also directed the customs authorities to register imports of citric acid consigned from Malaysia.

1.5. Investigation

- (13) The Commission officially advised the authorities of the PRC, Malaysia, the known exporting producers in those countries, the importers in the Union known to be concerned and the Union industry of the initiation of the investigation. The Mission of the Republic of Malaysia to the European Union provided contact details of exporting producers in Malaysia. Exemption forms were sent to these exporting producers in Malaysia. Questionnaires were also sent to the known exporting producers in the PRC and unrelated importers in the Union.
- (14) Interested parties were given the opportunity to make their views known in writing and to request a hearing with the Commission and/or the Hearing Officer within the time limit set in the initiating Regulation. All parties were informed that non-cooperation might lead to the application of Article 18 of the basic Regulation and to findings being based on the facts available.
- (15) One Malaysian company came forward claiming that it was not a producer but merely a user of citric acid and therefore it did not request an exemption. This company was informed that, should it have any related producing companies in Malaysia, they were also invited to reply to the exemption form. The Commission did not receive any reply to the exemption form from any Malaysian exporting producer. Six exporting producers in the PRC and four unrelated importers in the Union submitted replies to the questionnaire.

⁽¹⁾ Commission Implementing Regulation (EU) 2015/706 of 30 April 2015 initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Commission Implementing Regulation (EU) 2015/82 on imports of citric acid originating in the People's Republic of China by imports of citric acid consigned from Malaysia, whether declared as originating in Malaysia or not, and making such imports subject to registration (OJ L 113, 1.5.2015, p. 38).

1.6. Reporting period and investigation period

- (16) The investigation period covered the period from 1 January 2011 to 31 March 2015. Data were collected for the investigation period to investigate, inter alia, the alleged change in the pattern of trade. More detailed data were collected for the reporting period from 1 January 2014 to 31 March 2015 in order to examine the possible undermining of the remedial effect of the measures in force in terms of prices and/or quantities and existence of dumping.

2. RESULTS OF THE INVESTIGATION

2.1. General considerations

- (17) In accordance with Article 13(1) of the basic Regulation, the assessment of the existence of circumvention was made by analysing successively whether there was a change in the pattern of trade between the PRC, Malaysia and the Union; if this change stemmed from a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the duty; if there was evidence of injury or that the remedial effects of the duty were being undermined in terms of prices and/or quantities of the product under investigation; and whether there was evidence of dumping in relation to the normal values previously established in the original investigation, if necessary in accordance with the provisions of Article 2 of the basic Regulation.

2.2. Degree of cooperation and determination of the trade volumes

Malaysia

- (18) None of the exporters located in Malaysia cooperated in the present investigation. Given the lack of cooperation, findings concerning exports of citric acid from Malaysia to the Union were made on the basis of facts available in accordance with Article 18(1) of the basic Regulation. In this case, Comext data was used to determine overall import volumes from Malaysia to the Union.

PRC

- (19) Six producers/exporters in the PRC, which were also subject to undertakings, submitted a questionnaire reply. The exports of the cooperating companies covered around 54 % of the total Chinese exports to the Union and around 69 % of the Chinese exports to Malaysia during the reporting period.
- (20) Due to lack of cooperation from Malaysia and only partial cooperation from the PRC, Comext data was used to determine total export volumes from the PRC to the Union. They were crosschecked with Chinese national statistics. Chinese national statistics were also used for the determination of the total export volumes from the PRC to Malaysia.
- (21) The statistical data were counter-checked with the data submitted by the six cooperating exporting producers. The data submitted by the cooperating companies showed similar trends than the trends established in Comext on the one hand and in the Chinese national statistics on the other hand.

2.3. Change in the pattern of trade

Imports of citric acid into the Union

- (22) During the investigation period, imports of the product concerned from the PRC to the Union first increased from 2011 to 2012 by 14 %. Subsequently in 2013, they dropped below the level of 2011 and then increased again in 2014 till the end of the reporting period. Overall, there was an increase of 5 % during the investigation period, from 201 345 tonnes in 2011, to 210 516 tonnes during the reporting period.

