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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2016/1042

of 24 June 2016

amending Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products, as regards the applicable quantitative limitation for the buying-in of skimmed milk powder

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The milk and milk products sector is experiencing a prolonged period of severe market imbalance. While world import demand for milk and milk products remained stable overall in 2015 in comparison with 2014, production significantly increased in the Union and other main exporting regions.
- (2) Investments in milk-production capacity in the Union, made in preparation for the expiry of milk quotas and in view of positive medium-term prospects on the world market, have resulted in steadily increasing milk production in the Union. Milk volumes produced in excess are processed into long-term storable products such as butter and skimmed milk powder.
- (3) Prices of skimmed milk powder in the Union consequently declined in the years 2014 and 2015, when they hit the public intervention price.
- (4) Council Regulation (EU) No 1370/2013 ⁽¹⁾ sets quantitative limitations for the buying-in of butter and skimmed milk powder at the fixed price referred to in that Regulation. Once those limits are reached, buying-in is to be carried out by way of a tendering procedure to determine the maximum buying-in price.
- (5) The 109 000 tonnes initial quantitative limitation for buying-in skimmed milk powder at fixed price set by Regulation (EU) No 1370/2013 was reached on 31 March 2016.
- (6) In order to help the milk and milk products sector to find a new balance in the prevailing severe market situation and to preserve confidence in the effectiveness of public intervention mechanisms, the quantitative limitations for buying-in butter and skimmed milk powder at a fixed price were doubled for the year 2016 by Council Regulation (EU) 2016/591 ⁽²⁾.

⁽¹⁾ Council Regulation (EU) No 1370/2013 of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products (OJ L 346, 20.12.2013, p. 12).

⁽²⁾ Council Regulation (EU) 2016/591 of 15 April 2016 amending Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products, as regards applicable quantitative limitations for the buying-in of butter and skimmed milk powder (OJ L 103, 19.4.2016, p. 3).

- (7) A tendering procedure took place before the entry in force of Regulation (EU) 2016/591 and 27 000 tonnes skimmed milk powder were bought in under that procedure.
- (8) Since the resumption of buying-in at fixed price under the new quantitative limitation, quantities of skimmed milk powder purchased each week have been considerably higher than at the beginning of the year. It is therefore expected that the new quantitative limitation will be quickly reached.
- (9) Where a tendering procedure is triggered before the entry into force of this Regulation, any volumes bought in under that procedure should not be taken into account for the purposes of determining the available volumes for the buying-in of skimmed milk powder at a fixed price in 2016.
- (10) In order to ensure that the temporary measure provided for in this Regulation has an immediate impact on the market and contributes to the stabilisation of prices, this Regulation should enter into force on the day following that of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3(1) of Regulation (EU) No 1370/2013, the second subparagraph is replaced by the following:

‘By way of derogation from the first subparagraph, in the year 2016, the quantitative limitations for the buying-in of butter and skimmed milk powder at fixed price shall be 100 000 tonnes for butter and 350 000 tonnes for skimmed milk powder. Any volumes bought in under a tendering procedure ongoing on 29 June 2016 shall not be counted against those quantitative limitations.’.

Article 2

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 Luxembourg, 24 June 2016.

For the Council

The President

A.G. KOENDERS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1043**of 15 June 2016****entering a name in the register of protected designations of origin and protected geographical indications (Café de Valdesia (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, the Dominican Republic's application to register the name 'Café de Valdesia' 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 'Café de Valdesia' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Café de Valdesia' (PDO) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.8. Other products listed in Annex I to the Treaty (spices etc.), in accordance with 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, 15 June 2016.

*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 91, 8.3.2016, p. 15.

⁽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) 2016/1044**of 15 June 2016****entering a name in the register of protected designations of origin and protected geographical indications (Ginja de Óbidos e Alcobaça (PGI))**

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, Portugal's application to register the name 'Ginja de Óbidos e Alcobaça' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of objection under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Ginja de Óbidos e Alcobaça' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Ginja de Óbidos e Alcobaça' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.6. Fruit, vegetables and cereals fresh or processed, 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, 15 June 2016.

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 91, 8.3.2016, p. 12.

⁽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) 2016/1045**of 28 June 2016**

withdrawing the acceptance of the undertaking for one exporting producer under Implementing Decision 2013/707/EU confirming the acceptance of an undertaking offered in connection with the anti-dumping and anti-subsidy proceedings concerning imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China for the period of application of definitive measures

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 anti-dumping Regulation'), and in particular Article 8 thereof,

Having regard to Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidized imports from countries not members of the European Community ⁽²⁾ ('the basic anti-subsidy Regulation'), and in particular Article 13 thereof,

Informing the Member States,

Whereas:

A. UNDERTAKING AND OTHER EXISTING MEASURES

- (1) By Regulation (EU) No 513/2013 ⁽³⁾, the European Commission ('the Commission') imposed a provisional anti-dumping duty on imports into the European Union ('the Union') of crystalline silicon photovoltaic modules ('modules') and key components (i.e. cells and wafers) originating in or consigned from the People's Republic of China ('the PRC').
- (2) A group of exporting producers gave a mandate to the China Chamber of Commerce for Import and Export of Machinery and Electronic Products ('CCCME') to submit a price undertaking on their behalf to the Commission, which they did. It is clear from the terms of that price undertaking that it constitutes a bundle of individual price undertakings for each exporting producer, which is, for reasons of practicality of administration, coordinated by the CCCME.
- (3) By Decision 2013/423/EU ⁽⁴⁾, the Commission accepted that price undertaking with regard to the provisional anti-dumping duty. By Regulation (EU) No 748/2013 ⁽⁵⁾, the Commission amended Regulation (EU) No 513/2013 to introduce the technical changes necessary due to the acceptance of the undertaking with regard to the provisional anti-dumping duty.
- (4) By Implementing Regulation (EU) No 1238/2013 ⁽⁶⁾, the Council imposed a definitive anti-dumping duty on imports into the Union of modules and cells originating in or consigned from the PRC ('the products concerned'). By Implementing Regulation (EU) No 1239/2013 ⁽⁷⁾, the Council also imposed a definitive countervailing duty on imports into the Union of the products concerned.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 188, 18.7.2009, p. 93.

⁽³⁾ OJ L 152, 5.6.2013, p. 5.

⁽⁴⁾ OJ L 209, 3.8.2013, p. 26.

⁽⁵⁾ OJ L 209, 3.8.2013, p. 1.

⁽⁶⁾ OJ L 325, 5.12.2013, p. 1.

⁽⁷⁾ OJ L 325, 5.12.2013, p. 66.

- (5) Following the notification of an amended version of the price undertaking by a group of exporting producers ('the exporting producers') together with the CCCME, the Commission confirmed by Implementing Decision 2013/707/EU ⁽¹⁾ the acceptance of the price undertaking as amended ('the undertaking') for the period of application of definitive measures. The Annex to this Decision lists the exporting producers for whom the undertaking was accepted, including Zhejiang Xiongtai Photovoltaic Technology Co. Ltd ('Shinetime China') together with its related company in the Union (SHINETIME SOLAR GMBH, 'Shinetime Europe'), jointly covered by the TARIC additional code: B919.
- (6) By Implementing Decision 2014/657/EU ⁽²⁾ the Commission accepted a proposal by the group of the exporting producers together with the CCCME for clarifications concerning the implementation of the undertaking for the products concerned covered by the undertaking, that is modules and cells originating in or consigned from the PRC, currently falling within CN codes ex 8541 40 90 (TARIC codes 8541 40 90 21, 8541 40 90 29, 8541 40 90 31 and 8541 40 90 39) produced by the exporting producers ('product covered'). The anti-dumping and countervailing duties referred to in recital (4) above, together with the undertaking, are jointly referred to as 'measures'.
- (7) By Implementing Regulation (EU) 2015/866 ⁽³⁾ the Commission withdrew the acceptance of the undertaking for three exporting producers.
- (8) By Implementing Regulation (EU) 2015/1403 ⁽⁴⁾ the Commission withdrew the acceptance of the undertaking for another exporting producer.
- (9) By Implementing Regulation (EU) 2015/2018 ⁽⁵⁾ the Commission withdrew the acceptance of the undertaking for two exporting producers.
- (10) The Commission initiated an expiry review investigation under Article 11(2) of the basic anti-dumping Regulation by a Notice of Initiation published in the *Official Journal of the European Union* ⁽⁶⁾ on 5 December 2015.
- (11) The Commission initiated an expiry review investigation under Article 18 of the basic anti-subsidy Regulation by a Notice of Initiation published in the *Official Journal of the European Union* ⁽⁷⁾ on 5 December 2015.
- (12) The Commission also initiated a partial interim review under Article 11(3) of the basic anti-dumping Regulation and Article 19 of the basic anti-subsidy Regulation by a Notice of Initiation published in the *Official Journal of the European Union* ⁽⁸⁾ on 5 December 2015.
- (13) By Implementing Regulation (EU) 2016/115 ⁽⁹⁾ the Commission withdrew the acceptance of the undertaking for another exporting producer.
- (14) By Implementing Regulation (EU) 2016/185 ⁽¹⁰⁾, the Commission extended the definitive anti-dumping duty imposed by Council Regulation (EU) No 1238/2013 on imports of the products concerned originating in or consigned from the People's Republic of China to imports of the product concerned consigned from Malaysia and Taiwan, whether declared as originating in Malaysia and in Taiwan or not.
- (15) By Implementing Regulation (EU) 2016/184 ⁽¹¹⁾, the Commission extended the definitive countervailing duty imposed by Implementing Regulation (EU) No 1239/2013 on imports of the products concerned originating in or consigned from the People's Republic of China to imports of the product concerned consigned from Malaysia and Taiwan, whether declared as originating in Malaysia and in Taiwan or not.

⁽¹⁾ OJ L 325, 5.12.2013, p. 214.

⁽²⁾ OJ L 270, 11.9.2014, p. 6.

⁽³⁾ OJ L 139, 5.6.2015, p. 30.

⁽⁴⁾ OJ L 218, 19.8.2015, p. 1.

⁽⁵⁾ OJ L 295, 12.11.2015, p. 23.

⁽⁶⁾ OJ C 405, 5.12.2015, p. 8.

⁽⁷⁾ OJ C 405, 5.12.2015, p. 20.

⁽⁸⁾ OJ C 405, 5.12.2015, p. 33.

⁽⁹⁾ OJ L 23, 29.1.2016, p. 23.

⁽¹⁰⁾ OJ L 37, 12.2.2016, p. 76.

⁽¹¹⁾ OJ L 37, 12.2.2016, p. 56.

B. TERMS OF THE UNDERTAKING

- (16) The exporting producers agreed, inter alia, not to sell the product covered to the first independent customer in the Union below a certain minimum import price ('the MIP') within the associated annual level of imports to the Union ('annual level') laid down in the undertaking.
- (17) The undertaking sets out, in a non-exhaustive list, the breaches of the undertaking. That list includes, in particular, issuing a commercial invoice or re-sale invoice for which the underlying financial transaction (e.g. the amount of money actually received from the buyer after any adjustments for credit/debit notes and the like) is not in conformity with the face value of the commercial invoice.

The exporting producer is liable for the breach of any of its related parties which are defined in the undertaking.

- (18) The undertaking also obliges the exporting producers to provide the Commission on a quarterly basis with detailed information on all their export sales to and re-sales in the Union ('the quarterly reports'). This implies that the data submitted in these quarterly reports must be complete and correct and the reported transactions fully comply with the terms of the undertaking.
- (19) For the purpose of ensuring compliance with the undertaking, the exporting producers also undertook to provide all information considered necessary by the Commission.

C. MONITORING OF THE EXPORTING PRODUCERS

- (20) While monitoring compliance with the undertaking, the Commission verified information submitted by Shintime China and its related company in the Union that was relevant to the undertaking. The Commission also received evidence from customs authorities of one Member State on the basis of Article 8(9) of the basic anti-dumping Regulation and Article 13(9) and of the basic anti-subsidy Regulation.
- (21) The findings set out in recitals (22) to (25) address the problems identified for Shintime China and its related company in the Union which oblige the Commission to withdraw the acceptance of the undertaking for this exporting producer.

D. GROUNDS TO WITHDRAW THE ACCEPTANCE OF THE UNDERTAKING

(a) Sales by Shintime China

- (22) The evidence received and publicly available information demonstrate that an allegedly unrelated importer in the Union shared, at least for a certain time, the same address as Shintime Europe. This allegedly unrelated importer had issued two re-sale invoices for one transaction of solar modules to his final customer: one invoice on which the MIP was respected and another invoice for which the MIP was not respected. Invoice numbers, volume of modules and company product codes were identical. The payment from the final customer was made to Shintime China for this transaction and corresponded to the invoice value for which the MIP was not respected. This practise had occurred at least in one instance.
- (23) In addition, the evidence received demonstrates the existence of another form of undertaking circumvention. Shintime China had issued a pro-forma invoice below the MIP to an unrelated customer in the Union. This customer had engaged in paying the below MIP amount to Shintime China's account in Hong Kong.

(b) Sales by Shintime Europe

- (24) The evidence received demonstrates that Shintime Europe had also issued two re-sale invoices for one transaction of solar modules to the first unrelated customer in the Union: one invoice on which the MIP was respected and another invoice for which the MIP was not respected. Invoice numbers, volume of modules and company product codes were identical. The payment from the first unrelated customer in the Union to Shintime Europe for this transaction corresponded to the invoice value for which the MIP was not respected.

- (25) Moreover, for the period in which the transaction referred to in recital (24) had taken place, Shinetime Europe failed to submit a quarterly sales report to the Commission.
- (26) The Commission assessed the evidence submitted and the non-reporting and concluded that breaches of the undertaking had occurred.

E. INVALIDATION OF UNDERTAKING INVOICE

- (27) The evidence received demonstrates that the re-sale invoice referred to in recital (24) is linked to the following transaction:

Number of Commercial invoice accompanying goods subject to an undertaking	Date	Issued by	Issued to
XTSSG1501-004-CI	16 January 2015	Zhejiang Xiongtai Photo-voltaic Technology Co. Ltd	SHINETIME SOLAR GMBH

Therefore, in accordance with Article 3(2)(b) of Implementing Regulation (EU) No 1238/2013, Article 2(2)(b) of Implementing Regulation (EU) No 1239/2013, this invoice is declared invalid. The customs debt incurred at the time of acceptance of the declaration for release into free circulation should be recovered by the national customs authorities under Article 105(3)-(6) of Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽¹⁾ when the withdrawal of the undertaking in relation to Shinetime China together with its related company in the Union enters into force. The national customs authorities responsible for the collection of duties will be informed accordingly.

In this context, the Commission recalls that pursuant to Article 3(1)(b) read in conjunction with Annex III, Nr. 7 of Implementing Regulation (EU) No 1238/2013 and to Article 2(1)(b) read in conjunction with Annex 2, Nr. 7 of Implementing Regulation (EU) No 1239/2013, imports are only exempted from duties if the invoice indicates the price and possible rebates. Where those conditions are not complied with, duties are due, even where the commercial invoice accompanying the goods has not been invalidated by the Commission.

F. ASSESSMENT OF PRACTICABILITY OF THE OVERALL UNDERTAKING

- (28) The undertaking stipulates that a breach by an individual exporting producer does not automatically lead to the withdrawal of the acceptance of the undertaking for all exporting producers. In such a case, the Commission shall assess the impact of that particular breach on the practicability of the undertaking with the effect for all exporting producers and the CCCME.
- (29) The Commission has accordingly assessed the impact of the breaches by Shinetime China and its related company in the Union on the practicability of the undertaking with the effect for all exporting producers and the CCCME.
- (30) The responsibility for the breaches lies alone with the exporting producer in question; the monitoring has so far not revealed any systematic breaches by a major number of exporting producers or the CCCME.
- (31) The Commission therefore concludes that the overall functioning of the undertaking is not affected and that there are at present no grounds for withdrawal of the acceptance of the undertaking for all exporting producers and the CCCME.

