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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1328

of 29 July 2016

imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain cold rolled flat steel products originating in the People's Republic of China and the Russian Federation

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ ('the basic Regulation'), and in particular Article 9(4) thereof,

Whereas:

1. PROCEDURE

1.1. Provisional Measures

- (1) On 12 February 2016 the European Commission ('the Commission') imposed a provisional anti-dumping duty on imports into the Union of certain flat-rolled products of iron or non-alloy steel, or other alloy steel but excluding of stainless steel, of all widths, cold-rolled (cold-reduced), not clad, plated or coated and not further worked than cold-rolled (cold-reduced) ('cold-rolled flat steel products') originating in the People's Republic of China ('PRC') and the Russian Federation ('Russia') (together, referred to as 'the countries concerned') by Commission Implementing Regulation (EU) 2016/181 ⁽²⁾ ('the provisional Regulation').
- (2) The investigation was initiated on 14 May 2015 ⁽³⁾ following a complaint lodged on 1 April 2015 by the European Steel Association ('Eurofer' or 'the complainant') on behalf of producers representing more than 25 % of the total Union production of certain cold-rolled flat steel products.
- (3) As stated in recital 19 of the provisional Regulation the investigation of dumping and injury covered the period from 1 April 2014 to 31 March 2015 ('the investigation period' or 'IP'). The examination of trends relevant for the assessment of injury covered the period from 1 January 2011 to the end of the investigation period ('the period considered').

1.2. Registration

- (4) The Commission made imports of the product concerned originating in and consigned from the PRC and Russia subject to registration by Commission Implementing Regulation (EU) 2015/2325 ⁽⁴⁾. The registration of imports ceased with the imposition of provisional measures on 12 February 2016.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Commission Implementing Regulation (EU) 2016/181 of 10 February 2016 imposing a provisional anti-dumping duty on imports of certain cold-rolled flat steel products originating in the People's Republic of China and the Russian Federation (OJ L 37, 12.2.2016, p. 1).

⁽³⁾ OJ C 161, 14.5.2015, p. 9.

⁽⁴⁾ Commission Implementing Regulation (EU) 2015/2325 of 11 December 2015 making imports of certain cold-rolled flat steel products originating in the People's Republic of China and the Russian Federation subject to registration (OJ L 328, 12.12.2015, p. 104).

- (5) The issue of registration and possible retroactive application of the anti-dumping duty in question and the comments received in relation to that are detailed in Commission Implementing Regulation (EU) 2016/1329 ⁽¹⁾. This regulation only addresses the comments received pursuant to the provisional findings of dumping, injury, causation and Union interest and the Commission's definitive position on these matters.

1.3. Subsequent procedure

- (6) Subsequent to the disclosure of the essential facts and considerations on the basis of which a provisional anti-dumping duty was imposed (the provisional disclosure), several interested parties made written submissions making known their views on the provisional findings. The parties who so requested were granted an opportunity to be heard.
- (7) A related steel service centre and trader requested the intervention by the Hearing Officer in trade proceedings ('the Hearing Officer') on the issue of refunds. The Hearing Officer examined the request and replied in writing. Furthermore, on 3 May 2016 a hearing with the Hearing Officer was held at the request of Eurofer.
- (8) The Commission continued seeking and verifying all information it deemed necessary for its definitive findings. In order to have at its disposal more comprehensive information as regards profitability, the sampled Union producers were requested to provide 2005-2010 profitability data with regard to Union sales of the product under investigation. All sampled Union producers submitted the requested information.
- (9) In order to verify the questionnaires replies mentioned in recital 8 above, on-the-spot verification visits were carried out of the data submitted by the following Union producers:
- ThyssenKrupp Germany, Duisburg, Germany
 - ArcelorMittal Belgium NV, Ghent, Belgium
 - ArcelorMittal Sagunto SL, Puerto de Sagunto, Spain
- (10) The Commission informed all parties of the essential facts and considerations on the basis of which it intended to impose a definitive anti-dumping duty on imports into the Union of cold-rolled flat steel products originating in the PRC and Russia and definitively collect the amounts secured by way of provisional duty (the definitive disclosure). All parties were granted a period within which they could make comments on the final disclosure.
- (11) The comments submitted by the interested parties were considered and taken into account where appropriate.

1.4. Claims regarding the additional information request, verification and use

- (12) Following the definitive disclosure, certain exporting producers provided comments with regard to the deadline given to Union producers to provide the requested information and questioned the accuracy of such data as well as its verification process. These parties inferred that the Union industry may not have reported correct figures and had benefitted from favourable treatment in breach of the rights of other parties to an objective, impartial and non-discriminatory investigation. This alleged favourable treatment to the Union industry would also be illustrated by the Commission's leniency towards them when failing to provide certain important information (the parties referred to missing invoices).
- (13) As concerns the allegation of favourable treatment, the claim is rejected. The issue at stake concerns the wording in recital 59 of the provisional Regulation. In that recital it is explained that for internal transfers, no invoices are issued which is in line with acceptable accounting practises. There is no issue of the Union industry being allowed not to provide requested information.
- (14) The same exporting producers claimed that by collecting and verifying additional data from the Union producers it had discriminated against the Russian exporting producers which had requested a second verification.

⁽¹⁾ Commission Implementing Regulation (EU) 2016/1329 of 29 July 2016 levying the definitive anti-dumping duty on the registered imports of certain cold-rolled flat steel products originating in the People's Republic of China and the Russian Federation (see page 27 of this Official Journal).

- (15) First, it should be noted that the Commission, as an investigating authority, clearly has a right to request additional data when it is deemed necessary and appropriate for its analysis whether during the provisional stage or definitive stage of the investigation. In this case, as explained in recital 154, the Commission had good reasons to request these additional data and to verify it afterwards. The verifications concerned solely the additional data provided which were not requested before and ensured that the data on which the Commission eventually based its findings were reliable. Secondly, the Russian exporting producers' requests for a second verification actually related to the same data subject to the original verification whereas the second verification at the premises of certain Union producers was needed to verify the additional data referred to in recital 8 and to determine whether anti-dumping duties would be levied retroactively. The above claims were therefore rejected.

1.5. Product concerned and like product

- (16) Recitals 21 and 22 of the provisional Regulation set out the provisional definition of the product concerned. No party made any submission as regards the definition therein.
- (17) The product concerned is definitively defined as flat-rolled products of iron or non-alloy steel, or other alloy steel but excluding of stainless steel, of all widths, cold-rolled (cold-reduced), not clad, plated or coated and not further worked than cold-rolled (cold-reduced), currently falling within CN codes ex 7209 15 00, 7209 16 90, 7209 17 90, 7209 18 91, ex 7209 18 99, ex 7209 25 00, 7209 26 90, 7209 27 90, 7209 28 90, 7211 23 30, ex 7211 23 80, ex 7211 29 00, 7225 50 80, 7226 92 00 and originating in the PRC and Russia.

The following product types are excluded from the definition of the product concerned:

- flat-rolled products of iron or non-alloy steel, of all widths, cold-rolled (cold-reduced), not clad, plated or coated, not further worked than cold-rolled, whether or not in coils, of all thickness, electrical,
 - flat-rolled products of iron or non-alloy steel, of all widths, cold-rolled (cold-reduced), not clad, plated or coated, in coils, of a thickness of less than 0,35 mm, annealed (known as 'black plates'),
 - flat-rolled products of other alloy steel, of all widths, of silicon-electrical steel, and
 - flat-rolled products of alloy steel, not further worked than cold-rolled (cold-reduced), of high-speed steel.
- (18) In the absence of any comments regarding the product concerned and the like product, the conclusions reached in recitals 22 to 24 of the provisional Regulation are confirmed.

2. DUMPING

2.1. The PRC

2.1.1. Market economy treatment ('MET')

- (19) As explained in recital 34 of the provisional Regulation, none of the exporting producers concerned by this investigation claimed MET.

2.1.2. Analogue country

- (20) In the provisional Regulation, the Commission selected Canada as the analogue country in accordance with Article 2(7) of the basic Regulation.
- (21) One interested party claimed that the difference between the injury and dumping margins raised doubts as to the accuracy of the Commission's calculations. The same interested party also claimed that, if factually correct, such a difference should invalidate the choice of Canada as the analogue country given the level of prices of the product concerned in this country.

- (22) The Commission confirms its calculations. Furthermore, the Commission recalls that the choice of the analogue country is made among countries where the price for the like product is formed in circumstances which are as similar as possible to those of the country of export. The level of prices as such is not a criterion in this selection.
- (23) In view of the above, the claim that Canada is not an appropriate analogue country is rejected. The Commission confirms the reasoning outlined in recitals 27 to 34 of the provisional Regulation and the choice of Canada as the analogue country within the meaning of Article 2(7) of the basic Regulation.

2.1.3. Normal value

- (24) In the absence of comments regarding the determination of the normal value, recitals 35 to 45 of the provisional Regulation are confirmed.

2.1.4. Export price

- (25) In its comments on the provisional Regulation, one group of companies noted an inconsistency between the injury and dumping calculations, which it claimed was due to a clerical error made by the Commission. However, the Commission established that the inconsistency was caused by a small clerical error made by this group of companies and which affected the export price. This clerical error was corrected by the Commission.

2.1.5. Comparison

- (26) In the absence of any comments regarding the comparison between the normal value and the export price, recitals 49 and 50 of the provisional Regulation are confirmed.

2.1.6. Dumping margins

- (27) Due to the change of export price mentioned in recital 25 above, the dumping margin of one group of companies was recalculated and led to its slight increase. This increase also changes the dumping margin of all other Chinese companies since this margin is based on this group of companies.
- (28) The definitive dumping margins expressed as a percentage of the CIF Union frontier price, duty unpaid, are as follows:

Table 1

Dumping margins, the PRC

Company	Definitive dumping margin (%)
Angang Group	59,2
Shougang Group	52,7
Other cooperating companies	56,9
All other companies	59,2

2.2. Russia

2.2.1. Introduction

- (29) After provisional disclosure, one Russian exporting producer contested the application of Article 18 of the basic Regulation. It submitted new data in order to contest the findings described in recital 60 of the provisional Regulation, where the Commission demonstrated that the exporting producer reported a higher quantity sold than what the production made physically possible.
- (30) The Commission organised two hearings, offering the exporting producer concerned the opportunity to comment and explain its claims.
- (31) During the hearings, the Commission highlighted that any submission/explanation made after the verification can only be accepted if the data on which it is based has already been submitted or can be linked to data submitted with the questionnaire reply or during the verification visit at the latest. The exporting producer was not able to support its arguments either with information already contained in its questionnaire reply, or with information in the exhibits collected on the spot. The findings at provisional stage that led the Commission to apply Article 18 of the basic Regulation and laid down in recitals 60 and 61 of the provisional Regulation are therefore confirmed. Thus, in line with Article 18 of the basic Regulation, the Commission definitively established the dumping margin for the company in question on the basis of the facts available.
- (32) After the final disclosure, one exporting producer pointed out that it has been subject to discriminatory treatment in the context of the present anti-dumping investigation which has affected its procedural rights, including rights of defence. This exporting producer claimed that the Commission did not accept the second verification in the premises of its subsidiary in Belgium, whereas there was a second verification done at the premises of Union industry producers and importers. For the reasons explained in recital 15, this claim has to be rejected.
- (33) This exporting producer also stated that the Commission could have used the export prices of its related trader/importer and the cost of manufacturing data of the only exporting producer that fully cooperated with the Commission. By this the Commission could allegedly have avoided the application of Article 18 of the basic Regulation as it verified this related trader/importer separately and did not raise any issues as regards its cooperation. As explained above, the fact that the overall sales volume (after deduction of the captive use and adjusted by the stock variation) reported by the exporting producer exceeded the quantities produced, did not allow the Commission to conclude that the export sales to the Union were fully reported. The Commission therefore rejected the proposal of the company to use a set of transactions that may only partially represent the total sales to the Union. Consequently the Commission did not use any cost of production data, as there were no available export sales to be used for the comparison.
- (34) Two exporting producers submitted comments concerning the conduct of the verification visits and requested the Commission to suspend the investigation pending the investigation of their claims. In that context the exporting producers contest the application of Article 18 of the basic Regulation by the Commission. In addition, the Ministry of Economic Development of the Russian Federation requested suspension of the application of the definitive anti-dumping measures to be imposed until the formal complaint of the two exporting producers has been duly considered by the competent Union institutions.
- (35) The Commission notes that the verification is one step of the investigation process carried out by the Commission as an investigating authority. The Commission extensively explained the substantive reasons on the basis of which it decided to apply Article 18 of the basic Regulation. The application of Article 18 of the basic Regulation is based on the evidence submitted in writing by the companies to the Commission and on the reliability and consistency of such evidence. The exporting producers were given opportunities to fully exercise their rights of defence throughout the proceeding via submission of information, comments, hearings and meetings, including two meetings specifically dedicated to the issues raised.
- (36) As far as the request for suspension is concerned, the Commission notes that the only basis for suspension of any measures imposed pursuant to the basic Regulation is Article 14(4). The Commission notes further that the conditions for suspension as laid down in the said article are not met. This article provides that measures may only be suspended in the Union interest where market conditions have temporarily changed to an extent that injury would be unlikely to resume as a result of the suspension. There is no indication that such conditions would be met in the current case and the Commission notes that no such circumstances were pointed to. Rather,

the investigation has shown that the conditions for the imposition of definitive measures, as laid out in Article 9(4) of the basic Regulation, were met. Therefore the Commission rejects this request.

2.2.2. *Normal value*

- (37) After provisional disclosure, one exporting producer contested the adjustment which the Commission made to its costs of production of cold-rolled flat steel products as set out in recital 76 and justified in recital 80 of the provisional Regulation. However, the exporting producer concerned did not bring forward any arguments that would have allowed the Commission to change its view that the material consumption ratios reported by the company in its reply to the questionnaire were inadequate for the Commission to make an accurate assessment of the cost of the materials used for the production of cold-rolled flat steel products by the company. The Commission therefore rejected this claim.
- (38) The same exporting producer also claimed that losses in relation to the liquidation of its two overseas subsidiaries should be excluded from the determination of the selling, general and administrative expenses ('SG&A expenses'). In addition, it claimed that packing expenses had been double-counted in the cost of production and in the SG&A expenses. The Commission revised its findings accordingly since the explanations given by the company after provisional disclosure were supported by information that was duly submitted with its questionnaire reply or during or before the verification visit.
- (39) After reconsidering the SG&A expenses, the Commission found some domestic sales to be profitable. This allowed the Commission to calculate the dumping margin on the basis of the company's own SG&A expenses and profit. At provisional stage, the Commission did not find any profitable domestic sales and therefore calculated the dumping margin using SG&A expenses and profit from external sources.
- (40) Two exporting producers disagreed with how the Commission had calculated their SG&A expenses as described in recital 75 of the provisional Regulation. They explained that the Commission should not consider losses from the revaluation of foreign currency loans as being part of the SG&A expenses, as the companies in fact did not incur any expenses and only revalued the balances using the exchange rate of the last day of their financial reporting period. The Commission, with reference to both the International Financial Reporting Standards and Russian GAAP disagrees with this argument. These losses were duly recorded in the producers' accounts, and were incurred during the investigation period. The Commission therefore rejected this claim.
- (41) After final disclosure the exporting producers reiterated their claims without bringing forward any new facts concerning the disputed losses. The exporting producers referred to Council Regulation (EC) No 2852/2000 ⁽¹⁾ (polyester staple fibres originating in India and the Republic of Korea), where the Commission rejected the net foreign exchange gain included in the SG&A expenses.
- (42) The Commission notes that the factual situation of the case referred to by the exporting producers is different. As explained in recital 34 of the aforementioned Regulation (EC) No 2852/2000, it was found that the exchange gains did not mainly relate to production and sales.
- (43) The exporting producers did not put into question the relevance of their borrowings to the production costs of the like product. The Commission therefore concluded that the losses related to those borrowings, which were used for financing of the fixed assets needed to produce the like product. As a result, such losses need to be taken into account in determining the company's SG&A expenses. Therefore the Commission rejected this claim.
- (44) The Russian exporting producer once again reiterated its claim following the additional final disclosure. However, the claim goes beyond the specific aspects of the additional disclosure. The Commission maintains the position expressed in the preceding paragraphs.

⁽¹⁾ Council Regulation (EC) No 2852/2000 of 22 December 2000 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of polyester staple fibres originating in India and the Republic of Korea (OJ L 332, 28.12.2000, p. 17).

- (45) One exporting producer contested the methodology which the Commission used to calculate the total SG&A expenses of related domestic traders, where the Commission used the SG&A expenses as reported for the sales to unrelated customers on the domestic market. The Commission accepted this claim and corrected the definitive calculation. As this corrected SG&A expenses did not materially differ from the one originally used and as it impacted only a limited number of sales, this correction did not have any impact on the resulting dumping margin.
- (46) One exporting producer claimed that the Commission double-counted the packing costs for the purpose of establishing the total costs of production in the profitability test. The Commission rejected this claim. As fully detailed in the provisional disclosure, the Commission removed the packing costs from the SG&A expenses before calculating the total costs of production.
- (47) After final disclosure, the exporting producers disagreed with the methodology used to construct the normal value. They claimed that the Commission used a wrong percentage of the SG&A expenses and that by using the SG&A expenses on profitable sales only, the Commission greatly overstated the normal value.
- (48) The Commission conducts investigations in an objective manner. The methodology used to construct the normal value is used consistently in all cases in which relevant criteria are met. The Commission applies Article 2(6) of the basic Regulation, which requires that the amounts for SG&A expenses and profits are based on sales in the ordinary course of trade. The exporting producers' claim to use the fixed amount of SG&A expenses regardless of whether such expenses relate to sales in the ordinary course of trade runs counter to this provision. The Commission therefore rejected this claim.
- (49) After final disclosure one exporting producer raised the issue of negative entries in the domestic transactions listing with respect to the calculation of the normal value. The exporting producer explained that those entries pertained to corrections of invoices and were due to the configuration of its accounting system, where any correction to the invoice can only be made by entirely balancing the initial entry with a corresponding negative entry. It argued that the calculation of the normal value by the Commission did not take into account the specific configuration of its accounting system and was therefore not accurate.
- (50) The Commission first notes that, in breach of the instructions in the Commission's questionnaire, the exporting producer listed those corrections as transactions in the listing instead of reporting the correcting entries in the appropriate column of the Commission's questionnaire. Second, after final disclosure, the exporting producer indeed provided a revised dumping margin, but without submitting a revised domestic transactions listing or a revised dumping calculation. Third, the Commission notes that this claim in reality concerns the quality of the data that the exporting producer itself submitted to the Commission in the course of the investigation. Fourth, the calculation of the normal value, including the domestic transactions listing as submitted by the exporting producer, was duly disclosed at the provisional stage of the investigation. Nevertheless, the exporting producer did not make any comment on this calculation in its comments on the provisional disclosure. The same domestic transactions listing was used in the dumping calculations finally disclosed. The exporting producer does not explain why it could not have raised this issue at an earlier stage of the investigation.
- (51) Despite all these deficiencies in the exporting producer's behaviour concerning this issue, the Commission, as an objective and impartial investigating authority, analysed this claim, and concluded that indeed the calculation of the normal value had to be corrected so as to avoid possible double-counting. After final disclosure, the exporter provided a key according to which its transaction listing could be filtered so as to exclude all corrections and leave only final entries. The Commission applied the method of correcting the listing suggested by the exporting producer after final disclosure to data that was verified, and therefore accepted the claim in its entirety.
- (52) The Commission sent an additional final disclosure to all interested parties informing them about the acceptance of the claim and invited the parties to comment.
- (53) Following this additional disclosure, one party claimed that the additional disclosure actually further underlined the deficiencies in cooperation forthcoming from the Russian exporting producers. That party further claimed that the additional disclosure actually suggested that additional datasets could have been disregarded and should not have been accepted. Indeed the Commission raised the issue of quality of information submitted and cooperation but in this specific instance decided that the claim could be objectively accepted.

- (54) Following the additional disclosure, the Russian exporting producer agreed with the principle and the extent of the correction brought by the Commission to its dumping margin.
- (55) The exporting producer claimed that it had provided the domestic transaction listing with the reply to the questionnaire. This fact is not disputed. It is the quality of that submission that is contested. The exporting producer further claimed that it did not provide any comments on the said transaction listing following provisional disclosure because that dataset did not have any bearing on the calculation of the dumping margin. The Commission notes that the exporting producer repeatedly reiterated claims related to the methodology and aspects of the calculation which — had the Commission accepted those (*quad non*) — would have led the Commission to use the dataset. It was therefore essential for the party concerned to ensure that the dataset disclosed at the provisional stage was correct and could have been used for the calculation of the dumping margin. While the company raised the issue of cancellations and resulting multiple identical entries during the verification visit, it was not until the final disclosure that the full extent of the problem became apparent, demonstrated also by the impact on the dumping margin calculation. While the company claims that the entries are not credit notes, the key that leads to the identification of those entries, provided by the company itself, is called credit note number. Nevertheless, the Commission has accepted the claim in its entirety and the company did not contest the new calculation of the dumping margin.
- (56) One exporting producer claimed that the Commission did not include in the calculation of SG&A expenses the income from releasing the reserves, which were made prior to the investigation period. In that exporting producer's view the Commission uses double standards and asymmetrical assessment when compared to the losses on revaluation of the foreign currencies that the Commission included.
- (57) The Commission notes that its approach is consistent. The SG&A expenses include neither income nor expenses that have an impact on the profit of the particular year, which the Commission found to be related to the overseas operations of the exporting producer. This fact was disclosed in the final disclosure and was not disputed by the exporting producer. The Commission therefore rejected this claim.

2.2.3. Export price

- (58) The Commission further investigated the sales of one of the exporting producers made to an unrelated trader based in Switzerland as described in recital 84 of the provisional Regulation. The Commission addressed both the exporting producer and the unrelated trader and did its own research on the matter in order to obtain additional information concerning their relationship.
- (59) Eurofer in its submission following the provisional disclosure requested the Commission to carefully examine the relation between the exporting producer and the Swiss trader and adapt the calculation appropriately based on the result of this examination.
- (60) After evaluating the results of this examination, the Commission decided to consider this Swiss trader as unrelated to the Russian exporting producer. The Commission found no elements that would support the claim that those parties were related during the investigation period and therefore rejected this claim.
- (61) The exporting producer also submitted additional information that enabled the Commission to correct the sales to independent parties in the Union. The exporting producer previously reported those sales based on internal invoices in Russian roubles. Those invoices reflected their original value in foreign currencies, converted using the company's daily rate. The Commission was able to link this new submission to the information verified on the spot. This correction has caused a small decrease of the dumping margin compared to the provisional calculation.
- (62) Following the provisional disclosure, the exporting producers contested the applicability of adjustments made for SG&A expenses and profit under Article 2(9) of the basic Regulation for sales via their related Swiss traders/importers.
- (63) In their view the adjustments are only appropriate on a transaction-specific basis in transactions where the terms of sale require that a product be delivered after customs clearance, i.e. in transactions where the related party acts as an importer, such as DDP terms. At the same time they claimed that their related traders/importers based in Switzerland should be considered as part of the producer's exporting network.

- (64) In reply to this the Commission confirms that an adjustment for SG&A expenses and a reasonable profit margin under the second and third subparagraph of Article 2(9) of the basic Regulation should be applied for all types of sales transactions via the related Swiss traders/importers.
- (65) Although the delivery of the goods for the transaction terms reported by the exporting producers is made prior to the release into free circulation of the goods and even if the responsibility for the customs clearance is on the buyer (as opposed to transactions under DDP terms), this does not change the fact that the sales are performed by the related trader/importer which is bearing SG&A expenses and which is normally seeking to make a profit for its services.
- (66) In light of the fact that the trader/importer is related to the exporting producer, Article 2(9) of the basic Regulation implies that the data of such trader/importer is by definition unreliable and that its profits should be established by the investigating authority on a reasonable basis. Besides, Article 2(9) of the basic Regulation does not preclude adjustments being made for costs incurred before importation, in as much as those costs are normally borne by the trader/importer. The Commission therefore rejected this claim.
- (67) The exporting producers reiterated this claim following the final disclosure, without bringing forward any new information about the functions of the Swiss traders/importers. The Commission notes that its position is in line with the case-law of the Union courts. In any event, the fact that the related companies perform only certain functions does not prevent the Commission from making the adjustments under Article 2(9) of the basic Regulation but could be reflected in a lower amount of SG&A to be deducted from the price at which the product concerned is first resold to an independent buyer. It is for the interested parties who intend to dispute the extent of the adjustments made on the basis of Article 2(9) of the basic Regulation to bear the burden of proof. Hence, if these parties deem the adjustments to be excessive they must supply specific evidence and calculations justifying those claims. However, the exporting producers provided no evidence that would question the SG&A expenses or profit percentage used. The Commission therefore rejected this claim.

2.2.4. Comparison

- (68) In their comments the exporting producers disagreed with the use of the sales contract/purchase order date to convert the export sales in foreign currencies to Russian roubles. The exporting producers however agreed that this may more appropriately establish the material terms of sale than the invoice date, although they argued that the Commission has so far never used this option. The Commission therefore rejected this claim.
- (69) The exporting producers reiterated this claim after final disclosure, emphasising that the Commission provided an insufficient statement of reasons for using the contract/purchase order date. In addition they claimed that the Commission should have used the exchange rate valid maximum 60 days prior to the invoice date, with reference to the sustained movement in exchange rates in line with Article 2(10)(j) of the basic Regulation.
- (70) The Commission did not grant the sustained movement adjustment in this case, as the movement of the EUR/RUB exchange rate shows high volatility rather than the sustained movement towards the end of the investigation period. In addition, if the Commission applied the sustained movement adjustment in the context of depreciating exporting producer's currency this would decrease the export price and thus result in higher dumping margins. Further, the sustained movement adjustment should be used to reflect the related movement in exchange rate and not to impose the 60 days maximum time limit from the invoice date as the exporting producers suggest. The Commission therefore rejected this claim.
- (71) By using the contract/purchase order date approach, the Commission to a great extent minimised the impact of the significant and unforeseeable exchange rate fluctuations towards the end of the investigation period. The Commission disagrees with the exporting producers' claim that this constituted an unwarranted change of methodology. The Commission used the exchange rate of the date of sale, in full compliance with Article 2(10)(j) of the basic Regulation and sufficiently explained the reasons why in this case the contract/purchase order date appropriately establish the material terms of sale. The Commission therefore rejected this claim.

2.2.5. Dumping margins

- (72) Taking into account the changes in the establishment of the normal value as set out in recitals 37 to 51 above and confirming the other findings in recitals 65 to 93 of the provisional Regulation, the definitive dumping margins expressed as a percentage of the CIF Union frontier price, duty unpaid, are as follows:

Table 2

Dumping margins, Russia

Company	Definitive dumping margin (%)
Magnitogorsk Iron & Steel Works OJSC	18,7
PAO Severstal	35,9
PJSC Novolipetsk Steel ⁽¹⁾	38,9
All other companies	38,9

3. INJURY

3.1. Definition of the Union industry and Union production

- (73) One interested party questioned the standing of the complainants suggesting that re-rollers had not been included in the calculations. In this regard, it is noted that the calculation of total production indeed included the production volume of re-rollers. This comment is therefore rejected.
- (74) In the absence of any other comments with respect to the definition of the Union industry and Union production the conclusions set out in recitals 94 to 98 of the provisional Regulation are confirmed.