- (23) This has to be seen in relation to the relative increase of imports from Malaysia during the same period, i.e. from 792 tonnes in 2011 to 6 837 tonnes during the reporting period, by more than eight times. The total increase in volume of imports from Malaysia between 2011 and the end of the reporting period corresponded to more than 6 000 tonnes.
- (24) Table 1 shows the import quantities of citric acid from the PRC ⁽¹⁾ and Malaysia into the Union from 1 January 2011 to the end of the reporting period.

Table 1

Import volumes from the PRC and Malaysia to the Union

	2011	2012	2013	2014	RP ⁽¹⁾
China (tonnes)	201 345	230 454	193 383	205 791	210 516
<i>Index</i>	100	114	96	102	105
Malaysia (tonnes)	792	1 972	4 403	6 559	6 837
<i>Index</i>	100	249	556	828	863

⁽¹⁾ Data during the reporting period was adjusted to the 12-month period.

Source: Comext statistics.

Exports from the PRC to Malaysia

- (25) Likewise, as shown in table 2 below, there was a substantial relative increase of exports of citric acid from the PRC to Malaysia during the investigation period, i.e. from of 7 990 tonnes in 2011 to 13 763 tonnes in the reporting period, which is an increase of more than 70 %. This increase corresponded to roughly 6 000 tons and thus corresponded almost exactly to the increase of import volumes from Malaysia to the Union as shown in table 1. This increasing trend was also observed with regard to the six cooperating Chinese exporting producers.

Table 2

Export volumes from the PRC to Malaysia

	2011	2012	2013	2014	RP
Total exports to Malaysia in quantity (tonnes)	7 990	7 333	11 693	15 172	13 763
Total exports to Malaysia					
<i>Index</i>	100	92	146	190	172
Exports to Malaysia by cooperating Chinese exporting producers					
<i>Index</i>	100	123	209	197	216

Source: Goodwill China Business Information Ltd, questionnaire replies.

⁽¹⁾ Periods of this investigation, namely 2011, 2012 and, partially, the reporting period, coincided with the periods published in the expiry review Regulation (EU) 2015/82 referred to in recital 4. Import volumes for this investigation were updated with the latest data available in Comext statistics; therefore figures may not exactly correspond to the ones published in the expiry review Regulation (EU) 2015/82.

Conclusion on the change in the pattern of trade

- (26) The increase in volumes, of both exports from Malaysia to the Union and of exports from the PRC to Malaysia has taken place after imposition of the original measures. This constitutes a change in the pattern of trade between the PRC and Malaysia on the one hand, and Malaysia and the Union, on the other hand.
- (27) While it is noted that in absolute terms the volume of imports from Malaysia to the Union was still relatively low during the IP, the trend is sharply increasing.

2.4. Nature of the circumvention practise

- (28) Article 13(1) of the basic Regulation requires that the change in the pattern of trade stem from a practice, process or work for which there is insufficient due cause or economic justification other than the imposition of the duty. The practice, process or work includes, inter alia, the consignment of the product subject to measures via third countries.

Production volume in Malaysia

- (29) As there was no cooperation from any company in Malaysia, no information could be obtained on the possible levels of the genuine production of the product under investigation in Malaysia.

Transshipment

- (30) At the initiation of this investigation the Commission had evidence that some Chinese exporting producers had business contacts with importers in the Union suggesting the possibility for avoidance of duties through transshipment. In addition, as mentioned in recital 29 above, there was no evidence of the existence of any genuine production in Malaysia and none of the companies in Malaysia cooperated. Moreover, as established in recitals 22 to 26 above, there was a clear change in the pattern of trade, manifested by a simultaneous surge in exports from the PRC to Malaysia and imports from Malaysia to the Union, in almost identical quantities.
- (31) It is therefore concluded that there is transshipment of Chinese-origin citric acid to the Union via Malaysia.