G. WRITTEN SUBMISSIONS AND HEARINGS

- (32) Interested parties were granted the opportunity to be heard and to comment pursuant to Article 8(9) of the basic anti-dumping Regulation and Article 13(9) of the basic anti-subsidy Regulation. Shinetime China submitted comments on behalf of Shinetime China and Shinetime Europe and has been heard.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

Authenticity of invoices issued by Shinetime China and Shinetime Europe

- (33) Shinetime China contested that Shinetime China and Shinetime Europe had issued invoices and re-sale invoices for which the MIP was not respected. Shinetime China explained that their internal rules require all official invoices to be signed and sealed. In the absence of signature and seal on the invoices referred to in recitals (23) and (24), Shinetime China could not trace those invoices in their system. Shinetime China only confirmed the issuance of one re-sale invoice that respected the MIP.
- (34) The Commission rejects this argument. The Commission did not argue whether the invoices referred to in the above recitals were official invoices of Shinetime China and official re-sale invoices of Shinetime Europe.
- (35) On the contrary, the claim of Shinetime China on the authenticity of these invoices is irrelevant. The Commission established that an unrelated customer in the Union had engaged to pay an amount below the MIP to Shinetime China for the transaction referred to in recital (23). The Commission based this finding on a correspondence which Shinetime China claimed not to be in position to refute due to the departure of the relevant personnel. The Commission considers that the sole statement of Shinetime China that neither the relevant correspondence nor the invoice in question is traceable in its system or that the company does not have an account in Hong Kong is insufficient to alter the above finding.
- (36) In addition, the Commission also established that the payment from the first unrelated customer in the Union to Shinetime Europe for the transaction referred to in recital (24) corresponded to the re-sale invoice value for which the MIP was not respected. Therefore, even if Shinetime China claimed the re-sale invoice issued for an amount below the MIP as not authentic, the underlying financial transaction (e.g. the amount of money actually received from the buyer after any adjustments for credit/debit notes and the like) was not in conformity with the face value of the commercial re-sale invoice confirmed to be the official re-sale invoice of Shinetime Europe. The arguments of Shinetime China concerning the payment of the invoice are addressed in recitals (41) to (48).

Sale below MIP by Shinetime China

- (37) Shinetime China claimed that the payment received from the allegedly unrelated importer referred to in recital (22) was only a prepayment. Shinetime China submitted the export documentation and an extract from the customer ledger concerning the allegedly unrelated importer to substantiate this claim.
- (38) The Commission rejects this argument. The evidence received from the national customs authorities demonstrate that the final customer in the Union directly paid to Shinetime China the re-sale invoice that the allegedly unrelated importer referred to in recital (22) issued. This (below MIP) payment to Shinetime China referenced the re-sale invoice number which the allegedly unrelated importer issued.
- (39) An extract from the customer ledger, without any further evidence to link the payment received from the allegedly unrelated importer to the transaction of the final customer in the Union is irrelevant, hence does not refute the evidence disclosed to Shinetime China. The argument on the possible prepayment by the allegedly unrelated importer is also irrelevant in this regard.
- (40) Therefore, the Commission upholds its finding that Shinetime China breached the undertaking by selling below the MIP via an allegedly unrelated importer in the Union.

Sale below MIP by Shinetime Europe

- (41) Shinetime China claimed that the documentation related to the transaction referred to in recital (24) was in line with the requirements of the undertaking and that it respected the MIP. Shinetime China submitted the underlying export documentation and the customs declaration.
- (42) The Commission rejects this argument. The alleged compliance with the MIP on the basis of such documentation is irrelevant to the assessment whether the underlying payment transaction confirmed that the MIP was in fact respected.

- (43) Shintime China also argued that the payment to Shintime Europe was only a partial payment. The balance, including a late payment interest, due to the cease of Shintime Europe's business activity was paid to Shintime China 10 months later. Shintime China submitted the underlying confirmation of payment to substantiate its argument on partial payment.
- (44) The Commission cannot accept this argument for the following reasons.
- (45) First, the payment term referred to in the underlying re-sale invoice was clearly 100 % prepayment. In addition, the payment by the unrelated customer in the Union did not contain any reference to prepayment. On the contrary, it contained reference to the re-sale invoice and corresponded to the re-sale invoice value not respecting the MIP.
- (46) Second, the delivery notice submitted by Shintime China suggests that the solar modules were indeed delivered to the unrelated customer in the Union despite the non-respect of the payment term. The balance payment was not requested for almost ten additional months following the delivery.
- (47) Third, Shintime China did not submit any further evidence (such as agreement with the customer on the alleged partial payment or debit note for late payment interest) to support its claim concerning the alleged partial payment and late payment interest, apart from the confirmation of payment for these amounts.
- (48) Finally, none of the alleged requests for payment, including the request for late payment interest were reported to the Commission.
- (49) Therefore, the Commission considers the arguments of Shintime China unfounded and upholds its conclusions that Shintime Europe breached the undertaking by selling below the MIP to an unrelated customer in the Union.

Non-reporting

- (50) Shintime China claimed that Shintime Europe submitted the relevant quarterly sales report late. In addition, Shintime China admitted that the transaction referred to in recital (24) was not reported to the Commission.
- (51) Set aside that Shintime China has not respected its obligation to inform the Commission about the cease of the business activity of Shintime Europe, the Commission points out that the reporting obligation covers all transactions in the given calendar quarter. Shintime Europe has failed to report the transaction referred to in recital (24) which took place in a quarter prior to the cease of its business activity. Therefore, the Commission upholds its conclusion that Shintime Europe breached the reporting obligation under the undertaking.
- (52) Shintime China also claimed that the late submission of the quarterly report is not sufficient to invalidate the transaction referred to in recital (24).
- (53) The Commission points out that the reasons to invalidate the given transaction are explained in recital (24) and (27). The late submission of the quarterly sales report, in particular the fact that the transaction in question was not reported, are breaches of the reporting obligation under the undertaking. Such breaches, although they constitute sufficient grounds for the withdrawal of Shintime China from the undertaking, are not taken into account in the assessment concerning the invalidation of the given transaction.

H. WITHDRAWAL OF THE ACCEPTANCE OF THE UNDERTAKING AND IMPOSITIONS OF DEFINITIVE DUTIES

- (54) Therefore, in accordance with Article 8(9) of the basic anti-dumping Regulation, Article 13(9) of the basic anti-subsidy Regulation and also in accordance with the terms of the undertaking, the Commission has concluded that the acceptance of the undertaking for Shintime China together with its related company in the Union shall be withdrawn.

- (55) Accordingly, pursuant to Article 8(9) of the basic anti-dumping Regulation and Article 13(9) of the basic anti-subsidy Regulation, the definitive anti-dumping duty imposed by Article 1 of Implementing Regulation (EU) No 1238/2013 and the definitive countervailing duty imposed by Article 1 of Implementing Regulation (EU) No 1239/2013 automatically apply to imports originating in or consigned from the PRC of the product concerned and produced by Shintime China (TARIC additional code: B919) as of the day of entry into force of this Regulation.
- (56) For information purposes the table in the Annex to this Regulation lists the exporting producers for whom the acceptance of the undertaking by Implementing Decision 2013/707/EU is not affected,

HAS ADOPTED THIS REGULATION:

Article 1

Acceptance of the undertaking in relation to Zhejiang Xiongtai Photovoltaic Technology Co. Ltd together with its related company in the Union, jointly covered by the TARIC additional code: B919 is hereby withdrawn.

Article 2

The commercial invoice No XTSSG1501-004-CI, issued on 16 January 2015 by Zhejiang Xiongtai Photovoltaic Technology Co. Ltd to SHINETIME SOLAR GMBH is declared invalid. National customs authorities are hereby directed to recover the customs debt incurred at the time of acceptance of the declaration for release into free circulation under Article 3(2)(b) of Implementing Regulation (EU) No 1238/2013 and Article 2(2)(b) of Implementing Regulation (EU) No 1239/2013.

Article 3

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, 28 June 2016.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

List of companies

Name of the company	TARIC additional code
Jiangsu Aide Solar Energy Technology Co. Ltd	B798
Alternative Energy (AE) Solar Co. Ltd	B799
Anhui Chaoqun Power Co. Ltd	B800
Anji DaSol Solar Energy Science & Technology Co. Ltd	B802
Anhui Schutten Solar Energy Co. Ltd Quanjiao Jingkun Trade Co. Ltd	B801
Anhui Titan PV Co. Ltd	B803
Xi'an SunOasis (Prime) Company Limited TBEA SOLAR CO. LTD XINJIANG SANG'O SOLAR EQUIPMENT	B804
Changzhou NESL Solartech Co. Ltd	B806
Changzhou Shangyou Lianyi Electronic Co. Ltd	B807
CHINALAND SOLAR ENERGY CO. LTD	B808
ChangZhou EGing Photovoltaic Technology Co. Ltd	B811
CIXI CITY RIXING ELECTRONICS CO. LTD ANHUI RINENG ZHONGTIAN SEMICONDUCTOR DEVELOPMENT CO. LTD HUOSHAN KEBO ENERGY & TECHNOLOGY CO. LTD	B812
CNPV Dongying Solar Power Co. Ltd	B813
CSG PVtech Co. Ltd	B814
China Sunergy (Nanjing) Co. Ltd CEEG Nanjing Renewable Energy Co. Ltd CEEG (Shanghai) Solar Science Technology Co. Ltd China Sunergy (Yangzhou) Co. Ltd China Sunergy (Shanghai) Co. Ltd	B809
Delsolar (Wujiang) Ltd	B792
Dongfang Electric (Yixing) MAGI Solar Power Technology Co. Ltd	B816
EOPLLY New Energy Technology Co. Ltd SHANGHAI EBEST SOLAR ENERGY TECHNOLOGY CO. LTD JIANGSU EOPLLY IMPORT & EXPORT CO. LTD	B817

Name of the company	TARIC additional code
Era Solar Co. Ltd	B818
GD Solar Co. Ltd	B820
Greenway Solar-Tech (Shanghai) Co. Ltd Greenway Solar-Tech (Huaian) Co. Ltd	B821
Konca Solar Cell Co. Ltd Suzhou GCL Photovoltaic Technology Co. Ltd Jiangsu GCL Silicon Material Technology Development Co. Ltd Jiangsu Zhongneng Polysilicon Technology Development Co. Ltd GCL-Poly (Suzhou) Energy Limited GCL-Poly Solar Power System Integration (Taicang) Co. Ltd GCL SOLAR POWER (SUZHOU) LIMITED	B850
Guodian Jintech Solar Energy Co. Ltd	B822
Hangzhou Bluesun New Material Co. Ltd	B824
Hanwha SolarOne (Qidong) Co. Ltd	B826
Hengdian Group DMEGC Magnetics Co. Ltd	B827
HENGJI PV-TECH ENERGY CO. LTD	B828
Himin Clean Energy Holdings Co. Ltd	B829
Jetion Solar (China) Co. Ltd Junfeng Solar (Jiangsu) Co. Ltd Jetion Solar (Jiangyin) Co. Ltd	B830
Jiangsu Green Power PV Co. Ltd	B831
Jiangsu Hosun Solar Power Co. Ltd	B832
Jiangsu Jiasheng Photovoltaic Technology Co. Ltd	B833
Jiangsu Runda PV Co. Ltd	B834
Jiangsu Sainty Photovoltaic Systems Co. Ltd Jiangsu Sainty Machinery Imp. And Exp. Corp. Ltd	B835
Jiangsu Seraphim Solar System Co. Ltd	B836
Jiangsu Shunfeng Photovoltaic Technology Co. Ltd Changzhou Shunfeng Photovoltaic Materials Co. Ltd Jiangsu Shunfeng Photovoltaic Electronic Power Co. Ltd	B837
Jiangsu Sinski PV Co. Ltd	B838
Jiangsu Sunlink PV Technology Co. Ltd	B839

Name of the company	TARIC additional code
Jiangsu Zhongchao Solar Technology Co. Ltd	B840
Jiangxi Risun Solar Energy Co. Ltd	B841
Jiangxi LDK Solar Hi-Tech Co. Ltd LDK Solar Hi-Tech (Nanchang) Co. Ltd LDK Solar Hi-Tech (Suzhou) Co. Ltd	B793
Jiangyin Hareon Power Co. Ltd Hareon Solar Technology Co. Ltd Taicang Hareon Solar Co. Ltd Hefei Hareon Solar Technology Co. Ltd Jiangyin Xinhui Solar Energy Co. Ltd Altusvia Energy (Taicang) Co. Ltd	B842
Jiangyin Shine Science and Technology Co. Ltd	B843
JingAo Solar Co. Ltd Shanghai JA Solar Technology Co. Ltd JA Solar Technology Yangzhou Co. Ltd Hefei JA Solar Technology Co. Ltd Shanghai JA Solar PV Technology Co. Ltd	B794
Jinko Solar Co. Ltd Jinko Solar Import and Export Co. Ltd ZHEJIANG JINKO SOLAR CO. LTD ZHEJIANG JINKO SOLAR TRADING CO. LTD	B845
Jinzhou Yangguang Energy Co. Ltd Jinzhou Huachang Photovoltaic Technology Co. Ltd Jinzhou Jinmao Photovoltaic Technology Co. Ltd Jinzhou Rixin Silicon Materials Co. Ltd Jinzhou Youhua Silicon Materials Co. Ltd	B795
Juli New Energy Co. Ltd	B846
Jumao Photonic (Xiamen) Co. Ltd	B847
King-PV Technology Co. Ltd	B848
Kinve Solar Power Co. Ltd (Maanshan)	B849
Lightway Green New Energy Co. Ltd Lightway Green New Energy(Zhuozhou) Co. Ltd	B851
MOTECH (SUZHOU) RENEWABLE ENERGY CO. LTD	B852
Nanjing Daqo New Energy Co. Ltd	B853

Name of the company	TARIC additional code
NICE SUN PV CO. LTD LEVO SOLAR TECHNOLOGY CO. LTD	B854
Ningbo Huashun Solar Energy Technology Co. Ltd	B856
Ningbo Jinshi Solar Electrical Science & Technology Co. Ltd	B857
Ningbo Komaes Solar Technology Co. Ltd	B858
Ningbo Osda Solar Co. Ltd	B859
Ningbo Qixin Solar Electrical Appliance Co. Ltd	B860
Ningbo South New Energy Technology Co. Ltd	B861
Ningbo Sunbe Electric Ind Co. Ltd	B862
Ningbo Ulica Solar Science & Technology Co. Ltd	B863
Perfectenergy (Shanghai) Co. Ltd	B864
Perlight Solar Co. Ltd	B865
Phono Solar Technology Co. Ltd Sumec Hardware & Tools Co. Ltd	B866
RISEN ENERGY CO. LTD	B868
SHANDONG LINUO PHOTOVOLTAIC HI-TECH CO. LTD	B869
SHANGHAI ALEX SOLAR ENERGY SCIENCE & TECHNOLOGY CO. LTD SHANGHAI ALEX NEW ENERGY CO. LTD	B870
Shanghai BYD Co. Ltd BYD(Shangluo)Industrial Co. Ltd	B871
Shanghai Chaori Solar Energy Science & Technology Co. Ltd Shanghai Chaori International Trading Co. Ltd	B872
Propsolar (Zhejiang) New Energy Technology Co. Ltd Shanghai Propsolar New Energy Co. Ltd	B873
SHANGHAI SHANGHONG ENERGY TECHNOLOGY CO. LTD	B874
SHANGHAI SOLAR ENERGY S&T CO. LTD Shanghai Shenzhou New Energy Development Co. Ltd Lianyungang Shenzhou New Energy Co. Ltd	B875
Shanghai ST Solar Co. Ltd Jiangsu ST Solar Co. Ltd	B876

Name of the company	TARIC additional code
Shenzhen Sacred Industry Co.Ltd	B878
Shenzhen Topray Solar Co. Ltd Shanxi Topray Solar Co. Ltd Leshan Topray Cell Co. Ltd	B880
Sopray Energy Co. Ltd Shanghai Sopray New Energy Co. Ltd	B881
SUN EARTH SOLAR POWER CO. LTD NINGBO SUN EARTH SOLAR POWER CO. LTD Ningbo Sun Earth Solar Energy Co. Ltd	B882
SUZHOU SHENGLONG PV-TECH CO. LTD	B883
TDG Holding Co. Ltd	B884
Tianwei New Energy Holdings Co. Ltd Tianwei New Energy (Chengdu) PV Module Co. Ltd Tianwei New Energy (Yangzhou) Co. Ltd	B885
Wenzhou Jingri Electrical and Mechanical Co. Ltd	B886
Shanghai Topsolar Green Energy Co. Ltd	B877
Shenzhen Sungold Solar Co. Ltd	B879
Wuhu Zhongfu PV Co. Ltd	B889
Wuxi Saijing Solar Co. Ltd	B890
Wuxi Shangpin Solar Energy Science and Technology Co. Ltd	B891
Wuxi Solar Innova PV Co. Ltd	B892
Wuxi Suntech Power Co. Ltd Suntech Power Co. Ltd Wuxi Sunshine Power Co. Ltd Luoyang Suntech Power Co. Ltd Zhenjiang Rietech New Energy Science Technology Co. Ltd Zhenjiang Ren De New Energy Science Technology Co. Ltd	B796
Wuxi Taichang Electronic Co. Ltd Wuxi Machinery & Equipment Import & Export Co. Ltd Wuxi Taichen Machinery & Equipment Co. Ltd	B893
Xi'an Huanghe Photovoltaic Technology Co. Ltd State-run Huanghe Machine-Building Factory Import and Export Corporation Shanghai Huanghe Fengjia Photovoltaic Technology Co. Ltd	B896