3.2. Union consumption

- (75) Several parties submitted that, inter alia, consumption should have been analysed overall by combining the captive market consumption and the free market consumption.
- (76) In this regard, in Table 5 and Table 6 of the provisional regulation, the development of the consumption on the captive market and the free market was reported and explained. By merging these two tables, the overall consumption (thus including captive and free market) evolved as follows during the period considered:

Table 3

Overall consumption (captive and free market) (tonnes)

	2011	2012	2013	2014	IP
Overall consumption	36 961 744	34 375 474	36 277 064	37 461 260	37 306 302
Index (2011 = 100)	100	93	98	101	101

Source: Verified Eurofer questionnaire reply and Eurostat

⁽¹⁾ The company notified the Commission that in accordance with changes in Russian law, it changed its legal form from Open Joint Stock Company (OJSC) to Public Joint Stock Company (PJSC). This change has been effective since 1 January 2016.

- (77) The above table shows that after a sharp decrease in consumption in 2012, overall consumption has increased to a level that was slightly higher in the investigation period than at the beginning of the period considered. The trend is explained by the increase in captive consumption which was stronger than the decrease in free market consumption in absolute terms.
- (78) One interested party indicated that the statement that captive use is not in competition with imports lacks reasoned explanation. This party trusts that if imports are competitively available, Union producers would use them. Captive use should thus be taken into account.
- (79) In this regard, it is noted that it does not make economic sense for integrated producers to purchase products destined for downstream production from competitors when there is available capacity to manufacture such products. Indeed, in a capital intensive sector such as steel, capacity utilisation rates should be maintained at their highest level in order to dilute fix costs and keep production costs at their lowest levels. On this basis, the argument in recital 78 has to be rejected.
- (80) Certain interested parties returned to the issue of consumption in their comments which followed the definitive disclosure. Some parties claimed that the captive and free markets had not been properly analysed or explained. However, as stated in recitals 103 to 106 of the provisional Regulation it is clear that the consumption of each market was different and reflected the performance of the major downstream industries involved. The captive market increased because of the development of sectors such as automobiles. In contrast the mainly general industry sectors supplied via the free market developed to a lesser degree. The claim that free and captive markets had not been analysed properly was rejected.
- (81) In the absence of further comments with respect to the Union consumption the conclusions set out in recitals 99 to 106 of the provisional Regulation are confirmed.

3.3. Imports from the countries concerned

3.3.1. Cumulative assessment of the effects of imports from the countries concerned

- (82) In the absence of any comments with respect to the cumulative assessment of the effects of imports from the countries concerned, the conclusions set out in recitals 107 to 111 of the provisional Regulation are confirmed.

3.3.2. Volume, market share and price of the imports from the countries concerned

- (83) As mentioned above, certain parties claimed that the overall situation including both captive and free market should have been analysed with regard to the various indicators. As far as market share is concerned, it is noted that, in view of the lack of competition between captive consumption (sales) and imports from the countries concerned, and in light of the specificity of the captive downstream market, no analysis of the market share expressed as a percentage of overall consumption is recorded here. This is also in line with established case law of Union Courts ⁽¹⁾.
- (84) In the absence of further comments with respect to the volume and market share of the imports from the countries concerned, the conclusions set out in recitals 112 to 114 of the provisional Regulation are confirmed.

3.3.3. Price of the imports from the countries concerned and price undercutting

- (85) It is first noted that following a clerical error, the quantities sold by the Union industry had to be corrected. As this error did not have any material impact on average prices it had a negligible impact on the margins calculated.
- (86) One party claimed that the percentage added to the CIF value to cover post-importation costs should be recalculated based on an amount per tonne. This claim was accepted and the calculations have been adjusted accordingly, with a marginal impact on the margins.

⁽¹⁾ Case C-315/90, *Gimelec and Others v Commission*, judgment 27 November 1991, EU:C:1991:447, para. 23.

- (87) The definitive undercutting margins have thus been revised and amount respectively to 8,1 % and 15,1 % for the PRC and Russia.
- (88) In the absence of any further comments with respect to the volume, market share and price of the imports from the countries concerned, and with the exception of the undercutting margins as explained in recital 87 above, the conclusions set out in recitals 115 to 119 of the provisional Regulation are confirmed.

3.4. Economic situation of the Union industry

3.4.1. Methodology

- (89) Several parties submitted comments with regard to the methodology used in order to analyse the economic situation of the Union industry. In particular parties indicated that in spite of the large size of the captive market, the economic analysis largely excluded this market and that the conclusions were based solely on the findings with regard to the free market. In particular, these parties claimed that the sales price and profitability on the captive market should have been analysed separately. Further, they claimed that the overall situation including both captive and free market should have been analysed and that such analysis would have led to the conclusion that there is no injury to the Union industry.
- (90) In this regard and as explained in recital 123 of the provisional Regulation, the Commission analysed the captive, free market and overall performance of the Union industry separately, where applicable. As far as captive market is concerned most of this market relates to captive transfers within a legal entity whereby no invoice is issued and therefore no sales price exists. In the case of captive sales between related entities it was evident that in the light of the different transfer price policies applicable among the various sampled producers, no meaningful analysis of the price and profitability indicators could be performed. On the other hand, the evolution of the captive consumption volume was possible and an analysis was performed. As for the free market, unit cost of production, sales price, sales volume and profitability were analysed. As far as the overall activity covering the intertwined captive and free markets, several indicators such as production volume, capacity, capacity utilisation, employment, productivity, stocks, labour cost, cash flow, investments and return on investment were analysed.
- (91) On the basis of the above, the claim that the analysis of the economic situation of the Union industry is solely based on the free market and should have included an analysis of the captive and overall activity has to be rejected. All meaningful aspects covering the evolution of the economic situation on such markets when taken alone or aggregated have been analysed.
- (92) One party claimed that the free market analysis should have included the analysis of other indicators such as production, stock and cash flow for the free market only. It concluded that the analysis does not provide a real state of play of the alleged injury.
- (93) In this regard, it is noted that the analysis of other injury indicators for the free market only was impractical in view of the close relationship between the captive and free market activities. Further such analysis would not have led to meaningful conclusions either. As a consequence, this claim had to be rejected.
- (94) Following definitive disclosure, certain exporting producers returned to this issue in their comments. They claimed that the methodology adopted to analyse the captive and free markets demonstrated a violation of the principle of fair and objective examination. However, both the captive and free markets have been examined wherever possible and where meaningful data existed and a cumulative assessment was also made when appropriate. It has therefore been clearly demonstrated that the conclusion on injury has been made by a three-way assessment (captive and free markets and on a cumulative analysis) using all relevant data. Where an assessment was not possible, the underlying reasons were also mentioned.
- (95) Moreover, due to this comprehensive methodology the points raised by the exporting producers relate to presentational issues rather than substance as all relevant data have been presented. The presented data show that the sales volume of the Union industry on the free and captive markets has increased slightly by less than 1 %, but

that this increase is lower than the growth in consumption on those markets. As far as prices and profitability on the Union market are concerned, these are only relevant if prices are sold between unrelated parties. Indeed, there are no sales prices for captive transfers and no reliable sales prices for captive sales for the reasons already mentioned in recital 142 of the provisional Regulation. Hence no meaningful analysis of the profitability on the captive market could be performed. In respect of cost of production, it is recalled that the evolution of this indicator on the free market was analysed even though the basic Regulation does not specifically require it. The evolution of the cost of production on the captive market was not analysed for the reasons mentioned in the same recital.

- (96) On the basis of the above, it has been clearly demonstrated that the conclusion on injury has been made by a three way assessment (captive and free markets and on a cumulative analysis) using all relevant data. The claim that a breach of the principle of fair and objective examination has taken place is rejected.
- (97) On the basis of the above and in the absence of any other comments on the issue, the methodology to assess the situation of the Union industry as described in recitals 120 to 123 of the provisional Regulation is hereby confirmed.

3.4.2. Macroeconomic indicators

3.4.2.1. Production, production capacity and capacity utilisation

- (98) One interested party indicated that there was a shift of focus by the Union industry from the free to the captive market and that the Union industry has become more interested to sell on the captive market where higher added value products are sold.
- (99) In this regard, it is noted that the Union industry does not independently decide to focus on the captive or the free market. On the contrary, the cold-rolled flat steel products' market being driven by demand and not by supply as evidenced by the available capacity of the Union producers, the Union industry did not decide to focus on the captive market but it lost market share and sales volumes on the free market due to the ample and strongly increased availability of dumped imports from the countries concerned. There was no such issue on the captive market. The argument has therefore to be rejected.
- (100) The same interested party claimed that the improvement of the capacity utilisation is not linked to a decrease in capacity but rather to the increase in production volume.
- (101) In this regard it is noted that, although the increase in capacity utilisation is not linked solely to the decrease in capacity as the production volume also increased, the capacity decrease is by far the main cause for the increase in capacity utilisation. Indeed, when looking at absolute figures, the production volume increased by only 337 348 tonnes while capacity decreased by 1 873 141 tonnes. On the basis of the above, the claim had to be rejected.
- (102) In the absence of other comments, the conclusions set out in recitals 124 to 126 of the provisional Regulation are confirmed.

3.4.2.2. Sales volume and market share

- (103) Russian exporting producers submitted that the decrease in sales volume cannot be considered evidence of injury as it was broadly in line with the decline in consumption over the period considered. They argued that the decrease was linked to the fall in global raw material prices leading to lower prices of the product concerned, the growing volume of imports from third countries from 2012 and the Union industry's imports of the product concerned.
- (104) In this regard it is first noted that the difference between the decrease in sales (– 4 %) and consumption (– 9 %) cannot be regarded as insignificant. Further, the decrease in global raw material prices cannot be seen as a valid reason for the decrease in sales volume as these elements, i.e. raw material prices and sales volumes, are not directly linked. Further, any decrease in global raw material prices would apply both to the Union industry and to imports. As far as imports from third countries are concerned, the trend has to be analysed over the period considered and not starting in the middle of such period. In this context, it is noted that imports from third

countries have decreased both in absolute (– 206 571 tonnes) and relative terms (from 10,9 % to 9,1 % market share). Furthermore, as far as Union industry imports from the countries concerned are concerned, it is noted that such purchases were stable in the period considered and represented less than 1 % of the total sales turnover of the Union industry. On the basis of the above, this claim had to be rejected.

- (105) With regard to market share, the same parties questioned how the Commission had provisionally concluded that the decrease in Union industry market share (from 74,8 % to 70,8 %) was indicative of injury while the 5,4 % market share held by imports from India, Iran and Ukraine was incapable of breaking the causal link between alleged injury and imports from the countries concerned.
- (106) In this regard it is worth noting that the market share of the countries mentioned above should be analysed over the period considered and not by focusing on a specific one-year period. It follows that the market share held by imports from India, Iran and Ukraine increased from 4 % to only 5,4 % over the period considered; i.e. by only 1,4 % percentage points while as mentioned in recital 105 above, total imports from third countries decreased from 10,9 % to 9,1 % to the benefit of imports from the countries concerned. It follows from the above that the decrease in market share for the Union industry cannot be compared *stricto sensu* with the market share held by the countries mentioned above and that this decrease can be regarded as indicative of injury. On the basis of the above, this claim had to be rejected.
- (107) In the absence of other comments, the conclusions set out in recitals 127 to 132 of the provisional Regulation are confirmed.

3.4.2.3. Employment, labour cost and productivity

- (108) One interested party indicated that the employment decrease should not be linked to dumped imports from the countries concerned but rather to the equipment modernisation which led to the hiring of more skilled staff and resulted in higher labour costs.
- (109) In this regard, it is noted that the allegations made with regard to equipment modernisation and hiring of more skilled staff are not supported by any evidence and should therefore be rejected.
- (110) Another interested party raised doubts concerning the opposite trend followed by employment (– 10 %) and labour cost (+ 11 %) over the period considered. It also wondered whether the evolution applied to both captive and free market.
- (111) In this regard, reference is made to recital 144 of the provisional Regulation, which provides that the increase in labour cost was indeed linked to severe cuts in employment which led to the payment of severance payments and consequently inflated the labour cost per FTE. It is also noted that the reduction in employment did not relate exclusively to the free or captive market staff but rather affected the overall employment as products destined to free or captive market are produced by the same staff on the same equipment. On the basis of the above, this claim had to be rejected.
- (112) In the absence of other comments, the conclusions set out in recitals 133 and 134 of the provisional Regulation are confirmed.

3.4.2.4. Inventories, magnitude of the dumping margin, growth, prices, profitability, cash flow, investments and return on investments

- (113) In the absence of comments regarding inventories, magnitude of the dumping margin, growth, prices, profitability, cash flow, investments and return on investments, the conclusions set out in recitals 135 to 151 of the provisional Regulation are confirmed.

3.4.3. Conclusion on injury

- (114) Several interested parties indicated that the injury analysis was based only on the negative development of the indicators on the free market and that the conclusions of such analysis were insufficient to justify that the Union industry, as a whole, suffered material injury.
- (115) In this regard, and as indicated in recital 96, it is recalled that the Commission did not limit its analysis to the free market in particular but also, where applicable, analysed and concluded on the evolution of the economic situation of Union industry as a whole and in the captive market in particular.
- (116) Further, it should be noted that the conclusion that the industry suffered material injury is not solely based on the negative development of micro- and macro-indicators in the free market. While certain micro- and macro-indicators indeed show a negative development in the free market, other indicators relating to the overall performance of the Union industry such as employment, labour cost per FTE, investments and return on investment, also evidence a deterioration of the situation of the Union industry. Considering the respective size of both free and captive markets, it is noted that the positive development of the performance of the Union industry on the captive market (in respect of certain indicators) was not sufficient to outweigh the negative performance on the free market as evidenced by the negative development of the abovementioned indicators relating to the overall activity. In the light of the above, the claim has to be rejected.
- (117) On the basis of the analysis of the comments, as summarised in recitals 73 to 115 above, the conclusions set out in recitals 152 to 155 of the provisional Regulation are hereby confirmed.

4. CAUSATION

- (118) Several interested parties claimed that the injury could not be attributed to the imports of dumped imports from the countries concerned and that other factors were breaking the causal link. Some of the claims were a mere reiteration of the claims already brought forward at the provisional stage, without any new elements. The new comments are analysed below.

4.1. Recovery of the European economy

- (119) One interested party contested the existence of a slow recovery process following the 2012 crisis and claimed that imports from the countries concerned had not hindered the Union industry to benefit from such recovery. In substance, they claimed that the failure to recover from the 2012 crisis was caused by the alleged continuing low demand for cold-rolled flat steel products.
- (120) It should first be noted that consumption between 2012 and the investigation period increased by 4,4 %, which, despite the fact that it did not reach its 2011 level, can be regarded as a sign of slow recovery. As far as imports from the countries concerned are concerned, it is worth noting that in a context of slow recovery, their market share increased from 13,5 % in 2012 to 18,7 % in 2013 and even 20,1 % in the investigation period. On the basis of the above, the claim has to be rejected.

4.2. Investments, capacity and production increase

- (121) The same interested party claimed that the Union industry had inadvertently made wrong business decisions by making expensive investments in 2011 and 2012 and by increasing capacity in 2011.
- (122) On this point, it is reminded that this investigation focused its analysis on the evolution of the economic situation of the Union industry in the period 2011-investigation period. Therefore, the capacity increase that took place between 2010 and 2011 cannot be regarded as being part of the scope of the analysis. Further, it is noted that the claim that the Union industry made allegedly expensive investments in 2011 and 2012 is not supported by any factual evidence. Eventually, it is noted that the investments performed by the sampled Union industry during the period considered represented less than 2,5 % of their net assets and consisted mainly in replacement and rationalisation investments. Given the level of the investments and their nature, such investments cannot be considered as sufficiently significant to have a bearing on the economic performance of the Union industry. The claim therefore has to be rejected.

- (123) After the imposition of provisional measures and again after final disclosure, certain interested parties argued that, rather than imports from the countries concerned, the increase in the Union industry's production volume, at a time when consumption was falling, should be considered as the cause of injury.
- (124) In this regard and as indicated in recital 152 of the provisional Regulation it is recalled that the Union industry increased its production volume in order to satisfy the increase in captive consumption. As the Union industry mostly produces to order as confirmed by the relatively low stock levels (see recital 136 of the provisional Regulation), such increase cannot be considered as cause of injury. On the basis of the above, the claim has to be rejected.

4.3. Raw material prices

- (125) Several interested parties disputed the conclusions reached with regard to the impact of the decreasing raw material prices on the prices charged by the Union industry. First they contested that the decrease in import prices was lower than the decrease in raw material prices and took the example of iron ore. In its submission, this party indicated that the price of iron ore (RMB/tonne) had decreased by 39 % over the period considered. Second, they claimed that the Commission's argumentation in recitals 171 to 175 of the provisional Regulation did not rebut the claim that decreasing raw material prices had led to a fall in prices for the product under investigation and that the Commission had not given proper weight to the global raw material price decrease.
- (126) In this regard, it is first recalled that import prices from the countries concerned decreased on average by 20 % over the period considered, which is higher than the decrease in cost of production for the Union industry. Further, as far as iron ore is concerned and after conversion of the submitted price information from RMB to EUR/tonne, it appears that iron ore prices decreased only by ca 31 % over the period considered. Assuming conservatively that the share of iron ore would account for 35 % of the costs in the countries concerned, the raw material price decrease could only lead to less than ca 11 % price decrease, when as explained above, import prices from the countries concerned decreased by 20 %.
- (127) As far as the second claim is concerned, it is worth noting that the Commission did not exclude the fact that the decrease in raw material prices affected the price of the product under investigation during the period considered. However, it argued that the price of the product under investigation in the Union did not follow a sole worldwide price trend basically reflecting the evolution of raw material prices. Further, the Commission analysed other factors having a bearing on prices namely regional differences and excess capacities. It also indicated that if the price of the product concerned had not decreased more than the decrease in raw material prices, competition conditions on the market would have remained fair and the Union industry would have been able to reap the benefits of a reduction in costs and reach profitability again. On the basis of the above, the abovementioned claims have to be rejected.
- (128) Certain exporting producers returned to this issue in their comments to the definitive disclosure. However, no new arguments were raised.

4.4. Imports by the Union industry

- (129) An interested party claimed that the imports of the product concerned by the Union industry were not given enough weight in the Commission's causation assessment leading to an incomplete and inaccurate assessment of causation.
- (130) As indicated in recital 104 above, imports from the countries concerned by the Union industry were stable in the period considered and represented less than 1 % of the total sales turnover of the Union industry. Further and as indicated in recital 191 of the provisional Regulation, these purchases were made by trading arms free to purchase cold-rolled flat steel products from multiple sources. These trading arms are driven to offer the cheapest material possible in order to maintain their commercial relationships. In view of the low volumes involved and the fact that such volumes have not increased over the period considered, it is considered that imports from the countries concerned have been given sufficient weight. The claim has therefore to be rejected.

- (131) Certain exporting producers returned to this issue in their comments which followed the definitive disclosure and argued that the Commission had reinterpreted the numbers to justify the finding of injury by reassessing the ratio that imports represented in percentage of total sales. As a matter of fact, the Commission did not reinterpret the numbers but rather gave a more precise figure (less than 1 %) than the wider range stated in the provisional Regulation (0 %-5 %).

4.5. Existence of a previously applicable agreement on trade in certain steel products between Russia and the Union

- (132) The same interested parties, after provisional disclosure and also after definitive disclosure, repeated the argument that Russian imports remained within the non-injurious quotas set in the previously applicable agreement on trade in certain steel products between Russia and the Union. In particular, it disagreed with the conclusion that the level of the quota was 'too high' and indicated that there was a significant overlap between the product scope of this investigation and the category of 'other flat-rolled products' (as defined in the agreements).
- (133) In this regard, it is reminded that the abovementioned agreement came to an end before the investigation period, i.e. on 22 August 2012 following the accession of the Russian Federation to the World Trade Organisation (WTO). Further it is noted that the agreement did not foresee any provision pertaining to the indexation of the import quota in line with the actual yearly evolution of demand/consumption. In other words, a shrinking market would not result in a corresponding adaption of the quotas. Even more strongly so, Article 10 of the abovementioned agreement provided that quantities should be increased by 2,5 % in every product group with each yearly renewal. It is therefore not surprising that the quota for the product group including the products covered by this investigation was never reached over the period of existence of the agreement.
- (134) In the light of the above, it appears that the quotas mentioned in the annexes to such yearly agreements are disconnected from market reality and evolution of consumption as the quota was automatically adjusted upward regardless of the evolution of consumption/demand. Further, as the quota was never exhausted over the period of the existence of the agreement, it can be considered that such quota was indeed 'too high' not only for the period of existence of the agreements but also when compared with the development of consumption in the period considered. As a consequence, any comparison between the level of such quota, which was not applicable anymore from 22 August 2012 onwards and the level of imports from Russia during the period considered is meaningless. This claim has therefore to be rejected.
- (135) The alleged overlap between the product scope of this investigation and the corresponding 'other flat-rolled products' was further analysed. It first appeared that the product scope of the current investigation also concerned products falling in the 'alloyed cold-rolled and coated sheets' product group. Second, it appeared that out of the 42 Taric codes covered by the agreement under the abovementioned product groups, only seven match perfectly the codes mentioned in the provisional Regulation (7209 16 90 00, 7209 17 90 00, 7209 18 91 00, 7209 26 90 00, 7209 27 90 00, 7209 28 90 00 and 7225 50 80 00). As a consequence 35 Taric codes reported in the Annex to the agreement are excluded from the product scope of this investigation. On the other hand, approximately 10 Taric codes covered by this investigation were not covered by the abovementioned agreement. On the basis of the above, it appears that the alleged overlap is not supported by factual evidence and such allegations have to be rejected.

4.6. Overcapacity of the Union industry

- (136) Another interested party argued that the Union industry was materially affected by its overcapacity which induced oversupply, increased costs and reduced profits but also deterred further investments. It further indicated that in the absence of imports, capacity utilisation would only have exceeded 72 %.
- (137) It is first recalled that the Union industry reduced its capacity by 3 % over the period considered in order to adapt to the changing global market situation. While the capacity utilisation rate achieved by the Union industry over the period considered cannot be regarded as satisfactory and it is not disputed that low capacity utilisation levels may have a bearing on the performance of an industry, it is noted that the Union industry was still profitable in 2011 when its installed capacity exceeded that of the investigation period and its utilisation was below that of the investigation period. Therefore, and in view of the improvement of the capacity utilisation linked to the capacity reduction, it is concluded that the level of capacity utilisation cannot be regarded as an element breaking the causal link. On the basis of the above, the claim has to be rejected.

4.7. Imports from third countries

- (138) Several parties claimed that the Commission had not assessed properly the impact of imports from third countries. They claimed that the level of their imports was close to the level of Russian imports, imports from Iran and Ukraine were made at prices lower than imports from Russia and China. Additionally and as indicated in recital 105, one interested party claimed that the imports from Ukraine, India and Iran accounting for 5,4 % market share in the period considered had not been properly assessed when compared with the decrease in market share of the Union industry.
- (139) In this regard, it is first noted that, as indicated in recital 104, the market share of imports from third countries has decreased from 10,9 % to 9,1 % (from 854 281 to 647 710 tonnes) over the period considered while the market share of imports from Russia, alone, have increased from 5,9 % to 9,8 % (and from 466 165 to 697 661 tonnes). It follows from the above that imports from Russia and from other third countries followed opposite trends. It is also noted that in the framework of this investigation, imports from Russia have been cumulated with imports from China and that the market share of the countries concerned have increased from 14,3 % in 2011 to 20,1 % in the investigation period.
- (140) Second, while it is not disputed that imports from Iran and Ukraine were indeed made at average prices lower than the average prices of the countries concerned, it is noted that the average price level of such imports undercut imports from the countries concerned over the whole period considered and that there was no significant change in their price behaviour over this period. As their market share only slightly increased from 2,9 % to 3,4 %, it is unlikely that such imports break the causal link.
- (141) Third and as indicated in recital 106, the market share of Ukraine, India and Iran should be analysed over the period considered and not by focusing on a specific one-year period. It follows that the market share held by imports from India, Iran and Ukraine has indeed increased slightly from 4 % to 5,4 % over the period considered while imports from other third countries (including the ones listed above) have in general decreased from 10,9 % to 9,1 %. It follows from the above that the decrease in market share for the Union industry (– 4 %) cannot be compared with the market share held by the countries mentioned above in the investigation period only and that the market share increase cannot be regarded as significant enough to break the causal link.
- (142) After definitive disclosure, certain exporting producers claimed that, when assessed in absolute terms, imports from all third countries were comparable to imports from Russia and that they should be equally regarded as being injurious. In this regard, it is first noted that as indicated in recitals 107 to 111 of the provisional Regulation, the conditions to assess Russian and Chinese imports cumulatively were fulfilled. Therefore, Russian imports should not be analysed in isolation. Second, it is also noted that, while the analysis of imports should indeed be made when looking at absolute figures, the evolution of such absolute figures should also be analysed. In this regard and as indicated above, it is noted that imports from all third countries have decreased by 206 571 tonnes over the period considered while imports from Russia increased by 231 496 tonnes. Imports from the countries concerned assessed cumulatively followed a similar trend and increased by 312 224 tonnes. As depicted above, imports from all third countries were much lower than imports from the countries concerned in the period considered. They have also followed an opposite trend to that of Russian imports or imports from the countries concerned. On this basis, it is confirmed that imports from third countries were correctly analysed taking into account their volume, price and market share trends. The claim was therefore rejected.

4.8. Conclusion on causation

- (143) On the basis of the above and in the absence of any other comments, the conclusions set out in recitals 202 to 204 of the provisional Regulation are confirmed.

5. UNION INTEREST

5.1. Interest of the Union industry

- (144) In the absence of any comments regarding the interest of the Union industry, the conclusion reached in recital 209 of the provisional Regulation is confirmed.

5.2. Interest of importers and users

- (145) Following provisional disclosure, several parties claimed that it would not be in the Union interest to impose anti-dumping measures against the countries concerned. That claim was reiterated after definitive disclosure. They alleged that anti-dumping measures would be against the interests of smaller users because they will have an anti-competitive effect (Union producers will increase their prices) and because Union producers do not produce certain types of cold-rolled flat steel products.
- (146) These allegations were already dealt with in recitals 220 to 223 of the provisional Regulation but no substantive additional information for such allegations was provided after the provisional or definitive disclosure. Thus, the argument is rejected.

5.3. Other arguments

- (147) Some parties claimed that the Commission was biased towards Union producers and trying to find dumping at all cost.
- (148) This above claim was not further substantiated. The Commission underlines that the investigation is conducted within the applicable legal framework with the highest standards for neutrality and transparency.
- (149) According to some parties, the fact that Union producers imported the product under investigation shows that they cannot meet demand in the Union.
- (150) As also stated in recital 191 of the provisional Regulation, a number of Union producers are part of integrated steel groups with independent trading companies. These traders are free to purchase from whichever source they choose, including the countries concerned. It needs to be reiterated that these purchases represented less than 1 % of the sales of the complainants. Apart from reasons of self-defence and maintaining commercial relationships, there is nothing on the file that would suggest that such imports were made due to Union producers not being able to meet demand.