2.5. Insufficient due cause or economic justification other than the imposition of the anti-dumping duty

- (32) The investigation did not bring to light any due cause or economic justification for the transshipment other than the avoidance of the measures in force on the product concerned. No elements were found, other than the duty, which could be considered as a compensation for the costs of transshipment, in particular regarding transport and reloading, of citric acid originating in the PRC via Malaysia.

2.6. Undermining the remedial effect of the anti-dumping duty

- (33) To assess whether the imported citric acid had, in terms of quantities and prices, undermined the remedial effects of the measures in force, Comext data was used as the best data available concerning quantities and prices of imports from Malaysia. The prices so determined were compared to the injury elimination level established for Union producers in the previous investigations ⁽¹⁾.
- (34) While it is noted that in absolute terms the volume of imports from Malaysia to the Union was still relatively low during the IP, their trend is sharply increasing. Therefore, the upsurge of imports from Malaysia to the Union from 792 tonnes in 2011 to 6 837 tonnes in the RP was considered to be significant in terms of relative volume.
- (35) The comparison was made between the injury elimination level as established in the previous investigations and the average export price determined on the basis of Comext data in this investigation for Malaysia and adjusted

⁽¹⁾ Implementing Regulation (EU) 2015/82, recital 167.

for post-importation costs. Given the lack of sufficient cooperation the post-importation costs were also established on the basis of the data in the previous investigations. The comparison showed significant underselling for Malaysia of 30-40 %. It was therefore concluded that the remedial effects of the measures in force are being undermined in terms of both quantities and prices.

2.7. Evidence of dumping

- (36) Finally, in accordance with Article 13(1) of the basic Regulation it was examined whether there was evidence of dumping in relation to the normal value established in the previous investigations.
- (37) In the previous investigations, the normal value for the PRC was established on the basis of prices in Canada, which in those investigations was found to be an appropriate market economy analogue country.
- (38) The export prices from Malaysia to the Union were based on facts available, i.e. on the average export price of citric acid during the reporting period as reported in Comext and adjusted as described below.
- (39) For the purpose of a fair comparison between the normal value and the export price, due allowance, in the form of adjustments, was made for differences which affect prices and price comparability in accordance with Article 2(10) of the basic Regulation. Accordingly, adjustments were made for differences in transport and insurance cost. Given that there was no cooperation from the producers in Malaysia, the adjustments had to be established on the basis of facts available, i.e. on price quotation issued by an independent provider of world freight quotations ⁽¹⁾ during the reporting period, for transport and insurance between a given port in Malaysia and a given port in the Union with CIF delivery terms estimated to 65-75 EUR/mt.
- (40) In accordance with Article 2(11) and (12) of the basic Regulation, a dumping margin was calculated by comparing the weighted average normal value as established in the previous investigations and the corresponding weighted average export prices from Malaysia to the Union as established in recitals 38 and 39 above during the reporting period, expressed as a percentage of the CIF price at the Union frontier duty unpaid. The comparison showed dumping amounting to 50-60 %.

3. MEASURES

- (41) Given the above, the Commission concluded that the definitive anti-dumping duty imposed on imports into the Union of citric acid originating in the PRC was being circumvented by means of transshipment via Malaysia pursuant to Article 13(1) of the basic Regulation.
- (42) In accordance with the first sentence of Article 13(1) of the basic Regulation, the measures in force on imports of the product concerned, should therefore be extended to imports of the product under investigation, i.e. the same product but consigned from Malaysia, whether declared as originating in Malaysia or not.
- (43) The measures to be extended are the measures established in Article 1(2) of Commission Implementing Regulation (EU) 2015/82 for 'all other companies', which is presently a definitive anti-dumping duty of 42,7 % applicable to the net, free-at-Union-frontier price, before duty.
- (44) In accordance with Articles 13(3) and 14(5) of the basic Regulation, which provide that any extended measure should apply to imports which entered the Union under registration imposed by the initiating Regulation, duties should be collected on those registered imports of citric acid consigned from Malaysia.