Name of the company	TARIC additional code
Xi'an LONGi Silicon Materials Corp. Wuxi LONGi Silicon Materials Co. Ltd	B897
Years Solar Co. Ltd	B898
Yingli Energy (China) Co. Ltd Baoding Tianwei Yingli New Energy Resources Co. Ltd Hainan Yingli New Energy Resources Co. Ltd Hengshui Yingli New Energy Resources Co. Ltd Tianjin Yingli New Energy Resources Co. Ltd Lixian Yingli New Energy Resources Co. Ltd Baoding Jiasheng Photovoltaic Technology Co. Ltd Beijing Tianneng Yingli New Energy Resources Co. Ltd Yingli Energy (Beijing) Co. Ltd	B797
Yuhuan BLD Solar Technology Co. Ltd Zhejiang BLD Solar Technology Co. Ltd	B899
Yuhuan Sinosola Science & Technology Co.Ltd	B900
Zhangjiagang City SEG PV Co. Ltd	B902
Zhejiang Fengsheng Electrical Co. Ltd	B903
Zhejiang Global Photovoltaic Technology Co. Ltd	B904
Zhejiang Heda Solar Technology Co. Ltd	B905
Zhejiang Jiutai New Energy Co. Ltd Zhejiang Topoint Photovoltaic Co. Ltd	B906
Zhejiang Kingdom Solar Energy Technic Co. Ltd	B907
Zhejiang Koly Energy Co. Ltd	B908
Zhejiang Mega Solar Energy Co. Ltd Zhejiang Fortune Photovoltaic Co. Ltd	B910
Zhejiang Shuqimeng Photovoltaic Technology Co. Ltd	B911
Zhejiang Shinew Photoelectronic Technology Co. Ltd	B912
Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company Zhejiang Yauchong Light Energy Science & Technology Co. Ltd	B914
Zhejiang Sunrupu New Energy Co. Ltd	B915
Zhejiang Tianming Solar Technology Co. Ltd	B916

Name of the company	TARIC additional code
Zhejiang Trunsun Solar Co. Ltd Zhejiang Beyondsun PV Co. Ltd	B917
Zhejiang Wanxiang Solar Co. Ltd WANXIANG IMPORT & EXPORT Co. LTD	B918
ZHEJIANG YUANZHONG SOLAR CO. LTD	B920
Zhongli Talesun Solar Co. Ltd	B922

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1046**of 28 June 2016****imposing a definitive anti-dumping duty on imports of certain molybdenum wires originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009**

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 11(2) thereof,

Whereas:

A. PROCEDURE**1. Measures in force**

- (1) Following an anti-dumping investigation ('the original investigation') in accordance with Article 5 of the basic Regulation, the Council imposed a definitive anti-dumping duty on imports of certain molybdenum wires originating in the People's Republic of China ('the PRC' or 'country concerned'), by Council Implementing Regulation (EU) No 511/2010 ⁽²⁾ ('the 'original measures').
- (2) The original measures took the form of an *ad valorem* duty rate of 64,3 %.
- (3) In 2012 and 2013, following two anti-circumvention investigations, the original measures were first extended to imports of molybdenum wire consigned from Malaysia ⁽³⁾ and, secondly, to imports of molybdenum wire from the PRC containing by weight at least 97 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm ⁽⁴⁾. On 30 October 2015, following a third anti-circumvention investigation, the measures were extended to molybdenum wire containing by weight at least 97 % of molybdenum, with a maximum cross-sectional dimension that exceeds 4,0 mm but does not exceed 11,0 mm ⁽⁵⁾.

2. Initiation of an expiry review

- (4) Following the publication of a notice of impending expiry ⁽⁶⁾ of the anti-dumping measures in force, the Commission received a request for the initiation of an expiry review of these measures pursuant to Article 11(2) of the basic Regulation.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ Council Implementing Regulation (EU) No 511/2010 of 14 June 2010 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain molybdenum wires originating in the People's Republic of China (OJ L 150, 16.6.2010, p. 17).

⁽³⁾ Council Implementing Regulation (EU) No 14/2012 of 9 January 2012 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 511/2010 on imports of certain molybdenum wires originating in the People's Republic of China to imports of certain molybdenum wires consigned from Malaysia, whether declared as originating in Malaysia or not and terminating the investigation in respect of imports consigned from Switzerland (OJ L 8, 12.1.2012, p. 22).

⁽⁴⁾ Council Implementing Regulation (EU) No 871/2013 of 2 September 2013 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 511/2010 on imports of molybdenum wire, containing by weight at least 99,95 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm, originating in the People's Republic of China to imports of molybdenum wire, containing by weight at least 97 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm, originating in the People's Republic of China (OJ L 243, 12.9.2013, p. 2).

⁽⁵⁾ Commission Implementing Regulation (EU) 2015/1952 of 29 October 2015 extending the definitive anti-dumping duty imposed by Council Implementing Regulation (EU) No 511/2010 on imports of molybdenum wire, containing by weight at least 99,95 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm, originating in the People's Republic of China to imports of molybdenum wire, containing by weight at least 97 % of molybdenum, of which the maximum cross-sectional dimension exceeds 4,0 mm but does not exceed 11,0 mm, originating in the People's Republic of China (OJ L 284, 30.10.2015, p. 100).

⁽⁶⁾ Notice of the impending expiry of certain anti-dumping measures (OJ C 371, 18.10.2014, p. 19).

- (5) The request was lodged by Plansee SE ('the applicant'), the main Union producer of molybdenum wire, representing 90 % of total Union production.
- (6) The request was based on the grounds that the expiry of the measures would likely result in recurrence of dumping and recurrence of injury to the Union industry.
- (7) On 12 June 2015, the Commission initiated an expiry review pursuant to Article 11(2) of the basic Regulation in order to determine whether the expiry of the measures would be likely to lead to a continuation or recurrence of dumping and injury. It published a notice in the *Official Journal of the European Union* ⁽⁷⁾ ('Notice of Initiation').

3. Interested parties

- (8) In the Notice of Initiation, the Commission invited interested parties to contact it in order to participate in the investigation. In addition, the Commission specifically informed the applicant, other known Union producers, exporting producers, importers and users in the Union known to be concerned, and the Chinese authorities of the initiation of the expiry review and invited them to participate.
- (9) All interested parties had the opportunity to comment on the initiation of the review and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.

3.1. Sampling

- (10) In the Notice of Initiation, the Commission stated that it might sample interested parties, in accordance with Article 17 of the basic Regulation.

(a) Sampling of importers

- (11) To decide whether sampling was necessary and, if so, to select a sample, the Commission requested all unrelated importers to provide the information specified in the Notice of Initiation.
- (12) No importers came forward to provide the information requested in the Notice of Initiation.

(b) Sampling of exporting producers in the PRC

- (13) In view of the apparent large number of exporting producers in the PRC, sampling was envisaged in the Notice of Initiation.
- (14) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked all exporting producers in the PRC to provide the information specified in the Notice of Initiation. In addition, the Commission requested the Mission of the PRC to the European Union to identify and/or contact other exporting producers, if any, that could be interested in participating in the investigation.
- (15) Only one company in the PRC provided a completed sampling form on 29 June 2015. However, the information provided by this company indicated no exports of the product concerned to the Union as defined in recital (23) below, but only other types of molybdenum wire with a maximum cross-sectional dimension exceeding 4,0 mm. The company was then invited on 25 August 2015 to submit comments or information in the context of the expiry review. However, the company did not provide any reply to that invitation. In addition, the company in question was involved at that stage of the investigation in the anti-circumvention investigation that led to the adoption of Regulation (EU) 2015/1952. Based on all these considerations, the Commission considered that that company should not be part of a sample.

⁽⁷⁾ Notice of Initiation of an expiry review of the anti-dumping measures applicable to imports of certain molybdenum wires originating in the People's Republic of China (OJ C 194, 12.6.2015, p. 4).

- (16) Since no other Chinese exporting producer came forward, sampling was not necessary.

3.2. Questionnaires and verification visits

- (17) The Commission sought and verified all the information it deemed necessary for the determination of the likelihood of continuation or recurrence of dumping and resulting injury and for the determination of the Union interest.
- (18) The Commission sent questionnaires to the two known Union producers. One Union producer (Plansee SE), representing around 90 % of the total sales of the Union industry, provided a questionnaire reply. The other Union producer expressed on 11 May 2015 the wish to remain neutral in the investigation and did not provide a reply to the questionnaire that it received on 12 June 2015.
- (19) No questionnaires were sent to Chinese exporting producers since, as explained in recitals (13) to (16), none of them came forward.
- (20) The Commission sent questionnaires to the nine users that came forward after initiation and received five replies from the users of the product under review.
- (21) One verification visit pursuant article 16 of the basic Regulation was carried out at the premises of the Union producer Plansee SE, Austria.

4. Review investigation period and period considered

- (22) The investigation of the likelihood of continuation or recurrence of dumping covered the period from 1 April 2014 to 31 March 2015 (the 'review investigation period'). The examination of the trends relevant for the assessment of the likelihood of continuation or recurrence of injury covered the period from 1 January 2012 to the end of the review investigation period (the 'period considered').

B. PRODUCT CONCERNED AND LIKE PRODUCT

1. Product concerned

- (23) The product concerned is molybdenum wire, containing by weight at least 99,95 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm, originating in the People's Republic of China, currently falling within CN code ex 8102 96 00.

2. Like product

- (24) The investigation showed that the following products have the same basic physical and chemical characteristics as well as the same basic uses:

— the product concerned;

— the product produced and sold in the Union by the Union industry.

- (25) The Commission concluded that these products are like products within the meaning of Article 1(4) of the basic Regulation.

C. LIKELIHOOD OF A CONTINUATION OR RECURRENCE OF DUMPING

1. Preliminary remarks

- (26) In accordance with Article 11(2) of the basic Regulation, it was examined whether dumping was taking place and whether the expiry of existing measures would be likely to lead to a continuation or recurrence of dumping.
- (27) As mentioned above in recital (16), none of the Chinese exporting producers cooperated in the current investigation and therefore use had to be made of facts available in accordance with Article 18 of the basic Regulation.
- (28) In this regard, the Chinese authorities were duly informed that consequently to non-cooperation of any Chinese exporting producer, the Commission could apply Article 18 of the basic Regulation concerning the findings with regard to the PRC. No comments were received in this respect.
- (29) On this basis, in accordance with Article 18(1) of the basic Regulation, the findings in relation to the likelihood of continuation or recurrence of dumping set out below were based on facts available. For this purpose, the request for the expiry review, Eurostat statistics, the data collected by Member States pursuant to Article 14(6) of the basic Regulation (the 'Article 14(6) database') and data collected during the previous cases (see recital (3)) on the same product concerned were used. The Chinese Export Statistics Database was also analysed. However, the analysis showed that its coding structure for the product concerned was not precise enough to provide useable information. Therefore, this source of information could not be used.

2. Dumping during the review investigation period*2.1. Analogue country*

- (30) According to Article 2(7)(a) of the basic Regulation, normal value shall be determined on the basis of the price or constructed value in a market economy third country. For this purpose, a market economy third country had to be selected ('the analogue country').
- (31) The USA was selected as an analogue country in the original investigation. In the Notice of Initiation of the present investigation, the Commission proposed to use India as analogue country since the producer in the USA stopped producing molybdenum wire since the investigation period of the original investigation. The Commission invited parties to make comments on the appropriateness of this choice but none of the parties provided any comments.
- (32) The Commission sought information concerning producers of molybdenum wire in other potential analogue countries and contacted India, Japan, Mexico, Ukraine and USA inviting all known producers of molybdenum wire in these countries to provide the necessary information.
- (33) None of the companies contacted in these countries agreed to cooperate with the investigation. Moreover, there were no indications for any other countries where production of molybdenum wires might be taking place. Hence, the Commission had to revert to the Union market as the only possible option to determine the normal value, in accordance with Article 2(7)(a) of the basic Regulation.

2.2. Normal value

- (34) The information relating to the production and sale of the like product on the Union market received from both Union producers was used as a basis for the determination of the normal value applicable to exporting producers in the PRC.
- (35) In accordance with Article 2(2) of the basic Regulation, the Commission first examined whether the total volume of sales of the Union industry of the like product in the Union market was representative during the review investigation period. These sales were considered representative if the total sales volume to independent customers represented at least 5 % of the total Chinese export sales volume of the product concerned to the Union during the review investigation period. On this basis the sales of the like product of the Union industry in the Union market were representative.

- (36) The investigation established that the weighted average sales price of the Union industry was profitable during the review investigation period and thus could be regarded as having been made in the ordinary course of trade pursuant to Article 2(4) of the basic Regulation.
- (37) Sales of the Union industry on the Union market were profitable during the review investigation period and made in representative quantities. Therefore, normal value was based on the sales price of the like product charged by the Union industry to independent customers in the Union.

2.3. Export price

- (38) As mentioned above in recital (27), due to the non-cooperation of the Chinese exporting producers, the export price was based on facts available, in accordance with Article 18 of the basic Regulation, i.e. on the 'Article 14(6) database' cross-checked with information provided in the request and Eurostat statistics.

2.4. Comparison

- (39) The Commission compared the normal value and the export price on an ex-works basis. Given the lack of cooperation from the Chinese exporting producers, the product types exported from the PRC could not be determined. Therefore, a comparison per product type was not possible. Where justified for the purpose of a fair comparison, the export price and normal value were adjusted for differences affecting prices and price comparability in accordance with Article 2(10) of the basic Regulation. Adjustments were made for transport costs (domestic and ocean freight), insurance costs, and customs clearance fees, based on information collected in the original investigation.

2.5. Dumping margin

- (40) The Commission compared the weighted average normal value to the weighted average export price as established above in accordance with Article 2(11) and (12) of the basic Regulation.
- (41) On this basis, the weighted average dumping margin expressed as a percentage of the cost, insurance, freight ('CIF') Union frontier price, duty unpaid, is 49,6 %.

3. Development of imports should measures be repealed

- (42) Further to the finding of dumping during the review investigation period, the Commission analysed whether there was a likelihood of a continuation of dumping should the measures be allowed to lapse. The following elements were analysed: the production capacity and spare capacity in the PRC, the Chinese export behaviour in other third countries and the attractiveness of the Union market.

3.1. Production capacity and spare capacity in the PRC

- (43) In the absence of any publicly available information and due to the non-cooperation of the Chinese exporting producers, production capacity and spare capacity in the PRC were established on the basis of estimates provided by the applicant in its request and based on its best knowledge of the market. These estimates could be cross-checked with data collected during the original investigation and the anti-circumvention investigation concluded in October 2015 mentioned in recital (3), and were found to be reasonable.
- (44) On this basis, during the review investigation period, the production capacity was around 3 400 tonnes, the actual production around 750 tonnes and the spare capacity therefore around 2 650 tonnes. The estimated spare capacity represented several times the Union consumption during the review investigation period. Due to the attractiveness of the Union market, described below in recitals (48) and (50), it is likely that large part of this spare capacity will be used to produce for exports to the Union.

- (45) The estimated large spare capacity in the PRC suggests that there is a significant potential for Chinese producers to increase their exports. The consumption of molybdenum wire is largely dependent on the production of manual gear boxes for the car and truck manufacturing industry. While it is true that consumption of molybdenum wire in the Chinese domestic market may increase under the perspective of a growing automotive sector in the PRC, the spare capacity exceeds by far the Union consumption. Therefore, even under the assumption of a growing domestic consumption in the PRC, it is likely that spare capacities will still remain significant and with a large potential for export. In addition, the business potential for an increase in demand in other important car manufacturing markets like the US, Japan, Korea and South America is rather small since these are mainly focusing on automatic gear boxes not using molybdenum wire.
- (46) Therefore, allowing the measures to lapse in the Union, given the large spare capacity in the PRC with limited demand for the product in other large third country markets as well as the fact that, likely, large part of these spare capacity will not be absorbed by the Chinese domestic consumption, Chinese exporters will have strong incentives to redirect their exports to the Union market.

3.2. Chinese export behaviour in other third countries

- (47) No public information on the average Chinese export prices to third country markets is available. The applicant submitted two quotations of Chinese export prices to third markets for a total quantity of 20 tonnes corresponding to around 6 % of the Union consumption. These quotations showed lower price levels than the current price level in the Union. In addition, the Chinese company referred to in recital (15) reported in its sampling form that it had sold a negligible quantity of molybdenum wire with a maximum cross-sectional dimension exceeding 4,0 mm to South Korea, at a price lower than the current price level in the Union.