5.4. Conclusion on Union interest

- (151) In the absence of any other comments concerning the Union interest, the conclusions reached in recitals 229 to 232 of the provisional Regulation are confirmed.

6. DEFINITIVE ANTI-DUMPING MEASURES

6.1. Injury elimination level

- (152) Following provisional disclosure, several parties made comments on the 5 % target profit provisionally used for calculating underselling, as explained in recitals 237 to 238 of the provisional Regulation. One interested party claimed that the profit in the sector would not have been more than 5 %, whereas another interested party submitted that a 5 % target profit was excessive. These claims were not substantiated.
- (153) Eurofer considered the 5 % target profit far too low. Firstly, it rejected the reference to GOES target profit on the basis that, inter alia, R&D, markets and the steel nature were different. Secondly, Eurofer claimed that available and verifiable evidence from before 2009 showed that the target profit used should be at least 10 %. While claiming so, Eurofer based itself partly on the information provided by the complaining producers which had been sampled and which had provided, at the Commission's request, profitability data for inter alia the period 2005-2008, and partly on the profitability achieved by certain other Union producers in that period. Eurofer added that the target profit should not derive from years affected either by the economic crisis or by dumped imports from the countries concerned. Thirdly, Eurofer claimed that the target profit should be adjusted in light of post-investigation period imports and an ongoing additional unfair price depreciation of the imports concerned. It also pointed out that in the past Union institutions had already relied on a higher than normal profit level to offset the injury caused by dumped imports ⁽¹⁾.

⁽¹⁾ Commission Regulation (EEC) No 3262/90 of 5 November 1990 imposing a provisional anti-dumping duty on imports of audio tapes in cassettes originating in Japan, the Republic of Korea and Hong Kong (OJ L 313, 13.11.1990, p. 5).

- (154) These comments were duly analysed. It should first be remembered that, as explained in recital 236 of the provisional Regulation, the investigation had established that throughout the period considered there were significant volumes of imports from the countries concerned which had an adverse effect on, inter alia, the profitability of the Union industry. Therefore, none of the years in the period considered could be deemed indicative for the profit that could be reasonably achieved under normal conditions of competition. As the only submission received in this respect during the provisional stage was not sufficiently substantiated, the Commission chose to provisionally establish the target profit on the basis of findings in investigations concerning other steel products. However, after the imposition of provisional measures the Commission has further looked into this issue not only in view of the comments received following disclosure, but also by requesting and analysing more information in this respect.
- (155) Indeed, as already referred to in recital 8 above, following the imposition of provisional measures the Commission requested the sampled Union producers to provide profitability data with regard to the like product when sold on the Union market for the years 2005 to 2010 (the same information for the period 2011 to the investigation period had already been provided through their original questionnaire response). This information was provided and duly verified. The weighted average profitability for the years 2005 to 2008 which could be calculated on that basis was for each of these years in the range of 9 %-15 %. The years 2005 to 2008 appeared to be representative years for establishing a target profit, as they were neither affected by the economic crisis, which impacted the sector strongly as from 2009, nor were they characterised by exceptionally favourable market circumstances. Moreover, the volume of imports from the countries concerned and other countries in these years indicated that competition was strong.
- (156) On the basis of the above the Commission therefore considers that the profit margin achieved by the industry in the most recent representative year, i.e. the year 2008, is a more appropriate basis for a target profit, for this industry, than the 5 % target profit provisionally used. That weighted average profit margin amounts to 9,9 % and the underselling calculations have been adjusted accordingly. Given that it is based on actual profitability data for the product concerned it is the best information available for this purpose.
- (157) Certain exporting producers returned to the issue of the injury margins used to establish the injury elimination level in their comments which followed the definitive disclosure. Quoting paragraph 60 of the EFMA judgment ⁽¹⁾ it was pointed out that 'in calculating the target price that will remove the injury in question [the profit margin to be used] must be limited to the profit margin which the Community industry could reasonably count on under normal conditions of competition, in the absence of dumped imports'. They further indicated that the profit achieved in the year 2011 constitutes a reliable profit margin in the absence of dumped imports. Bearing in mind that the data on file for the period 2009 to the investigation period was clearly not appropriate due to the significant presence of low priced and dumped imports and the 2009 financial crises which impacted the steel sector also in 2010 and 2011, it was evident that the Commission had reasonable grounds to go further back in time (if data was available) in order to identify the most recent representative year and that the period 2005-2008 should therefore be examined. It was concluded from the data available that the year 2008 was the most appropriate year for the reasons stated above. The claim that this constitutes 'cherry picking' is baseless since the year 2008 was by no means the highest profit year from the period 2005-2008. 2008 was selected as it was the most recent year with normal conditions of competition. Indeed, an examination of Union market prices, import data and Union consumption showed that a normal competitive market situation existed.
- (158) Therefore, the method used to establish a normal profit for the injury elimination level is fully in line with the EFMA judgment and the claim was rejected.
- (159) The same exporting producers claimed that, as indicated in recital 122 above, the Commission had disregarded events that took place in 2010 from its analysis of the situation of the Union industry on the ground that they took place before the period of analysis whereas it resorted to the year 2008 to determine target profit. In this regard, it is noted that while the period considered for the analysis of the situation of the Union industry was limited to the period from 2011 to the investigation period, as defined in recital 20 of the provisional Regulation, there are no legal boundaries that prevent the Commission from reverting to periods outside the period considered in order to establish a reasonable target profit, as long as the period chosen is representative of the profit level that could be achieved in the absence of dumped imports. This is duly explained in recital 157 above. Consequently, this claim has to be rejected.

⁽¹⁾ Case T-210/95 *European Fertiliser Manufacturer's Association (EFMA) v Council* [1999] ECR II-3291.

- (160) The same parties claimed that, in the absence of 'other injury indicators' for the period 2005-2008, interested parties could not submit meaningful comments on the appropriateness of the level of the target profit. In this regard, it is noted that determining the most recent year where normal market conditions prevailed and assessing the situation of the Union industry over the period considered are two separate exercises whereby the Commission does not require and/or analyse the same set of information. The 'other injury indicators' are not relevant in order to determine whether normal market conditions prevail in a certain year. This claim was therefore rejected.
- (161) Certain exporting producers claimed that the 2008 profitability data should not have been used because it does not fall within the period 2011 to the investigation period. However, it is clear from the abovementioned EFMA judgment that during the period considered none qualifies for establishing a target profit. As at the provisional stage, the Commission did not avail of reliable, verified and usable profitability information from the industry, it relied on profitability rates used in other investigations. However, as it had obtained and verified additional profitability information after provisional disclosure, and that information proved to be indicative for a profit that could reasonably be achieved under normal conditions of competition in this sector, the use of such profit is more appropriate than the use of a figure tainted by different market circumstances (products, conditions of competition), even if more recent. This claim was therefore rejected.
- (162) One Russian exporting producer indicated that no underselling margin calculation had been performed for product types which were processed by related importers on entry to the Union market. As data was available to include such sales, this claim has been accepted and the undercutting and underselling margins have been updated accordingly.
- (163) The same Russian exporting producer argued that the determination of the level of underselling was inaccurate. It indicated that the cost of production values of the Union industry which were used for the underselling calculations were, for some product types, very high, when compared to nearly identical product types and that the Commission should have either disregarded or adjusted them to a realistic level. It also stated that although the average CIF export prices for Chinese imports is 3 % higher, the underselling margin of Russian exporters is double. Finally, it stated that the volume of comparable products sold by the Union industry represented only 6,4 % of its total export volume.
- (164) After rechecking, the Commission established however that the cost of production data of the Union industry were accurate. As far as the difference in CIF value and underselling margin is concerned, it is noted that such comparison is simplistic and does not take account of the possible price and cost variations among the product types on the Union or on the exporting producer side. It is further noted that the basic Regulation does not foresee any threshold with regard to the comparison between the volume exported and the corresponding volume sold by the Union industry for similar products. In any case, after taking into account the claim referred to in recital 162, the volume of comparable products sold by the Union industry represented 10 % of its total export volume. In this regard, it is also noted that over 90 % of the products exported to the Union by this specific exporting producer could be matched with a comparable Union product. On the basis of the above, this claim has to be rejected.
- (165) Several exporting producers challenged the application by the Commission of Article 2(9) for the injury calculations, stating that Article 2(9) appears under the dumping provisions of the basic Regulation and could not be used by analogy for calculating injury. They argued that the free circulation price should be based on the price actually charged by its related importers in the Union to the first independent customers in the Union.
- (166) The purpose of calculating an injury margin is to determine whether imposing a lower duty rate (than the one based on the dumping margin) to the export price of the dumped imports would be sufficient to remove the injury caused by the dumped imports. This assessment should be based on the export price at the Union frontier level which is considered to be a level comparable to the Union industry ex-works price. In the case of export sales via related importers, by analogy with the approach followed for the dumping margin calculations, the export price is constructed on the basis of the resale price to the first independent customer duly adjusted pursuant to Article 2(9) of the basic Regulation. As the export price is an indispensable element in the injury margin calculation and as this Article is the only Article in the basic Regulation which gives guidance on the construction of the export price, the application of this Article by analogy is justified.

- (167) Furthermore, it is considered that the method advocated by this party would lead to unequal treatment in the calculation of its margins and those of other sampled exporting producers selling to independent importers. The methodology employed for the other sampled exporting producers was based on an export price at CIF level which of course excludes SGA and profit for resale in the Union after customs clearance. The Commission considers that the establishment of the relevant import price for undercutting and underselling calculations should not be influenced by whether the exports are made to related or independent operators in the Union. The methodology followed by the Commission ensures that both circumstances receive equal treatment.
- (168) Therefore, the Commission considered that the approach followed was accurate and rejected these claims.
- (169) After definitive disclosure, one interested party claimed that, due to the deduction of SGA and profit from the sales price, the underselling and dumping rates could no longer be correctly compared as the denominator for the calculation (i.e. the CIF price) would no longer be the same. This claim was rejected as the deductions of SGA and profit only affect the numerator of ratio, not the denominator.
- (170) Also further to the definitive disclosure certain interested parties claimed that the deduction of SGA and profit distorted the effect of the lesser duty rule. However, as a comparable methodology was applied to the dumping calculations clearly no distortion of the lesser duty rule exists. This claim was therefore rejected.
- (171) One interested party indicated that the so-called lesser-duty rule was not adequate to remove the injury to the Union industry in the present case on the grounds that while the cost of production of the Union industry remained stable after the investigation period, import prices from the Russia and China decreased respectively by 19 % and 22 % from April to December 2015. On this basis, it claimed that the respective level of the provisional anti-dumping duties (26,2 % and 16 %) was insufficient as the duties were already largely or fully absorbed by the abovementioned price decreases. As a consequence of these price decreases, producers in the countries concerned were able to increase their export volume to the Union significantly. It further referred to recital 26 of Council Regulation (EC) 437/2004 ⁽¹⁾ where the Commission indicated that findings should be limited to the investigation period except when the effects of new circumstances could be proved to be manifest, undisputed, lasting, not open to manipulation and not stemming from deliberate action by interested parties.
- (172) This claim has to be rejected. On the one hand, the claim that Union industry production costs remained stable was not supported by factual evidence. On the other hand, while import prices from the countries concerned have indeed decreased significantly since the end of the investigation period, there are several indications that import prices are again increasing in the second quarter of 2016. Therefore, the decrease in sales prices does not appear to be of a lasting nature and it would therefore be premature to treat it as such.
- (173) As the level of cooperation was high, the definitive injury margin for the PRC, applicable to non-sampled cooperating exporting producers, was calculated as the average of the two sampled exporting producers. The definitive injury margin for the PRC, applicable to non-cooperating exporting producers, was established at the level of the highest margin of the two cooperating companies.
- (174) For Russia the definitive injury margin applicable to non-cooperating exporting producers was established based on the injury margin of a representative product type by the cooperating exporting producers. This margin applies to PJSC Novolipetsk Steel because its non-cooperation explained above under 'Dumping' also related to its export price and therefore to its injury margin.
- (175) Taking into account the issues mentioned above in recitals 152 to 172 above, the definitive injury and dumping margins expressed as a percentage of the CIF Union frontier price, duty unpaid, are as follows. Also shown here are definitive duty rates.

⁽¹⁾ Council Regulation (EC) No 437/2004 of 8 March 2004 imposing definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of large rainbow trout originating in Norway and the Faeroe Islands (OJ L 72, 11.3.2004, p. 23).

Table 4

Definitive margins and duty rates

Chinese exporting producers	Definitive dumping margin (%)	Definitive injury margin (%)	Definitive duty rate (%)
Angang Group	59,2	19,7	19,7
Shougang Group	52,7	22,1	22,1
Other cooperating companies	56,9	20,5	20,5
All other companies	59,2	22,1	22,1
Russian exporting producers			
Magnitogorsk Iron & Steel Works OJSC	18,7	26,4	18,7
PAO Severstal	35,9	34,0	34,0
PJSC Novolipetsk Steel	38,9	36,1	36,1
All other companies	38,9	36,1	36,1

- (176) The abovementioned injury margins were rounded down, where appropriate, to the nearest tenth of a digit following comments from an exporting producer after the definitive disclosure.
- (177) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of the present investigation. Therefore, they reflect the situation found during this investigation with respect to these companies. These duty rates (as opposed to the country-wide duty applicable to 'all other companies') are thus exclusively applicable to imports of product concerned originating in the countries concerned and produced by the companies and thus by the specific legal entities mentioned. Imported product concerned produced by any other company whose name is not specifically mentioned in the operative part of this Regulation, including entities related to those specifically mentioned, should not benefit from these rates and should be subject to the duty rate applicable to 'all other companies'.
- (178) Any claim requesting the application of these individual company anti-dumping duty rates (for example following a change in the name of the entity or following the setting-up of new production or sales entities) should be addressed to the Commission ⁽¹⁾ with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with, for example, that name change or that change in the production and sales entities. If appropriate, the present Regulation will be amended accordingly by updating the list of companies benefiting from individual duty rates.
- (179) In order to minimise the risks of circumvention, it is considered that special measures are needed in this case to ensure the proper application of the anti-dumping measures. These special measures include the following: the presentation to the customs authorities of the Member States of a valid commercial invoice which shall conform to the requirements set out in Article 1(3) of this Regulation. Imports not accompanied by such an invoice shall be made subject to the duty rate applicable to all other companies.

⁽¹⁾ European Commission, Directorate-General for Trade, Directorate H, 1049 Brussels, Belgium.

6.2. Definitive collection of the provisional duties

- (180) In view of the dumping margins found and given the level of the injury caused to the Union industry, the amounts secured by way of the provisional anti-dumping duty, imposed by the provisional Regulation, should be definitively collected.

6.3. Enforceability of the measures

- (181) After provisional disclosure, the complainant claimed that some exporting producers had started absorbing the imposed provisional duties by refusing to increase its prices. This claim cannot be verified in the framework of this investigation. Should a separate anti-absorption request be filed, a review under Article 12(1) of the basic Regulation could be initiated, if *prima facie* evidence is provided.
- (182) The measures provided for in this regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is imposed on imports of flat-rolled products of iron or non-alloy steel, or other alloy steel but excluding of stainless steel, of all widths, cold-rolled (cold-reduced), not clad, plated or coated and not further worked than cold-rolled (cold-reduced), currently falling within CN ex 7209 15 00 (TARIC code 7209 15 00 90), 7209 16 90, 7209 17 90, 7209 18 91, ex 7209 18 99 (TARIC code 7209 18 99 90), ex 7209 25 00 (TARIC code 7209 25 00 90), 7209 26 90, 7209 27 90, 7209 28 90, 7211 23 30, ex 7211 23 80 (TARIC codes 7211 23 80 19, 7211 23 80 95 and 7211 23 80 99), ex 7211 29 00 (TARIC codes 7211 29 00 19 and 7211 29 00 99), 7225 50 80 and 7226 92 00 and originating in the People's Republic of China and the Russian Federation.

The following product types are excluded from the definition of the product concerned:

- flat-rolled products of iron or non-alloy steel, of all widths, cold-rolled (cold-reduced), not clad, plated or coated, not further worked than cold-rolled, whether or not in coils, of all thickness, electrical,
- flat-rolled products of iron or non-alloy steel, of all widths, cold-rolled (cold-reduced), not clad, plated or coated, in coils, of a thickness of less than 0,35 mm, annealed (known as 'black plates'),
- flat-rolled products of other alloy steel, of all widths, of silicon-electrical steel, and
- flat-rolled products of alloy steel, not further worked than cold-rolled (cold-reduced), of high-speed steel.

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 and manufactured by the companies listed below shall be as follows:

Country	Company	Definitive duty rate (%)	TARIC Additional Code
PRC	Angang Steel Company Limited, Anshan	19,7	C097
	Tianjin Angang Tiantie Cold Rolled Sheets Co. Ltd., Tianjin	19,7	C098
	Other cooperating companies listed in Annex	20,5	
	All other companies	22,1	C999

Country	Company	Definitive duty rate (%)	TARIC Additional Code
Russia	Magnitogorsk Iron & Steel Works OJSC, Magnitogorsk	18,7	C099
	PAO Severstal, Cherepovets	34	C100
	All other companies	36,1	C999

3. The application of the individual anti-dumping duty rates specified for the companies mentioned in paragraph 2 shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice, on which shall appear a declaration dated and signed by an official of the entity issuing such invoice, identified by his/her name and function, drafted as follows: 'I, the undersigned, certify that the (volume) of cold rolled flat steel products sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in the (country concerned). I declare that the information provided in this invoice is complete and correct.' If no such invoice is presented, the duty rate applicable to 'all other companies' shall apply.

4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

The amounts secured by way of the provisional anti-dumping duties pursuant to Implementing Regulation (EU) 2016/181 shall be definitively collected. The amounts secured in excess of the definitive rates of anti-dumping duty shall be released.

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, 29 July 2016.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

Chinese cooperating exporting producers not sampled

Country	Name	TARIC additional code
PRC	Hebei Iron and Steel Co., Ltd, Shijiazhuang	C103
PRC	Handan Iron & Steel Group Han-Bao Co., Ltd, Handan	C104
PRC	Baoshan Iron & Steel Co., Ltd, Shanghai	C105
PRC	Shanghai Meishan Iron & Steel Co., Ltd, Nanjing	C106
PRC	BX Steel POSCO Cold Rolled Sheet Co., Ltd, Benxi	C107
PRC	Bengang Steel Plates Co., Ltd, Benxi	C108
PRC	WISCO International Economic & Trading Co. Ltd, Wuhan	C109
PRC	Maanshan Iron & Steel Co., Ltd, Maanshan	C110
PRC	Tianjin Rolling-one Steel Co., Ltd, Tianjin	C111
PRC	Zhangjiagang Yangtze River Cold Rolled Sheet Co., Ltd, Zhangjiagang	C112
PRC	Inner Mongolia Baotou Steel Union Co., Ltd, Baotou City	C113

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1329**of 29 July 2016****levying the definitive anti-dumping duty on the registered imports of certain cold-rolled flat steel products originating in the People's Republic of China and the Russian Federation**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ (the 'basic Regulation'), and in particular Article 10(4) thereof,

Whereas:

A. PROCEDURE**1. Introduction**

- (1) On 14 May 2015, following a complaint by the European Steel Association ('Eurofer' or 'the complainant'), the European Commission ('the Commission') initiated an anti-dumping investigation with regard to imports into the Union of certain flat-rolled products of iron or non-alloy steel, or other alloy steel but excluding of stainless steel, of all widths, cold-rolled (cold-reduced), not clad, plated or coated and not further worked than cold-rolled (cold-reduced) ('cold-rolled flat steel products' or 'CRFS') originating in the People's Republic of China ('PRC') and the Russian Federation ('Russia') (together, referred to as 'the countries concerned') on the basis of Article 5 of the basic Regulation.
- (2) The complainant submitted a request for registration pursuant to Article 14(5) of the basic Regulation on 12 November 2015. The Commission, by Commission Implementing Regulation (EU) 2015/2325 ⁽²⁾ (the 'registration Regulation'), made the imports of certain cold-rolled flat steel products originating in the People's Republic of China and the Russian Federation subject to registration. By Article 1(2) of that Regulation, all interested parties were invited to make their views known in writing, to provide supporting evidence or to request to be heard within a fixed deadline. Comments on the registration were received from the complainant, the China Iron & Steel Association (CISA), the Ministry of Economic Development of the Russian Federation, Russian exporting producers, importers and/or users.
- (3) By Commission Implementing Regulation (EU) 2016/181 ⁽³⁾, the Commission imposed a provisional anti-dumping duty on imports of certain cold-rolled flat steel products originating in the People's Republic of China and the Russian Federation.
- (4) The Commission's final analysis and determination with regard to dumping, injury, causation and Union interest are detailed in Commission Implementing Regulation (EU) 2016/1328 ⁽⁴⁾ ('definitive Regulation'). The present regulation only addresses the issue of registration, the comments received in relation to registration and retroactive levying of the anti-dumping duty in question.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Commission Implementing Regulation (EU) 2015/2325 of 11 December 2015 making imports of certain cold-rolled flat steel products originating in the People's Republic of China and the Russian Federation subject to registration (OJ L 328, 12.12.2015, p. 104).

⁽³⁾ Commission Implementing Regulation (EU) 2016/181 of 10 February 2016 imposing a provisional anti-dumping duty on imports of certain cold-rolled flat steel products originating in the People's Republic of China and the Russian Federation (OJ L 37, 12.2.2016, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) 2016/1328 of 29 July 2016 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain cold rolled flat steel products originating in the People's Republic of China and the Russian Federation (see page 1 of this Official Journal).

2. Procedure with regard to retroactivity after the imposition of provisional measures

- (5) In order to examine whether the retroactive application of the definitive duties was warranted, the Commission analysed consumption, prices, imports and sales volumes prior and subsequent to the opening of the investigation. In the framework of that analysis the Commission also sent questionnaires to importers and/or users of the product concerned concerning their import volumes, import prices and inventories in the period following the investigation period, i.e. from 1 April 2015 to 31 January 2016. Replies were received from 22 unrelated and related importers and/or users. Furthermore, questionnaires were sent to the complainant and the five sampled Union producers concerning the sales in the period following the investigation period ('IP'), i.e. from 1 April 2015 to 31 January 2016. Replies were received from the complainant and all sampled Union producers.
- (6) In order to verify the questionnaires replies mentioned in recital 5 above, on-spot verification visits were carried out of the data submitted by the following parties:
- (a) Union producers
- ThyssenKrupp Germany, Duisburg, Germany
 - ArcelorMittal Belgium NV, Ghent, Belgium
 - ArcelorMittal Sagunto SL, Puerto de Sagunto, Spain
- (b) Unrelated importers/users
- Duferco SA, Lugano, Switzerland
 - Marcegaglia Carbon Steel, Mantova, Italy
- (7) On 3 May 2016 a hearing with the Hearing Officer in trade proceedings was held at the request of Eurofer. This hearing was held within the framework of the anti-dumping proceeding concerning imports of certain cold rolled flat steel products originating in the People's Republic of China and the Russian Federation and one of the issues raised was the possible retroactive collection of the definitive anti-dumping duty.
- (8) On the request of importers, the Commission services also held two hearings regarding the issue of retroactive collection of the anti-dumping duty.
- (9) The Commission informed all parties of the essential facts and considerations on the basis of which it intended to levy a definitive anti-dumping duty on the registered imports of CRFS ('the additional disclosure'). All parties were granted a period within which they could make comments on the additional disclosure. The comments submitted by the interested parties were considered and taken into account where appropriate.
- (10) Following the additional disclosure, several parties submitted comments. On 15 June 2016, one group of importers had a hearing with the Hearing Officer in trade proceedings. Following this hearing, one interested party submitted comments to the post-hearing submission.

B. RETROACTIVE LEVYING OF ANTI-DUMPING DUTIES

1. General principles for registration and retroactive levying of anti-dumping duties

- (11) According to its Communication 'Steel: Preserving Sustainable Jobs and Growth in Europe' ⁽¹⁾, the Commission will ensure that the industry gets actual relief significantly before provisional measures are imposed. This is

⁽¹⁾ COM(2016) 155 final of 16 March 2016

achieved by registering imports prior to the adoption of provisional measures. This allows the Commission to retroactively apply definitive anti-dumping duties three months before the adoption of provisional measures, where the relevant legal conditions are met. Those legal conditions are set out in Articles 10(4) and 14(5) of the basic Regulation, which are based on Articles 10.6 and 10.7 WTO Anti-dumping Agreement ('WTO ADA').

- (12) Those legal conditions set out a two-step mechanism to make sure that the remedial effect of the definitive anti-dumping duty to be applied is not undermined.
- (13) Because it is the first case in which it is found that the conditions for retroactive collection of anti-dumping duties are met, the Commission considers it necessary to explain in detail the methodology that was applied to reach that conclusion.
- (14) The first step, which is based on the idea of preventing the undermining of the remedial effect of duties, is registration pursuant to Article 14(5) of the basic Regulation and Article 10.7 WTO ADA, which besides registering imports also notifies interested parties, in particular importers, that definitive duties might be collected retroactively should the substantive conditions be met. The second step, in case prevention fails to preserve the remedial effect of the definitive duties is the retroactive levying of anti-dumping duties on products which were entered for consumption no more than 90 days prior to the date of application of provisional measures but not prior to the initiation of the investigation, pursuant to Article 10(4) of the basic Regulation and Article 10.6 WTO ADA.
- (15) Any of those two steps can only be taken when the conditions set out in Article 10(4) of the basic Regulation and Article 10.6 WTO ADA are met.
- (16) The Commission considers it appropriate to set out the manner in which it construes and applies the conditions 'further substantial rise in imports' and 'likelihood of seriously undermining the remedial effect of the definitive anti-dumping duty', set out in Article 10(4)(d) of the basic Regulation, when deciding on the retroactive imposition of anti-dumping duties.
- (17) The second of the two alternative conditions of Article 10(4)(c) of the basic Regulation will always be met the moment the initiation of the procedure is published in the *Official Journal of the European Union*. It is therefore not necessary to provide further clarification on Article 10(4)(c) of the basic Regulation.
- (18) Article 10(4)(d) of the basic Regulation provides the following:

'[i]n addition to the level of imports which caused injury during the investigation period, there is a further substantial rise in imports which, in the light of its timing and volume and other circumstances, is likely to seriously undermine the remedial effect of the definitive anti-dumping duty to be applied.'

- (19) The Commission interprets Article 10(4)(d) of the basic Regulation as setting two conditions which need to be fulfilled in order to allow the Commission to levy the definitive anti-dumping duty retroactively (in addition to the conditions set out in Article 10(4)(c) of the basic Regulation and in the chapeau of Article 10(4), read in conjunction with Article 14(5) of the basic Regulation). The two conditions are as follows:
 - (a) in addition to the level of imports which caused injury during the investigation period, there is a further substantial rise in imports; and
 - (b) this further substantial rise in imports, in the light of its timing and volume and other circumstances, is likely to seriously undermine the remedial effect of the definitive anti-dumping duty to be applied.