4. REQUESTS FOR EXEMPTION

- (45) As stated in recital 15 none of the producers in the country concerned came forward following initiation. Accordingly, no requests for exemption from the possible extension of the measures in accordance with Article 13(4) of the basic Regulation were made.

⁽¹⁾ www.worldfreightrates.com

5. NEW EXPORTERS

- (46) Without prejudice to Article 11(3) of the basic Regulation, the producers in Malaysia which did not come forward in this proceeding and did not export the product under investigation to the Union in the reporting period and which consider lodging a request for an exemption from the extended anti-dumping duty pursuant to Articles 11(4) and 13(4) of the basic Regulation will be required to complete an exemption form in order to enable the Commission to determine whether an exemption may be warranted. Such exemption may be granted after the assessment of the market situation, production capacity and capacity utilisation, procurement and sales and the likelihood of continuation of practices for which there is insufficient due cause or economic justification and the evidence of dumping. The Commission would normally also carry out an on-the-spot verification visit. The request should be addressed to the Commission, with all relevant information, in particular any modification in the company's activities linked to the production and sales.
- (47) Where an exemption is warranted, the Commission will, after consultation of the Advisory Committee, propose the amendment of the extended measures in force accordingly. Subsequently, any exemption granted will be monitored to ensure compliance.

6. DISCLOSURE

All interested parties were informed of the essential facts and considerations leading to the above conclusions and were invited to comment. No comments were submitted.

- (48) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EC) No 1225/2009.

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive anti-dumping duty applicable to 'all other companies' imposed by Article 1(2) of Regulation (EC) No 1193/2008 on imports of citric acid originating in the People's Republic of China, is hereby extended to imports of citric acid, consigned from Malaysia, whether declared as originating in Malaysia or not, currently falling within CN codes 2918 14 00 (TARIC code 2918 14 00 10) and ex 2918 15 00 (TARIC code 2918 15 00 11).
2. The duty extended by paragraph 1 of this Article shall be collected on imports consigned from Malaysia, whether declared as originating in Malaysia or not, registered in accordance with Article 2 of Implementing Regulation (EU) 2015/706 and Articles 13(3) and 14(5) of Regulation (EC) No 1225/2009.
3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

1. Requests for exemption from the duty extended by Article 1 shall be made in writing in one of the official languages of the European Union and must be signed by a person authorised to represent the entity requesting the exemption. The request must be sent to the following address:

European Commission
Directorate-General for Trade
Directorate H
Office: CHAR 04/039
1040 Brussels
BELGIUM

2. In accordance with Article 13(4) of Regulation (EC) No 1225/2009, the Commission may authorise, by decision, the exemption of imports from companies which do not circumvent the anti-dumping measures imposed by Regulation (EU) No 791/2011, from the duty extended by Article 1.

Article 3

Customs authorities are hereby directed to discontinue the registration of imports, established in accordance with Article 2 of Regulation (EU) 2015/706.

Article 4

This Regulation shall enter into force on the 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, 14 January 2016.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/33**of 14 January 2016****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, 14 January 2016.