3.3. Attractiveness of the Union market

- (48) The investigation showed that, taking into account the past proven circumvention practices mentioned above in recital (3), the Chinese exporting producers succeeded in expanding their already significant market share and import volumes in the Union market during the period considered by 7 % and 9 % respectively as detailed in Table 2 hereunder. Chinese market share ranged between 15 % to 35 % throughout the period considered.
- (49) The past circumvention practises, the increase in market share during the period considered and their level, are a strong indication that the Union market continues to be attractive to Chinese exporters.
- (50) On the basis of the information submitted by the applicant, the Chinese export prices to the Union market are higher than the Chinese export prices to other third markets. This indicates that the Union market is attractive in terms of price levels as exports to the Union would yield higher profits. Furthermore, as explained above in recital (45), given the technical differences of the automotive sector in other large car manufacturing markets, exports of molybdenum wire are limited to markets where the automotive sector uses manual gear boxes, out of which the Union is one of the largest. Indeed, the Union market remains the largest market for molybdenum wire due to its developed car and lorry industry still using manual gear boxes.

3.4. Conclusion on the likelihood of a continuation of dumping

- (51) In conclusion, the large estimated spare capacity available in the PRC, the consequent ability of Chinese exporting producers to increase production volumes and direct sales to the Union and the attractiveness of the Union market, indicate that a repeal of the measures would likely result in a significant increase of exports to the Union. Given the dumping margin found during the review investigation period, it is also likely that future exports will be made at significantly dumped prices. It is therefore considered that there is a strong likelihood of a continuation of dumping should the current anti-dumping measures be allowed to lapse.

D. LIKELIHOOD OF A CONTINUATION OR RECURRENCE OF INJURY

1. Definition of the Union industry and Union production

- (52) The Union industry did not undergo major structural changes since the original investigation. During the review investigation period, the like product was manufactured by two known producers in the Union. They constitute the Union industry within the meaning of Article 4(1) of the basic Regulation.

2. Union consumption

- (53) The Commission established the Union consumption by adding (i) the sales volumes on the Union market of the two Union producers and (ii) the total import volume. The import volume from the PRC was calculated by adding the import volumes extracted from the Article 14(6) database and the volumes of the circumvented molybdenum wire identified in the last anti-circumvention investigation, as Regulation (EU) 2015/1952 aggregates the data of the previous two anti-circumvention investigations referred to in recital (3) and is therefore based on the most comprehensive set of data. There were no imports from other third countries throughout the period considered.
- (54) Since the Union industry consists of only two producers figures had to be indexed or given in a range for reasons of confidentiality.
- (55) On this basis, Union consumption developed as follows:

Table 1

Indexed Union consumption

	2012	2013	2014	Review investigation period
<i>Index (2012 = 100)</i>	100	104	103	102

Source: Data from the Union industry, Article 14(6) database, last anti-circumvention investigation, Eurostat

- (56) Throughout the period considered the Union consumption remained relatively stable, having increased only by 2 %. More specifically, the Union consumption increased by 4 % until 2013 and then slightly decreased by 2 % between 2013 and the review investigation period.
- (57) The relatively stable Union consumption of molybdenum wire can be mainly explained by the development of the automotive industry over the period considered, which also remained stable over the same period.

3. Imports from the country concerned**3.1. Volume and market share of imports from the country concerned**

Table 2

Indexed import volume and market share

Country		2012	2013	2014	Review investigation period
The PRC	Import volume <i>Index (2012 = 100)</i>	100	75	99	109
	Market share <i>Index (2012 = 100)</i>	100	72	97	107

Source: Data from the Union industry, Article 14(6) database, last anti-circumvention investigation, Eurostat

- (58) As described in recital (53), the import volumes from the PRC were calculated by adding the import volumes extracted from the Article 14(6) database and the import volumes of the circumvented molybdenum wire identified in the last anti-circumvention investigation. Since the latter had to be treated as confidential ⁽⁸⁾, the figures in Table 2 above had to be indexed.
- (59) On this basis, the import volumes increased by 9 % throughout the period considered. They dropped significantly in 2013 (by 25 %) and grew steadily ever since (by 46 % in the review investigation period as compared with 2013).
- (60) The import volumes of the product concerned into the Union increased to a greater extent than the Union consumption. This resulted in an increase of the market share of the Chinese imports by 7 % during the period considered. Market share showed similar trends as import volumes. More specifically, the market share decreased by 28 % in 2013 and increased by 46 % in the review investigation period as compared to 2013, in line with the drop of import volumes in 2013 and the increase in import volumes in 2014 and in the review investigation period.
- (61) The decrease in both import volumes and market share in 2013 was a consequence of the initiation of an anti-circumvention investigation that led to the extension of the definitive anti-dumping duties on imports of molybdenum wire to imports of a slightly modified product from the PRC (see recital (3) — footnote 3).
- (62) The market share of the Chinese imports at the start of the period considered was at a significant level in the range of 15 % to 35 %. As mentioned in recital (48), the Chinese exporting producers have succeeded in expanding their significant market share by 7 % over the period considered, despite the duties in force, mainly due to their circumvention practises.

3.2. Prices of imports from the country concerned

- (63) Due to the non-cooperation of the Chinese exporting producers, as explained in recital (38), import prices were established on the basis of the Article 14(6) database and cross-checked with information provided in the request and Eurostat statistics. The table below shows the average price of imports from the PRC:

Table 3

Indexed import prices (*)

Country		2012	2013	2014	Review investigation period
The PRC	<i>Index (2012 = 100)</i>	100	97	89	87

Source: Article 14(6) database

(*) Average price does not include anti-dumping duties in place.

- (64) Between 2012 and the review investigation period, the average import price of the product concerned originating in the PRC decreased continuously and overall by 13 %.

⁽⁸⁾ Only one exporting producer cooperated with the last anti-circumvention investigation. As a consequence all figures related to sensitive data had to be indexed or given in a range for reasons of confidentiality.

3.3. Price undercutting

- (65) The Commission determined the price undercutting during the review investigation period by comparing the average sales price of Plansee SE charged on the Union market, adjusted to an ex-works level, and the average price of the imports from the country concerned to the first independent customer on the Union market, established at a cost, insurance, freight (CIF) level on the basis of the data from the Article 14(6) database, as explained in recital (38), anti-dumping duty included.
- (66) As mentioned above in recital (39), given the lack of cooperation from the Chinese exporting producers, the product types exported from the PRC to the Union could not be determined. Therefore, a comparison on a per-type basis was not possible. The price comparison was made on basis of average prices, duly adjusted where necessary and after deduction of rebates and discounts. The result of the comparison was expressed as a percentage of the Union industry's hypothetical turnover during the review investigation period.
- (67) The comparison showed that there was no undercutting during the review investigation period. However, when deducting the anti-dumping duty of 64,3 % in force, the undercutting margin would amount to 25,9 %.

3.4. Imports from third countries

- (68) As mentioned in recital (53), there were no imports from other countries than the PRC during the period considered.

4. Economic situation of the Union industry

4.1. General remarks

- (69) In accordance with Article 3(5) of the basic Regulation, the examination of the impact of the dumped imports on the Union industry included an evaluation of all economic indicators having a bearing on the state of the Union industry during the period considered.
- (70) The datasets available to the Commission for the injury determination differed for the macroeconomic and the microeconomic injury indicators. For the macroeconomic indicators, the Commission could rely on the questionnaire reply of Plansee SE and, as regards the other known Union producer, on the data concerning that producer provided by Plansee SE in its request. For the microeconomic indicators, the request did however not contain any data concerning the situation of the second producer, and given that that producer did not provide a reply to the questionnaire, the Commission had to rely on the data contained in the questionnaire reply of Plansee SE. Given that Plansee SE represented around 90 % of total Union sales, the Commission considered that its verified data on microeconomic indicators reflected a fair picture of the situation of the entire Union industry.
- (71) The macroeconomic indicators are: production, production capacity, capacity utilisation, sales volume, market share, growth, employment, productivity, magnitude of the dumping margin, and recovery from past dumping.
- (72) The microeconomic indicators are: average unit prices, unit cost, labour costs, inventories, profitability, cash flow, investments, return on investments and ability to raise capital.
- (73) Both sets of data have been found to be representative for the economic situation of the Union industry.

4.2. Macroeconomic indicators

(a) Production, production capacity and capacity utilisation

- (74) The total Union production, production capacity and capacity utilisation developed over the period considered as follows:

Table 4

Production, production capacity and capacity utilisation of Union producers

	2012	2013	2014	Review investigation period
Production volume <i>Index (2012 = 100)</i>	100	113	102	98
Production capacity <i>Index (2012 = 100)</i>	100	99	98	98
Capacity utilisation <i>Index (2012 = 100)</i>	100	114	105	100

Source: Data provided by the Union industry

- (75) The production volume decreased marginally by 2 % during the period considered. More specifically, it first increased by 13 % until 2013 and then decreased continuously by more than 13 % in the review investigation period as compared with 2013.
- (76) The production capacity decreased gradually and overall by 2 % over the period considered.
- (77) As a result of the increase in production volume and slight decrease in production capacity in 2013, the capacity utilisation increased by 14 % in 2013 as compared with 2012. After 2013, the capacity utilisation decreased to reach the 2012 levels. Hence, overall, the capacity utilisation remained stable over the period considered.

(b) Sales volume and market share

- (78) The Union industry's sales volume and market share developed over the period considered as follows:

Table 5

Sales volume and market share of Union producers

	2012	2013	2014	Review investigation period
Sales volume in the Union <i>Index (2012 = 100)</i>	100	113	104	100

	2012	2013	2014	Review investigation period
Market share <i>Index (2012 = 100)</i>	100	109	101	98

Source: Data provided by the Union industry

- (79) Total sales of the Union industry on the Union market remained stable during the period considered. The sales of the Union industry increased by 13 % until 2013 and then decreased continuously by 12 % until in the review investigation period to reach the 2012 levels. The increase in the Union industry sales in 2013 is mainly a consequence of the initiation of an anti-circumvention investigation that led to the extension of the definitive anti-dumping duties on imports of molybdenum wire to imports of a slightly modified product from the PRC (see recital (3) — footnote 3). As a consequence, the Union industry's market share increased by 9 % in 2013. It then decreased continuously by 10 % in the review investigation period as compared with 2013. Overall, the Union industry's market share decreased by 2 %.

(c) Growth

- (80) While the Union consumption increased by 2 % over the period considered, the sales volume of the Union industry remained stable, which translated into a loss of market share of 2 %.

(d) Employment and productivity

- (81) Employment and productivity developed over the period considered as follows:

Table 6

Employment and productivity of Union producers

	2012	2013	2014	Review investigation period
Number of employees <i>Index (2012 = 100)</i>	100	95	89	88
Productivity (tonnes/employee) <i>Index (2012 = 100)</i>	100	119	115	111

Source: Data provided by the Union industry

- (82) Employment of the Union industry diminished by 12 % in the period considered and the productivity increased by 11 % over the same period.

(e) Magnitude of the dumping margin and recovery from past dumping

- (83) The investigation established that imports of molybdenum wire from the PRC continued to enter the Union market at dumped prices. The dumping margin established for the PRC during the review investigation period was well above the *de minimis* level, see recital (41). This coincided with an increase in import volumes from the PRC and a decrease in import prices resulting in a slight increase of market share of Chinese imports as compared to 2012. Though the Union industry was able to profit from the anti-dumping measures in force and could thus largely maintain their market share, it nevertheless showed a decreasing trend.

4.3. Microeconomic indicators

(a) Prices and factors affecting prices

- (84) The average sales prices of the Union industry (Plansee SE) to unrelated customers in the Union developed over the period considered as follows:

Table 7

Average sales prices in the Union and unit cost

	2012	2013	2014	Review investigation period
Average unit selling price in the Union <i>Index (2012 = 100)</i>	100	95	94	94
Unit cost of production <i>Index (2012 = 100)</i>	100	84	83	84

Source: Data relating to Plansee SE

- (85) The Union industry's average unit sales price to unrelated customers in the Union decreased by 6 % over the period considered. The decrease in price was a result of the decrease in raw material costs and efforts made by the Union producer to cut costs.
- (86) The average cost of production of the Union industry dropped even to a higher extent, by 16 %, over the period considered. The cuts in cost of production are mainly due to raw material cost decrease as well as the above mentioned efforts to cut costs like hedging against fluctuations in the raw material price.

(b) Labour costs

- (87) The average labour costs developed over the period considered as follows:

Table 8

Average labour costs per employee

	2012	2013	2014	Review investigation period
Average labour costs per employee (EUR) <i>Index (2012 = 100)</i>	100	106	103	103

Source: Data relating to Plansee SE

- (88) The average labour costs per employee remained relatively stable over the period considered with a marginal increase of 3 % over the period considered. Specifically, the average labour costs increased by 6 % in 2013, then decreased by 2 % in the review investigation period as compared to 2013.

(c) Inventories

(89) Stock levels developed over the period considered as follows:

Table 9

Inventories

	2012	2013	2014	Review investigation period
Closing stocks <i>Index (2012 = 100)</i>	100	140	115	46
Closing stocks as a percentage of production <i>Index (2012 = 100)</i>	100	124	112	47

Source: Data relating to Plansee SE

(90) Inventories represented only a very small percentage of total production during the period considered. This factor was therefore not considered meaningful for the assessment of the economic situation of the Union industry.

(d) Profitability, cash flow, investments, return on investments and ability to raise capital

(91) Profitability, cash flow, investments and return on investments developed over the period considered as follows:

Table 10

Profitability, cash flow, investments and return on investments

	2012	2013	2014	Review investigation period
Profitability of sales in the Union to unrelated customers (% of sales turnover) <i>Index (2012 = 100)</i>	100	512	509	463
Cash flow (EUR) <i>Index (2012 = 100)</i>	100	393	333	301
Investments (EUR) <i>Index (2012 = 100)</i>	100	3 360	0	0
Return on investments <i>Index (2012 = 100)</i>	100	403	375	338

Source: Data relating to Plansee SE

(92) The Commission established the profitability of the Union industry by expressing the pre-tax net profit of the sales of the like product to unrelated customers in the Union as a percentage of the turnover of those sales. The profitability of the Union industry increased significantly over the period considered. It reached a peak in 2013, and then dropped in the review investigation period. As explained in recitals (85) to (86), this increase in the Union industry's profitability was mainly due to the decrease in the raw material cost and due to effective business decisions made to cut costs.

- (93) The net cash flow is the Union producer's ability to self-finance its activities. The net cash flow increased about three times during the period considered. The substantial increase in cash flow is mainly explained by the significant increase in profitability, as explained above in recital (92).
- (94) The investments increased substantially in 2013, and then decreased to zero in the following years. Indeed, the Union producer made a substantial investment in 2013 to replace machines and equipment and no other investments were made in the following years.
- (95) The return on investments is the profit in percentage of the net book value of investments. The return on investment from the production and sale of the like product increased over the period considered. More specifically, it increased in 2013 and then slightly decreased by 16 % in the review investigation period as compared with 2013.

4.4. *Conclusion on the situation of the Union industry*

- (96) Indicators such as profitability, cash flow and return on investment improved over the period considered. These developments were mainly due to the decrease in raw material cost and due to the effective business decisions made to cut costs.
- (97) On the other hand, some of the main injury indicators like production, production capacity, capacity utilization and sales volume, remained relatively stable or experienced a negative development during the period considered. Specifically the production volume, the production capacity and the market share decreased marginally by 2 %. The capacity utilisation increased marginally, by 1 %, over the period considered. The sales volume to unrelated customers in the Union remained stable. The employment decreased by 12 %.
- (98) On the basis of the above, it is concluded that the Union industry did not suffer material injury within the meaning of Article 3(5) of the basic Regulation.

5. **Likelihood of a recurrence of injury**

- (99) As outlined in recitals (41) and (83), Chinese imports were made at dumped price levels during the review investigation period and, as concluded in recital (51), there is a strong likelihood of a continuation of dumping should the measures be allowed to lapse.
- (100) No undercutting was found during the review investigation period, though when deducting the anti-dumping duty in force, the undercutting margin would amount to around 26 %, as explained in recital (67). On this basis it can be expected that Chinese imports will likely be made at prices significantly undercutting the Union industry's sales prices should the anti-dumping duties be repealed. Considering the attractiveness of the Union market as described in recitals (48) and (50) an increase of the dumped imports is likely. It can be expected that if these increased imports were made at prices significantly undercutting the Union industry's sales price, this would likely exercise a downward price pressure on the Union market. The molybdenum wire is a rather homogenous product in terms of quality. Therefore, the price level is an important factor when deciding on whether to buy from the Union producers or from the Chinese exporting producers. In addition, the sudden decrease of the Chinese imports as a result of the initiation of the second anti-circumvention investigation in 2013, as explained in recital (79), indicates that customers can easily switch to the supplier with the most competitive price (i.e. from the Chinese exporting producers to the Union producers). The Union industry will then likely be forced to either reduce its sales prices at the expense of their profitability or to keep the sales prices level with the likely consequence to loose sales and market share to the advantage of the Chinese exporters. Ultimately this would lead to losses and the Union market would be dominated by Chinese imports.
- (101) As mentioned in recital (44), the Chinese spare capacity was estimated to be 2 650 tonnes in the review investigation period, which represented several times the Union consumption during the same period. Therefore, even if some of this spare capacity would be used for a potentially increased domestic consumption in the PRC, it is expected that a large spare capacity would still remain available for exports to the Union.