1.1. Further substantial rise in imports

- (20) In order to be able to make any determination concerning whether there is a further substantial rise in imports, a comparison of data is necessary ⁽¹⁾. In this respect, it has to be determined what periods of time need to be compared.

1.1.1. Periods to be compared

- (21) On the one hand, the basic Regulation refers to the level of imports during the investigation period. On the other hand, the words 'further' and 'in addition to' imply that the level of imports in the investigation period should be compared with the level of imports after the investigation period.
- (22) At the same time, the period to be compared to the investigation period cannot commence before one of the two alternative conditions in Article 10(4)(c) of the basic Regulation is met. Where importers only become aware of the likely dumping by the publication of the notice of initiation in the *Official Journal of the European Union*, that point should therefore be taken as starting point for the second period.
- (23) The overall analysis aims at assessing whether the conditions for an application of the duty prior to the date of application of the provisional measures are met. Therefore, the latter period should end with the imposition of the provisional measures at which moment the registration of imports ⁽²⁾ ceases to apply.
- (24) Import statistics are only available on a monthly basis. The Commission would therefore use for the latter period the data for the full calendar month following the publication of the initiation in the *Official Journal of the European Union*, where awareness of the importers is triggered by initiation. Where awareness stems from a different basis, for example from a history of dumping over an extended period, it would be the month following the event triggering awareness, but the earliest the first full month after the investigation period. As for the end point, the Commission would establish two values: one including the month in which the provisional measures start, one excluding that month.
- (25) The Commission would normally establish a monthly average level of imports for the whole investigation period which in principle lasts 12 months, and a monthly average for the level of imports between awareness and provisional measures. The starting and end points for the latter average are established as explained in the previous paragraph.
- (26) Furthermore, the Commission would also establish the evolution of imports in absolute terms, their impact on the evolution of stocks of the product and on the market shares, and consumption of the product during the period considered.

1.1.2. Extent of the rise to be qualified as substantial

- (27) Such a determination should be based on a case-by-case analysis. In addition to comparing monthly weighted averages, the Commission will also take all other relevant considerations into account. Those are in particular: the development of the overall consumption of the product concerned in the Union, the evolution of stocks, and the evolution of market shares. Hence, the analysis should be twofold, absolute and relative. A comparison between the two above monthly averages is thus an important, but not necessarily the decisive element in determining whether the further rise in imports is 'substantial'.

1.1.3. Rationale underlying this approach

- (28) Imports that enter the Union prior to registration can in no case be subject to anti-dumping duties. They are, however, relevant for determining whether or not imports that enter the Union after registration are likely to

⁽¹⁾ Panel Report, US — Hot-Rolled Steel, para. 7.166.

⁽²⁾ Registration of imports made under Article 14(5) of the basic Regulation is another condition to levy the definitive duty retroactively.

undermine the remedial effect of duties, for the following reason: Due, inter alia, to the existence of stocks, the remedial effect of duties (i.e. an increase of the price of imported products, either due to a price increase or due to the duty) is never immediate, but takes place only once stocks have been sold. A further substantial rise in imports prior to registration should normally lead to a substantial increase in stocks. That means that the remedial effect of duties is further delayed compared to a situation with normal stocks. Any further imports between registration and provisional measures, which come on top of stocks that substantially exceed the normal level, would further delay the remedial effect.

1.2. The rise in imports is likely to seriously undermine the remedial effect of duties

- (29) The second step is to determine whether this rise is likely to seriously undermine the remedial effect of the definitive duty to be applied. The use of the words 'is likely to' indicates that this is a forward-looking analysis. This will always be a case-specific analysis whose outcome will depend on the concrete circumstances in each and every case in which registration of imports in view of imposing duties retroactively has been ordered.
- (30) That analysis should, inter alia, take account of the effect of imports that have entered the Union between registration and provisional measures. Where no or only insignificant imports have taken place, the registration has sufficed to avoid further damage to the Union industry. Hence, there is normally no justification for applying the second step, that is retroactive imposition.
- (31) When assessing whether the effect of imports that have entered the Union between registration and provisional measures is likely to seriously undermine the remedial effect of duties, the Commission would, in particular, analyse the following factors:
 - (a) volume of those imports
 - (b) timing of those imports
 - (c) prices of those imports
 - (d) any other relevant circumstances: The Commission will analyse, inter alia, the following other circumstances:
 - (i) stocks of the imported product prior to registration
 - (ii) price trend of the imported product since awareness until provisional measures
 - (iii) changes in pattern of trade indicating attempts at circumventing registration.

1.3. Cumulation

- (32) In investigations involving more than one country concerned, whether or not imports from these countries will be cumulated for the purpose of the analysis described in points 1.1 and 1.2 above, will depend on whether the Commission decided to cumulate these imports in the underlying anti-dumping investigation.

2. Application to the case at hand

- (33) The registration concerns imports that were made between 12 December 2015 and the date of imposition of the provisional anti-dumping measures, namely 12 February 2016. During this period, the imports from the countries concerned were approximately 165 000 tonnes.
- (34) As mentioned in recital 5 above, information was provided by the complainant, all sampled Union producers and by 22 unrelated and related importers and/or users. Their imports represented 46 % of all imports from the countries concerned during the period for which the data was collected, namely from April 2015 to January 2016.

- (35) In order to decide whether retroactive collection of the duties was warranted, the Commission evaluated the criteria set out in Article 10(4) of the basic Regulation.
- (36) Comments were submitted with respect to the registration of imports as well as on the possible retroactive application of the anti-dumping measures, which are analysed below.

2.1. History of dumping or awareness of the dumping or injury by the importer

- (37) Pursuant to Article 10(4)(c) of the basic Regulation, there needs to be 'a history of dumping over an extended period, or the importer was aware of, or should have been aware of, the dumping as regards the extent of the dumping and the injury alleged or found'. In the present case, the Commission considers that the importers were aware, or should have been aware of, the dumping as regards the extent of the dumping and the injury alleged or found since the date of initiation of the investigation, for the reasons explained above at recital 17 and below.
- (38) One importer claimed that the prima facie evidence of dumping in the complaint was not sufficient to demonstrate that importers were aware or should have been aware of the dumping as regards the extent of the dumping and the injury alleged or found. In particular, this party noted that firstly, the complaint does not constitute by itself conclusive evidence that dumping actually took place. Second, if it were to be accepted that the evidence in the complaint is sufficient to conclude that importers should have been aware of dumping, the retroactive imposition of duties would be possible in every single investigation. Finally, it submitted that Eurofer's claim that the existence of dumping could not be ignored by importers given the extremely low prices of Chinese and Russian imports is misleading, as alleged low prices do not by themselves prove that imports were dumped.
- (39) Another interested party noted that Eurofer did not provide press reports or other publicly available information accessible to Union importers of CRFS that referred to any dumping by Chinese producers of specific CRFS products. This party stressed that the press articles provided were on steel in general and not specifically on CRFS. In addition, the Indian and American press reports provided by Eurofer were irrelevant with respect to the awareness of importers in the Union.
- (40) To start with, it is important to underline that the importers' awareness, in Article 10(4)(c) of the basic Regulation, relates to the extent of the dumping and the injury alleged or found (emphasis added). The Commission considers that importers were aware or should have been aware of the extent of dumping and the injury alleged on the basis of objective factors, not only by means of the non-confidential version of the complaint but also through the notice of initiation for this proceeding which were both available and communicated to all known interested parties including importers, users and their representative associations at initiation. In addition, interested parties had full access to the non-confidential version of Eurofer's request for registration which in fact had already been announced in the complaint itself. The investigation was initiated because it was deemed that the prima facie evidence in the complaint sufficiently demonstrated that the imports from the countries concerned were likely being dumped on the Union market. This prima facie evidence covered the period October 2013 to September 2014, i.e. an extended period of time. In addition, it was provisionally found and also definitively confirmed that dumping was also established for the investigation period of the proceeding, namely April 2014 to March 2015. Therefore, it is confirmed that importers were or should have been aware of the dumping and the injury alleged as of the date of publication of the notice of initiation in the *Official Journal of the European Union*.
- (41) It must also be noted that the retroactive levying of anti-dumping duties is only permitted on imports that were subject to registration and only when the criteria, as set out in Article 10(4) of the basic Regulation, are met. Therefore, it is incorrect to claim that the retroactive imposition of duties is possible 'in every single investigation'. Regarding the alleged irrelevance of the press reports provided by Eurofer, the Commission acknowledges that these were not articles on CRFS specifically, but they have given a reliable indication of the pricing behaviour of exporting steel producers in the countries concerned. Furthermore, the press reports should be seen in the light of the other objective facts as set out in the above recitals.
- (42) Therefore, the arguments regarding the issue of the awareness of importers are rejected.

- (43) In their response to the disclosure certain importers claimed that the awareness of dumping and injury issue should be seen in the light of retroactivity being 'an exceptional measure' and that this sets high standards on the investigating authority and/or that the approach proposed on 'awareness of importers' in respect of Article 10(4)(c) of the basic Regulation is excessively broad. They therefore conclude that the notice of initiation is not sufficient to make importers aware of the existence of dumping and injury or its extent. However, the notice of initiation, which was widely reported in the steel trade press, and the open version of the complaint, which was sent to known importers and/or users and available to all interested parties from day one of the investigation, when taken together clearly stated (in substantial detail) the methodology applied, the source of information used and specified high levels of dumping and injury for both the PRC and Russia. The extent of dumping was thereby communicated in the form of a percentage of the CIF import price. Further, the Commission in recitals 5 to 11 of the registration Regulation reminded all interested parties that it had sufficient evidence on the dumping as regards the extent of the dumping and the injury alleged or found. The Commission therefore concludes that importers were aware, or should have been aware, that dumping and injury was taking place or alleged. The fact that not all investigations result in anti-dumping measures does not mean that *prima facie* evidence of dumping and injury has not been made available to importers. The Commission is therefore satisfied that the necessary standards relevant to this issue have been met.
- (44) The Russian exporting producers and an importer claimed that the Commission's determination under Article 10(4)(c) of the basic Regulation certainly did not meet the standard set out in Article 10(6)(i) of the ADA which states the importer should have been aware that the exporter practices dumping and that such dumping causes injury. In addition, it was claimed that using the Commission's interpretation, the 'awareness' condition is met on every occasion when a notice of initiation is published, which is unacceptable. It was further claimed that the assessment of dumping is a complex process which entails having access to business secrets that cannot be disclosed.
- (45) First of all, it should be pointed out that each WTO Member has the right to establish its anti-dumping procedures and practices to suit its own circumstances as long as they do not breach WTO standards. The Commission considers that it has very high standards for opening investigations and as mentioned at recital 43 above a very detailed examination of dumping and injury based on the evidence available was carried out and made available to interested parties. This data includes company specific domestic and export prices which importers could have easily compared with the prices at which they were buying from the countries concerned in order to establish if such prices were dumped and to what extent. It is also noted that as indicated in recital 5, some of the replies were received from related importers that had access to the relevant information with regard to domestic and export prices. It is also noted that the WTO law does not provide that importers should be able to perform a detailed dumping calculation but rather that they should be aware of the extent of such dumping. Further, the analysis of the various injury indicators together with detailed undercutting and underselling calculations were also made available and indicated such dumped imports would cause injury.
- (46) One importer also claimed that its suppliers had assured him that they did not engage in dumping practices without, however, substantiating it. Therefore, this claim has to be rejected.
- (47) The Russian exporting producers contested the finding of dumping and indicated that importers became only aware of the application of Article 18 of the basic Regulation and the extent of the dumping on 12 February 2016. In this regard it is noted that the above mentioned information on file, namely the notice of initiation and the non-confidential version of the complaint that was sent to or made available to importers gave a clear indication of the extent of dumping and that the imposition of provisional measures only confirmed such information. This claim has therefore to be rejected.
- (48) The Commission therefore confirms, in this particular case, that the importers clearly had evidence that the Chinese and Russian exporters were practising injurious dumping.

2.2. A further substantial rise in imports likely to undermine the remedial effect of the definitive anti-dumping duty

- (49) Pursuant to Article 10(4)(d) of the basic Regulation, there needs to be 'a further substantial rise in imports in addition to the level of imports which caused injury during the investigation period'.

2.2.1. A further substantial rise in imports

- (50) According to Eurostat data ⁽¹⁾ (which at the time of the assessment were available up to and including March 2016), the average monthly import volume from the countries concerned during the investigation period was 118 912 tonnes. The average monthly import volume from the countries concerned in the period starting in the first full month after publication of the initiation of the investigation in the *Official Journal of the European Union* and ending in the last full month preceding the imposition of provisional measures (June 2015-January 2016) was 162 457 tonnes, i.e. 37 % higher than in the investigation period. In the same period, the total volume of imports was 1 299 658 tonnes, that is, 721 386 tonnes from the PRC and 578 272 tonnes from Russia. When comparing the average monthly import volume from the PRC and Russia separately, an increase of 48 % and 25 % in the average monthly import volumes is found for the PRC and Russia respectively.
- (51) Taking the period as from the first full month following initiation and including the month in which provisional measures were imposed (i.e. June 2015-February 2016) renders a monthly average import volume of 150 673 tonnes, which is 27 % higher than the monthly average in the investigation period. As for the monthly import volumes from the PRC and Russia, these shown an increase of 34 % and 19 % respectively.
- (52) The imports of the 22 importers and/or users which provided information on the imports during the period after initiation (from June 2015 to January 2016) represented 46 % of all imports from the countries concerned. The information thus obtained showed, overall for these cooperating importers and/or users, a 22 % increase in stocks of the product concerned at the end of 2015 as compared to the end of 2014. This finding not only corroborates the finding of a strong increase of imports based on statistics, but it also suggests stock-piling.
- (53) Both analyses demonstrate that indeed there was a substantial increase in import volumes after initiation.
- (54) Several Russian exporting producers contested the conclusion that the increase in imports was substantial, referring to 'leading commentators and practitioners' which maintain that the increase in the volume of imports has to be truly massive. In this regard it is first noted that the literature that was referred to does not constitute hard law and that it does not give any specific guidance as to what should be regarded as massive or substantial, which is anyway a case-by-case analysis.
- (55) On this basis, the Commission is satisfied that the increase in imports can be regarded as substantial and this claim is hereby rejected.
- (56) Several Russian exporting producers as well as an importer submitted that the Commission, in its assessment of Eurofer's request for registration, did not properly consider the temporary effect of Union sanctions on trade with Russia. In this respect, at the time of registration, there were no 'sanctions' on the product concerned, nor were there such sanctions during or following the investigation period, until provisional measures were imposed on 12 February 2016. This argument is therefore rejected.
- (57) The Russian exporting producers returned to this issue in their comments to the disclosure stating that even though there were no 'sanctions' on the product concerned there was a 'knock-on effect' to the product concerned because of a general reluctance of Union customers to buy goods from Russia. This argument was unsubstantiated. In addition, it is clear that the development of imports of the product concerned after the investigation period has been affected by issues relating to this proceeding rather than the alleged 'knock-on effects' resulting from sanctions on other products. The goods subject to sanctions were clearly defined and therefore, it cannot be concluded that sanctions had any major impact on the large swings in volume development experienced post investigation period.
- (58) In addition, the same Russian exporting producers as well as the Russian authorities argued that in the assessment on the further substantial rise in imports, Eurofer's arguments were based on comparisons of arbitrarily selected time periods. Another interested party submitted that due to the extreme volatility in the volume of imports of CRFS from one month to the other, the selection of any given period compared to another could produce dramatically different results. In other words, the data in Eurofer's request did not reflect the existence of a 'substantial rise in imports'.

⁽¹⁾ As done in order to establish Union consumption at provisional stage (see recital 99 of Implementing Regulation (EU) 2016/181), import volumes of the CN ex codes have been accounted fully to establish import volumes because the product concerned falls mostly in full CN codes.

- (59) The time periods taken for comparison in the complaint that led to registration covered substantial periods of time both after the investigation period and overlapping with the investigation period. In addition, other time periods for the comparative analysis on further substantial rise in imports were suggested by various interested parties and all of them rendered the same conclusion (i.e. a further substantial rise in imports as compared to the import volume during the investigation period). The argument is therefore rejected.
- (60) Several Russian exporting producers argued that there was no further substantial rise in imports by submitting figures for January 2016, February 2016 and March 2016 as far as they were concerned. It is not clear to the Commission why figures for only certain Russian exporting producers were presented in the submission and not imports from Russia as a whole.
- (61) It is true that lower monthly import volumes in the statistical data referred to in recital 50 above are recorded for January, February and March 2016, i.e. after registration of imports and — for part of February and March — provisional measures had taken effect. In this respect, the following should be noted. Firstly, as indicated in recital 9 of the registration Regulation, the Commission had analysed the registration request on the basis of an analysis of a period up to and including September 2015. That analysis demonstrated that there was, *inter alia*, and *prima facie*, a substantial increase in the level of imports, even following initiation, which would seriously undermine the remedial effect of the anti-dumping duty (recital 5 of the registration Regulation). The substantial increase on the basis of which the imports were registered concerns thus only partially the same imports on the basis of which the Commission determines whether a retroactive levying of the duty should be made. The latter period, it is recalled, is the period from the first full month following initiation, i.e. June 2015 up, to and including the last full month before provisional measures, i.e. January 2016 or including the month in which provisional measures were imposed, i.e. February 2016. Also over that much longer period, there is, again, a further substantial rise in imports as compared to the investigation period. The fact that the import volumes from the countries were relatively low in January, February and March 2016 does not change that conclusion.
- (62) Secondly, by far the highest import volume from the countries concerned was recorded for October 2015, i.e. after the analysis period for registration, and very high import volumes as compared to the investigation period were still recorded for November 2015. The relatively moderate level of imports after registration, at which the exporting producer pointed, should thus be assessed in relation to that peak just before registration which can only be explained by the upcoming registration. It is likely that, if no registration had been requested and made, an overall volume in the same order of magnitude would have been observed, but the monthly average increase would have been more consistent instead of the sudden spike observed in October and November 2015. The Commission cannot, in its analysis as to whether the conditions of Article 10(4)(d) are met, ignore the strong increase of imports in this period subsequent to the period of analysis for registering the imports but prior to the actual registration itself.
- (63) One interested party submitted that while the comparison of import figures between May 2014–September 2014 and May 2015–September 2015 indeed show an absolute increase in imports, Eurofer failed to take into account the cyclical nature of imports of the product concerned and the development of Union consumption. This argument was not substantially evidenced. It is fair to say that the product concerned follows to a certain extent the economic conjuncture, which can be volatile. However, this does not imply that the imports of CRFS follow a cyclical pattern. The argument is rejected.
- (64) It should also be added that, regarding the trend of the Union consumption, as explained in recitals 103 to 106 of the provisional Regulation, captive consumption increased slightly by 4 %, while the free market consumption decreased by 9 %. As imports of the product concerned compete on the free market, the Commission fails to understand this argument.
- (65) The China Iron & Steel Association (CISA) also disagreed with the periods selected by Eurofer. CISA submitted that it takes at least four to five months upon order confirmation for the import of steel products from the PRC to actually take place. Therefore, the product concerned imported during May–September 2015 is actually linked to contracts concluded before the case was initiated.
- (66) Pursuant to the basic Regulation, such a further substantial rise occurs in addition to the level of imports causing injury during the investigation period. Therefore, the assessment of this matter is based on a representative

period between initiation and provisional measures and the investigation period. The finding that there was a further substantial rise in imports during May-September 2015 is even strengthened by the argument made by CISA, as despite the time lag due to running contracts, there was still a further substantial rise in imports observed during the aforementioned period. The argument is thus rejected.

- (67) Several interested parties also noted that CFRS is not a product that is stockpiled, but a product that is produced to order accordingly.
- (68) Indeed, the product concerned is usually not stocked for a long period as a result of its characteristics. For example, certain weather conditions could have a detrimental effect on the quality of the product. However, the Commission did not receive evidence against the finding that stockpiling indeed did occur in this case following the initiation of the proceeding. It needs to be underlined that stockpiling is often not a usual practice and occurs when there are special circumstances and/or expectations in the market, for example as regards future prices of the product at hand. The fact that a product *usually* is not stocked does not mean that no stock piling can take place, when such circumstances and expectations come into play. Based on the figures submitted by the unrelated and related importers and/or users after the imposition of provisional measures, it was found that the stocks at the end of 2015 were 22 % higher than at the end of 2014. Therefore, without evidence against the finding that the further substantial rise in imports could be an indication of stockpiling, this argument is rejected.
- (69) In their response to the disclosure interested parties reiterated that the product concerned is not normally stockpiled but rather is purchased to order. First, CFRS is not exclusively produced to order and even for those types that are mainly produced to order this does not prevent importers and/or users anticipating future price increases from buying larger quantities in order to stock-pile. Further, the initiation of this investigation impacted import behaviour whereby, according to the evidence, stockpiling of the standard grades normally imported substantially increased. It is also recalled that the 22 importers and/or users which provided information on the imports during the period after initiation represented only 46 % of all imports from the countries concerned. In the light of the fact that importers and/or users representing more than half of the imports did not provide the Commission with the requested information and in view of the high volume of imports that entered the Union in the months following the initiation, the Commission can rely on sufficient satisfactory evidence to conclude that substantial stockpiling actually took place and that the information obtained and used resulted in a rather conservative estimation of the level of stockpiling.
- (70) On the basis of the above, the Commission concludes that there has been a substantial rise in imports subsequent to the investigation period.
- (71) In their response to the disclosure interested parties claimed that a well-established Commission practice existed to compare imports in the investigation period with imports in the registration period which would mean that there was no rise in imports. The same parties indicated that the Commission had failed to provide reasons for this alleged change in practice.
- (72) The Commission, first, observes, that it is not bound by previous practice (if such practice were to exist, *quod non*, see following recital), but only by the objective norms of the Treaties and secondary law. In any event, the Commission may at any point in time, for example given the specific circumstances arising in an investigation, refine or evolve its analysis accordingly, provided that it explains sufficient reasons for doing so. The Commission has provided in the general disclosure document in an extensive manner the economic, legal and policy reasoning that underlies the approach taken in the present case (see above recitals 11 to 32).
- (73) In any event, second, the importer could only point to two previous cases (*Solar Panels* and *Stainless Steel Cold Rolled Flat products*) as alleged evidence of such practice and in neither case were duties imposed retroactively. Under these circumstances it therefore cannot be regarded as a well-established practice. In addition, contrary to what these interested parties claimed, in Commission Implementing Regulation (EU) 2015/1429 ⁽¹⁾ the Commission analysed periods after the initiation of the investigation when assessing whether anti-dumping duty should be levied retroactively. Furthermore in those cases, the full set of circumstances was not comparable to the circumstances in this case. For example, although the level of imports in the registration period was on a monthly average basis lower than in the preceding period after the initiation of the investigation, the level in

⁽¹⁾ Commission Implementing Regulation (EU) 2015/1429 of 26 August 2015 imposing a definitive anti-dumping duty on imports of stainless steel cold-rolled flat products originating in the People's Republic of China and Taiwan (OJ L 224, 27.8.2015, p. 10).

absolute terms was still very significant in the case at hand. Bearing in mind that this is the first instance where the Commission concludes that in view of the facts of the case at hand duties should be levied retroactively, the principles set out in recitals 11 to 32 were strictly followed in this investigation. Therefore, the Commission did not only analyse the level of imports in the registration period but also took into account imports in the period between initiation and registration. This is in line with the provisions of Article 10(4)(d) of the basic Regulation which, as explained in recital 21 to 25 above mandates the Commission to analyse the period subsequent to the investigation period which is, in our practice, as from the initiation of an investigation until the moment that registration ceases to apply. The analysis period thus established in full compliance with the law, allows that a complete assessment could be made on the rise of imports and their subsequent impact and their ability to undermine the remedial effects of the measures.

- (74) In its response to the disclosure, the Russian exporting producers and the Ministry of economic development of the Russian Federation challenged the Commission's approach of a cumulative assessment (covering both Chinese and Russian imports) in order to meet the requirements of Article 10(4) of the basic Regulation. However, the basic Regulation does not prohibit a cumulative interpretation of Article 10(4) and the conditions for cumulation clearly apply in this case. Further, where appropriate a separate analysis of Russian and Chinese imports was made, which led also to the conclusion that there was a further substantial rise in imports (see recital 50 above) and did not demonstrate that a different approach was necessary for the Russian Federation. Therefore this claim was rejected.

2.2.2. The undermining of the remedial effect of the definitive anti-dumping duty

2.2.2.1. Volumes and market shares

- (75) In order to assess the impact of the substantial rise in imports on the remedial effect of the definitive anti-dumping duty, questionnaires on the sales after the investigation period were sent to Eurofer and the 5 sampled Union producers. The period for which post-investigation period figures were requested was April 2015 to January 2016 (at the time of sending the post-investigation period questionnaire, this was the most recent period).
- (76) The information thus received shows that Union consumption on the free market, in that period, increased by 14 % while sales volumes achieved by the Union producers remained rather stable with only a slight increase of 3 %. Consequently, the Union industry's market share further decreased by 7 percentage points (from 71 % to 64 %). This is a clear sign of further injury to the Union industry.
- (77) In terms of volumes it should be made clear that imports in the registration period were included in the assessment of the 'further increase in imports' and that imports in the registration period in isolation fell as compared to pre-registration levels but were still in substantial volumes.
- (78) It was claimed by several parties that this fall in imports in the registration period demonstrated that the registration step had succeeded. However, the substantial level of imports during the registration period (approximately 165 000 tonnes) clearly shows that importers and/or users had not been deterred by the registration step and as explained below the retroactive imposition of duties is necessary in order not to undermine the remedial effects of the measures.

2.2.2.2. Prices and price undercutting

- (79) When comparing the average monthly import price using Eurostat data, it is established that during the 11 months following the investigation period, the average monthly import prices from the PRC and Russia have decreased by 13 % and 12 % respectively when comparing with the average monthly import prices during the investigation period.

- (80) It is true that in the same period prices of raw materials have decreased as well. However, the analysis made demonstrates that the drop in raw material prices could not justify more than a 4 % drop in sales prices. The fact that these significantly lower import prices undermine the remedial effect of the anti-dumping duty is illustrated by an overall comparison of the average import price from the countries concerned with the average sales price from the Union industry during the investigation period and post investigation period. That comparison results in 7 % undercutting during the investigation period while after that period the undercutting increased to 14 %.
- (81) Further, import prices in the registration period continued to fall more than those of the Union producers. The average import price in that period ⁽¹⁾ was EUR 408 for China (19 % below the average import price in the investigation period and 6 % below the average import price in the period from initiation to registration ⁽²⁾) and EUR 371 for Russia (24 % below the average import price in the investigation period and 15 % below the average import price in the period from initiation to registration). For the two countries together, the average import price during registration was EUR 386 (22 % below the average import price in the investigation period and 11 % below the average import price in the period from initiation to registration). Consequently, undercutting in the registration period further increased to almost 20 % on average.
- (82) In view of the above, the Commission concludes that the further substantial rise in imports, in light of its timing and volume, as well as its further decreasing average prices, is likely to seriously undermine the remedial effect of the definitive anti-dumping duty.