*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	120,0
	MA	84,7
	TN	84,8
	TR	107,9
	ZZ	99,4
0707 00 05	MA	87,2
	TR	153,1
	ZZ	120,2
0709 93 10	MA	70,5
	TR	161,0
	ZZ	115,8
0805 10 20	EG	46,6
	MA	73,1
	TR	69,8
	ZA	74,1
	ZW	44,1
	ZZ	61,5
0805 20 10	IL	167,2
	MA	83,1
	ZZ	125,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	89,1
	JM	147,2
	MA	51,1
	TR	104,0
	ZZ	97,9
	ZZ	92,2
0805 50 10	TR	94,8
	ZZ	93,5
0808 10 80	CA	156,8
	CL	84,4
	US	159,8
	ZZ	133,7
0808 30 90	CN	75,5
	TR	132,0
	ZZ	103,8

⁽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

DECISION (EU) 2016/34 OF THE EUROPEAN PARLIAMENT

of 17 December 2015

on setting up a Committee of Inquiry into emission measurements in the automotive sector, its powers, numerical strength and term of office

THE EUROPEAN PARLIAMENT,

- having regard to the request presented by 283 Members for a committee of inquiry to be set up to investigate alleged contraventions and maladministration in the application of Union law in relation to emission measurements in the automotive sector,
 - having regard to the proposal by the Conference of Presidents,
 - having regard to Article 226 of the Treaty on the Functioning of the European Union,
 - having regard to Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry ⁽¹⁾,
 - having regard to Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6), and on access to vehicle repair and maintenance information ⁽²⁾,
 - having regard to Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles ⁽³⁾,
 - having regard to Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe ⁽⁴⁾, and ongoing infringement procedures in respect of it,
 - having regard to Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles ⁽⁵⁾,
 - having regard to its resolution of 27 October 2015 on emission measurements in the automotive sector ⁽⁶⁾, which calls for a thorough investigation regarding the role and responsibility of the Commission and of Member States' authorities, bearing in mind, inter alia, the problems established in the 2011 report of the Commission's Joint Research Centre,
 - having regard to the draft Commission Regulation amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6) (D042120),
 - having regard to the opinion delivered on 28 October 2015 by the Technical Committee — Motor Vehicles (TCMV) established by Article 40(1) of Directive 2007/46/EC,
 - having regard to Rule 198 of its Rules of Procedure,
1. Decides to set up a Committee of Inquiry to investigate alleged contraventions and maladministration in the application of Union law in relation to emission measurements in the automotive sector, without prejudice to the jurisdiction of national or Union courts;

⁽¹⁾ OJ L 113, 19.5.1995, p. 1.

⁽²⁾ OJ L 171, 29.6.2007, p. 1.

⁽³⁾ OJ L 263, 9.10.2007, p. 1.

⁽⁴⁾ OJ L 152, 11.6.2008, p. 1.

⁽⁵⁾ OJ L 140, 5.6.2009, p. 1.

⁽⁶⁾ Texts adopted, P8_TA(2015)0375.

2. Decides that the Committee of Inquiry shall:

- investigate the alleged failure of the Commission to comply with the obligation imposed by Article 14(3) of Regulation (EC) No 715/2007 to keep under review the test cycles used to measure emissions and to adapt them, if they are no longer adequate or no longer reflect real world emissions, so as to adequately reflect the emissions generated by real driving on the road, despite information relating to serious and persistent exceedances of the emissions limit values for vehicles in normal use, in contravention of the obligations set out in Article 5(1) of Regulation (EC) No 715/2007, including the Commission's Joint Research Centre's reports of 2011 and 2013 and research by the International Council on Clean Transportation (ICCT) made available in May 2014;
- investigate the alleged failure of the Commission and the Member States' authorities to take proper and effective action to oversee the enforcement of, and to enforce, the explicit ban on defeat devices, as provided for in Article 5(2) of Regulation (EC) No 715/2007;
- investigate the alleged failure of the Commission to introduce tests reflecting real-world driving conditions in a timely manner and to adopt measures addressing the use of defeat mechanisms, as provided for in Article 5(3) of Regulation (EC) No 715/2007;
- investigate the alleged failure of Member States to lay down provisions on effective, proportionate and dissuasive penalties applicable to manufacturers for infringements of the provisions of Regulation (EC) No 715/2007, including the use of defeat devices, the refusal to provide access to information, and the falsification of test results for type-approval or in-service conformity, as required by Article 13(1) and (2) of that Regulation;
- investigate the alleged failure of the Member States to take all measures necessary to ensure that the provisions on penalties applicable for infringements of Regulation (EC) No 715/2007 are implemented as required by Article 13(1) of that Regulation;
- collect and analyse information to ascertain whether the Commission and the Member States had evidence of the use of defeat mechanisms before the Notice of Violation issued by the Environmental Protection Agency of the United States of America on 18 September 2015;
- collect and analyse information on the implementation by the Member States of the provisions of Directive 2007/46/EC, in particular as regards Article 12(1) and Article 30(1), (3) and (4);
- collect and analyse information to ascertain whether the Commission and Member States had evidence of defeat devices being used for CO₂ emissions tests;
- make any recommendations that it deems necessary in this matter;