- (102) Under the above mentioned circumstances and considering the attractiveness of the Union market as described in recitals (48) and (50), there is a strong likelihood that Chinese exporting producers will significantly increase their imports of the product concerned to the Union market should measures be allowed to lapse.
- (103) Under this scenario the Union industry is likely to lose important sales volume and market share. This would also result in a lowering of the capacity utilisation rate and of the profit levels, eventually leading to losses. As a consequence, it is likely that the Union market would be dominated by imports from the PRC.
- (104) Based on the above, the Commission concluded that there is a strong likelihood of recurrence of injury should the measures be repealed.

E. UNION INTEREST

- (105) In accordance with Article 21 of the basic Regulation, the Commission examined whether maintaining the existing anti-dumping measures against the PRC would be against the interest of the Union as a whole. The determination of the Union interest was based on an appreciation of all the various interests involved, including those of the Union industry, importers and users.
- (106) All interested parties were given the opportunity to make their views known pursuant to Article 21(2) of the basic Regulation.
- (107) On this basis, the Commission examined whether, despite the conclusions on the likelihood of a continuation of dumping and recurrence of a threat of injury, compelling reasons existed which would lead to the conclusion that it was not in the Union interest to maintain the existing measures.

1. Interest of the Union industry

- (108) The investigation established that the Union industry did not suffer material injury during the review investigation period.
- (109) The Union industry proved to be a structurally viable industry. It has undergone considerable efforts to rationalise its production process and to enhance its competitiveness which resulted in an increased productivity (by 11 %), a reduced production capacity (by 2 %) and a reduction of cost of production (by 16 %).
- (110) Should the measures be allowed to lapse, the likely influx of substantial volumes of dumped imports from the PRC would deteriorate the situation of the Union industry. It could likely cause further losses of market share, the decrease in sales prices due to the price pressure from Chinese imports while at the same time the decrease in capacity utilisation would increase its average costs. This would very likely lead to a serious deterioration of the Union industry's financial situation.
- (111) On this basis the Commission concluded that the continuation of the anti-dumping measures in force would be in the interest of the Union industry.

2. Interest of importers/traders

- (112) As mentioned in recital (12), no importers cooperated or made themselves known in the current investigation. Nevertheless, the evidence collected from one importer in the original investigation indicated that the overall impact on the total company business would be limited. Therefore, there were no indications that the maintenance of the measures would have a negative impact on the importers not outweighing the positive impact of the measures.

3. Interest of users

- (113) Out of the nine users that came forward after initiation, five replied to the questionnaire. One of the five companies was found to participate in circumvention practices as established in the last anti-circumvention investigation concluded in 2015 and mentioned in recital (3). From its questionnaire reply it was clear that this company did not use the product concerned, but that it imported slightly modified molybdenum wire from the PRC, not falling under the product description of the Notice of Initiation of the current review, and that was found to be circumventing the anti-dumping measures in force only after the current investigation had been initiated. Therefore, its reply was not taken into account for the purpose of the current expiry review investigation.
- (114) None of the four remaining cooperating users imported the product concerned from the PRC, but purchased the like product from the Union industry. Two of these companies are coating companies. The third company was a car manufacturer that produced gearboxes for its own produced cars. The fourth company is a producer of automotive parts. However, the data submitted by the latter was deficient and could not be used. The investigation revealed that all users were profitable during the review investigation period. None of the four users put forward any argument against the continuation of the measures.
- (115) On this basis and in line with the conclusions drawn in the original investigation, it is expected that the continuation of measures will not have a significant negative impact on users and that there are therefore no compelling reasons to conclude that it is not in the Union interest to extend the existing measures.
- (116) After disclosure, one interested party claimed that since the price of the raw material for molybdenum wire has gone down significantly over the period considered, this decrease should be taken into account when calculating the anti-dumping duty in force. Furthermore, the same party argued that maintaining the anti-dumping duty in force when the price of the raw material dropped significantly was a distorting factor for the Union users that have a business model starting from Chinese molybdenum wire.
- (117) First, it is underlined that the molybdenum wire raw material price has been duly taken into consideration. The significant drop in the raw material price was acknowledged as one of the determinant factors for the decrease in the cost of production (see recital (86)) and for the increase of profitability (see recital (92)) of the Union industry. Second, it is noted that the scope of the current investigation was to examine whether the anti-dumping duty in force should be repealed or maintained in accordance with Article 11(2) and 11(5) and not to amend an anti-dumping duty. Third, the anti-dumping duty in force is meant to ensure a level playing field between the Chinese exporting producers and the Union industry. Although the development of the raw material price (both increase and decrease) has an impact on the cost and consequently on the price policy of the molybdenum wire producers, it does not have an impact on the level of the anti-dumping duty as such. Therefore, as explained in recital (114), the drop in the raw material price does not have a distorting effect on the users since they can choose whether to buy from the Chinese exporting producers or the Union industry. Finally, as also explained in recital (114), all users were found to be profitable during the review investigation period. Therefore, the claim was rejected.

4. Conclusion on Union interest

- (118) In view of the above, the Commission concluded that there are no compelling reasons of Union interest against the extension of the current anti-dumping measures on imports from the PRC.

F. ANTI-DUMPING MEASURES

- (119) All interested parties were informed of the essential facts and considerations on the basis of which it was intended to maintain the anti-dumping measures in force. They were also granted a period within which they could submit comments subsequent to this disclosure. The submissions and comments were duly taken into consideration.
- (120) It follows from the above considerations that, under Article 11(2) of the basic Regulation, the anti-dumping measures applicable to imports of certain molybdenum wires originating in the PRC, imposed by Regulation (EU) No 511/2010 should be maintained.

- (121) As a consequence, the extension of the measures for the product concerned originating in the PRC first, to imports molybdenum wire consigned from Malaysia ⁽⁹⁾ and, secondly, to imports of molybdenum wire from the PRC containing by weight at least 97 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm ⁽¹⁰⁾ and, third, to molybdenum wire containing by weight at least 97 % of molybdenum, with a maximum cross-sectional dimension that exceeds 4,0 mm but does not exceed 11,0 mm, should also be maintained.
- (122) This Regulation is 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. A definitive anti-dumping duty is hereby imposed on imports of molybdenum wire, containing by weight at least 99,95 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm, originating in the People's Republic of China, currently falling within CN code ex 8102 96 00 (TARIC codes 8102 96 00 11 and 8102 96 00 19).
2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, of the product described in paragraph 1 shall be 64,3 %.
3. 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, 28 June 2016.

For the Commission
The President
Jean-Claude JUNKER

⁽⁹⁾ See footnote 3.

⁽¹⁰⁾ See footnote 4.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1047**of 28 June 2016****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 points (b) and (d) of Article 9(1) thereof,

Whereas:

- (1) Regulation (EEC) No 2658/87 established a goods nomenclature (hereinafter referred to as the 'Combined Nomenclature' or the 'CN') to meet, at one and the same time, the requirements of the Common Customs Tariff, the external trade statistics of the Union, and other Union policies concerning the importation or exportation of goods.
- (2) Council Decision (EU) 2016/971 ⁽²⁾ provides for an elimination or a reduction of customs duties for a certain number of products. In order to implement the measures provided for in that Decision in the Combined Nomenclature, it is necessary to identify the products concerned through CN codes. Where existing CN codes regroup a wider group of products than those affected by the elimination or reduction of customs duties, the duty free treatment or duty reduction should be granted only to the products listed in the Decision.
- (3) Annex I to Regulation (EEC) No 2658/87 should therefore be amended accordingly.
- (4) Since Decision (EU) 2016/971 enters into force on 1 July 2016, this Regulation should enter into force as a matter of urgency and apply from the date of entry into force of the Decision.
- (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

Annex I to Regulation (EEC) No 2658/87 is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 July 2016.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ Council Decision (EU) 2016/971 of 17 June 2016 on the conclusion, on behalf of the European Union, of an agreement in the form of a Declaration on the expansion of Trade in Information Technology Products (ITA) (OJ L 161, 18.6.2016, p. 2).

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

Done at Brussels, 28 June 2016.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

Annex I to Regulation (EEC) No 2658/87 is amended as follows:

- (a) in Part One, in Section II, the following point G is added:

'G. Duty-Free Treatment of 'Multi-component integrated circuits' (MCOs):

1. Relief from customs duty applies to 'Multi-component integrated circuits' (MCOs), which are defined as:

a combination of one or more monolithic, hybrid, or multi-chip integrated circuits with at least one of the following components: silicon-based sensors, actuators, oscillators, resonators or combinations thereof, or components performing the functions of articles classifiable under heading 8532, 8533, 8541, or inductors classifiable under heading 8504, formed to all intents and purposes indivisibly into a single body like an integrated circuit, as a component of a kind used for assembly onto a printed circuit board (PCB) or other carrier, through the connecting of pins, leads, balls, lands, bumps, or pads.

For the purpose of this definition in the previous subparagraph:

1. 'Components' may be discrete, manufactured independently then assembled onto the rest of the MCO, or integrated into other components.
 2. 'Silicon based' means built on a silicon substrate, or made of silicon materials, or manufactured onto integrated circuit die.
 3. (a) 'Silicon based sensors' consist of microelectronic or mechanical structures that are created in the mass or on the surface of a semiconductor and that have the function of detecting physical or chemical quantities and transducing these into electric signals, caused by resulting variations in electric properties or displacement of a mechanical structure. 'Physical or chemical quantities' relates to real world phenomena, such as pressure, acoustic waves, acceleration, vibration, movement, orientation, strain, magnetic field strength, electric field strength, light, radioactivity, humidity, flow, chemicals concentration, etc.
 - (b) 'Silicon based actuators' consist of microelectronic and mechanical structures that are created in the mass or on the surface of a semiconductor and that have the function of converting electrical signals into physical movement.
 - (c) 'Silicon based resonators' are components that consist of microelectronic or mechanical structures that are created in the mass or on the surface of a semiconductor and have the function of generating a mechanical or electrical oscillation of a predefined frequency that depends on the physical geometry of these structures in response to an external input.
 - (d) 'Silicon based oscillators' are active components that consist of microelectronic or mechanical structures that are created in the mass or on the surface of a semiconductor and that have the function of generating a mechanical or electrical oscillation of a predefined frequency that depends on the physical geometry of these structures.
2. Goods eligible for relief from customs duty referred to in paragraph 1 may fall within the following CN subheadings:

8422 90 10, 8422 90 90, 8431 20 00, 8443 91 10, 8450 90 00, 8466 10 31, 8466 10 38, 8466 20 20, 8466 20 91, 8466 20 98, 8466 91 20, 8466 91 95, 8466 92 20, 8466 92 80, 8466 93 30, 8466 93 70, 8466 94 00, 8476 90 00, 8504 90 11, 8504 90 18, 8504 90 99, 8518 90 00, 8522 90 49, 8522 90 80, 8529 10 11, 8529 10 31, 8529 10 39, 8529 10 65, 8529 10 80, 8529 90 65, 8529 90 92, 8529 90 97, 8530 90 00, 8535 10 00, 8535 21 00, 8535 29 00, 8535 30 10, 8535 30 90, 8535 40 00, 8535 90 00, 8536 10 10, 8536 10 50, 8536 10 90, 8536 20 10, 8536 20 90, 8536 30 10, 8536 30 30, 8536 30 90, 8536 41 10, 8536 41 90, 8536 49 00, 8536 50 11, 8536 50 15, 8536 50 19, 8536 50 80, 8536 61 10, 8536 61 90, 8536 69 90, 8536 70 00, 8536 90 01, 8536 90 85, 8537 10 10, 8537 10 91, 8537 10 99, 8537 20 91, 8537 20 99, 8538 10 00, 8538 90 11, 8538 90 19, 8538 90 91, 8538 90 99, 8548 90 90, 9025 90 00, 9027 90 10, 9027 90 80, 9030 90 85, 9032 10 20, 9032 10 81, 9032 10 89, 9032 20 00,

9032 89 00, 9032 90 00, 9033 00 00, 9114 90 00, 9305 10 00, 9305 20 00, 9305 99 00, 9306 21 00, 9306 29 00, 9306 30 10, 9306 30 30, 9306 30 90, 9306 90 10, 9306 90 90,

3. Upon presentation of the customs declaration for release for free circulation of MCOs to the customs authorities of a Member State, the declarant shall indicate the code 'Y035' in box 44 of the SAD (Regulation (EU) 341/2016 (Annex 9)).'

(b) Part Two is amended as follows:

- (1) the rows concerning CN codes 3215 to 3215 90 00 are replaced by the following:

'3215	Printing ink, writing or drawing ink and other inks, whether or not concentrated or solid:		
	— — Printing ink:		
3215 11 00	— — Black	6,5 ⁽¹⁾	—
3215 19 00	— — Other	6,5 ⁽³⁾	—
3215 90 00	— Other	6,5 ⁽⁵⁾	—
⁽¹⁾ Ink cartridges (without an integrated print head) for insertion into apparatus of subheadings 8443 31, 8443 32 or 8443 39, and incorporating mechanical or electrical components: Free ⁽³⁾ Ink cartridges (without an integrated print head) for insertion into apparatus of subheadings 8443 31, 8443 32 or 8443 39, and incorporating mechanical or electrical components Free ⁽⁵⁾ Solid ink in engineered shapes for insertion into apparatus of subheadings 8443 31, 8443 32 or 8443 39: Free			

- (2) the row concerning CN code 3506 91 00 is replaced by the following:

'3506 91 00	— — Adhesives based on polymers of headings 3901 to 3913 or on rubber	6,5 ⁽⁷⁾	—
⁽⁷⁾ Optically clear free-film adhesives and optically clear curable liquid adhesives of a kind used solely or principally for the manufacture of flat panel displays or touch-sensitive screen panels: 4,9 %			

- (3) the row concerning CN code 3701 30 00 is replaced by the following:

'3701 30 00	— Other plates and film, with any side exceeding 255 mm	4,9	m ²
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- (4) the row concerning CN code 3701 99 00 is replaced by the following:

'3701 99 00	— — Other	4,9	—'
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- (5) the rows concerning CN codes 3705 90 10 and 3705 90 90 are replaced by the following:

'3705 90 10	— — Microfilms	Free	—
3705 90 90	— — Other	Free	—'

(6) the rows concerning CN codes 3707 90 20 and 3707 90 90 are replaced by the following:

'3707 90 20	-- Developers and fixers	4,5 ⁽⁸⁾	—
3707 90 90	-- Other	Free	—
⁽⁸⁾ Thermoplastic or electrostatic toner cartridges (without moving parts) for insertion into apparatus of HS subheadings 844331, 844332 or 844339: Free .			