2.2.2.3. Stockpiling

- (83) As indicated in recital 52, the Commission found evidence of stockpiling after the initiation of the investigation. Given that it is likely that the products that are stockpiled will ultimately enter the Union market, the Commission considers that such stockpiling is an additional indication that imports that take place even after registration will undermine the remedial effect of the duties.
- (84) Certain interested parties challenged the stockpiling argument claiming that the finding of stockpiling was not supported by evidence. However, it is clear that imports post investigation period increased substantially as compared to pre initiation levels and that cooperating importers and/or users reported increases in stocks. In addition, the cold rolled market is characterised by imports by both traders and final users. Despite the fact that prices were falling in the months following the initiation of this investigation the traders and users were motivated to increase their monthly average import levels and stock levels, which they did. Therefore, it is clear that stockpiling took place.
- (85) One group of importers claimed that it had provided evidence that the level of its stocks showed a decreasing trend and that its purchases in the period following the initiation were not aimed at stockpiling. The same interested party claimed that the periods for comparing the level of stock were not appropriate as stocks at the end of 2014 were abnormally low in view of the banks' unwillingness to finance stocks. Eventually it claimed that the Commission has not demonstrated that the goods concerned are still in stock and indicated that it expected that the material purchased in the registration period would be sold before provisional measures were imposed. In this regard, it is first noted that the assessment with regard to the level of stock may show individual differences among the companies importing the product concerned. However the Commission's assessment shall not be limited to individual companies and the information on the file, including that of this group of importers, shows that there was increase by 22 %. Second it is noted that this claim is not substantiated by supporting evidence as far as banks or the volumes on stock are concerned. Should the claim regarding the availability of finance still be true, the Commission wonders how importers could finance the significant increase in imports that took place after the initiation of the investigation without the availability of finance. On the basis of the above, these claims have to be rejected.

2.2.2.4. Conclusion

- (86) On the basis of the above, the Commission concludes that the substantial rise in imports subsequent to the investigation period has seriously undermined the remedial effect of the definitive anti-dumping duty.

⁽¹⁾ In the absence of more precise statistics and in order to ensure fair comparison with other statistical data sources, import statistics for the registration period were assessed on the basis of imports in December 2015 and January 2016.

⁽²⁾ In the absence of more precise statistics and in order to ensure fair comparison with other statistical data, import statistics for the period from initiation to registration were assessed on the basis of imports from June to November 2015.

2.3. Other comments

- (87) Several Russian exporting producers submitted that Article 10(4) of the basic Regulation does not indicate support for a cumulative assessment as regards the conditions stipulated in Article 10(4) of the basic Regulation. They further submitted that in their view conditions for retroactive imposition of anti-dumping duties are not fulfilled as far as Russian imports of CRFS are concerned. Without a reference in Article 10(4) of the basic Regulation to cumulative assessment, there would be no legal basis for the Commission to retro-actively apply definitive anti-dumping duties on imports from Russia. In this light, reference was also made to the fundamental principle of non-discrimination.
- (88) It needs to be reiterated that the Commission does not agree with the argument that the conditions as stipulated in Article 10(4) are not met. In this case, it is underlined that in both the cumulative assessment of the countries concerned as well as in the individual assessment of the countries concerned, the conditions of Article 10(4) are met for both countries. The argument is therefore rejected.
- (89) Various interested parties submitted that due to the registration, importers and/or users found themselves in a situation of legal uncertainty and that this has had a detrimental impact on the business of importers and/or users. They further submitted that a retroactive imposition of anti-dumping duties on registered imports would further exacerbate the detrimental effect on Union importers and/or users, who reasonably relied on their suppliers, under the assumption that they are not involved in dumping. It was further argued that the retroactive measures would hurt importers and/or users as regards imports linked to contracts concluded before the initiation of the proceeding.
- (90) In this regard, the Commission firstly notes that the right of the investigating authority to register imports when certain conditions are met, is stipulated in the basic Regulation under which this investigation was initiated and that it proceeds with registration only in exceptional cases as it interprets the legal conditions, as set out in Article 14(5) of the basic Regulation, strictly. As already explained, the Commission considers that in this case the conditions for registration were clearly met. Secondly, the actual registration only took place seven months after the initiation of this investigation. Therefore, it relates to imports that have been made under the full knowledge of an on-going anti-dumping investigation and the resulting possibility of imposition of anti-dumping duties. Furthermore, the Commission underlines that the basic Regulation as well as the WTO ADA allow for an eventual retroactive application of anti-dumping measures if certain conditions are met.
- (91) In view of the above, the Commission does not contest that registration of imports as such may bring certain legal uncertainty to importers and/or users concerned as it is not automatically resulting in a retroactive collection of the definitive duties, if any. The Commission neither contests that if duties are eventually levied retroactively on registered imports, this may negatively affect parties that have imported the subject merchandise during the two months period of registration, which ended with the imposition of provisional duties. However, the Commission recalls that the purpose of registration is to avoid the undermining of the remedial effect of duties, which could occur, for example, by significant imports during registration, following a substantial increase in imports and stock-piling that already took place prior to registration. Where registration remains ineffective, because operators ignore the warning in the form of registration, it is necessary to retroactively apply duties in order to ensure that the remedial effect of duties is not further delayed due to imports that take place after registration. It is likely that in respect of this case a number of importers and/or users, aware of the clear warning that retroactive duties may be imposed, stopped importing but that others decided to take the risk. The Commission therefore is satisfied that it has not breached the principle of legal certainty.
- (92) In addition, where dumping stops after registration, importers can request the refund of duties paid.

2.4. Conclusion on retroactive levying

- (93) Pursuant to Article 10(4) of the basic Regulation, anti-dumping duties may be levied retro-actively, provided that imports have been registered in accordance with Article 14(5), the Commission has given the importers concerned an opportunity to comment whether the criteria laid down in Article 10(4) of the basic Regulation are met.

- (94) After having analysed the submitted comments, the Commission concludes that the importers and/or users were or should have been aware of the alleged dumping and injury since the publication of the notice of initiation on 14 May 2015. In addition to imports which caused injury during the investigation period, further significantly increased volumes of the product concerned have been imported after initiation, at prices even lower than during the investigation period. These large and low priced quantities of the product concerned have already had a further negative bearing on the prices and Union market share of the Union industry. As the import volumes, combined with the above described pricing behaviour and the market share developments are substantial and come on top of significantly increased stocks, the imports that were imported after registration are likely to seriously undermine the remedial effect of the definitive anti-dumping duty.
- (95) On this basis, the Commission concludes that the conditions as set out in Article 10(4) of the basic Regulation for the retro-active application of the definitive anti-dumping duty are met. A definitive anti-dumping duty should therefore be levied on the product concerned, which was made subject to registration by Implementing Regulation (EU) 2015/2325.
- (96) In accordance with article 10(3) of the basic Regulation, the level of the duty to be collected retroactively should be set at the level of the provisional duties imposed under Implementing Regulation (EU) 2016/181, to the extent that they are lower than the level of the definitive duties imposed under Implementing Regulation (EU) 2016/1328.
- (97) The Committee established by Article 15(1) of Regulation (EU) 2016/1036 did not deliver an opinion,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is levied on imports of flat-rolled products of iron or non-alloy steel, or other alloy steel but excluding of stainless steel, of all widths, cold-rolled (cold-reduced), not clad, plated or coated and not further worked than cold-rolled (cold-reduced), currently falling within CN ex 7209 15 00 (TARIC code 7209 15 00 90), 7209 16 90, 7209 17 90, 7209 18 91, ex 7209 18 99 (TARIC code 7209 18 99 90), ex 7209 25 00 (TARIC code 7209 25 00 90), 7209 26 90, 7209 27 90, 7209 28 90, 7211 23 30, ex 7211 23 80 (TARIC codes 7211 23 80 19, 7211 23 80 95 and 7211 23 80 99), ex 7211 29 00 (TARIC codes 7211 29 00 19 and 7211 29 00 99), 7225 50 80 and 7226 92 00 and originating in the People's Republic of China and the Russian Federation, which have been registered by Implementing Regulation (EU) 2015/2325.

The following product types are excluded from the definition of the product concerned:

- flat-rolled products of iron or non-alloy steel, of all width, cold-rolled (cold-reduced), not clad, plated or coated, not further worked than cold-rolled, whether or not in coils, of all thickness, electrical,
- flat-rolled products of iron or non-alloy steel, of all width, cold-rolled (cold-reduced), not clad, plated or coated, in coils, of a thickness of less than 0,35 mm, annealed (known as 'black plates'),
- flat-rolled products of other alloy steel, of all width, of silicon-electrical steel, and
- flat-rolled products of alloy steel, not further worked than cold-rolled (cold-reduced), of high-speed steel.

2. The rates of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, of the product described in paragraph 1 and produced by the companies listed below shall be as follows:

Country	Company	Definitive duty rate (%)	TARIC Additional Code
PRC	Angang Steel Company Limited, Anshan	13,7	C097
	Tianjin Angang Tiantie Cold Rolled Sheets Co. Ltd, Tianjin	13,7	C098
	Other cooperating companies listed in Annex	14,5	
	All other companies	16	C999

Country	Company	Definitive duty rate (%)	TARIC Additional Code
Russia	Magnitogorsk Iron & Steel Works OJSC, Magnitogorsk	18,7	C099
	PAO Severstal, Cherepovets	25,4	C100
	All other companies	26,2	C999

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 Brussels, 29 July 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Chinese cooperating exporting producers not sampled:

Country	Name	TARIC additional code
PRC	Hebei Iron and Steel Co., Ltd, Shijiazhuang	C103
PRC	Handan Iron & Steel Group Han-Bao Co., Ltd, Handan	C104
PRC	Baoshan Iron & Steel Co., Ltd, Shanghai	C105
PRC	Shanghai Meishan Iron & Steel Co., Ltd, Nanjing	C106
PRC	BX Steel POSCO Cold Rolled Sheet Co., Ltd, Benxi	C107
PRC	Bengang Steel Plates Co., Ltd, Benxi	C108
PRC	WISCO International Economic & Trading Co. Ltd, Wuhan	C109
PRC	Maanshan Iron & Steel Co., Ltd, Maanshan	C110
PRC	Tianjin Rolling-one Steel Co., Ltd, Tianjin	C111
PRC	Zhangjiagang Yangtze River Cold Rolled Sheet Co., Ltd, Zhangjiagang	C112
PRC	Inner Mongolia Baotou Steel Union Co., Ltd, Baotou City	C113

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1330**of 2 August 2016****amending Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 ⁽¹⁾, and in particular Article 33(2) and (3) and Article 38(d) thereof,

Whereas:

- (1) Annex III to Commission Regulation (EC) No 1235/2008 ⁽²⁾ sets out the list of third countries whose systems of production and control measures for organic production of agricultural products are recognised as equivalent to those laid down in Regulation (EC) No 834/2007.
- (2) According to information provided by Australia, the internet address of the control body 'Australian Certified Organic Pty. Ltd' has changed.
- (3) According to the information provided by Canada, the recognition of one control body has been withdrawn.
- (4) The control body 'SGS India Pvt. Ltd' was removed from the entry for India in Annex III to Regulation (EC) No 1235/2008 in 2014 because it did not respect the scope of recognition of India as regards the products that can be imported. On the basis of the results of its supervision by India, this control body may now be included again in the entry for India in Annex III to that Regulation.
- (5) The Commission has received information concerning the changed internet address of the control body 'IMO Control Private Limited' in India.
- (6) According to the information provided by the United States, the recognition of one control body has been withdrawn and one control body has been added to the list of control bodies recognised by the United States.
- (7) The Commission has received information concerning the changed internet address of the control body 'AsureQuality Limited' in New Zealand.
- (8) Due to an administrative mistake, 'Doalnara Organic Certificated Korea' was deleted from Annex III by Commission Implementing Regulation (EU) 2015/2345 ⁽³⁾. As it was never intended to do so, it should be reintroduced in the list of control bodies recognised by the Republic of Korea.
- (9) Annex IV to Regulation (EC) No 1235/2008 sets out the list of control bodies and control authorities competent to carry out controls and issue certificates in third countries for the purpose of equivalence.

⁽¹⁾ OJ L 189, 20.7.2007, p. 1.

⁽²⁾ Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L 334, 12.12.2008, p. 25).

⁽³⁾ Commission Implementing Regulation (EU) 2015/2345 of 15 December 2015 amending Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L 330, 16.12.2015, p. 29).

- (10) 'Egyptian Center of Organic Agriculture (ECOAG)', 'Istituto Certificazione Etica e Ambientale', 'Letis SA', 'Oregon Tilth' and 'Organic Standard' have notified the Commission of the change of their address.
- (11) Article 33(3) of Regulation (EC) No 834/2007 provides that for products not imported under Article 32 and not imported from a third country which is recognised in accordance with Article 33(2) of that Regulation, the Commission may recognise control authorities and control bodies competent to carry out the tasks for the purpose of importing products providing equivalent guarantees. Article 10(2)(b) and (3) of Regulation (EC) No 1235/2008 therefore provides that a control authority or a control body cannot be recognised for a product originating from a third country listed in Annex III to that Regulation and belonging to a product category for which that third country is recognised.
- (12) Since Australia is a recognised third country in accordance with Article 33(2) of Regulation (EC) No 834/2007 and is listed for product category F in Annex III to Regulation (EC) No 1235/2008, it appears that those provisions have not been adequately respected in the past as regards the recognition of 'Australian Certified Organic', which is recognised in Annex IV to Regulation (EC) No 1235/2008 for products originating in Australia and belonging to product category F. This recognition should therefore be withdrawn.
- (13) 'AsureQuality Limited' has informed the Commission that it has ceased its certification activities in all third countries for which it was recognised and should no longer be listed in Annex IV to Regulation (EC) No 1235/2008.
- (14) The Commission has received and examined a request from 'Bio.inspecta AG' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A and D to Côte d'Ivoire.
- (15) The Commission has received and examined a request from 'CCPB Srl' to amend its specifications. The examination of the information received led to the conclusion that it is justified to extend the scope of its recognition for product category D to wine.
- (16) The Commission has received and examined a request from 'Certisys' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A and D to Burundi, Cameroon, Rwanda, Tanzania and Uganda.
- (17) In addition, the Commission has received information from 'Certisys' that it has ceased its certification activity in Vietnam and should no longer be listed for that country in Annex IV to Regulation (EC) No 1235/2008.
- (18) The Commission has received and examined a request from 'Control Union Certifications' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories B, C, D, E and F to Bangladesh, for product categories A and D to Cape Verde and for product categories A, C and D to Maldives.
- (19) The Commission has received and examined a request from 'Ecocert SA' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product category A to Liechtenstein, for product categories A and D to Albania, the Bahamas, Belarus, French Polynesia, Gambia, Jordan, Lesotho, Montenegro, occupied Palestinian territory and Oman, for product categories A, D and E to Bangladesh, for product categories A, B and F to Chile, for product category B to Ethiopia, for product categories B and E to Namibia, for product category D to Botswana and for product category E to the United Arab Emirates and Zambia.
- (20) Ecocert SA also informed the Commission that it has acquired a number of entities of the IMO group, including IMO-Control Sertifikasyon Tic. Ltd Şti. It also indicated that this entity and Ecocert SA subsidiary in Turkey, i.e. Ecocert Denetim ve Belgelendirme Ltd. Şti., have been merged. The resulting entity, called Ecocert IMO Denetim ve Belgelendirme Ltd. Şti, will take over the activities of IMO-Control Sertifikasyon Tic. Ltd Şti. Therefore, it is appropriate to delete IMO-Control Sertifikasyon Tic. Ltd Şti from Annex IV to Regulation (EC) No 1235/2008 and include Ecocert IMO Denetim ve Belgelendirme Ltd. Şti in its place, with the necessary changes relating to the address and the internet address.

- (21) 'IBD Certifications Ltd.' has informed the Commission that it is officially registered under the name 'IBD Certificações Ltda.'
- (22) The Commission has received and examined a request from 'IMO Control Latinoamérica Ltda.' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A and D to Brazil, Chile, Cuba, Trinidad and Tobago and Uruguay. Furthermore, 'IMO Control Latinoamérica Ltda.' notified the change of its corporate name to 'IMOcert Latinoamérica Ltda.' and the change of its internet address.
- (23) The Commission has received and examined a request from 'IMO Control Private Limited' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A and D to Laos, Maldives and Papua New Guinea.
- (24) 'IMOsuisse AG' has informed the Commission that it has ceased its certification activity in Ukraine and therefore it should no longer be listed for that country in Annex IV to Regulation (EC) No 1235/2008.
- (25) 'International Certification Services, Inc.' has informed the Commission that it has ceased its certification activities in all third countries for which it was recognised and should no longer be listed in Annex IV to Regulation (EC) No 1235/2008.
- (26) The Commission has received and examined a request from 'OneCert International PVT Ltd' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A and D to Ethiopia, Mozambique, Tanzania and Sri Lanka and for category D to Singapore.
- (27) The Commission has received and examined a request from 'Organización Internacional Agropecuaria' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product category C to Chile.
- (28) 'Quality Assurance International' has informed the Commission that it has ceased its certification activity in Paraguay and should no longer be listed for that country in Annex IV to Regulation (EC) No 1235/2008.
- (29) According to Article 12(1)(c) of Regulation (EC) No 1235/2008, the Commission may, in the light of the information received or in the light of the absence of information required, at any time amend the specifications or suspend the entry of a control body in Annex IV to that Regulation. On that basis, specification of control body in respect of which the examination of all information received led to the conclusion that the relevant requirements were no longer respected should be amended.
- (30) Uganda Organic Certification, Ltd, listed in Annex IV to Regulation (EC) No 1235/2008, submitted its annual report on 18 March 2016 in accordance with Article 12(1)(b) of the same Regulation. In the annual report the accreditation body IOAS informed that it has suspended the accreditation for Uganda Organic Certification, Ltd. The control body was invited by the Commission to provide a valid accreditation certificate accompanied by a positive assessment report in accordance with the requirements of Regulation (EC) No 834/2007, but did not reply within the deadline set. The entry of Uganda Organic Certification, Ltd should therefore be suspended from Annex IV to Regulation (EC) No 1235/2008 until satisfactory information is provided.
- (31) In the interest of clarity, in particular in order to ensure that the third countries for which the control authorities or control bodies listed in Annex IV to Regulation (EC) No 1235/2008 appear in the same order in all language versions, it is appropriate to rearrange the country names on the basis of the code numbers and to replace that Annex entirely.
- (32) Annexes III and IV to Regulation (EC) No 1235/2008 should therefore be amended accordingly.
- (33) The measures provided for in this Regulation are in accordance with the opinion of the Committee on organic production,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1235/2008 is amended as follows:

- (1) Annex III is amended in accordance with Annex I to this Regulation;
- (2) Annex IV is replaced by the text in Annex II to this Regulation.

Article 2

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

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

Done at Brussels, 2 August 2016.

For the Commission
The President
Jean-Claude JUNKER

ANNEX I

Annex III to Regulation (EC) No 1235/2008 is amended as follows:

- (1) In the entry relating to Australia, in point 5, the internet address of the control body 'Australian Certified Organic Pty. Ltd' is replaced by 'www.aco.net.au';
- (2) In the entry relating to Canada, in point 5, the row relating to code number CA-ORG-001 is deleted;
- (3) In the entry relating to India, point 5 is amended as follows:

- (a) the row relating to code number IN-ORG-007 is replaced by the following:

'IN-ORG-007	IMO Control Private Limited	www.imocontrol.in'
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- (b) the following row is added after the row for IN-ORG-012:

'IN-ORG-013	SGS India Pvt. Ltd	www.sgsgroup.in'
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- (4) In the entry relating to the United States, point 5 is amended as follows:

- (a) the row relating to code number US-ORG-032 is deleted;
- (b) the following row is added:

'US-ORG-061	Basin and Range Organics (BARO)	www.basinandrangeorganics.org'
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- (5) In the entry relating to New Zealand, in point 5, the internet address of the control body 'AsureQuality Limited' is replaced by 'http://www.asurequality.com'.
- (6) In the entry relating to the Republic of Korea, point 5 is amended as follows:

- (a) the following row is added:

'KR-ORG-002	Doalnara Organic Certificated Korea	www.doalnara.or.kr'
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ANNEX II

ANNEX IV

**LIST OF CONTROL BODIES AND CONTROL AUTHORITIES FOR THE PURPOSE OF EQUIVALENCE AND
RELEVANT SPECIFICATIONS REFERRED TO IN ARTICLE 10**

For the purposes of this Annex, the product categories are designated by the following codes:

- A: Unprocessed plant products
- B: Live animals or unprocessed animal products
- C: Aquaculture products and seaweeds
- D: Processed agricultural products for use as food (*)
- E: Processed agricultural products for use as feed (*)
- F: Vegetative propagating material and seeds for cultivation

The internet website, in accordance with Article 10(2)(e), where the list of operators subject to the control system can be found, as well as a contact point where information is readily available on their certification status, the product categories concerned, as well as the suspended and decertified operators and products, can be found at the internet address referred to in point 2 for each control body or control authority, unless otherwise specified.

“Abcert AG”

1. Address: Martinstraße 42-44, 73728 Esslingen am Neckar, Germany
2. Internet address: <http://www.abcert.de>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AL-BIO-137	Albania	x	—	—	x	—	—
AM-BIO-137	Armenia	x	—	—	x	—	—
AZ-BIO-137	Azerbaijan	x	—	—	x	—	—
BA-BIO-137	Bosnia and Herzegovina	x	—	—	x	—	—
BY-BIO-137	Belarus	x	—	—	x	—	—
GE-BIO-137	Georgia	x	—	—	x	—	—
IR-BIO-137	Iran	x	—	—	x	—	—
KG-BIO-137	Kyrgyzstan	x	—	—	x	—	—
KZ-BIO-137	Kazakhstan	x	—	—	—	—	—
MD-BIO-137	Moldova	x	x	—	—	—	—

(*) Ingredients have to be certified by a control body or control authority recognised in accordance with Article 33(3) of Regulation (EC) No 834/2007 or produced and certified within the scope of a third country recognised in accordance with Article 33(2) of that Regulation or produced and certified in the Union in accordance with that Regulation.

Code number	Third country	Category of products					
		A	B	C	D	E	F
ME-BIO-137	Montenegro	x	—	—	x	—	—
MK-BIO-137	the former Yugoslav Republic of Macedonia	x	—	—	x	—	—
RS-BIO-137	Serbia	x	—	—	x	—	—
RU-BIO-137	Russia	x	x	—	x	—	—
TJ-BIO-137	Tajikistan	x	—	—	x	—	—
TM-BIO-137	Turkmenistan	x	—	—	x	—	—
UA-BIO-137	Ukraine	x	—	—	x	—	—
UZ-BIO-137	Uzbekistan	x	—	—	x	—	—
XK-BIO-137	Kosovo *	x	—	—	x	—	—

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“Agreco R.F. Göderz GmbH”

1. Address: Mündener Straße 19, 37218 Witzenhausen, Germany

2. Internet address: <http://agrecogmbh.de>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AZ-BIO-151	Azerbaijan	x	—	—	x	—	—
BA-BIO-151	Bosnia and Herzegovina	x	—	—	x	—	—
BF-BIO-151	Burkina Faso	x	—	—	x	—	—
BO-BIO-151	Bolivia	x	—	—	x	—	—
CM-BIO-151	Cameroon	x	—	—	x	—	—
CO-BIO-151	Colombia	x	—	—	x	—	—
CU-BIO-151	Cuba	x	—	—	x	—	—
CV-BIO-151	Cape Verde	x	—	—	—	—	—
DO-BIO-151	Dominican Republic	x	—	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
EC-BIO-151	Ecuador	x	—	—	x	—	—
EG-BIO-151	Egypt	x	—	—	x	—	—
ET-BIO-151	Ethiopia	x	—	—	x	—	—
FJ-BIO-151	Fiji	x	—	—	—	—	—
GE-BIO-151	Georgia	x	—	—	x	—	—
GH-BIO-151	Ghana	x	—	—	x	—	—
GT-BIO-151	Guatemala	x	—	—	x	—	—
HN-BIO-151	Honduras	x	—	—	x	—	—
ID-BIO-151	Indonesia	x	—	—	x	—	—
IR-BIO-151	Iran	x	—	—	—	—	—
KE-BIO-151	Kenya	x	—	—	x	—	—
KG-BIO-151	Kyrgyzstan	x	—	—	x	—	—
KH-BIO-151	Cambodia	x	—	—	—	—	—
KZ-BIO-151	Kazakhstan	x	—	—	x	—	—
LK-BIO-151	Sri Lanka	x	—	—	x	—	—
MA-BIO-151	Morocco	x	—	—	x	—	—
MD-BIO-151	Moldova	x	—	—	x	—	—
ME-BIO-151	Montenegro	x	—	—	x	—	—
MG-BIO-151	Madagascar	x	—	—	x	—	—
MK-BIO-151	the former Yugoslav Republic of Macedonia	x	—	—	—	—	—
ML-BIO-151	Mali	x	—	—	x	—	—
MX-BIO-151	Mexico	—	—	—	x	—	—
NG-BIO-151	Nigeria	x	—	—	x	—	—
NI-BIO-151	Nicaragua	x	—	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
NP-BIO-151	Nepal	x	—	—	x	—	—
PE-BIO-151	Peru	x	—	—	x	—	—
PG-BIO-151	Papua New Guinea	x	—	—	x	—	—
PH-BIO-151	Philippines	x	—	—	x	—	—
PY-BIO-151	Paraguay	x	—	—	x	—	—
RS-BIO-151	Serbia	x	—	—	x	—	—
RU-BIO-151	Russia	x	—	—	x	—	—
SB-BIO-151	Solomon Islands	x	—	—	—	—	—
SN-BIO-151	Senegal	x	—	—	x	—	—
SR-BIO-151	Suriname	x	—	—	x	—	—
SV-BIO-151	El Salvador	x	—	—	—	—	—
TG-BIO-151	Togo	x	—	—	x	—	—
TH-BIO-151	Thailand	x	—	—	x	—	—
TM-BIO-151	Turkmenistan	x	—	—	x	—	—
TO-BIO-151	Tonga	x	—	—	—	—	—
TV-BIO-151	Tuvalu	x	—	—	x	—	—
TZ-BIO-151	Tanzania	x	—	—	x	—	—
UA-BIO-151	Ukraine	x	—	—	x	—	—
UG-BIO-151	Uganda	x	—	—	x	—	—
UY-BIO-151	Uruguay	—	—	—	x	—	—
UZ-BIO-151	Uzbekistan	x	—	—	x	—	—
VE-BIO-151	Venezuela	x	—	—	x	—	—
VN-BIO-151	Vietnam	x	—	—	x	—	—
WS-BIO-151	Samoa	x	—	—	—	—	—
ZA-BIO-151	South Africa	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“Albinspekt”

1. Address: Sheshi Hari Trumen, Nd. 1, Hy. 25, Ap. 10, 1016 Tirana, Albania
2. Internet address: <http://www.albinspekt.com>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AL-BIO-139	Albania	x	x	—	x	—	—
XK-BIO-139	Kosovo *	x	x	—	x	—	—

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

4. Exceptions: in-conversion products and wine.
5. Duration of inclusion: until 30 June 2018.

“ARGENCERT SA”

1. Address: Bernardo de Irigoyen 972 4 piso 'B', C1072AAT Buenos Aires, Argentina
2. Internet address: www.argencert.com.ar
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AR-BIO-138	Argentina	—	—	—	x	—	—
CL-BIO-138	Chile	x	—	—	x	—	—
PY-BIO-138	Paraguay	x	—	—	x	—	—
UY-BIO-138	Uruguay	x	—	—	x	—	—

4. Exceptions: in-conversion products and products covered by Annex III.
5. Duration of inclusion: until 30 June 2018.

“Australian Certified Organic”

1. Address: PO Box 810 — 18 Eton St, Nundah, QLD 4012, Australia
2. Internet address: <http://www.aco.net.au>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AU-BIO-107	Australia	—	x	—	x	—	—
CK-BIO-107	Cook Islands	x	—	—	x	—	—
CN-BIO-107	China	x	x	—	x	—	—
FJ-BIO-107	Fiji	x	—	—	x	—	—
FK-BIO-107	Falkland Islands	—	x	—	—	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
HK-BIO-107	Hong Kong	x	—	—	x	—	—
ID-BIO-107	Indonesia	x	—	—	x	—	—
MG-BIO-107	Madagascar	x	—	—	x	—	—
MM-BIO-107	Myanmar/Burma	x	—	—	x	—	—
MY-BIO-107	Malaysia	x	—	—	x	—	—
PG-BIO-107	Papua New Guinea	x	—	—	x	—	—
SG-BIO-107	Singapore	x	—	—	x	—	—
TH-BIO-107	Thailand	x	—	—	x	—	—
TO-BIO-107	Tonga	x	—	—	x	—	—
TW-BIO-107	Taiwan	x	—	—	x	—	—
VU-BIO-107	Vanuatu	x	x	—	x	—	—

4. Exceptions: in-conversion products and products covered by Annex III.

5. Duration of inclusion: until 30 June 2018.

“Balkan Biocert Skopje”

1. Address: 2/9, Frederik Sopen Str., 1000 Skopje, the former Yugoslav Republic of Macedonia

2. Internet address: <http://www.balkanbiocert.mk>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
MK-BIO-157	the former Yugoslav Republic of Macedonia	x	x	—	x	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“Bioagricert S.r.l.”