3. Decides that the Committee of Inquiry shall present an interim report within 6 months of starting its work and shall submit its final report within 12 months of starting its work;

4. Decides that the Committee of Inquiry shall have 45 members;

5. Instructs its President to arrange for publication of this decision in the *Official Journal of the European Union*.

COUNCIL DECISION (CFSP) 2016/35
of 14 January 2016
amending Decision 2010/413/CFSP concerning restrictive measures against Iran

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 26 July 2010, the Council adopted Decision 2010/413/CFSP ⁽¹⁾ concerning restrictive measures against Iran.
- (2) On 24 November 2013, China, France, Germany, the Russian Federation, the United Kingdom and the United States, supported by the High Representative of the Union for Foreign Affairs and Security Policy, reached an agreement with Iran on a Joint Plan of Action which sets out an approach towards reaching a long-term comprehensive solution to the Iranian nuclear issue. It was agreed that the process leading to this comprehensive solution would include, as a first step, initial mutually-agreed measures to be taken by both sides for a duration of 6 months and renewable by mutual consent.
- (3) On 14 July 2015, China, France, Germany, the Russian Federation, the United Kingdom and the United States, supported by the High Representative of the Union for Foreign Affairs and Security Policy, reached an agreement on a long-term comprehensive solution to the Iranian nuclear issue. The successful implementation of the Joint Comprehensive Plan of Action (JCPOA) will ensure the exclusively peaceful nature of the Iranian nuclear programme and provide for the comprehensive lifting of all nuclear-related sanctions.
- (4) On 14 July 2015, China, France, Germany, the Russian Federation, the United Kingdom and the United States, supported by the High Representative of the Union for Foreign Affairs and Security Policy, agreed with Iran to extend the implementation of the measures of the Joint Plan of Action to allow for the necessary arrangements and preparations for the implementation of the JCPOA.
- (5) On 14 July 2015, by Decision (CFSP) 2015/1148 ⁽²⁾, the Council decided to extend the implementation of the measures of the Joint Plan of Action until 14 January 2016.
- (6) In order to provide sufficient time for the necessary arrangements and preparations for the implementation of the JCPOA, the suspension of the Union restrictive measures specified in the Joint Plan of Action should be extended until 28 January 2016. Relevant contracts would have to be executed by that date.
- (7) Decision 2010/413/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 26a of Decision 2010/413/CFSP is replaced by the following:

'Article 26a

1. The prohibition set out in Article 3a(1) shall be suspended until 28 January 2016 insofar as it concerns the transport of Iranian crude oil.

⁽¹⁾ Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ L 195, 27.7.2010, p. 39).

⁽²⁾ Council Decision (CFSP) 2015/1148 of 14 July 2015 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ L 186, 14.7.2015, p. 2).