(7) the rows concerning CN codes 3907 99 to 3907 99 90 are replaced by the following:

'3907 99	-- Other:		
3907 99 10	--- Poly(ethylene naphthalene-2,6-dicarboxylate)	Free	—
3907 99 90	--- Other	6,5 ⁽⁹⁾	—
⁽⁹⁾ Thermoplastic liquid crystal aromatic polyester copolymers: 4,9			

(8) the row concerning CN code 3919 90 00 is replaced by the following:

'3919 90 00	- Other	6,5 ⁽¹¹⁾	—
⁽¹¹⁾ Self-adhesive circular polishing pads of a kind used for the manufacture of semiconductor wafers: Free			

(9) the row concerning CN code 3923 10 00 is replaced by the following:

'3923 10 00	- Boxes, cases, crates and similar articles	6,5 ⁽¹³⁾	—
⁽¹³⁾ Boxes, cases, crates and similar articles, of plastic, specially shaped or fitted for the conveyance or packing of semiconductor wafers, masks, or reticles: Free			

(10) the row concerning CN code 5911 90 90 is replaced by the following:

'5911 90 90	-- Other	6 ⁽¹⁵⁾	—
⁽¹⁵⁾ Self-adhesive circular polishing pads of a kind used for the manufacture of semiconductor wafers: Free			

(11) the rows concerning CN codes 8414 10 to 8414 10 89 are replaced by the following:

'8414 10	- Vacuum pumps:		
8414 10 20	-- For use in semiconductor production	Free	p/st
	-- Other:		
8414 10 25	--- Rotary piston pumps, sliding vane rotary pumps, molecular drag pumps and Roots pumps	1,7 ⁽¹⁷⁾	p/st
	--- Other:		
8414 10 81	---- Diffusion pumps, cryopumps and adsorption pumps	1,7 ⁽¹⁷⁾	p/st
8414 10 89	---- Other	1,7 ⁽¹⁷⁾	p/st
⁽¹⁷⁾ Of a kind used solely or principally for the manufacture of semiconductors or of flat panel displays: Free			

(12) the rows concerning CN codes 8414 59 to 8414 59 80 are replaced by the following:

'8414 59	-- Other:		
8414 59 20	--- Axial fans	2,3 ⁽¹⁸⁾	p/st
8414 59 40	--- Centrifugal fans	2,3 ⁽¹⁸⁾	p/st
8414 59 80	--- Other	2,3 ⁽¹⁸⁾	p/st
⁽¹⁸⁾ Fans of a kind used solely or principally for cooling microprocessors, telecommunication apparatus, automatic data processing machines or units of automatic data processing machines: Free			

(13) the row concerning CN code 8419 50 00 is replaced by the following:

'8419 50 00	-- Heat-exchange units	1,7 ⁽¹⁹⁾	—
⁽¹⁹⁾ Heat exchange units made of fluoropolymers and with inlet and outlet tube bores with inside diameters measuring 3 cm or less: Free			

(14) the rows concerning CN codes 8420 10 to 8420 10 80 are replaced by the following:

'8420 10	-- Calendering or other rolling machines:		
8420 10 10	-- Of a kind used in the textile industry	1,7	—
8420 10 30	-- Of a kind used in the paper industry	1,7	—
8420 10 80	-- Other	1,7 ⁽²¹⁾	—
⁽²¹⁾ Roll laminators of a kind used solely or principally for the manufacture of printed circuit substrates or printed circuits: Free			

(15) the row concerning CN code 8421 29 00 is replaced by the following:

'8421 29 00	-- Other	1,7 ⁽²³⁾	—
⁽²³⁾ Made of fluoropolymers and with filter or purifier membrane thickness not exceeding 140 microns: Free			

(16) the rows concerning CN codes 8421 39 to 8421 39 80 are replaced by the following:

'8421 39	-- Other:		
8421 39 20	--- Machinery and apparatus for filtering or purifying air	1,7 ⁽²⁵⁾	—
	--- Machinery and apparatus for filtering or purifying other gases:		
8421 39 60	---- By a catalytic process	1,7 ⁽²⁵⁾	—
8421 39 80	---- Other	1,7 ⁽²⁵⁾	—
⁽²⁵⁾ With stainless steel housing, and with inlet and outlet tube bores with inside diameters not exceeding 1,3 cm: Free			

(17) the row concerning CN code 8421 99 00 is replaced by the following:

'8421 99 00	-- Other	1,7 ⁽²⁹⁾	—
⁽²⁹⁾ Parts of the following machinery and apparatus: — of liquid filtering or purifying machinery and apparatus made of fluoropolymers and with filter or purifier membrane thickness not exceeding 140 microns: Free — of filtering or purifying machinery and apparatus for gases, with stainless steel housing, and with inlet and outlet tube bores with inside diameters not exceeding 1,3 cm: Free			

(18) the row concerning CN code 8423 20 00 is replaced by:

'8423 20 00	– Scales for continuous weighing of goods on conveyors	1,7 ⁽³¹⁾	p/st
⁽³¹⁾ Using electronic means for gauging weights: Free			

(19) the rows concerning CN codes 8423 30 00 to 8423 90 00 are replaced by the following:

'8423 30 00	– Constant weight scales and scales for discharging a pre-determined weight of material into a bag or container, including hopper scales	1,7 ⁽³³⁾	p/st
	– Other weighing machinery:		
8423 81	-- Having a maximum weighing capacity not exceeding 30 kg:		
8423 81 10	--- Check weighers and automatic control machines operating by reference to a pre-determined weight	1,7 ⁽³⁵⁾	p/st
8423 81 30	--- Machinery for weighing and labelling pre-packaged goods	1,7 ⁽³⁵⁾	p/st
8423 81 50	--- Shop scales	1,7 ⁽³⁵⁾	p/st
8423 81 90	--- Other	1,7 ⁽³⁵⁾	p/st
8423 82	-- Having a maximum weighing capacity exceeding 30 kg but not exceeding 5 000 kg:		
8423 82 10	--- Check weighers and automatic control machines operating by reference to a pre-determined weight	1,7 ⁽⁴⁰⁾	p/st
8423 82 90	--- Other	1,7 ⁽⁴⁰⁾	p/st
8423 89 00	-- Other	1,7 ⁽⁴³⁾	p/st
8423 90 00	– Weighing machine weights of all kinds; parts of weighing machinery	1,7 ⁽⁴⁵⁾	—
⁽³³⁾ Using electronic means for gauging weight: Free ⁽³⁵⁾ Using electronic means for gauging weight: Free ⁽⁴⁰⁾ Using electronic means for gauging weight, excluding machines for weighing motor vehicles: Free ⁽⁴³⁾ Using electronic means for gauging weight: Free ⁽⁴⁵⁾ Parts of weighing machinery using electronic means for gauging weight, excluding parts of machines for weighing motor vehicles: Free			

(20) the rows concerning CN codes 8424 89 00 to 8424 90 00 and replace by:

'8424 89 00	-- Other	1,7 ⁽⁴⁷⁾	—
8424 90 00	-- Parts	1,7 ⁽⁵⁰⁾	—
⁽⁴⁷⁾ Mechanical appliances for projecting, dispersing, or spraying of a kind used solely or principally for the manufacture of printed circuits or printed circuit assemblies: Free ⁽⁵⁰⁾ Parts of mechanical appliances for projecting, dispersing, or spraying of a kind used solely or principally for the manufacture of printed circuits or printed circuit assemblies: Free			

(21) the rows concerning CN codes 8442 30 to 8442 50 80 are replaced by the following:

'8442 30	-- Machinery, apparatus and equipment:		
8442 30 10	-- Phototypesetting and composing machines	Free	p/st
	-- Other:		
8442 30 91	--- For typefounding and typesetting (for example, linotypes, monotypes, intertypes), with or without founding devices	Free	p/st
8442 30 99	--- Other	Free	—
8442 40 00	-- Parts of the foregoing machinery, apparatus or equipment	Free	—
8442 50	-- Plates, cylinders and other printing components; plates, cylinders and lithographic stones, prepared for printing purposes (for example, planed, grained or polished):		
8442 50 20	-- With printing image	Free	—
8442 50 80	-- Other	Free	—'

(22) the rows concerning CN codes 8443 31 to 8443 99 90 are replaced by the following:

'8443 31	-- Machines which perform two or more of the functions of printing, copying or facsimile transmission, capable of connecting to an automatic data-processing machine or to a network:		
8443 31 20	--- Machines having digital copying as principal function, where the copying is performed by scanning the original and printing the copies by means of an electrostatic print engine	Free	p/st
8443 31 80	--- Other	Free	p/st
8443 32	-- Other, capable of connecting to an automatic data-processing machine or to a network:		
8443 32 10	--- Printers	Free	p/st
8443 32 30	--- Facsimile machines	Free	p/st

	--- Other:		
8443 32 91	---- Machines performing a copying function by scanning the original and printing the copies by means of an electrostatic print engine	Free	p/st
8443 32 93	---- Other machines performing a copying function incorporating an optical system	Free	p/st
8443 32 99	---- Other	Free	p/st
8443 39	-- Other:		
8443 39 10	--- Machines performing a copying function by scanning the original and printing the copies by means of an electrostatic print engine	Free	p/st
	--- Other copying machines:		
8443 39 31	---- Incorporating an optical system	Free	p/st
8443 39 39	---- Other	Free	p/st
8443 39 90	--- Other	Free	p/st
	-- Parts and accessories:		
8443 91	-- Parts and accessories of printing machinery used for printing by means of plates, cylinders and other printing components of heading 8442:		
8443 91 10	--- Of apparatus of subheading 8443 19 40 ^(E0013)	Free	—
	--- Other:		
8443 91 91	---- Of cast iron or cast steel	Free	—
8443 91 99	---- Other	Free	—
8443 99	-- Other:		
8443 99 10	--- Electronic assemblies	Free	—
8443 99 90	--- Other	Free	—
^(E0013) (Entry under this subheading is subject to the conditions laid down in the relevant provisions of the European Union (see Article 254 of Regulation (EU) No 952/2013 of the European Parliament and of the Council (OJ L 269, 10.10.2013, p. 1)'			

(23) the row concerning CN code 8456 10 00 is replaced by the following:

'8456 10 00	-- Operated by laser or other light or photon beam processes	4,5 ⁽⁵¹⁾	p/st
⁽⁵¹⁾ Machine tools operated by laser or other light or photon beam processes of a kind used solely or principally for the manufacture of printed circuits, printed circuit assemblies, parts of heading 8517, or parts of automatic data processing machines: Free			

(24) the rows concerning CN codes 8466 93, 8466 93 30 and 8466 93 70 are replaced by the following:

'8466 93	-- For machines of headings 8456 to 8461:		
8466 93 30	--- For machines of subheading 8456 90 20	1,7	—
8466 93 70	--- Other	1,2 ⁽⁵⁴⁾	—
⁽⁵⁴⁾ Parts and accessories of machine tools operated by laser or other light or photon beam processes of a kind used solely or principally for the manufacture of printed circuits, printed circuit assemblies, parts of heading 8517, or parts of automatic data processing machines; Parts and accessories of machines of subheadings 8456 20, 8456 30, 8457 10, 8458 91, 8459 21 00, 8459 61 or 8461 50 of a kind used solely or principally for the manufacture of printed circuits, printed circuit assemblies, parts of heading 8517, or parts of automatic data processing machines: Free			

(25) the row concerning CN code 8472 10 00 is replaced by the following:

'8472 10 00	– Duplicating machines	1,5	p/st'
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(26) the rows concerning CN codes 8472 90 to 8472 90 70 are replaced by the following:

'8472 90	– Other:		
8472 90 10	-- Coin-sorting, coin-counting or coin-wrapping machines	1,7	p/st
8472 90 30	-- Automatic teller machines	Free	p/st
8472 90 70	-- Other	1,7	—'

(27) the row concerning CN code 8473 10 19 is replaced by the following:

'8473 10 19	--- Other	Free	—'
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(28) the row concerning CN code 8473 40 18 is replaced by the following:

'8473 40 18	--- Other	Free	—'
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(29) the row concerning CN code 8475 21 00 is replaced by the following:

'8475 21 00	-- Machines for making optical fibres and preforms thereof	Free	—'
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(30) the row concerning CN code 8475 90 00 is replaced by the following:

'8475 90 00	– Parts	1,7 ⁽¹⁴⁰⁾	—
⁽¹⁴⁰⁾ Parts of machines of subheading 8475 21 00: Free			

(31) the rows concerning CN codes 8476 89 00 and 8476 90 00 are replaced by the following:

'8476 89 00	-- Other	1,7 ⁽⁵⁷⁾	p/st
8476 90 00	-- Parts	1,7 ⁽⁵⁹⁾	—
⁽⁵⁷⁾ Money-changing machines: Free ⁽⁵⁹⁾ Parts of money-changing machines: Free			

(32) the rows concerning CN codes 8479 89 to 8479 90 80 are replaced by the following:

'8479 89	-- Other:		
8479 89 30	--- Mobile hydraulic-powered mine roof supports	1,7	—
8479 89 60	--- Central greasing systems	1,7	—
8479 89 97	--- Other	1,7 ⁽⁶¹⁾	—
8479 90	-- Parts:		
8479 90 20	-- Of cast iron or cast steel	1,7	—
8479 90 80	-- Other	1,7 ⁽⁶³⁾	—
⁽⁶¹⁾ Automated electronic component placement machines of a kind used solely or principally for the manufacture of printed circuit assemblies: Free ⁽⁶³⁾ Parts of automated electronic component placement machines of a kind used solely or principally for the manufacture of printed circuit assemblies: Free			

(33) the rows concerning CN codes 8486 20 to 8486 30 90 are replaced by the following:

'8486 20	-- Machines and apparatus for the manufacture of semiconductor devices or of electronic integrated circuits:		
8486 20 10	-- Machine-tools operated by ultrasonic processes	Free	p/st
8486 20 90	-- Other	Free	—
8486 30	-- Machines and apparatus for the manufacture of flat panel displays:	Free	—
8486 30 10	-- Apparatus for chemical vapour deposition on liquid crystal devices (LCD) substrates	Free	—
8486 30 30	-- Apparatus for dry-etching patterns on liquid crystal devices (LCD) substrates	Free	—
8486 30 50	-- Apparatus for physical deposition by sputtering on liquid crystal devices (LCD) substrates	Free	—
8486 30 90	-- Other	Free	—'

(34) the rows concerning CN codes 8486 90 to 8486 90 90 are replaced by the following:

8486 90	– Parts and accessories:		
8486 90 10	-- Tool holders and self-opening dieheads; workholders	Free	—
	-- Other:		
8486 90 20	--- Parts of spinners for coating photographic emulsions on liquid crystal devices (LCD) substrates	Free	—
8486 90 30	--- Parts of deflash machines for cleaning the metal leads of semiconductor packages prior to the electroplating process	Free	—
8486 90 40	--- Parts of apparatus for physical deposition by sputtering on liquid crystal devices (LCD) substrates	Free	—
8486 90 50	--- Parts and accessories for apparatus for dry-etching patterns on liquid crystal devices (LCD) substrates	Free	—
8486 90 60	--- Parts and accessories for apparatus for chemical vapour deposition on liquid crystal devices (LCD) substrates	Free	—
8486 90 70	--- Parts and accessories for machine-tools operated by ultra-sonic processes	Free	—
8486 90 90	--- Other	Free	—'

(35) the rows concerning CN codes 8504 40 55 to 8504 90 99 are replaced by the following:

8504 40 55	--- Accumulator chargers	2,5	p/st
	--- Other:		
8504 40 82	---- Rectifiers	2,5	—
	---- Inverters:		
8504 40 84	----- Having a power handling capacity not exceeding 7,5 kVA	2,5	—
8504 40 88	----- Having a power handling capacity exceeding 7,5 kVA	2,5	—
8504 40 90	---- Other	2,5	—
8504 50	– Other inductors:		
8504 50 20	-- Of a kind used with telecommunication apparatus and for power supplies for automatic data-processing machines and units thereof	Free	—
8504 50 95	-- Other	2,8	—

8504 90	– Parts:		
	– – Of transformers and inductors:		
8504 90 05	– – – Electronic assemblies of machines of subheading 8504 50 20	Free	—
	– – – Other:		
8504 90 11	– – – – Ferrite cores	1,7	—
8504 90 18	– – – – Other	1,7	—
	– – Of static converters:		
8504 90 91	– – – Electronic assemblies of machines of subheading 8504 40 30	Free	—
8504 90 99	– – – Other	1,7	—'

(36) the rows concerning CN codes 8505 90 to 8505 90 90 are replaced by the following:

'8505 90	– Other, including parts:		
8505 90 20	– – Electromagnets; electromagnetic or permanent magnet chucks, clamps and similar holding devices	1,8 ⁽⁷⁰⁾	—
8505 90 50	– – Electromagnetic lifting heads	2,2	—
8505 90 90	– – Parts	1,8	—
⁽⁷⁰⁾ Electromagnets of a kind used solely or principally for magnetic resonance imaging apparatus other than electromagnets of heading 9018: Free			

(37) the row concerning CN code 8514 30 00 is replaced by the following:

'8514 30 00	– Other furnaces and ovens	2,2 ⁽⁷²⁾	p/st
⁽⁷²⁾ Of a kind used solely or principally for the manufacture of printed circuits or printed circuit assemblies: 1,7 %			

(38) the row concerning CN code 8514 90 00 is replaced by the following:

'8514 90 00	– Parts	2,2 ⁽⁷⁵⁾	—
⁽⁷⁵⁾ Of other furnaces and ovens of a kind used solely or principally for the manufacture of printed circuits or printed circuit assemblies: 1,7 %			

(39) the row concerning CN code 8515 19 00 is replaced by the following:

'8515 19 00	– – Other	2,7 ⁽⁷⁸⁾	—
⁽⁷⁸⁾ Wave soldering machines of a kind used solely or principally for the manufacture of printed circuit assemblies: 2 %			

(40) the row concerning CN code 8515 90 00 is replaced by the following:

'8515 90 00	– Parts	2,7 ⁽⁸⁰⁾	—
⁽⁸⁰⁾ Of wave soldering machines of a kind used solely or principally for the manufacture of printed circuit assemblies: Free'			

(41) the row concerning CN code 8517 69 39 is replaced by the following:

'8517 69 39	– – – – Other	Free	p/st'
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(42) the rows concerning CN codes 8517 70 15 and 8517 70 19 are replaced by the following:

'8517 70 15	– – – Telescopic and whip-type aerials for portable apparatus or for apparatus for fitting in motor vehicles	Free	—
8517 70 19	– – – Other	Free	—'

(43) the rows concerning CN codes 8518 10 to 8518 90 00 are replaced by the following:

'8518 10	– Microphones and stands therefor:		
8518 10 30	– – Microphones having a frequency range of 300 Hz to 3,4 kHz, of a diameter not exceeding 10 mm and a height not exceeding 3 mm, of a kind used for telecommunications	Free	—
8518 10 95	– – Other	1,9	—
	– Loudspeakers, whether or not mounted in their enclosures:		
8518 21 00	– – Single loudspeakers, mounted in their enclosures	Free	p/st
8518 22 00	– – Multiple loudspeakers, mounted in the same enclosure	3,4	p/st
8518 29	– – Other:		
8518 29 30	– – – Loudspeakers having a frequency range of 300 Hz to 3,4 kHz, of a diameter not exceeding 50 mm, of a kind used for telecommunications	Free	p/st
8518 29 95	– – – Other	2,3	p/st
8518 30	– Headphones and earphones, whether or not combined with a microphone, and sets consisting of a microphone and one or more loudspeakers:		
8518 30 20	– – Line telephone handsets	Free	—
8518 30 95	– – Other	1,5	—

8518 40	– Audio-frequency electric amplifiers:		
8518 40 30	– – Telephonic and measurement amplifiers	2,3	—
8518 40 80	– – Other	3,4	p/st
8518 50 00	– Electric sound amplifier sets	1,5	p/st
8518 90 00	– Parts	1,5	—'

(44) the rows concerning CN codes 8519 81 to 8519 81 21 are replaced by the following:

'8519 81	– – Using magnetic, optical or semiconductor media:		
	– – – Sound reproducing apparatus (including cassette-players), not incorporating a sound recording device:		
8519 81 11	– – – – Transcribing machines	Free	p/st
	– – – – Other sound reproducing apparatus:		
8519 81 15	– – – – – Pocket-size cassette-players	Free	p/st
	– – – – – Other, cassette-type:		
8519 81 21	– – – – – With an analogue and digital reading system	6,8	p/st'

(45) the rows concerning CN codes 8519 81 25 to 8519 89 90 are replaced by the following:

'8519 81 25	– – – – – Other	Free	p/st
	– – – – – Other:		
	– – – – – With laser reading system:		
8519 81 31	– – – – – Of a kind used in motor vehicles, of a type using discs of a diameter not exceeding 6,5 cm	6,8	p/st
8519 81 35	– – – – – Other	7,1	p/st
8519 81 45	– – – – – Other	3,4	p/st
	– – – Other apparatus:		
8519 81 51	– – – – Dictating machines not capable of operating without an external source of power	Free	p/st
	– – – – Other magnetic tape recorders incorporating sound reproducing apparatus:		
	– – – – – Cassette-type:		
	– – – – – With built-in amplifier and one or more built-in loudspeakers:		
8519 81 55	– – – – – Capable of operating without an external source of power	Free	p/st

8519 81 61	----- Other	Free	p/st
8519 81 65	----- Pocket-size recorders	Free	p/st
8519 81 75	----- Other	Free	p/st
	----- Other:		
8519 81 81	----- Using magnetic tapes on reels, allowing sound recording or reproduction either at a single speed of 19 cm per second or at several speeds if those comprise only 19 cm per second and lower speeds	Free	p/st
8519 81 85	----- Other	Free	p/st
8519 81 95	----- Other	1,5	p/st
8519 89	-- Other:		
	--- Sound reproducing apparatus, not incorporating a sound recording device:		
8519 89 11	----- Record-players, other than those of subheading 8519 20	Free	p/st
8519 89 15	----- Transcribing machines	Free	p/st
8519 89 19	----- Other	Free	p/st
8519 89 90	----- Other	Free	p/st'

(46) the rows concerning CN codes 8521 10 to 8521 90 00 are replaced by the following:

'8521 10	– Magnetic tape-type:		
8521 10 20	-- Using tape of a width not exceeding 1,3 cm and allowing recording or reproduction at a tape speed not exceeding 50 mm per second	Free	p/st
8521 10 95	-- Other	6	p/st
8521 90 00	– Other	12,2	p/st'

(47) the row concerning CN code 8522 90 49 is replaced by the following:

'8522 90 49	----- Other	3	—'
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(48) the row concerning CN code 8522 90 80 is replaced by the following:

'8522 90 80	--- Other	3 ⁽⁹⁰⁾	—
⁽⁹⁰⁾ Light-Emitting Diode (LED) backlights modules, which are lighting sources that consist of one or more LEDs, and one or more connectors and are mounted on a printed circuit or other similar substrate, and other passive components, whether or not combined with optical components or protective diodes, and used as backlights illumination for liquid crystal displays (LCDs): Free			

(49) the row concerning CN code 8523 21 00 is replaced by the following:

'8523 21 00	-- Cards incorporating a magnetic stripe	Free	p/st'
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(50) the rows concerning CN code 8523 29 39 and 8523 29 90 are replaced by the following:

'8523 29 39	----- Other	Free	p/st
8523 29 90	---- Other	Free	—'

(51) the row concerning CN code 8523 49 31 is replaced by the following:

'8523 49 31	----- Of a diameter not exceeding 6,5 cm	Free	p/st'
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(52) the row concerning CN code 8523 49 39 is replaced by the following:

'8523 49 39	----- Of a diameter exceeding 6,5 cm	Free	p/st'
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(53) the rows concerning CN code 8523 49 51 and 8523 49 59 are replaced by the following:

'8523 49 51	----- Digital versatile discs (DVD)	Free	p/st
8523 49 59	----- Other	Free	p/st'

(54) the row concerning CN code 8523 49 99 is replaced by the following:

'8523 49 99	---- Other	Free	p/st'
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(55) the row concerning CN code 8523 51 99 is replaced by the following:

'8523 51 99	---- Other	Free	p/st'
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(56) the row concerning CN code 8523 52 10 is replaced by the following:

'8523 52 10	--- With two or more electronic integrated circuits	Free	p/st'
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(57) the row concerning CN code 8523 59 99 is replaced by the following:

'8523 59 99	---- Other	Free	p/st'
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(58) the row concerning CN code 8523 80 99 is replaced by the following:

'8523 80 99	— — — Other	Free	—'
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(59) the rows concerning CN codes 8525 50 00 to 8526 92 00 are replaced by the following:

'8525 50 00	— Transmission apparatus	2,7	p/st
8525 60 00	— Transmission apparatus incorporating reception apparatus	Free	p/st
8525 80	— Television cameras, digital cameras and video camera recorders:		
	— — Television cameras:		
8525 80 11	— — — With three or more camera tubes	Free	p/st
8525 80 19	— — — Other	4,1	p/st
8525 80 30	— — Digital cameras	Free	p/st
	— — Video camera recorders:		
8525 80 91	— — — Only able to record sound and images taken by the television camera	4,1	p/st
8525 80 99	— — — Other	10,5	p/st
8526	Radar apparatus, radio navigational aid apparatus and radio remote control apparatus:		
8526 10 00	— Radar apparatus	2,8	—
	— Other:		
8526 91	— — Radio navigational aid apparatus:		
8526 91 20	— — — Radio navigational receivers	2,8	p/st
8526 91 80	— — — Other	2,8	—
8526 92 00	— — Radio remote control apparatus	2,8	—'

(60) the rows concerning CN codes 8527 12 to 8527 13 91 are replaced by the following:

'8527 12	— — Pocket-size radio cassette players:		
8527 12 10	— — — With an analogue and digital reading system	Free	p/st
8527 12 90	— — — Other	7,5	p/st

8527 13	-- Other apparatus combined with sound recording or reproducing apparatus:		
8527 13 10	--- With laser reading system	9	p/st
	--- Other:		
8527 13 91	---- Of the cassette-type with an analogue and digital reading system	10,5	p/st'

(61) the rows concerning CN codes 8527 13 99 to 8527 99 00 are replaced by the following:

'8527 13 99	---- Other	7,5	p/st
8527 19 00	-- Other	Free	p/st
	– Radio-broadcast receivers not capable of operating without an external source of power, of a kind used in motor vehicles:		
8527 21	-- Combined with sound recording or reproducing apparatus:		
	--- Capable of receiving and decoding digital radio data system signals:		
8527 21 20	---- With laser reading system	12,3	p/st
	---- Other:		
8527 21 52	----- Of the cassette-type with an analogue and digital reading system	12,3	p/st
8527 21 59	----- Other	8,8	p/st
	--- Other:		
8527 21 70	---- With laser reading system	14	p/st
	---- Other:		
8527 21 92	----- Of the cassette-type with an analogue and digital reading system	14	p/st
8527 21 98	----- Other	10	p/st
8527 29 00	-- Other	10,5	p/st
	– Other:		
8527 91	-- Combined with sound recording or reproducing apparatus:		
	--- Within the same housing one or more loudspeakers:		
8527 91 11	---- Of the cassette-type with an analogue and digital reading system	10,5	p/st

8527 91 19	----- Other	7,5	p/st
	----- Other:		
8527 91 35	----- With laser reading system	9	p/st
	----- Other:		
8527 91 91	----- Of the cassette-type with an analogue and digital reading system	Free	p/st
8527 91 99	----- Other	7,5	p/st
8527 92	-- Not combined with sound recording or reproducing apparatus but combined with a clock:		
8527 92 10	---- Alarm clock radios	Free	p/st
8527 92 90	---- Other	6,8	p/st
8527 99 00	-- Other	6,8	p/st'

(62) the rows concerning CN codes 8528 49 to 8528 49 80 are replaced by the following:

'8528 49	-- Other:		
8528 49 10	---- Monochrome	10,5	p/st
8528 49 80	---- Colour	10,5	p/st'

(63) the row concerning CN code 8528 71 19 is replaced by the following:

'8528 71 19	----- Other	12,3	p/st'
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(64) the row concerning CN code 8528 71 99 is replaced by the following:

'8528 71 99	----- Other	12,3	p/st'
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(65) the rows concerning CN codes 8529 10 to 8529 10 95 are replaced by the following:

'8529 10	-- Aerials and aerial reflectors of all kinds; parts suitable for use therewith:		
	-- Aerials:		
8529 10 11	---- Telescopic and whip-type aerials for portable apparatus or for apparatus for fitting in motor vehicles	3,8	—
	---- Outside aerials for radio or television broadcast receivers:		
8529 10 31	----- For reception via satellite	2,7	—
8529 10 39	----- Other	2,7	—

8529 10 65	--- Inside aerials for radio or television broadcast receivers, including built-in types	3	—
8529 10 69	--- Other	Free	—
8529 10 80	-- Aerial filters and separators	2,7	—
8529 10 95	-- Other	Free	—'

(66) the rows concerning CN codes 8529 90 to 8529 90 97 are replaced by the following:

'8529 90	– Other:		
8529 90 20	-- Parts of apparatus of subheadings 8525 60 00, 8525 80 30, 8528 41 00, 8528 51 00 and 8528 61 00	Free	—
	-- Other:	Free	—
	--- Cabinets and cases:		
8529 90 41	---- Of wood	Free	—
8529 90 49	---- Of other materials	Free	—
8529 90 65	--- Electronic assemblies	2,6	—
	--- Other:		
8529 90 92	---- For television cameras of subheadings 8525 80 11 and 8525 80 19 and apparatus of headings 8527 and 8528	4,4 ^(145b)	—
8529 90 97	---- Other	2,6 ^(145a) ^(145b)	—

^(145a) Organic light emitting diode modules and organic light emitting diode panels for the apparatus of subheadings 8528 72 or 8528 73: **3 %**

^(145b) Light-Emitting Diode (LED) backlights modules, which are lighting sources that consist of one or more LEDs, and one or more connectors and are mounted on a printed circuit or other similar substrate, and other passive components, whether or not combined with optical components or protective diodes, and used as backlights illumination for liquid crystal displays (LCDs): **Free**

(67) the rows concerning CN codes 8531 80 to 8531 90 85 are replaced by the following:

'8531 80	– Other apparatus:		
8531 80 20	-- Flat panel display devices	Free	—
8531 80 95	-- Other	Free ⁽⁸³⁾	—
8531 90	– Parts:		
8531 90 20	-- Of apparatus of subheadings 8531 20 and 8531 80 20	Free	—
8531 90 85	-- Other	Free	—

⁽⁸³⁾ Bells, buzzers, door chimes and similar: 2,2 %

(68) the rows concerning CN codes 8536 30 to 8536 30 90 are replaced by the following:

'8536 30	– Other apparatus for protecting electrical circuits:		
8536 30 10	– – For a current not exceeding 16 A	1,7	—
8536 30 30	– – For a current exceeding 16 A but not exceeding 125 A	1,7	—
8536 30 90	– – For a current exceeding 125 A	1,7	—'

(69) the rows concerning CN codes 8536 50 11 to 8536 50 80 are replaced by the following:

'8536 50 11	– – – – Push-button switches	1,7	—
8536 50 15	– – – – Rotary switches	1,7	—
8536 50 19	– – – – Other	1,7	—
8536 50 80	– – – Other	1,7	—'

(70) the row concerning CN code 8536 90 01 is replaced by the following:

'8536 90 01	– – Prefabricated elements for electrical circuits	1,7	—'
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(71) the row concerning CN code 8536 90 85 is replaced by the following:

'8536 90 85	– – Other	1,7 ⁽⁸⁷⁾	—
⁽⁸⁷⁾ Battery clamp of a kind used for motor vehicles of heading 8702, 8703, 8704, or 8711: 2,3 %			

(72) the rows concerning CN codes 8537 10 to 8537 10 99 are replaced by the following:

'8537 10	– For a voltage not exceeding 1 000 V:		
8537 10 10	– – Numerical control panels with built-in automatic data-processing machine	2,1	—
	– – Other:		
8537 10 91	– – – Programmable memory controllers	2,1	—
8537 10 99	– – – Other	2,1 ⁽⁸⁸⁾	—
⁽⁸⁸⁾ Touch-Sensitive Data Input Devices (so-called touch screens) without display capabilities, for incorporation into apparatus having a display, which function by detecting the presence and location of a touch within the display area: Free			

(73) the row concerning CN code 8538 10 00 is replaced by the following:

'8538 10 00	– Boards, panels, consoles, desks, cabinets and other bases for the goods of heading 8537, not equipped with their apparatus	1,7	—'
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(74) the row concerning CN code 8539 39 00 is replaced by the following:

'8539 39 00	-- Other	2,7 ⁽⁸⁹⁾	p/st
⁽⁸⁹⁾ Cold-cathode fluorescent lamps (CCFLs) for backlighting of flat panel displays: 2 %			

(75) the rows concerning CN codes 8543 20 00 to 8543 90 00 are replaced by the following:

'8543 20 00	-- Signal generators	2,8	—
8543 30 00	-- Machines and apparatus for electroplating, electrolysis or electrophoresis	3,7 ⁽¹⁰⁰⁾	—
8543 70	-- Other machines and apparatus:		
8543 70 10	-- Electrical machines with translation or dictionary functions	Free	—
8543 70 30	-- Aerial amplifiers	3,7	—
8543 70 50	-- Sunbeds, sunlamps and similar suntanning equipment	3,7	p/st
8543 70 60	-- Electric fence energisers	3,7	—
8543 70 90	-- Other	3,7 ⁽⁵³⁾ ⁽⁸⁸⁾ ⁽¹⁰²⁾ ⁽¹⁰³⁾ ⁽¹⁰⁴⁾ ⁽¹⁰⁵⁾ ⁽¹⁰⁶⁾ ⁽¹⁰⁷⁾ ⁽¹⁰⁸⁾	—
8543 90 00	-- Parts	Free	—
⁽⁵³⁾ Plasma cleaner machines that remove organic contaminants from electron microscopy specimens and specimen holders: 2,8 % ⁽⁸⁸⁾ Touch-Sensitive Data Input Devices (so-called touch screens) without display capabilities, for incorporation into apparatus having a display, which function by detecting the presence and location of a touch within the display area: Free ⁽¹⁰⁰⁾ Electroplating and electrolysis machines of a kind used solely or principally for the manufacture of printed circuits: Free ⁽¹⁰²⁾ Articles specifically designed for connection to telegraphic or telephonic apparatus or instruments or to telegraphic or telephonic networks: 2,8 % ⁽¹⁰³⁾ Microwave amplifiers: 2,8 % ⁽¹⁰⁴⁾ Cordless infrared remote control devices for video game consoles: 2,8 % ⁽¹⁰⁵⁾ Digital flight-data recorders: 2,8 % ⁽¹⁰⁶⁾ Portable battery operated electronic reader for recording and reproducing text, still image or audio file: 2,8 % ⁽¹⁰⁷⁾ Digital signal processing apparatus capable of connecting to a wired or wireless network for the mixing of sound: 2,8 % ⁽¹⁰⁸⁾ Portable interactive electronic education devices primarily designed for children: Free			

(76) the rows concerning CN codes 8548 90, 8548 90 20 and 8548 90 90 are replaced by the following:

'8548 90	-- Other:		
8548 90 20	-- Memories in multicombinational forms such as stack D-RAMs and modules	Free	—
8548 90 90	-- Other	2,7 ⁽¹¹⁰⁾	—
⁽¹¹⁰⁾ Light-Emitting Diode (LED) backlights modules, which are lighting sources that consist of one or more LEDs, and one or more connectors and are mounted on a printed circuit or other similar substrate, and other passive components, whether or not combined with optical components or protective diodes, and used as backlights illumination for liquid crystal displays (LCDs): Free			

(77) the rows concerning CN codes 8802 60, 8802 60 10 and 8802 60 90 are replaced by the following:

'8802 60	– Spacecraft (including satellites) and suborbital and spacecraft launch vehicles:		
8802 60 10	– – Spacecraft (including satellites)	4,2 ⁽¹¹³⁾	p/st
8802 60 90	– – Suborbital and spacecraft launch vehicles	4,2	p/st
⁽¹¹³⁾ Telecommunication satellites: 3,2 %			

(78) the rows concerning CN codes 8803 90 to 8803 90 90 are replaced by the following:

'8803 90	– Other:		
8803 90 10	– – Of kites	1,7	—
8803 90 20	– – Of spacecraft (including satellites)	1,7 ⁽¹¹⁵⁾	—
8803 90 30	– – Of suborbital and spacecraft launch vehicles	1,7	—
8803 90 90	– – Other	2,7 ^(E0166)	—
⁽¹¹⁵⁾ Of telecommunication satellites: Free ^(E0166) Duty temporarily suspended, on an autonomous basis, in respect of goods intended to be fitted in heavier-than-air aircraft imported duty-free or built within the European Union. This suspension is subject to compliance with the formalities and conditions laid down in the relevant provisions of the European Union (see Article 254 of Regulation (EU) No 952/2013 of the European Parliament and of the Council (OJ L 269, 10.10.2013, p. 1)).'			