1. Address: Via dei Macabracchia 8, Casalecchio di Reno, 40033 Bologna, Italy

2. Internet address: <http://www.bioagricert.org>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
BR-BIO-132	Brazil	x	—	—	x	—	—
CN-BIO-132	China	x	—	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
EC-BIO-132	Ecuador	x	—	—	x	—	—
IN-BIO-132	India	—	—	—	x	—	—
IR-BIO-132	Iran	x	—	—	x	—	—
KH-BIO-132	Cambodia	x	—	—	x	—	—
KR-BIO-132	Republic of Korea	x	—	—	—	—	—
LA-BIO-132	Laos	x	—	—	x	—	—
MA-BIO-132	Morocco	x	—	—	x	—	—
MM-BIO-132	Myanmar/Burma	x	—	—	x	—	—
MX-BIO-132	Mexico	x	x	—	x	—	—
NP-BIO-132	Nepal	x	—	—	x	—	—
PF-BIO-132	French Polynesia	x	—	—	x	—	—
RS-BIO-132	Serbia	x	x	—	—	—	—
SM-BIO-132	San Marino	—	—	—	x	—	—
TG-BIO-132	Togo	x	—	—	x	—	—
TH-BIO-132	Thailand	x	x	—	x	—	—
TR-BIO-132	Turkey	x	—	—	x	—	—
UA-BIO-132	Ukraine	x	—	—	x	—	—
VN-BIO-132	Vietnam	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“BioGro New Zealand Limited”

1. Address: P.O. Box 9693 Marion Square, Wellington 6141, New Zealand

2. Internet address: <http://www.biogro.co.nz>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
FJ-BIO-130	Fiji	x	—	—	x	—	—
MY-BIO-130	Malaysia	—	—	—	x	—	—
NU-BIO-130	Niue	x	—	—	x	—	—
VU-BIO-130	Vanuatu	x	—	—	x	—	—
WS-BIO-130	Samoa	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“Bio.inspecta AG”

1. Address: Ackerstrasse, 5070 Frick, Switzerland

2. Internet address: <http://www.bio-inspecta.ch>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AE-BIO-161	United Arab Emirates	x	—	—	x	—	—
AL-BIO-161	Albania	x	—	—	x	—	—
AM-BIO-161	Armenia	x	—	—	x	—	—
AZ-BIO-161	Azerbaijan	x	—	—	x	—	—
BA-BIO-161	Bosnia and Herzegovina	x	—	—	x	—	—
BF-BIO-161	Burkina Faso	x	—	—	—	—	—
BJ-BIO-161	Benin	x	—	—	—	—	—
BR-BIO-161	Brazil	x	—	—	x	—	—
CI-BIO-161	Côte d'Ivoire	x	—	—	x	—	—
CU-BIO-161	Cuba	x	—	—	x	—	—
DO-BIO-161	Dominican Republic	x	—	—	x	—	—
ET-BIO-161	Ethiopia	x	—	—	x	—	—
GE-BIO-161	Georgia	x	—	—	x	—	—
GH-BIO-161	Ghana	x	—	—	x	—	—
ID-BIO-161	Indonesia	x	—	—	x	—	—
IR-BIO-161	Iran	x	—	—	x	—	—
KE-BIO-161	Kenya	x	—	—	x	—	—
KG-BIO-161	Kyrgyzstan	x	—	—	x	—	—
KR-BIO-161	Republic of Korea	x	—	—	—	—	—
KZ-BIO-161	Kazakhstan	x	—	—	x	—	—
LB-BIO-161	Lebanon	x	—	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
MA-BIO-161	Morocco	x	—	—	x	—	—
MD-BIO-161	Moldova	x	—	—	x	—	—
PH-BIO-161	Philippines	x	—	—	x	—	—
RU-BIO-161	Russia	x	—	—	x	—	—
SN-BIO-161	Senegal	x	—	—	x	—	—
TJ-BIO-161	Tajikistan	x	—	—	x	—	—
TR-BIO-161	Turkey	x	—	—	x	—	—
TZ-BIO-161	Tanzania	x	—	—	x	—	—
UA-BIO-161	Ukraine	x	—	—	x	—	—
UZ-BIO-161	Uzbekistan	x	—	—	x	—	—
VN-BIO-161	Vietnam	x	—	—	x	—	—
XK-BIO-161	Kosovo *	x	—	—	x	—	—
ZA-BIO-161	South Africa	x	—	—	x	—	—

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“Bio Latina Certificadora”

1. Address: Jr. Domingo Millán 852, Jesús Maria, Lima 11, Lima, Peru

2. Internet address: <http://www.biolatina.com>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
BO-BIO-118	Bolivia	x	x	—	x	—	—
CO-BIO-118	Colombia	x	—	—	x	—	—
GT-BIO-118	Guatemala	x	—	—	x	—	—
HN-BIO-118	Honduras	x	—	—	x	—	—
MX-BIO-118	Mexico	x	—	—	x	—	—
NI-BIO-118	Nicaragua	x	x	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
PA-BIO-118	Panama	x	—	—	x	—	—
PE-BIO-118	Peru	x	x	—	x	—	—
SV-BIO-118	El Salvador	x	—	—	x	—	—
VE-BIO-118	Venezuela	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“Bolicert Ltd”

1. Address: Street Colon 756, floor 2, office 2A, Edif. Valdivia Casilla 13030, La Paz, Bolivia

2. Internet address: <http://www.bolicert.org>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
BO-BIO-126	Bolivia	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“Bureau Veritas Certification France SAS”

1. Address: Immeuble Le Guillaumet, 60 avenue du Général de Gaulle, 92046 Paris La Défense Cedex, France

2. Internet address: <http://www.qualite-france.com>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
MA-BIO-165	Morocco	x	—	—	x	—	—
MC-BIO-165	Monaco	x	—	—	x	—	—
MG-BIO-165	Madagascar	x	—	x	x	—	—
MU-BIO-165	Mauritius	x	—	—	x	x	—
NI-BIO-165	Nicaragua	x	—	x	x	—	—

4. Exceptions: in-conversion products.

5. Duration of inclusion: until 30 June 2018.

“Caucacert Ltd”

1. Address: 2, Marshal Gelovani Street, 5th floor, Suite 410, Tbilisi 0159, Georgia
2. Internet address: <http://www.caucascert.ge>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
GE-BIO-117	Georgia	x	x	—	x	—	x

4. Exceptions: in-conversion products.
5. Duration of inclusion: until 30 June 2018.

“CCOF Certification Services”

1. Address: 2155 Delaware Avenue, Suite 150, Santa Cruz, CA 95060, United States
2. Internet address: <http://www.ccof.org>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
MX-BIO-105	Mexico	x	—	—	x	—	x

4. Exceptions: in-conversion products and wine.
5. Duration of inclusion: until 30 June 2018.

“CCPB Srl”

1. Address: Viale Masini 36, 40126 Bologna, Italy
2. Internet address: <http://www.ccpb.it>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
CN-BIO-102	China	x	—	—	x	—	—
EG-BIO-102	Egypt	x	x	—	x	—	—
IQ-BIO-102	Iraq	x	—	—	x	—	—
LB-BIO-102	Lebanon	x	x	—	x	—	—
MA-BIO-102	Morocco	x	x	—	x	—	—
ML-BIO-102	Mali	x	—	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
PH-BIO-102	Philippines	x	—	—	x	—	—
SM-BIO-102	San Marino	x	x	—	x	—	—
SY-BIO-102	Syria	x	—	—	x	—	—
TN-BIO-102	Tunisia	—	x	—	—	—	—
TR-BIO-102	Turkey	x	x	—	x	—	—

4. Exceptions: in-conversion products.

5. Duration of inclusion: until 30 June 2018.

“CERES Certification of Environmental Standards GmbH”

1. Address: Vorderhaslach 1, 91230 Happurg, Germany

2. Internet address: <http://www.ceres-cert.com>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AE-BIO-140	United Arab Emirates	—	—	—	x	—	—
AL-BIO-140	Albania	x	x	—	x	—	—
AZ-BIO-140	Azerbaijan	x	—	—	x	—	—
BF-BIO-140	Burkina Faso	x	—	—	x	—	—
BJ-BIO-140	Benin	x	—	—	x	—	—
BO-BIO-140	Bolivia	x	x	—	x	—	—
BR-BIO-140	Brazil	x	x	—	x	—	—
BT-BIO-140	Bhutan	x	—	—	x	—	—
CD-BIO-140	Democratic Republic of the Congo	x	—	—	x	—	—
CL-BIO-140	Chile	x	x	—	x	—	—
CM-BIO-140	Cameroon	x	x	—	x	—	—
CN-BIO-140	China	x	x	x	x	—	x
CO-BIO-140	Colombia	x	x	—	x	—	—
DO-BIO-140	Dominican Republic	x	x	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
EC-BIO-140	Ecuador	x	x	—	x	—	—
EG-BIO-140	Egypt	x	x	—	x	—	—
ET-BIO-140	Ethiopia	x	x	—	x	—	—
GD-BIO-140	Grenada	x	x	—	x	—	—
GH-BIO-140	Ghana	x	—	—	—	—	—
GT-BIO-140	Guatemala	x	—	—	x	—	—
HN-BIO-140	Honduras	x	—	—	x	—	—
ID-BIO-140	Indonesia	x	x	—	x	—	—
IR-BIO-140	Iran	x	—	—	x	—	—
JM-BIO-140	Jamaica	x	x	—	x	—	—
KE-BIO-140	Kenya	x	x	—	x	—	—
KG-BIO-140	Kyrgyzstan	x	—	—	x	—	—
KH-BIO-140	Cambodia	x	—	—	x	—	—
KZ-BIO-140	Kazakhstan	x	—	—	x	—	—
LA-BIO-140	Laos	x	—	—	x	—	—
LC-BIO-140	Saint Lucia	x	x	—	x	—	—
MA-BIO-140	Morocco	x	x	—	x	—	—
MD-BIO-140	Moldova	x	x	—	x	—	—
ME-BIO-140	Montenegro	x	—	—	x	—	—
MG-BIO-140	Madagascar	x	—	—	x	—	—
MK-BIO-140	the former Yugoslav Republic of Macedonia	x	x	—	x	—	x
ML-BIO-140	Mali	x	—	—	x	—	—
MM-BIO-140	Myanmar/Burma	x	x	—	x	—	—
MX-BIO-140	Mexico	x	x	—	x	—	—
MY-BIO-140	Malaysia	x	—	—	x	—	—
MZ-BIO-140	Mozambique	x	—	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
NA-BIO-140	Namibia	x	—	—	x	—	—
NG-BIO-140	Nigeria	x	x	—	x	—	—
NI-BIO-140	Nicaragua	x	—	—	x	—	—
NP-BIO-140	Nepal	x	—	—	x	—	—
PA-BIO-140	Panama	x	—	—	x	—	—
PE-BIO-140	Peru	x	x	—	x	—	—
PG-BIO-140	Papua New Guinea	x	x	—	x	—	—
PH-BIO-140	Philippines	x	x	—	x	—	—
PK-BIO-140	Pakistan	x	—	—	x	—	—
PS-BIO-140	occupied Palestinian territory	x	—	—	x	—	—
PY-BIO-140	Paraguay	x	x	—	x	—	—
RS-BIO-140	Serbia	x	x	—	x	—	x
RU-BIO-140	Russia	x	x	—	x	—	—
RW-BIO-140	Rwanda	x	x	—	x	—	—
SA-BIO-140	Saudi Arabia	x	x	—	x	—	—
SG-BIO-140	Singapore	x	x	—	x	—	—
SN-BIO-140	Senegal	x	—	—	x	—	—
SV-BIO-140	El Salvador	x	—	—	x	—	—
TG-BIO-140	Togo	x	—	—	x	—	—
TH-BIO-140	Thailand	x	x	—	x	—	—
TL-BIO-140	Timor-Leste	x	—	—	x	—	—
TR-BIO-140	Turkey	x	x	—	x	—	—
TW-BIO-140	Taiwan	x	x	x	x	—	—
TZ-BIO-140	Tanzania	x	x	—	x	—	—
UA-BIO-140	Ukraine	x	x	—	x	—	—
UG-BIO-140	Uganda	x	x	—	x	—	—
UY-BIO-140	Uruguay	x	x	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
UZ-BIO-140	Uzbekistan	x	x	—	x	—	—
VE-BIO-140	Venezuela	x	—	—	x	—	—
VN-BIO-140	Vietnam	x	x	—	x	—	—
WS- BIO-140	Samoa	x	—	—	x	—	—
ZA-BIO-140	South Africa	x	x	—	x	—	—
ZW-BIO-140	Zimbabwe	x	—	—	x	—	—

4. Exceptions: in-conversion products.

5. Duration of inclusion: until 30 June 2018.

“Certificadora Mexicana de productos y procesos ecológicos S.C.”

1. Address: Calle 16 de septiembre No 204, Ejido Guadalupe Victoria, Oaxaca, Mexico, C.P. 68026

2. Internet address: <http://www.certimexsc.com>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
CO-BIO-104	Colombia	x	—	—	x	—	—
DO-BIO-104	Dominican Republic	x	—	—	—	—	—
GT-BIO-104	Guatemala	x	—	—	—	—	—
MX-BIO-104	Mexico	x	x	—	x	—	—
SV-BIO-104	El Salvador	x	—	—	—	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“Certisys”

1. Address: Rue Joseph Bouché 57/3, 5310 Bolinne, Belgium

2. Internet address: <http://www.certisys.eu>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
BF-BIO-128	Burkina Faso	x	—	—	x	—	—
BI-BIO-128	Burundi	x	—	—	x	—	—
BJ-BIO-128	Benin	x	—	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
CI-BIO-128	Côte d'Ivoire	x	—	—	x	—	—
CM-BIO-128	Cameroon	x	—	—	x	—	—
GH-BIO-128	Ghana	x	—	—	x	—	—
ML-BIO-128	Mali	x	—	—	x	—	—
RW-BIO-128	Rwanda	x	—	—	x	—	—
SN-BIO-128	Senegal	x	—	—	x	—	—
TG-BIO-128	Togo	x	—	—	x	—	—
TZ-BIO-128	Tanzania	x	—	—	x	—	—
UG-BIO-128	Uganda	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“Company of Organic Agriculture in Palestine (*)”

1. Address: Alsafa building- first floor Al-Masaeif, Ramallah, Palestine (*)

2. Internet address: <http://coap.org.ps>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
PS-BIO-163	occupied Palestinian territory	x	—	—	x	—	—

(*) This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue.

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“Control Union Certifications”

1. Address: Meeuwenlaan 4-6, 8011 BZ Zwolle, The Netherlands

2. Internet address: <http://certification.controlunion.com>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AE-BIO-149	United Arab Emirates	x	x	x	x	x	x
AF-BIO-149	Afghanistan	x	x	x	x	x	x

Code number	Third country	Category of products					
		A	B	C	D	E	F
AL-BIO-149	Albania	x	x	x	x	x	x
AM-BIO-149	Armenia	x	x	x	x	x	x
AZ-BIO-149	Azerbaijan	x	x	x	x	x	x
BD-BIO-149	Bangladesh	—	x	x	x	x	x
BF-BIO-149	Burkina Faso	x	x	x	x	x	x
BJ-BIO-149	Benin	x	—	—	x	—	x
BM-BIO-149	Bermuda	x	x	x	x	x	x
BO-BIO-149	Bolivia	x	x	—	x	—	—
BR-BIO-149	Brazil	x	x	x	x	x	x
BT-BIO-149	Bhutan	x	x	x	x	x	x
BW-BIO-149	Botswana	x	—	—	x	—	x
CA-BIO-149	Canada	—	—	x	—	—	—
CH-BIO-149	Switzerland	—	—	x	—	—	—
CI-BIO-149	Côte d'Ivoire	x	x	x	x	x	x
CL-BIO-149	Chile	x	x	—	x	—	—
CM-BIO-149	Cameroon	x	—	—	x	—	x
CN-BIO-149	China	x	x	x	x	x	x
CO-BIO-149	Colombia	x	x	x	x	x	x
CR-BIO-149	Costa Rica	—	x	x	—	x	—
CU-BIO-149	Cuba	x	—	—	x	—	x
CV-BIO-149	Cape Verde	x	—	—	x	—	—
CW-BIO-149	Curaçao	x	—	—	x	—	x
DO-BIO-149	Dominican Republic	x	x	x	x	x	x
DZ-BIO-149	Algeria	x	—	x	x	—	—
EC-BIO-149	Ecuador	x	x	x	x	x	x
EG-BIO-149	Egypt	x	x	x	x	x	x
ET-BIO-149	Ethiopia	x	x	x	x	x	x

Code number	Third country	Category of products					
		A	B	C	D	E	F
GH-BIO-149	Ghana	x	x	x	x	x	x
GM-BIO-149	Gambia	x	x	—	x	—	—
GN-BIO-149	Guinea	x	x	x	x	x	x
GT-BIO-149	Guatemala	x	x	—	x	—	—
HK-BIO-149	Hong Kong	x	x	x	x	x	x
HN-BIO-149	Honduras	x	x	x	x	x	x
HT-BIO-149	Haiti	x	—	—	x	—	x
ID-BIO-149	Indonesia	x	x	x	x	x	x
IL-BIO-149	Israel (*)	—	x	x	—	x	—
IN-BIO-149	India	—	x	x	x	x	—
IQ-BIO-149	Iraq	x	x	x	x	—	x
IR-BIO-149	Iran	x	x	x	x	x	x
JP-BIO-149	Japan	—	x	x	—	x	—
KE-BIO-149	Kenya	x	—	—	x	—	x
KG-BIO-149	Kyrgyzstan	x	x	x	x	x	x
KH-BIO-149	Cambodia	x	x	x	x	x	x
KR-BIO-149	Republic of Korea	x	x	x	—	x	x
KZ-BIO-149	Kazakhstan	x	x	x	x	x	x
LA-BIO-149	Laos	x	x	x	x	x	x
LK-BIO-149	Sri Lanka	x	x	x	x	x	x
LS-BIO-149	Lesotho	x	—	—	x	—	x
MA-BIO-149	Morocco	x	—	—	x	—	x
MD-BIO-149	Moldova	x	x	x	x	x	x
MK-BIO-149	the former Yugoslav Republic of Macedonia	x	x	x	x	x	x
ML-BIO-149	Mali	x	x	x	x	x	x
MM-BIO-149	Myanmar/Burma	x	x	x	x	x	x
MN-BIO-149	Mongolia	x	—	—	x	—	x

Code number	Third country	Category of products					
		A	B	C	D	E	F
MU-BIO-149	Mauritius	x	x	x	x	x	x
MV-BIO-149	Maldives	x	—	x	x	—	—
MW-BIO-149	Malawi	x	—	—	x	—	x
MX-BIO-149	Mexico	x	x	x	x	x	x
MY-BIO-149	Malaysia	x	x	x	x	x	x
MZ-BIO-149	Mozambique	x	x	x	x	x	x
NA-BIO-149	Namibia	x	—	—	x	—	x
NG-BIO-149	Nigeria	x	x	x	x	x	x
NI-BIO-149	Nicaragua	x	x	—	x	—	—
NP-BIO-149	Nepal	x	x	x	x	x	x
PA-BIO-149	Panama	x	x	x	x	x	x
PE-BIO-149	Peru	x	x	x	x	x	x
PH-BIO-149	Philippines	x	x	x	x	x	x
PK-BIO-149	Pakistan	x	x	x	x	x	x
PS-BIO-149	occupied Palestinian territory	x	x	x	x	x	x
PY-BIO-149	Paraguay	x	x	x	x	x	x
RS-BIO-149	Serbia	x	x	x	x	x	x
RU-BIO-149	Russia	x	x	x	x	x	x
RW-BIO-149	Rwanda	x	x	x	x	x	x
SD-BIO-149	Sudan	x	x	—	x	—	—
SG-BIO-149	Singapore	x	x	x	x	x	x
SL-BIO-149	Sierra Leone	x	x	x	x	x	x
SN-BIO-149	Senegal	x	—	—	x	—	x
SR-BIO-149	Suriname	x	—	—	x	—	x
SV-BIO-149	El Salvador	x	x	—	x	—	—
SY-BIO-149	Syria	x	x	x	x	x	x

Code number	Third country	Category of products					
		A	B	C	D	E	F
SZ-BIO-149	Swaziland	x	—	—	x	—	x
TG-BIO-149	Togo	x	—	—	x	—	x
TH-BIO-149	Thailand	x	x	x	x	x	x
TL-BIO-149	Timor-Leste	x	x	x	x	x	x
TR-BIO-149	Turkey	x	x	x	x	x	x
TW-BIO-149	Taiwan	x	—	—	x	—	x
TZ-BIO-149	Tanzania	x	x	x	x	x	x
UA-BIO-149	Ukraine	x	x	x	x	x	x
UG-BIO-149	Uganda	x	x	x	x	x	x
US-BIO-149	United States	—	—	x	—	—	—
UY-BIO-149	Uruguay	x	x	x	x	x	x
UZ-BIO-149	Uzbekistan	x	x	x	x	x	x
VN-BIO-149	Vietnam	x	x	x	x	x	x
ZA-BIO-149	South Africa	x	x	x	x	x	x
ZM-BIO-149	Zambia	x	x	x	x	x	x
ZW-BIO-149	Zimbabwe	x	—	—	x	—	x

(*) Products originating in the territories occupied by Israel since June 1967 shall not be certified as organic.