2. The prohibition set out in Article 3a(2) shall be suspended until 28 January 2016 insofar as it concerns the provision of insurance and reinsurance, related to the import, purchase, or transport of Iranian crude oil.
3. The prohibition set out in Article 3b shall be suspended until 28 January 2016.
4. The prohibition set out in Article 4c shall be suspended until 28 January 2016 insofar as it concerns gold and precious metals.
5. Article 10(3)(a), (b) and (c) shall be replaced by the following points until 28 January 2016:
 - “(a) transfers due on transactions regarding foodstuffs, healthcare, medical equipment, or for agricultural or humanitarian purposes below EUR 1 000 000, as well as transfers regarding personal remittances, below EUR 400 000, shall be carried out without any prior authorisation. The transfer shall be notified to the competent authority of the Member State concerned if above EUR 10 000;
 - (b) transfers due on transactions regarding foodstuffs, healthcare, medical equipment, or for agricultural or humanitarian purposes above EUR 1 000 000, as well as transfers regarding personal remittances, above EUR 400 000, shall require the prior authorisation from the competent authority of the Member State concerned. The relevant Member State shall inform the other Member States of any authorisation granted;
 - (c) any other transfer above EUR 100 000 shall require the prior authorisation from the competent authority of the Member State concerned. The relevant Member State shall inform the other Member States of any authorisation granted.”.
6. Article 10(4)(b) and (c) shall be replaced by the following points until 28 January 2016:
 - “(b) any other transfer below EUR 400 000 shall be carried out without any prior authorisation. The transfer shall be notified to the competent authority of the Member State concerned if above EUR 10 000;
 - (c) any other transfer above EUR 400 000 shall require the prior authorisation from the competent authority of the Member State concerned. The authorisation shall be deemed granted within 4 weeks unless the competent authority of the Member State concerned has objected within that time limit. The relevant Member State shall inform the other Member States of any authorisation rejected.”.
7. The prohibitions set out in Article 18b shall be suspended until 28 January 2016.
8. The prohibitions set out in Article 20(1)(b) and (c) and in Article 20(2) to the Ministry of Petroleum, listed in Annex II, shall be suspended until 28 January 2016, insofar as necessary for the execution, until 28 January 2016, of contracts for the import or purchase of Iranian petrochemical products.’.

Article 2

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

Done at Brussels, 14 January 2016.

For the Council
The President
A.G. KOENDERS

COUNCIL DECISION (CFSP) 2016/36
of 14 January 2016
amending Decision 2010/413/CFSP concerning restrictive measures against Iran

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 26 July 2010, the Council adopted Decision 2010/413/CFSP ⁽¹⁾ concerning restrictive measures against Iran.
- (2) Decision 2010/413/CFSP allows for, inter alia, the execution of obligations provided for in contracts concluded before 23 January 2012 or in ancillary contracts necessary for the execution of such obligations where the supply of Iranian crude oil and petroleum products or the proceeds derived from their supply are for the reimbursement of outstanding amounts with respect to contracts concluded before 23 January 2012 to persons or entities within the territories of Member States or under their jurisdiction, where those contracts specifically provide for such reimbursements.
- (3) Decision 2010/413/CFSP also provides that the asset freeze measures set out in that Decision do not apply to acts and transactions carried out with regard to entities listed in Annex II to that Decision insofar as necessary for the execution, until 14 January 2016, of the relevant obligations.
- (4) The Council considers that that exemption should be extended until 28 January 2016.
- (5) Further action by the Union is needed in order to implement measures provided for in this Decision.
- (6) Decision 2010/413/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 20(14) of Decision 2010/413/CFSP is replaced by the following:

‘14. Paragraphs 1 and 2 shall not apply to acts and transactions carried out with regard to entities listed in Annex II insofar as necessary for the execution, until 28 January 2016, of the obligations as referred to in Article 3c(2) provided that those acts and transactions have been authorised in advance, on a case-by-case basis, by the relevant Member State. The relevant Member State shall inform the other Member States and the Commission of its intention to grant an authorisation.’.

Article 2

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

Done at Brussels, 14 January 2016.

For the Council
The President
A.G. KOENDERS

⁽¹⁾ Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ L 195, 27.7.2010, p. 39).