(79) the rows concerning CN codes 8805 21 00 and 8805 29 00 are replaced by the following:

'8805 21 00	– – Air combat simulators and parts thereof	Free	—
8805 29 00	– – Other	Free	—'

(80) the row concerning CN code 9001 20 00 is replaced by the following:

'9001 20 00	– Sheets and plates of polarising material	2,2	—'
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(81) the row concerning CN code 9001 90 00 is replaced by the following:

'9001 90 00	– Other	2,4	—'
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(82) the rows concerning CN codes 9002 19 00, 9002 20 00 and 9002 90 00 are replaced by the following:

'9002 19 00	– – Other	5	p/st
9002 20 00	– Filters	5	p/st
9002 90 00	– Other	5,9	—'

(83) the rows concerning CN codes 9010 50 00 to 9010 90 00 are replaced by the following:

'9010 50 00	– Other apparatus and equipment for photographic (including cinematographic) laboratories; negatoscopes	Free	—
9010 60 00	– Projection screens	2	—
9010 90 00	– Parts and accessories	2,7 ⁽¹¹⁸⁾	—
⁽¹¹⁸⁾ Of apparatus and equipment of subheadings 9010 50 00 or 9010 60 00: Free'			

(84) the row concerning CN code 9011 10 90 is replaced by the following:

'9011 10 90	– – Other	5	p/st'
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(85) the row concerning CN code 9011 80 00 is replaced by the following:

'9011 80 00	– Other microscopes	5	p/st'
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(86) the row concerning CN code 9011 90 90 is replaced by the following:

'9011 90 90	– – Other	5	—'
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(87) the row concerning CN code 9012 10 90 is replaced by the following:

'9012 10 90	– – Other	2,8	—'
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(88) the row concerning CN code 9012 90 90 is replaced by the following:

'9012 90 90	– – Other	Free	—'
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(89) the rows concerning CN codes 9013 10 00 and 9013 20 00 are replaced by the following:

'9013 10 00	– Telescopic sights for fitting to arms; periscopes; telescopes designed to form parts of machines, appliances, instruments or apparatus of this chapter or Section XVI	4,7 ⁽¹²⁰⁾	—
9013 20 00	– Lasers, other than laser diodes	Free	—
⁽¹²⁰⁾ Telescopes designed to form parts of machines, appliances, instruments or apparatus of this Chapter or Section XVI: 3,5 %'			

(90) the rows concerning CN codes 9013 90 to 9013 90 90 are replaced by the following:

'9013 90	– Parts and accessories:		
9013 90 10	– – For liquid crystal devices (LCD)	Free	—
9013 90 90	– – Other	Free ⁽¹²²⁾	—
⁽¹²²⁾ For telescopic sights for fitting to arms or for periscopes: 4,7 %'			

(91) the rows concerning CN code 9014 10 00 is replaced by the following:

'9014 10 00	– Direction finding compasses	2	—'
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(92) the rows concerning CN codes 9014 20 to 9014 90 00 are replaced by the following:

'9014 20	– Instruments and appliances for aeronautical or space navigation (other than compasses):		
9014 20 20	– – Inertial navigation systems	Free	p/st
9014 20 80	– – Other	Free	—
9014 80 00	– Other instruments and appliances	Free	—
9014 90 00	– Parts and accessories	Free	—'

(93) the rows concerning CN codes 9015 10 to 9015 20 90 are replaced by the following:

'9015 10	– Rangefinders:		
9015 10 10	– – Electronic	2,8	—
9015 10 90	– – Other	Free	—
9015 20	– Theodolites and tachymeters (tacheometers):		
9015 20 10	– – Electronic	2,8	—
9015 20 90	– – Other	Free	—'

(94) the rows concerning CN codes 9015 40 to 9015 80 11 are replaced by the following:

'9015 40	– Photogrammetrical, surveying instruments and appliances:		
9015 40 10	– – Electronic	Free	—
9015 40 90	– – Other	Free	—
9015 80	– Other instruments and appliances:		
	– – Electronic:		
9015 80 11	– – – Meteorological, hydrological and geophysical instruments and apparatus	Free	—'

(95) the rows concerning CN codes 9015 80 19 to 9015 90 00 are replaced by the following:

'9015 80 19	– – – Other	Free	—
	– – Other:		
9015 80 91	– – – Instruments and appliances used in geodesy, topography, surveying or levelling; hydrographic instruments	Free	—

9015 80 93	— — — Meteorological, hydrological and geophysical instruments and apparatus	Free	—
9015 80 99	— — — Other	Free	—
9015 90 00	— Parts and accessories	Free	—'

(96) the rows concerning CN codes 9022 29 00 and 9022 30 00 are replaced by the following:

'9022 29 00	— — For other uses	Free	p/st
9022 30 00	— X-ray tubes	Free	p/st'

(97) the rows concerning CN codes 9022 90 00 to 9023 00 80 are replaced by the following:

'9022 90 00	— Other, including parts and accessories	2,1 ⁽¹²⁵⁾	—
9023 00	Instruments, apparatus and models, designed for demonstrational purposes (for example, in education or exhibitions), unsuitable for other uses:		
9023 00 10	— Of a type used for teaching physics, chemistry or technical subjects	Free	—
9023 00 80	— Other	Free	—
⁽¹²⁵⁾ Parts and accessories of apparatus based on the use of X-rays: Free			

(98) the rows concerning CN codes 9024 10 to 9024 90 00 are replaced by the following:

'9024 10	— Machines and appliances for testing metals:		
	— — Electronic:		
9024 10 11	— — — Universal or for tensile tests	Free	—
9024 10 13	— — — For hardness tests	Free	—
9024 10 19	— — — Other	Free	—
9024 10 90	— — Other	Free	—
9024 80	— Other machines and appliances:		
	— — Electronic:		
9024 80 11	— — — For testing textiles, paper or paperboard	Free	—
9024 80 19	— — — Other	2,4	—
9024 80 90	— — Other	1,6	—
9024 90 00	— Parts and accessories	Free	—'

(99) the rows concerning CN codes 9025 19 20 and 9025 19 80 are replaced by the following:

'9025 19 20	— — — Electronic	Free	p/st
9025 19 80	— — — Other	1,6	p/st'

(100) the rows concerning CN code 9025 90 00 is replaced by the following:

'9025 90 00	— Parts and accessories	2,4	—'
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(101) the rows concerning CN codes 9027 10 10 and 9027 10 90 are replaced by the following:

'9027 10 10	— — Electronic	1,9	p/st
9027 10 90	— — Other	1,9	p/st'

(102) the rows concerning CN code 9027 80 05 is replaced by the following:

'9027 80 05	— — Exposure meters	1,9	—'
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(103) the rows concerning CN codes 9027 90 10 to 9027 90 80 are replaced by the following:

'9027 90 10	— — Microtomes	1,9	p/st
	— — Parts and accessories:		
9027 90 50	— — — Of apparatus of subheadings 9027 20 to 9027 80	Free	—
9027 90 80	— — — Of microtomes or of gas or smoke analysis apparatus	1,9	—'

(104) the rows concerning CN codes 9028 30 to 9028 90 90 are replaced by the following:

'9028 30	— Electricity meters:		
	— — For alternating current:		
9028 30 11	— — — For single-phase	1,8	p/st
9028 30 19	— — — For multiphase	1,8	p/st
9028 30 90	— — Other	1,8	p/st
9028 90	— Parts and accessories:		
9028 90 10	— — For electricity meters	1,6	—
9028 90 90	— — Other	1,6	—'

(105) the rows concerning CN codes 9030 10 00 to 9030 33 99 are replaced by the following:

‘9030 10 00	– Instruments and apparatus for measuring or detecting ionising radiation	Free	—
9030 20	– Oscilloscopes and oscillographs:		
9030 20 10	-- Cathode ray	Free	—
9030 20 30	-- Other, with a recording device	Free	—
	-- Other:		
9030 20 91	--- Electronic	Free	—
9030 20 99	--- Other	Free	—
	– Other instruments and apparatus, for measuring or checking voltage, current, resistance or power:		
9030 31 00	-- Multimeters, without a recording device	3,2	—
9030 32 00	-- Multimeters, with a recording device	Free	—
9030 33	-- Other, without a recording device:		
9030 33 10	--- Electronic	3,2	—
	--- Other:		
9030 33 91	---- Voltmeters	1,6	—
9030 33 99	---- Other	1,6 ⁽¹²⁷⁾	—
⁽¹²⁷⁾ Resistance measuring instruments: 2,1 %			

(106) the row concerning CN code 9030 89 90 is replaced by the following:

‘9030 89 90	--- Other	1,6	—’
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(107) the row concerning CN code 9030 90 85 is replaced by the following:

‘9030 90 85	-- Other	Free	—’
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(108) the row concerning CN code 9031 10 00 is replaced by the following:

‘9031 10 00	– Machines for balancing mechanical parts	2,1	—’
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(109) the rows concerning CN codes 9031 49 to 9031 49 90 are replaced by the following:

'9031 49	-- Other:		
9031 49 10	--- Profile projectors	Free	p/st
9031 49 90	--- Other	Free	—'

(110) the rows concerning CN codes 9031 80 to 9031 90 85 are replaced by the following:

'9031 80	- Other instruments, appliances and machines:		
	-- Electronic:		
	--- For measuring or checking geometrical quantities:		
9031 80 32	---- For inspecting semiconductor wafers or devices or for inspecting photomasks or reticles used in manufacturing semiconductor devices	Free	—
9031 80 34	---- Other	Free	—
9031 80 38	--- Other	Free	—
	-- Other:		
9031 80 91	--- For measuring or checking geometrical quantities	Free	—
9031 80 98	--- Other	Free	—
9031 90	- Parts and accessories:		
9031 90 20	-- For apparatus of subheading 9031 41 00 or for optical instruments and appliances for measuring surface particulate contamination on semiconductor wafers of subheading 9031 49 90	Free	—
9031 90 30	-- For apparatus of subheading 9031 80 32	Free	—
9031 90 85	-- Other	Free	—'

(111) the row concerning CN code 9032 20 00 is replaced by the following:

'9032 20 00	- Manostats	2,1	p/st'
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(112) the row concerning CN code 9032 81 00 is replaced by the following:

'9032 81 00	-- Hydraulic or pneumatic	Free	—'
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(113) the row concerning CN code 9033 00 00 is replaced by the following:

'9033 00 00	Parts and accessories (not specified or included elsewhere in this chapter) for machines, appliances, instruments or apparatus of Chapter 90	3,7 ⁽¹³⁰⁾	—
⁽¹³⁰⁾ Light-Emitting Diode (LED) backlights modules, which are lighting sources that consist of one or more LEDs, and one or more connectors and are mounted on a printed circuit or other similar substrate, and other passive components, whether or not combined with optical components or protective diodes, and used as backlights illumination for liquid crystal displays (LCDs): Free			

(114) the row concerning CN code 9503 00 95 is replaced by the following:

'9503 00 95	— — — Of plastics	4,7 ⁽¹³³⁾	—
⁽¹³³⁾ Portable interactive electronic education devices primarily designed for children: Free			

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1048**of 28 June 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, 28 June 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	MA	143,9
	ZZ	143,9
0709 93 10	TR	139,3
	ZZ	139,3
0805 50 10	AR	165,0
	CL	182,0
	MA	174,9
	UY	208,0
	ZA	166,6
	ZZ	179,3
	AR	128,2
	BR	91,1
0808 10 80	CL	133,7
	CN	75,7
	NZ	145,9
	US	161,9
	ZA	112,3
	ZZ	121,3
	TR	224,3
	ZA	254,4
0809 10 00	ZZ	239,4
	TR	356,0
	ZZ	356,0
0809 29 00	TR	356,0
	ZZ	356,0
0809 30 10, 0809 30 90	TR	164,4
	ZZ	164,4
0809 40 05	TR	148,6
	ZZ	148,6

⁽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

COMMISSION IMPLEMENTING DECISION (EU) 2016/1049

of 27 June 2016

**establishing the financial contribution from the Union for expenditure incurred by Cyprus in 2013
for the financing of the emergency measures to combat Newcastle disease**

(notified under document C(2016) 3857)

(Only the Greek text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC ⁽¹⁾ and in particular Article 36(4) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽²⁾, and in particular Articles 84(2), 121(1) and 133(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 349/2005 ⁽³⁾ lays down the rules for the payment of a financial contribution from the Union towards emergency measures to eradicate certain animal diseases, including Newcastle disease. Article 7 of that Regulation lays down the documents to be submitted by the Member State requesting the financial contribution from the Union and the deadlines for submitting such documents.
- (2) Commission Implementing Decision 2013/724/EU ⁽⁴⁾ provides for a financial contribution from the Union to be granted to Cyprus towards the costs incurred by that Member State in taking measures to combat Newcastle disease in 2013 pursuant to Council Decision 2009/470/EC ⁽⁵⁾. Accordingly, a first tranche of EUR 250 000,00 was paid to that Member State, for costs incurred in 2013 as part of the financial contribution from the Union. Implementing Decision 2013/724/EU further provides that the amount of the financial contribution from the Union is to be fixed in a subsequent decision to be adopted in accordance with the procedure referred therein.
- (3) Regulation (EU) No 652/2014 provides for payments to be made to Member States in those circumstances. In that respect, it provides for the adoption of implementing acts, setting out the financial contribution. That Regulation also repealed Decision 2009/470/EC and references to that Decision are to be construed as references to Regulation (EU) No 652/2014.
- (4) Through Implementing Decision 2013/724/EU, the requirements of Regulation (EU, Euratom) No 966/2012, in particular Article 84 thereof, have been complied with.
- (5) On 13 February 2014, Cyprus submitted an official request for reimbursement to the Commission accompanied by a financial report, supporting documents and an epidemiological report on each holding where the animals have been slaughtered and destroyed. The request for reimbursement amounts to EUR 355 361,23.

⁽¹⁾ OJ L 189, 27.6.2014, p. 1.

⁽²⁾ OJ L 298, 26.10.2012, p. 1.

⁽³⁾ Commission Regulation (EC) No 349/2005 of 28 February 2005 laying down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC (OJ L 55, 1.3.2005, p. 12).

⁽⁴⁾ Commission Implementing Decision 2013/724/EU of 5 December 2013 on a financial contribution from the Union towards emergency measures to combat Newcastle disease in Cyprus in 2013 (OJ L 328, 7.12.2013, p. 121).

⁽⁵⁾ Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field (OJ L 155, 18.6.2009, p. 30).

- (6) Following the result of the on the spot *ex ante* audit, managed by the competent audit service, expenditure amounting to EUR 81 156,54 was found to be ineligible for a financial contribution from the Union. Therefore, the financial contribution from the Union should be fixed at EUR 274 204,69. In addition to the first tranche already paid, a final complementary tranche of EUR 24 204,69 should be granted.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

1. The financial contribution from the Union towards the expenditure incurred by Cyprus in 2013 for the financing of emergency measures to combat Newcastle disease is hereby fixed at EUR 274 204,69.
2. The balance of the financial contribution from the Union remaining to be paid to Cyprus is hereby fixed at EUR 24 204,69.

Article 2

This Decision is addressed to the Republic of Cyprus

Done at Brussels, 27 June 2016.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