4. Exceptions: in-conversion products.

5. Duration of inclusion: until 30 June 2018.

“Ecocert SA”

1. Address: BP 47, 32600 L'Isle-Jourdain, France

2. Internet address: <http://www.ecocert.com>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AD-BIO-154	Andorra	x	—	—	x	—	—
AE-BIO-154	United Arab Emirates	x	—	—	x	x	—
AF-BIO-154	Afghanistan	x	x	—	x	—	—
AL-BIO-154	Albania	x	—	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
AM-BIO-154	Armenia	x	—	—	x	—	—
AZ-BIO-154	Azerbaijan	x	—	—	x	—	—
BA-BIO-154	Bosnia and Herzegovina	x	—	—	x	—	—
BD-BIO-154	Bangladesh	x	—	—	x	x	—
BF-BIO-154	Burkina Faso	x	x	—	x	x	x
BH-BIO-154	Bahrain	—	—	—	x	—	—
BI-BIO-154	Burundi	x	—	—	x	—	—
BJ-BIO-154	Benin	x	x	—	x	—	—
BN-BIO-154	Brunei	—	—	x	—	—	—
BR-BIO-154	Brazil	x	x	—	x	x	x
BS-BIO-154	Bahamas	x	—	—	x	—	—
BW-BIO-154	Botswana	x	—	—	x	—	—
BY-BIO-154	Belarus	x	—	—	x	—	—
BZ-BIO-154	Belize	x	—	—	x	—	—
CD-BIO-154	Democratic Republic of the Congo	x	—	—	x	—	—
CF-BIO-154	Central African Republic	x	—	—	x	—	—
CG-BIO-154	Congo (Brazzaville)	x	—	—	x	—	—
CI-BIO-154	Côte d'Ivoire	x	x	—	x	—	—
CL-BIO-154	Chile	x	x	—	x	—	x
CM-BIO-154	Cameroon	x	x	—	x	—	—
CN-BIO-154	China	x	x	x	x	x	x
CO-BIO-154	Colombia	x	x	—	x	x	x
CU-BIO-154	Cuba	x	—	—	x	x	—
CV-BIO-154	Cape Verde	x	—	—	x	—	—
DO-BIO-154	Dominican Republic	x	—	—	x	—	—
DZ-BIO-154	Algeria	x	—	—	x	—	—
EC-BIO-154	Ecuador	x	x	x	x	x	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
ET-BIO-154	Ethiopia	x	x	—	x	—	—
FJ-BIO-154	Fiji	x	—	—	x	—	—
GE-BIO-154	Georgia	x	—	—	x	—	—
GH-BIO-154	Ghana	x	—	—	x	—	—
GM-BIO-154	Gambia	x	—	—	x	—	—
GN-BIO-154	Guinea	x	—	—	x	—	—
GQ-BIO-154	Equatorial Guinea	x	—	—	x	—	—
GT-BIO-154	Guatemala	x	—	—	x	—	—
GW-BIO-154	Guinea-Bissau	x	—	—	x	—	—
GY-BIO-154	Guyana	x	—	—	x	—	—
HK-BIO-154	Hong Kong	x	—	—	x	—	—
HN-BIO-154	Honduras	x	—	—	x	—	—
HT-BIO-154	Haiti	x	—	—	x	—	—
ID-BIO-154	Indonesia	x	x	—	x	—	—
IN-BIO-154	India	—	—	x	x	x	—
IR-BIO-154	Iran	x	—	—	x	—	—
JO-BIO-154	Jordan	x	—	—	x	—	—
JP-BIO-154	Japan	—	—	x	x	—	—
KE-BIO-154	Kenya	x	x	—	x	x	—
KG-BIO-154	Kyrgyzstan	x	—	—	x	x	—
KH-BIO-154	Cambodia	x	—	—	x	—	—
KM-BIO-154	Comoros	x	—	—	x	—	—
KR-BIO-154	Republic of Korea	x	—	x	—	—	—
KW-BIO-154	Kuwait	x	—	—	x	—	—
KZ-BIO-154	Kazakhstan	x	—	—	x	x	—
LA-BIO-154	Laos	x	—	—	x	—	—
LI-BIO-154	Liechtenstein	x	—	—	—	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
LK-BIO-154	Sri Lanka	x	—	—	x	—	—
LR-BIO-154	Liberia	x	—	—	x	—	—
LS-BIO-154	Lesotho	x	—	—	x	—	—
MA-BIO-154	Morocco	x	x	x	x	x	x
MC-BIO-154	Monaco	x	x	—	x	x	—
MD-BIO-154	Moldova	x	—	—	x	—	—
ME-BIO-154	Montenegro	x	—	—	x	—	—
MG-BIO-154	Madagascar	x	x	x	x	x	x
MK-BIO-154	the former Yugoslav Republic of Macedonia	x	—	—	x	—	x
ML-BIO-154	Mali	x	—	—	x	—	—
MM-BIO-154	Myanmar/Burma	x	—	—	x	—	—
MN-BIO-154	Mongolia	x	—	—	x	—	—
MR-BIO-154	Mauritania	x	—	—	x	—	—
MU-BIO-154	Mauritius	x	—	—	x	—	—
MW-BIO-154	Malawi	x	—	—	x	—	—
MX-BIO-154	Mexico	x	x	—	x	x	x
MY-BIO-154	Malaysia	x	x	—	x	—	—
MZ-BIO-154	Mozambique	x	—	x	x	—	—
NA-BIO-154	Namibia	x	x	—	x	x	—
NE-BIO-154	Niger	x	—	—	x	—	—
NG-BIO-154	Nigeria	x	—	—	x	—	—
NI-BIO-154	Nicaragua	x	—	—	x	—	—
NP-BIO-154	Nepal	x	—	—	x	—	—
OM-BIO-154	Oman	x	—	—	x	—	—
PA-BIO-154	Panama	x	—	—	x	—	—
PE-BIO-154	Peru	x	x	—	x	x	x

Code number	Third country	Category of products					
		A	B	C	D	E	F
PF-BIO-154	French Polynesia	x	—	—	x	—	—
PH-BIO-154	Philippines	x	x	—	x	x	x
PK-BIO-154	Pakistan	x	—	—	x	—	x
PS-BIO-154	occupied Palestinian territory	x	—	—	x	—	—
PY-BIO-154	Paraguay	x	x	—	x	x	—
RS-BIO-154	Serbia	x	x	—	x	—	x
RU-BIO-154	Russia	x	—	—	x	x	—
RW-BIO-154	Rwanda	x	—	—	x	—	—
SA-BIO-154	Saudi Arabia	x	—	—	x	x	x
SC-BIO-154	Seychelles	x	—	—	x	—	—
SD-BIO-154	Sudan	x	—	—	x	—	—
SG-BIO-154	Singapore	x	—	—	x	—	—
SL-BIO-154	Sierra Leone	x	x	—	x	—	—
SN-BIO-154	Senegal	x	—	—	x	—	—
SO-BIO-154	Somalia	x	—	—	x	—	—
SR-BIO-154	Suriname	x	—	—	x	—	—
ST-BIO-154	Sao Tome and Principe	x	—	—	x	—	—
SV-BIO-154	El Salvador	x	—	—	x	—	—
SY-BIO-154	Syria	x	—	—	x	x	—
SZ-BIO-154	Swaziland	x	—	—	x	—	—
TD-BIO-154	Chad	x	—	—	x	—	—
TG-BIO-154	Togo	x	—	—	x	—	—
TH-BIO-154	Thailand	x	x	x	x	x	x
TJ-BIO-154	Tajikistan	x	—	—	x	—	—
TL-BIO-154	Timor-Leste	x	—	—	x	—	—
TM-BIO-154	Turkmenistan	x	—	—	x	x	—
TN-BIO-154	Tunisia	—	x	x	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
TR-BIO-154	Turkey	x	x	x	x	x	x
TW-BIO-154	Taiwan	x	—	—	x	—	—
TZ-BIO-154	Tanzania	x	—	—	x	—	—
UA-BIO-154	Ukraine	x	x	—	x	x	—
UG-BIO-154	Uganda	x	x	—	x	x	—
US-BIO-154	United States	—	—	x	—	—	—
UY-BIO-154	Uruguay	x	x	—	x	x	—
UZ-BIO-154	Uzbekistan	x	—	—	x	x	—
VE-BIO-154	Venezuela	x	—	—	x	—	—
VN-BIO-154	Vietnam	x	x	—	x	—	—
VU-BIO-154	Vanuatu	x	—	—	x	—	x
WS-BIO-154	Samoa	x	—	—	x	—	—
ZA-BIO-154	South Africa	x	x	—	x	x	x
ZM-BIO-154	Zambia	x	x	—	x	x	—
ZW-BIO-154	Zimbabwe	x	—	—	x	—	x

4. Exceptions: in-conversion products and products covered by Annex III.

5. Duration of inclusion: until 30 June 2018.

“ECOCERT IMO Denetim ve Belgelendirme Ltd. Şti”

1. Address: 2132/2 sk. No:3 D:50 Bayraklı/İZMİR, Turkey

2. Internet address: <http://www.ecocert.com.tr>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AE-BIO-158	United Arab Emirates	—	—	—	—	x	—
AF-BIO-158	Afghanistan	x	—	—	x	—	—
AZ-BIO-158	Azerbaijan	x	—	—	x	—	—
GE-BIO-158	Georgia	x	—	—	—	—	—
KG-BIO-158	Kyrgyzstan	x	—	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
KZ-BIO-158	Kazakhstan	x	—	—	—	x	—
RU-BIO-158	Russia	x	—	—	—	x	—
TJ-BIO-158	Tajikistan	x	—	—	x	—	—
TM-BIO-158	Turkmenistan	x	—	—	x	—	—
TR-BIO-158	Turkey	x	x	—	x	x	—
UA-BIO-158	Ukraine	x	—	—	x	x	—
UZ-BIO-158	Uzbekistan	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“Ecoglobe”

1 Address: 1, Aram Khachatryan Street, apt. 66, 0033 Yerevan, Armenia

2. Internet address: <http://www.ecoglobe.am>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AF-BIO-112	Afghanistan	x	x	—	x	—	—
AM-BIO-112	Armenia	x	x	—	x	—	—
BY-BIO-112	Belarus	x	x	—	x	—	—
IR-BIO-112	Iran	x	x	—	x	—	—
KG-BIO-112	Kyrgyzstan	x	x	—	x	—	—
KZ-BIO-112	Kazakhstan	x	x	—	x	—	—
PK-BIO-112	Pakistan	x	x	—	x	—	—
RU-BIO-112	Russia	x	x	—	x	—	—
TJ-BIO-112	Tajikistan	x	x	—	x	—	—
TM-BIO-112	Turkmenistan	x	x	—	x	—	—
UA-BIO-112	Ukraine	x	x	—	x	—	—
UZ-BIO-112	Uzbekistan	x	x	—	x	—	—

4. Exceptions: in-conversion products.
5. Duration of inclusion: until 30 June 2018.

“Egyptian Center of Organic Agriculture (ECO A)”

1. Address: 15 Nady El-Seid Street, Dokki, Cairo, Egypt
2. Internet address: <http://www.ecoa.com.eg/>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
EG-BIO-164	Egypt	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.
5. Duration of inclusion: until 30 June 2018.

“Florida Certified Organic Growers and Consumers, Inc. (FOG), DBA as Quality Certification Services (QCS)”

1. Address: P.O. Box 12311, Gainesville FL, 32604 United States
2. Internet address: <http://www.qcsinfo.org>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
BS-BIO-144	Bahamas	x	—	—	x	—	x
CN-BIO-144	China	x	—	x	x	—	x
DO-BIO-144	Dominican Republic	x	—	x	x	—	x
EC-BIO-144	Ecuador	x	—	x	—	x	x
GT-BIO-144	Guatemala	x	—	—	x	—	—
HN-BIO-144	Honduras	x	—	x	x	x	—
MX-BIO-144	Mexico	x	—	—	x	—	x
MY-BIO-144	Malaysia	x	—	—	x	—	x
NI-BIO-144	Nicaragua	x	—	x	x	—	x
PE-BIO-144	Peru	x	—	—	x	—	x
PH-BIO-144	Philippines	x	—	x	x	—	x
SV-BIO-144	El Salvador	x	—	x	x	—	x
TR-BIO-144	Turkey	x	—	—	x	—	x
TW-BIO-144	Taiwan	x	—	x	x	—	x
ZA-BIO-144	South Africa	x	—	—	x	—	x

4. Exceptions: in-conversion products and wine.
5. Duration of inclusion: until 30 June 2018.

“IBD Certificações Ltda.”

1. Address: Rua Amando de Barros 2275, Centro, CEP: 18.602.150, Botucatu SP, Brazil
2. Internet address: <http://www.ibd.com.br>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
BR-BIO-122	Brazil	x	x	x	x	x	—
CN-BIO-122	China	x	—	—	x	x	—
MX-BIO-122	Mexico	—	x	—	x	—	—

4. Exceptions: in-conversion products and wine.
5. Duration of inclusion: until 30 June 2018.

“IMOCert Latinoamérica Ltda.”

1. Address: Calle Pasoskanki 2134, Cochabamba, Bolivia
2. Internet address: <http://www.imocert.bio>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
BO-BIO-123	Bolivia	x	—	—	x	—	—
BR-BIO-123	Brazil	x	—	—	x	—	—
BZ-BIO-123	Belize	x	—	—	x	—	—
CL-BIO-123	Chile	x	—	—	x	—	—
CO-BIO-123	Colombia	x	—	—	x	—	—
CU-BIO-123	Cuba	x	—	—	x	—	—
DO-BIO-123	Dominican Republic	x	—	—	x	—	—
EC-BIO-123	Ecuador	x	—	—	x	—	—
GT-BIO-123	Guatemala	x	—	—	x	—	—
HT-BIO-123	Haiti	x	—	—	x	—	—
MX-BIO-123	Mexico	x	—	—	x	—	—
NI-BIO-123	Nicaragua	x	—	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
PA-BIO-123	Panama	x	—	—	x	—	—
PE-BIO-123	Peru	x	—	—	x	—	—
PY-BIO-123	Paraguay	x	—	—	x	—	—
SR-BIO-123	Suriname	x	—	—	x	—	—
SV-BIO-123	El Salvador	x	—	—	x	—	—
TT-BIO-123	Trinidad and Tobago	x	—	—	x	—	—
UY-BIO-123	Uruguay	x	—	—	x	—	—
VE-BIO-123	Venezuela	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“IMO Control Private Limited”

1. Address: No 3627, 1st Floor, 7th Cross, 13th ‘G’ Main, H.A.L. 2nd Stage, Bangalore 560008, India

2. Internet address: www.imocontrol.in

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AF-BIO-147	Afghanistan	x	—	—	x	—	—
BD-BIO-147	Bangladesh	x	—	—	x	—	—
BT-BIO-147	Bhutan	x	—	—	x	—	—
ID-BIO-147	Indonesia	x	—	—	x	—	—
IN-BIO-147	India	—	—	—	x	—	—
IR-BIO-147	Iran	x	—	—	x	—	—
LA-BIO-147	Laos	x	—	—	x	—	—
LK-BIO-147	Sri Lanka	x	—	—	x	—	—
MV-BIO-147	Maldives	x	—	—	x	—	—
MY-BIO-147	Malaysia	x	—	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
NP-BIO-147	Nepal	x	—	—	x	—	—
PG-BIO-147	Papua New Guinea	x	—	—	x	—	—
PH-BIO-147	Philippines	x	—	—	x	—	—
PK-BIO-147	Pakistan	x	—	—	x	—	—
TH-BIO-147	Thailand	x	—	—	x	—	—
VN-BIO-147	Vietnam	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“IMOswiss AG”

1. Address: Weststrasse 1, 8570 Weinfelden, Switzerland

2. Internet address: <http://www.imo.ch>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AE-BIO-143	United Arab Emirates	—	—	—	x	—	—
AF-BIO-143	Afghanistan	x	x	—	x	—	—
AL-BIO-143	Albania	x	—	—	x	—	—
AM-BIO-143	Armenia	x	—	—	x	—	—
AZ-BIO -143	Azerbaijan	x	—	—	x	—	—
BA-BIO-143	Bosnia and Herzegovina	x	—	—	x	—	—
BD-BIO-143	Bangladesh	x	—	x	x	—	—
BF-BIO-143	Burkina Faso	x	—	—	—	—	—
BO-BIO-143	Bolivia	x	—	—	x	—	—
BS-BIO-143	Bahamas	—	—	—	x	—	—
CD-BIO-143	Democratic Republic of Congo	x	—	—	x	—	—
CI-BIO-143	Côte d'Ivoire	x	—	—	x	—	—
CL-BIO-143	Chile	x	x	x	x	—	x
CM-BIO-143	Cameroon	x	—	—	—	—	—
CO-BIO-143	Colombia	x	—	—	x	—	—
DO-BIO-143	Dominican Republic	x	—	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
EC-BIO-143	Ecuador	x	—	x	—	—	—
ET-BIO-143	Ethiopia	x	x	—	x	—	—
GE-BIO-143	Georgia	x	—	—	x	—	—
GH-BIO-143	Ghana	x	—	—	x	—	—
GM-BIO-143	Gambia	x	—	—	x	—	—
GT-BIO-143	Guatemala	x	—	—	x	—	—
HN-BIO-143	Honduras	—	—	—	x	—	—
HT-BIO-143	Haiti	x	—	—	x	—	—
ID-BIO-143	Indonesia	x	—	—	x	—	—
IN-BIO-143	India	—	—	x	x	—	—
IR-BIO-143	Iran	x	—	—	x	—	—
JO-BIO-143	Jordan	x	—	—	x	—	—
JP-BIO-143	Japan	—	—	—	x	—	—
KE-BIO-143	Kenya	x	—	—	x	—	—
KG-BIO-143	Kyrgyzstan	x	—	—	x	—	—
KH-BIO-143	Cambodia	x	—	—	x	—	—
KZ-BIO-143	Kazakhstan	x	—	—	x	—	—
LA-BIO-143	Laos	x	—	—	x	—	—
LI-BIO-143	Liechtenstein	x	—	—	—	—	—
LK-BIO-143	Sri Lanka	x	—	—	x	—	—
MA-BIO-143	Morocco	x	—	—	x	—	—
ML-BIO-143	Mali	x	—	—	—	—	—
MM-BIO-143	Myanmar/Burma	x	—	—	x	—	—
MX-BIO-143	Mexico	x	—	—	x	—	—
MY-BIO-143	Malaysia	x	—	—	x	—	—
NA-BIO-143	Namibia	x	—	—	x	—	—
NE-BIO-143	Niger	x	—	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
NG-BIO-143	Nigeria	x	—	—	x	—	—
NI-BIO-143	Nicaragua	x	—	—	x	—	—
NP-BIO-143	Nepal	x	—	—	x	—	—
OM-BIO-143	Oman	x	—	—	x	—	—
PE-BIO-143	Peru	x	—	x	x	—	—
PH-BIO-143	Philippines	x	—	—	x	—	—
PK-BIO-143	Pakistan	x	—	—	x	—	—
PS-BIO-143	occupied Palestinian territory	x	—	—	x	—	—
PY-BIO-143	Paraguay	x	—	—	x	—	—
RU-BIO-143	Russia	x	—	—	x	—	x
RW-BIO-143	Rwanda	x	—	—	x	—	—
SA-BIO-143	Saudi Arabia	x	—	—	x	—	—
SD-BIO-143	Sudan	x	—	—	x	—	—
SG-BIO-143	Singapore	—	—	—	x	—	—
SL-BIO-143	Sierra Leone	x	—	—	x	—	—
SR-BIO-143	Suriname	x	—	—	x	—	—
SV-BIO-143	El Salvador	x	—	—	x	—	—
SY-BIO-143	Syria	x	—	—	—	—	—
TG-BIO-143	Togo	x	—	—	x	—	—
TH-BIO-143	Thailand	x	—	—	x	—	—
TJ-BIO-143	Tajikistan	x	—	—	x	—	—
TW-BIO-143	Taiwan	x	—	—	x	—	—
TZ-BIO-143	Tanzania	x	—	—	x	—	—
UG-BIO-143	Uganda	x	—	—	x	—	x
UZ-BIO-143	Uzbekistan	x	—	—	x	—	x
VE-BIO-143	Venezuela	x	—	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
VN-BIO-143	Vietnam	x	—	x	x	—	—
ZA-BIO-143	South Africa	x	—	—	x	—	—

4. Exceptions: in-conversion products and products covered by Annex III.

5. Duration of inclusion: until 30 June 2018.

“Indocert”

1. Address: Thottumugham post, Aluva, Ernakulam, Kerala, India

2. Internet address: <http://www.indocert.org>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
IN-BIO-148	India	—	—	—	x	x	—
KH-BIO-148	Cambodia	x	—	—	—	—	—
LK-BIO-148	Sri Lanka	x	—	—	—	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“Istituto Certificazione Etica e Ambientale”

1. Address: Via Giovanni Brugnoli, 15, 40122 Bologna, Italy

2. Internet address: <http://www.icea.info>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AE-BIO-115	United Arab Emirates	x	x	—	x	—	—
AL-BIO-115	Albania	x	—	—	x	—	—
AM-BIO-115	Armenia	—	x	—	x	—	—
CI-BIO-115	Côte d'Ivoire	x	—	—	x	—	—
EC-BIO-115	Ecuador	x	—	—	x	—	—
ET-BIO-115	Ethiopia	x	—	—	—	—	—
IR-BIO-115	Iran	x	—	—	x	—	—
JP-BIO-115	Japan	—	—	—	x	—	—
KZ-BIO-115	Kazakhstan	x	—	—	—	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
LB-BIO-115	Lebanon	—	—	—	x	—	—
LK-BIO-115	Sri Lanka	x	—	—	x	—	—
MD-BIO-115	Moldova	x	—	—	x	—	—
MG-BIO-115	Madagascar	x	—	—	x	—	—
MX-BIO-115	Mexico	x	x	—	x	—	—
MY-BIO-115	Malaysia	—	—	—	x	—	—
RU-BIO-115	Russia	x	x	—	x	—	—
SM-BIO-115	San Marino	—	—	—	x	—	—
SN-BIO-115	Senegal	x	—	—	x	—	—
SY-BIO-115	Syria	x	—	—	x	—	—
TH-BIO-115	Thailand	—	—	—	x	—	—
TR-BIO-115	Turkey	x	—	—	x	—	—
UA-BIO-115	Ukraine	x	—	—	x	—	—
UY-BIO-115	Uruguay	x	—	—	x	—	—
UZ-BIO-115	Uzbekistan	x	—	—	x	—	—
VN-BIO-115	Vietnam	—	—	—	x	—	—

4. Exceptions: in-conversion products, wine and products covered by Annex III.

5. Duration of inclusion: until 30 June 2018.

“Japan Organic and Natural Foods Association”

1. Address: Takegashi Bldg. 3rd Fl., 3-5-3 Kyobashi, Chuo-ku, Tokyo, Japan

2. Internet address: <http://jona-japan.org>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
CN-BIO-145	China	x	—	—	x	—	—
JP-BIO-145	Japan	—	—	—	x	—	—
TW-BIO-145	Taiwan	x	—	—	x	—	—

4. Exceptions: in-conversion products, wine and products covered by Annex III.
5. Duration of inclusion: until 30 June 2018.

“Kiwa BCS Öko-Garantie GmbH”

1. Address: Marientorgraben 3-5, 90402 Nürnberg, Germany
2. Internet address: <http://www.bcs-oeko.com>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AE-BIO-141	United Arab Emirates	x	x	—	x	x	—
AL-BIO-141	Albania	x	—	—	x	—	—
AM-BIO-141	Armenia	x	—	—	x	—	—
AO-BIO-141	Angola	x	—	—	x	—	—
AZ-BIO-141	Azerbaijan	x	—	—	x	—	—
BD-BIO-141	Bangladesh	x	—	—	x	—	x
BJ-BIO-141	Benin	x	—	—	x	—	—
BO-BIO-141	Bolivia	x	—	—	x	—	—
BR-BIO-141	Brazil	x	x	—	x	x	—
BT-BIO-141	Bhutan	x	—	—	x	—	x
BW-BIO-141	Botswana	x	—	—	x	—	—
BY-BIO-141	Belarus	x	—	—	x	x	—
CI-BIO-141	Côte d'Ivoire	x	—	—	x	x	—
CL-BIO-141	Chile	x	x	x	x	—	x
CN-BIO-141	China	x	x	x	x	x	x
CO-BIO-141	Colombia	x	x	—	x	—	x
CR-BIO-141	Costa Rica	—	—	x	—	—	—
CU-BIO-141	Cuba	x	x	—	x	—	—
DO-BIO-141	Dominican Republic	x	—	—	x	—	—
DZ-BIO-141	Algeria	x	—	—	x	—	—
EC-BIO-141	Ecuador	x	x	x	x	x	—
EG-BIO-141	Egypt	x	—	—	x	—	—
ET-BIO-141	Ethiopia	x	x	—	x	x	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
FJ-BIO-141	Fiji	x	—	—	x	—	x
GE-BIO-141	Georgia	x	—	—	x	x	—
GH-BIO-141	Ghana	x	—	—	x	—	—
GM-BIO-141	Gambia	x	—	—	x	—	—
GT-BIO-141	Guatemala	x	x	—	x	x	—
GW-BIO-141	Guinea-Bissau	x	—	—	x	—	x
HK-BIO-141	Hong Kong	x	—	—	x	—	—
HN-BIO-141	Honduras	x	—	—	x	x	—
HT-BIO-141	Haiti	x	—	—	x	—	—
ID-BIO-141	Indonesia	x	—	—	x	—	—
IN-BIO-141	India	—	—	—	x	—	—
IR-BIO-141	Iran	x	x	—	x	—	—
JP-BIO-141	Japan	—	—	—	x	—	—
KE-BIO-141	Kenya	x	x	—	x	x	—
KG-BIO-141	Kyrgyzstan	x	x	—	x	x	—
KH-BIO-141	Cambodia	x	—	—	x	—	—
KR-BIO-141	Republic of Korea	x	—	x	—	x	—
KZ-BIO-141	Kazakhstan	x	—	—	x	x	—
LA-BIO-141	Laos	x	—	—	x	—	—
LK-BIO-141	Sri Lanka	x	—	—	x	—	—
LR-BIO-141	Liberia	x	—	—	x	—	—
LS-BIO-141	Lesotho	x	—	—	x	—	—
MA-BIO-141	Morocco	x	—	—	x	—	—
MD-BIO-141	Moldova	x	—	—	x	—	—
ME-BIO-141	Montenegro	x	—	—	x	—	—
MK-BIO-141	the former Yugoslav Republic of Macedonia	x	—	—	x	—	—
MM-BIO-141	Myanmar/Burma	x	—	x	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
MN-BIO-141	Mongolia	x	x	—	x	x	—
MW-BIO-141	Malawi	x	—	—	x	—	—
MX-BIO-141	Mexico	x	x	—	x	x	—
MY-BIO-141	Malaysia	x	—	—	x	—	—
MZ-BIO-141	Mozambique	x	—	—	x	—	—
NA-BIO-141	Namibia	x	—	—	x	—	—
NI-BIO-141	Nicaragua	x	x	—	x	x	—
NP-BIO-141	Nepal	x	—	—	x	—	x
OM-BIO-141	Oman	x	—	—	x	x	—
PA-BIO-141	Panama	x	—	—	x	—	—
PE-BIO-141	Peru	x	x	—	x	x	—
PF-BIO-141	French Polynesia	x	—	—	x	—	—
PG-BIO-141	Papua New Guinea	x	—	—	x	—	x
PH-BIO-141	Philippines	x	—	x	x	—	—
PK-BIO-141	Pakistan	x	—	—	x	—	—
PY-BIO-141	Paraguay	x	x	—	x	x	—
RS-BIO-141	Serbia	x	—	—	x	—	—
RU-BIO-141	Russia	x	x	—	x	x	—
SA-BIO-141	Saudi Arabia	x	x	—	x	x	—
SD-BIO-141	Sudan	x	—	—	x	—	—
SG-BIO-141	Singapore	x	—	—	x	—	x
SN-BIO-141	Senegal	x	—	—	x	—	—
SV-BIO-141	El Salvador	x	x	—	x	x	—
SZ-BIO-141	Swaziland	x	—	—	x	—	—
TD-BIO-141	Chad	x	—	—	x	—	—
TH-BIO-141	Thailand	x	—	x	x	x	—
TJ-BIO-141	Tajikistan	x	—	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
TM-BIO-141	Turkmenistan	x	—	—	x	—	—
TR-BIO-141	Turkey	x	x	—	x	x	—
TW-BIO-141	Taiwan	x	—	x	x	—	—
TZ-BIO-141	Tanzania	x	—	—	x	—	—
UA-BIO-141	Ukraine	x	—	—	x	x	—
UG-BIO-141	Uganda	x	—	—	x	—	—
UY-BIO-141	Uruguay	x	x	—	x	x	—
UZ-BIO-141	Uzbekistan	x	—	—	x	—	—
VE-BIO-141	Venezuela	x	—	—	x	—	—
VN-BIO-141	Vietnam	x	x	x	x	—	—
XK-BIO-141	Kosovo *	x	—	—	x	x	—
ZA-BIO-141	South Africa	x	x	—	x	x	x

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

4. Exceptions: in-conversion products and products covered by Annex III.

5. Duration of inclusion: until 30 June 2018.

“LACON GmbH”

1. Address: Moltkestrasse 4, 77654 Offenburg, Germany

2. Internet address: <http://www.lacon-institut.com>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AE-BIO-134	United Arab Emirates	x	—	—	x	—	—
AZ-BIO-134	Azerbaijan	x	—	—	x	—	—
BD-BIO-134	Bangladesh	x	—	—	x	—	—
BF-BIO-134	Burkina Faso	x	x	—	x	—	—
BR-BIO-134	Brazil	x	x	—	x	—	—
BT-BIO-134	Bhutan	x	—	—	x	—	—
GH-BIO-134	Ghana	x	—	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
ID-BIO-134	Indonesia	x	—	—	x	—	—
IN-BIO-134	India	—	x	—	x	—	—
KZ-BIO-134	Kazakhstan	x	—	—	—	—	—
LK-BIO-134	Sri Lanka	x	—	—	x	—	—
MA-BIO-134	Morocco	x	x	—	x	—	—
MG-BIO-134	Madagascar	x	x	—	x	—	—
ML-BIO-134	Mali	x	—	—	x	—	—
MU-BIO-134	Mauritius	x	—	—	x	—	—
MX-BIO-134	Mexico	x	x	—	—	—	—
NA-BIO-134	Namibia	x	—	—	x	—	—
NG-BIO-134	Nigeria	x	—	—	x	—	—
NP-BIO-134	Nepal	x	—	—	x	—	—
RS-BIO-134	Serbia	x	x	—	x	—	—
RU-BIO-134	Russia	x	—	—	—	—	—
SN-BIO-134	Senegal	x	x	—	x	—	—
TG-BIO-134	Togo	x	—	—	x	—	—
TR-BIO-134	Turkey	x	—	—	x	—	—
TZ-BIO-134	Tanzania	x	x	—	x	—	—
UA-BIO-134	Ukraine	x	—	—	—	—	—
UG-BIO-134	Uganda	x	—	—	x	—	—
ZA-BIO-134	South Africa	x	—	—	x	—	—

4. Exceptions: in-conversion products.

5. Duration of inclusion: until 30 June 2018.

“Letis S.A.”

1. Address: San Lorenzo 2261, S2000KPA, Rosario, Santa Fe, Argentina

2. Internet address: <http://www.letis.org>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AR-BIO-135	Argentina	—	—	x	x	—	—
BO-BIO-135	Bolivia	x	—	—	x	—	—
EC-BIO-135	Ecuador	x	—	—	x	—	—
KY-BIO-135	Cayman Islands	x	—	—	x	—	—
MX-BIO-135	Mexico	x	—	—	—	—	—
PE-BIO-135	Peru	x	—	x	—	—	—
PY-BIO-135	Paraguay	x	—	—	x	—	—
UY-BIO-135	Uruguay	x	—	—	—	—	—

4. Exceptions: in-conversion products and products covered by Annex III.

5. Duration of inclusion: until 30 June 2018.

“Mayacert”

1. Address: 18 calle 7-25 zona 11, Colonia Mariscal, 01011 Guatemala City, Guatemala

2. Internet address: <http://www.mayacert.com>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
CO-BIO-169	Colombia	—	—	—	x	—	—
DO-BIO-169	Dominican Republic	—	—	—	x	—	—
GT-BIO-169	Guatemala	x	—	—	x	—	—
HN-BIO-169	Honduras	x	—	—	x	—	—
MX-BIO-169	Mexico	x	x	—	x	—	—
NI-BIO-169	Nicaragua	x	—	—	x	—	—
SV-BIO-169	El Salvador	—	—	—	x	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“NASAA Certified Organic Pty Ltd”

1. Address: Unit 7/3 Mount Barker Road, Stirling SA 5152, Australia

2. Internet address: <http://www.nasaa.com.au>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AU-BIO-119	Australia	—	—	—	x	—	—
CN-BIO-119	China	x	—	—	x	—	—
ID-BIO-119	Indonesia	x	—	—	x	—	—
LK-BIO-119	Sri Lanka	x	—	—	x	—	—
MY-BIO-119	Malaysia	x	—	—	x	—	—
NP-BIO-119	Nepal	x	—	—	x	—	—
PG-BIO-119	Papua New Guinea	x	—	—	x	—	—
SB-BIO-119	Solomon Islands	x	—	—	x	—	—
SG-BIO-119	Singapore	x	—	—	x	—	—
TL-BIO-119	Timor-Leste	x	—	—	x	—	—
TO-BIO-119	Tonga	x	—	—	x	—	—
WS-BIO-119	Samoa	x	—	—	x	—	—

4. Exceptions: in-conversion products and products covered by Annex III.

5. Duration of inclusion: until 30 June 2018.

“ÖkoP Zertifizierungs GmbH”

1. Address: Schlesische Straße 17d, 94315 Straubing, Germany

2. Internet address: <http://www.oekop.de>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
RS-BIO-133	Serbia	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“OneCert International PVT Ltd”

1. Address: H-08, Mansarovar Industrial Area, Mansarovar, Jaipur-302020, Rajasthan, India

2. Internet address: <http://www.onecert.com>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AE-BIO-152	United Arab Emirates	—	—	—	x	—	—
ET-BIO-152	Ethiopia	x	—	—	x	—	—
IN-BIO-152	India	—	—	—	x	—	—
LK-BIO-152	Sri Lanka	x	—	—	x	—	—
MZ-BIO-152	Mozambique	x	—	—	x	—	—
NP-BIO-152	Nepal	x	—	—	x	—	—
SG-BIO-152	Singapore	—	—	—	x	—	—
TH-BIO-152	Thailand	x	—	—	x	—	—
TZ-BIO-152	Tanzania	x	—	—	x	—	—
UG-BIO-152	Uganda	x	—	—	x	—	—
VN-BIO-152	Vietnam	x	—	—	x	—	—
WS-BIO-152	Samoa	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“Oregon Tilth”1. Address: 2525 SE 3rd Street, Corvallis, OR 97333, United States2. Internet address: <http://tilth.org>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
BO-BIO-116	Bolivia	x	—	—	—	—	—
CL-BIO-116	Chile	x	—	—	x	—	—
CN-BIO-116	China	—	—	—	x	—	—
HN-BIO-116	Honduras	—	—	—	x	—	—
MX-BIO-116	Mexico	x	—	—	x	—	—
PA-BIO-116	Panama	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“Organic agriculture certification Thailand”

1. Address: 619/43 Kiatngamwong Building, Ngamwongwan Rd., Tambon Bangkhen, Muang District, Nonthaburi 11000, Thailand

2. Internet address: <http://www.actorganic-cert.or.th>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
ID-BIO-121	Indonesia	x	—	—	x	—	—
LA-BIO-121	Laos	x	—	—	x	—	—
MM-BIO-121	Myanmar/Burma	—	—	—	x	—	—
MY-BIO-121	Malaysia	—	—	—	x	—	—
NP-BIO-121	Nepal	—	—	—	x	—	—
TH-BIO-121	Thailand	x	—	—	x	—	—
VN-BIO-121	Vietnam	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“Organic Certifiers”

1. Address: 6500 Casitas Pass Road, Ventura, CA 93001, United States

2. Internet address: <http://www.organiccertifiers.com>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
KR-BIO-106	Republic of Korea	x	—	—	—	—	—
MX-BIO-106	Mexico	x	—	—	—	—	—
PH-BIO-106	Philippines	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“Organic Control System”

1. Address: Trg cara Jovana Nenada 15, 24000 Subotica, Serbia
2. Internet address: www.organica.rs
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
ME-BIO-162	Montenegro	x	—	—	x	—	—
RS-BIO-162	Serbia	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.
5. Duration of inclusion: until 30 June 2018.

“Organic crop improvement association”

1. Address: 1340 North Cotner Boulevard, Lincoln, NE 68505-1838, United States
2. Internet address: <http://www.ocia.org>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
GT-BIO-120	Guatemala	x	x	—	x	—	—
JP-BIO-120	Japan	—	x	—	x	—	—
MX-BIO-120	Mexico	x	x	—	x	—	—
NI-BIO-120	Nicaragua	x	x	—	x	—	—
PE-BIO-120	Peru	x	x	—	x	—	—
SV-BIO-120	El Salvador	x	x	—	x	—	—

4. Exceptions: in-conversion products, wine and products covered by Annex III.
5. Duration of inclusion: until 30 June 2018.

“Organic Standard”

1. Address: 38-B Velyka Vasylykivska St, office 20, Kyiv city, 01004 Ukraine
2. Internet address: <http://www.organicstandard.com.ua>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AM-BIO-108	Armenia	x	—	—	x	—	—
AZ-BIO-108	Azerbaijan	x	—	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
BY-BIO-108	Belarus	x	x	x	x	x	x
GE-BIO-108	Georgia	x	x	—	x	—	—
KG-BIO-108	Kyrgyzstan	x	—	—	x	—	—
KZ-BIO-108	Kazakhstan	x	—	—	x	x	—
MD-BIO-108	Moldova	x	—	—	x	—	—
RU-BIO-108	Russia	x	—	—	x	x	—
TJ-BIO-108	Tajikistan	x	—	—	x	—	—
UA-BIO-108	Ukraine	x	x	x	x	x	x
UZ-BIO-108	Uzbekistan	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

“Organización Internacional Agropecuaria”

1. Address: Av. Santa Fe 830, B1641ABN, Acassuso, Buenos Aires, Argentina

2. Internet address: <http://www.oia.com.ar>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AR-BIO-110	Argentina	—	—	x	x	—	—
BO-BIO-110	Bolivia	x	—	—	x	—	—
BR-BIO-110	Brazil	x	—	x	x	—	—
CL-BIO-110	Chile	x	—	x	x	—	—
EC-BIO-110	Ecuador	x	—	—	x	—	—
MX-BIO-110	Mexico	x	—	—	x	—	—
PA-BIO-110	Panama	x	—	—	x	—	—
PE-BIO-110	Peru	x	—	—	x	—	—
PY-BIO-110	Paraguay	x	—	—	x	—	—
UY-BIO-110	Uruguay	x	x	x	x	—	—

4. Exceptions: in-conversion products and products covered by Annex III.
5. Duration of inclusion: until 30 June 2018.

“Organska Kontrola”

1. Address: Dzemala Bijedića br.2, 71000 Sarajevo, Bosnia and Herzegovina
2. Internet address: <http://www.organskakontrola.ba>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
BA-BIO-101	Bosnia and Herzegovina	x	—	—	x	—	—
ME-BIO-101	Montenegro	x	—	—	x	—	—
RS-BIO-101	Serbia	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.
5. Duration of inclusion: until 30 June 2018.

“ORSER”

1. Address: Paris Caddesi No: 6/15, Ankara 06540, Turkey
2. Internet address: <http://orser.com.tr>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
TR-BIO-166	Turkey	x	—	—	x	—	—

4. Exceptions: in-conversion products.
5. Duration of inclusion: until 30 June 2018.

“Overseas Merchandising Inspection Co., Ltd”

1. Address: 15-6 Nihonbashi Kabuto-cho, Chuo-ku, Tokyo 103-0026, Japan
2. Internet address: <http://www.omicnet.com/omicnet/services-en/organic-certification-en.html>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
JP-BIO-167	Japan	—	—	—	x	—	—

4. Exceptions: in-conversion products, wine and products covered by Annex III.
5. Duration of inclusion: until 30 June 2018.

“QC&I GmbH”

1. Address: Tiergartenstraße 32, 54595 Prüm, Germany
2. Internet address: <http://www.qci.de>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AZ-BIO-153	Azerbaijan	x	—	—	x	—	—
BZ-BIO-153	Belize	x	—	—	x	—	—
LK-BIO-153	Sri Lanka	x	—	—	x	—	—
MA-BIO-153	Morocco	x	—	x	x	—	—
TH-BIO-153	Thailand	x	—	—	x	—	—
UA-BIO-153	Ukraine	x	—	—	x	—	—

4. Exceptions: in-conversion products.
5. Duration of inclusion: until 30 June 2018.

“Quality Assurance International”

1. Address: 9191 Towne Centre Drive, Suite 200, San Diego, CA 92122, United States
2. Internet address: <http://www.qai-inc.com>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
MX-BIO-113	Mexico	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.
5. Duration of inclusion: until 30 June 2018.

“Quality Partner”

1. Address: Rue Hayeneux, 62, 4040 Herstal, Belgium
2. Internet address: <http://www.quality-partner.be>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
ID-BIO-168	Indonesia	—	—	x	x	—	—

4. Exceptions: in-conversion products, algae and wine.
5. Duration of inclusion: until 30 June 2018.

“Soil Association Certification Limited”

1. Address: South Plaza, Marlborough Street, Bristol, BS1 3NX, United Kingdom
2. Internet address: <http://www.soilassociation.org/certification>
3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
BS-BIO-142	Bahamas	x	—	—	x	—	—
BZ-BIO-142	Belize	x	—	—	x	—	—
CM-BIO-142	Cameroon	—	x	—	x	—	—
CO-BIO-142	Colombia	—	—	—	x	—	—
DZ-BIO-142	Algeria	x	—	—	x	—	—
EG-BIO-142	Egypt	x	—	—	x	—	—
GH-BIO-142	Ghana	x	—	—	x	—	—
HK-BIO-142	Hong Kong	x	—	—	x	—	—
IR-BIO-142	Iran	x	—	—	x	—	—
KE-BIO-142	Kenya	x	—	—	x	—	—
MW-BIO-142	Malawi	x	—	—	x	—	—
SG-BIO-142	Singapore	x	—	—	x	—	—
TH-BIO-142	Thailand	x	—	—	x	—	—
UG-BIO-142	Uganda	x	—	—	x	—	—
VE-BIO-142	Venezuela	x	—	—	—	—	—
VN-BIO-142	Vietnam	x	—	—	x	—	—
WS-BIO-142	Samoa	x	—	—	x	—	—
ZA-BIO-142	South Africa	x	x	—	x	—	—

4. Exceptions: in-conversion products and wine.
5. Duration of inclusion: until 30 June 2018.

“Suolo e Salute srl”

1. Address: Via Paolo Borsellino 12, 61032 Fano (PU), Italy
2. Internet address: <http://www.suoloesalute.it>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
SM-BIO-150	San Marino	x	—	—	—	—	—
SN-BIO-150	Senegal	x	—	—	—	—	—
UA-BIO-150	Ukraine	x	—	—	—	—	—

4. Exceptions: in-conversion products.

5. Duration of inclusion: until 30 June 2018.

“TÜV Nord Integra”

1. Address: Statiestraat 164, 2600 Berchem (Antwerp), Belgium

2. Internet address: <http://www.tuv-nord-integra.com>

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
BF-BIO-160	Burkina Faso	x	—	—	x	—	—
CI-BIO-160	Côte d'Ivoire	x	—	—	x	—	—
CM-BIO-160	Cameroon	x	—	—	x	—	—
CW-BIO-160	Curaçao	x	—	—	x	—	—
EG-BIO-160	Egypt	x	—	—	x	—	—
JO-BIO-160	Jordan	x	—	—	x	—	—
MA-BIO-160	Morocco	x	—	—	x	—	—
MG-BIO-160	Madagascar	x	—	—	x	—	—
ML-BIO-160	Mali	x	—	—	x	—	—
SN-BIO-160	Senegal	x	—	—	x	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1331**of 3 August 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, 3 August 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	175,1
	ZZ	175,1
0709 93 10	TR	136,4
	ZZ	136,4
0805 50 10	AR	170,3
	CL	187,2
	MA	157,0
	TR	153,3
	UY	185,1
	ZA	180,4
	ZZ	172,2
	BR	163,2
	EG	214,6
	MA	179,4
0806 10 10	MX	378,3
	TR	153,5
	US	233,8
	ZZ	220,5
	AR	114,2
	BR	102,1
	CL	140,4
	CN	137,7
	NZ	128,1
	PE	106,8
0808 10 80	US	80,4
	UY	99,9
	ZA	102,1
	ZZ	112,4
	AR	105,9
	CL	119,7
	NZ	141,8
	TR	159,8
	ZA	125,4
	ZZ	130,5
0808 30 90	CA	331,3
	TR	262,8
	US	485,5
	ZZ	359,9
0809 29 00	CA	331,3
	TR	262,8
	US	485,5
	ZZ	359,9

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0809 30 10, 0809 30 90	TR	166,5
	ZZ	166,5

⁽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 DECISION (EU) 2016/1332

of 28 July 2016

establishing the ecological criteria for the award of the EU Ecolabel for furniture

(notified under document C(2016) 4778)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel ⁽¹⁾, and in particular Articles 6(7) and 8(2) thereof,

After consulting the European Union Eco-labelling Board,

Whereas:

- (1) Under Regulation (EC) No 66/2010, the EU Ecolabel may be awarded to products which have a reduced environmental impact during their entire life cycle.
- (2) Regulation (EC) No 66/2010 provides that specific EU Ecolabel criteria are to be established according to product groups.
- (3) Commission Decision 2009/894/EC ⁽²⁾ has established the ecological criteria and the related assessment and verification requirements for wooden furniture, which are valid until 31 December 2016.
- (4) In order to better reflect the range of furniture products on the market, the state of the art for these products and to take into account the innovation of the last few years, it is appropriate to extend the scope of the product group to include non-wooden furniture and to establish a revised set of ecological criteria.
- (5) The revised ecological criteria aim at using materials produced in a more sustainable way (considering a life cycle analysis approach), limiting the use of hazardous compounds, the levels of hazardous residues, the contribution of furniture to indoor air pollution and promoting a durable and high-quality product that is easy to repair and disassemble. The revised criteria, along with the related assessment and verification requirements should be valid for six years from the date of adoption of this Decision, taking into account the innovation cycle for this product group.
- (6) Decision 2009/894/EC should therefore be replaced.
- (7) It is appropriate to allow a transitional period for producers whose products have been awarded the EU Ecolabel for wooden furniture on the basis of the ecological criteria set out in Decision 2009/894/EC, so that they have sufficient time to adapt their products to comply with the revised ecological criteria and requirements. Producers should also be allowed to submit applications based on the ecological criteria set out in Decision 2009/894/EC for a sufficient period of time.

⁽¹⁾ OJ L 27, 30.1.2010, p. 1.

⁽²⁾ Commission Decision 2009/894/EC of 30 November 2009 on establishing the ecological criteria for the award of the Community ecolabel for wooden furniture (OJ L 320, 5.12.2009, p. 23).

- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 16 of Regulation (EC) No 66/2010,

HAS ADOPTED THIS DECISION:

Article 1

1. The product group 'furniture' shall comprise free-standing or built-in units whose primary function is to be used for the storage, placement or hanging of items and/or to provide surfaces where users can rest, sit, eat, study or work, whether for indoor or outdoor use. The scope extends to domestic furniture and contract furniture items for use in domestic or non-domestic environments. Bed frames, legs, bases and headboards are included in the scope.
2. The product group shall not comprise the following products:
 - (a) Bed mattresses, which are covered by the criteria set out in Commission Decision 2014/391/EU ⁽¹⁾,
 - (b) Products whose primary function is not to be used as per paragraph 1, including streetlights, railings and fences, ladders, clocks, playground equipment, stand-alone or wall-hung mirrors, electrical conduits, road bollards and building products such as steps, doors, windows, floor coverings and cladding.
 - (c) Second-hand, refinished, refurbished or remanufactured furniture products.
 - (d) Furniture fitted in vehicles used for public or private transit.
 - (e) Furniture products which consist of more than 5 % (weight by weight) of materials not included in the following list: solid wood, wood-based panels, cork, bamboo, rattan, plastics, metals, leather, coated fabrics, textiles, glass and padding/filling materials.

Article 2

For the purpose of this Decision, the following definitions shall apply:

- (a) 'Aniline leather' means leather whose natural grain is clearly and completely visible and where any surface coating with a non-pigmented finish is less than or equal to 0,01 mm, as defined in EN 15987;
- (b) 'Semi-aniline leather' means leather that has been coated with a finish containing a small amount of pigment, so that the natural grain is clearly visible, as defined in EN 15987;
- (c) 'Pigmented and pigmented split leather' means leather or split leather whose natural grain or surface is completely concealed with a finish containing pigments, as defined in EN 15987;
- (d) 'Patent and patent split leather' means leather or split leather with generally a mirror-like effect, obtained by application of a layer of pigmented or non-pigmented varnishes, or synthetic resins, whose thickness does not exceed one third of the total thickness of the product, as defined in EN 15987;
- (e) 'Coated and coated split leather' means leather or split leather where the surface coating, applied to the outer side, does not exceed one third of the total thickness of the product but is in excess of 0,15 mm, as defined in EN 15987;
- (f) 'Volatile organic compound' (VOC) means any organic compound having an initial boiling point of less than or equal to 250 °C measured at a standard pressure of 101,3 kPa as defined in Directive 2004/42/EC of the European Parliament and of the Council ⁽²⁾ and which, in a capillary column, are eluting up to and including tetradecane (C₁₄H₃₀);

⁽¹⁾ Commission Decision 2014/391/EU of 23 June 2014 establishing the ecological criteria for the award of the EU Ecolabel for bed mattresses (OJ L 184, 25.6.2014, p. 18).

⁽²⁾ Directive 2004/42/CE of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (OJ L 143, 30.4.2004, p. 87).

- (g) 'Semi volatile organic compound' (SVOC) means any organic compound having a boiling point of greater than 250 °C and less than 370 °C measured at a standard pressure of 101,3 kPa and which, in a capillary column are eluting with a retention range after n-tetradecane (C₁₄H₃₀) and including n-Docosane (C₂₂H₄₆);
- (h) 'Recycled content' means the proportion, by mass, of recycled material in a product or packaging; only pre-consumer and post-consumer materials are considered as recycled content, as defined in ISO 14021;
- (i) 'Pre-consumer material' means material diverted from the waste stream during a manufacturing process but excluding the reutilization of materials such as rework, regrind or scrap generated in a process and capable of being reclaimed within the same process that generated it as defined in ISO 14021 and also excludes waste wood, chips and fibres from logging and sawmilling operations;
- (j) 'Post-consumer material' means material generated by households or by commercial, industrial and institutional facilities in their role as end-users of the product which can no longer be used for its intended purpose, including returns of material from the distribution chain, as defined in ISO 14021;
- (k) 'Recovered/reclaimed material' means material that would have otherwise been disposed of as waste or used for energy recovery, but has instead been collected and recovered/reclaimed as a material input, in lieu of new primary material, for a recycling or a manufacturing process, as defined in ISO 14021;
- (l) 'Recycled material' means material that has been reprocessed from recovered/reclaimed material by means of a manufacturing process and made into a final product or into a component for incorporation into a product as defined in ISO 14021, but excludes waste wood, chips and fibres from logging and sawmilling operations;
- (m) 'Wood-based panels' means panels fabricated from wood fibres by one of several different processes that may involve the use of elevated temperatures, pressures and binding resins or adhesives;
- (n) 'Oriented Strand Board' means multi-layered board mainly made from strands of wood together with a binder, as defined in EN 300. The strands in the external layer are aligned and parallel to the board length or width. The strands in the internal layer or layers can be randomly orientated or aligned, generally at right angles to the strands in the external layers;
- (o) 'Particleboard' means a panel material manufactured under pressure and heat from particles of wood (wood flakes, chips, shavings, saw-dust and similar) and/or other lignocellulosic material in particle form (flax shives, hemp shives, bagasse fragments and similar), with the addition of an adhesive, as defined in EN 309;
- (p) 'Plywood' means wood-based panels consisting of an assembly of layers glued together with the direction of the grain in adjacent layers usually at right angles, as defined in EN 313. Many different sub-categories of plywood can be referred to based on how the plywood is structured (such as, veneer plywood, core plywood, balanced plywood) or its predominant end use (for instance, marine plywood);
- (q) 'Fibreboards' means a broad set of panel types which are defined in EN 316 and EN 622 and which can be split into the sub-categories of hardboards, medium boards, soft-boards and dry-process boards based on their physical properties and production process;
- (r) 'Readily biodegradable substance' means a substance that shows 70 % degradation of dissolved organic carbon within 28 days or 60 % of theoretical maximum oxygen depletion or carbon dioxide generation within 28 days using one of the following test methods: OECD 301 A, ISO 7827, OECD 301 B, ISO 9439, OECD 301 C, OECD 301 D, ISO 10708, OECD 301 E, OECD 301 F, ISO 9408;
- (s) 'Inherently biodegradable substance' means a substance that shows 70 % degradation of dissolved organic carbon within 28 days or 60 % of theoretical maximum oxygen depletion or carbon dioxide generation within 28 days using one of the following test methods: ISO 14593, OECD 302 A, ISO 9887, OECD 302 B, ISO 9888, OECD 302 C;
- (t) 'Finishing operations' means methods where an over-layer or coating is applied to the surface of a material. Methods may include the application of paints, prints, varnishes, veneers, laminates, impregnated papers and finishing foils;

- (u) 'Biocidal product' as defined in Regulation (EU) No 528/2012 of the European Parliament and of the Council ⁽¹⁾ means:
- any substance or mixture, in the form in which it is supplied to the user, consisting of, containing or generating one or more active substances, with the intention of destroying, deterring, rendering harmless, preventing the action of, or otherwise exerting a controlling effect on, any harmful organism by any means other than mere physical or mechanical action,
 - any substance or mixture generated from substances or mixtures which do not themselves fall under the preceding paragraph, to be used with the intention of destroying, deterring, rendering harmless, preventing the action of, or otherwise exerting a controlling effect on, any harmful organism by any means other than mere physical or mechanical means, and
 - a treated article that has a primary biocidal function;
- (v) 'Wood preservatives' means biocidal products which are applied by surface treatment (e.g. spraying, brushing) or deep penetrating processes (e.g. vacuum-pressure, double vacuum) to wood (i.e., logs received at the sawmill for commercial use and for all subsequent uses of the wood and wood-based products) or wood-based products themselves, or which are applied to non-wood substrates (e.g. masonry and building foundations) solely for the purpose of protecting adjacent wood or wood-based products from attack by wood-destroying organisms (e.g. dry rot and termites) according to the definition agreed upon by the European Committee for Standardisation (source CEN/TC 38 'Durability of wood and wood-based products');
- (w) 'E1' means a classification for formaldehyde-containing wood-based panels adopted across EU Member States based on formaldehyde emissions. According to the definition provided in Annex B to EN 13986, a wood-based panel shall be classified as E1 if emissions are equivalent to steady state concentrations of less than or equal to 0,1 ppm (0,124 mg/m³) of formaldehyde after 28 days of a chamber test carried out according to EN 717-1 or that the formaldehyde content is determined to be less than or equal to 8 mg/100 g oven dry board when measured according to EN 120 or that formaldehyde emission rates are less than or equal to 3,5 mg/m².h according to EN 717-2 or less than or equal to 5,0 mg/m².h according to the same method but within 3 days after production;
- (x) 'Coated fabrics' means fabrics with an adherent, discrete continuous layer of rubber and/or plastic based material on one or both surfaces, as defined in EN 13360, including upholstery materials commonly referred to as 'faux leather';
- (y) 'Textiles' mean natural fibres, synthetic fibres and man-made cellulose fibres;
- (z) 'Natural fibres' means cotton and other natural cellulosic seed fibres, flax and other bast fibres, wool and other keratin fibres;
- (aa) 'Synthetic fibres' means acrylic, elastane, polyamide, polyester and polypropylene fibres;
- (bb) 'Man-made cellulose fibres' means lyocell, modal and viscose fibres;
- (cc) 'Upholstery' means the materials used in the craft of covering, padding and stuffing of seating, bedding or other furniture products and may include covering materials such as leather, coated fabrics and textiles as well as padding materials such as flexible cellular polymeric materials based on rubber latex and polyurethane;
- (dd) 'Substance', means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition, as defined in Article 3(1) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽²⁾;
- (ee) 'Mixture' means a mixture or solution composed of two or more substances as defined in Article 3(2) of Regulation (EC) No 1907/2006;

⁽¹⁾ Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

⁽²⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

- (ff) 'Component part' means rigid and discrete units whose shape and form does not need to be altered prior to assembly of the final product in its fully functional form, although its position may change during use of the final product and includes hinges, screws, frames, drawers, wheels and shelves;
- (gg) 'Component materials' means materials whose shape and form may change prior to furniture assembly or during use of the furniture product, and includes textiles, leather, coated fabrics and polyurethane foams used in upholstery. Supplied timber may be considered as a component material but be later sawn and treated to be converted into a component part.

Article 3

In order to be awarded the EU Ecolabel under Regulation (EC) No 66/2010, a product shall fall within the product group 'furniture' as defined in Article 1 of this Decision and shall comply with the ecological criteria as well as the related assessment and verification requirements set out in the Annex to this Decision.

Article 4

The ecological criteria for the product group 'furniture' and the related assessment and verification requirements shall be valid for six years from the date of adoption of this Decision.

Article 5

For administrative purposes, the code number assigned to the product group 'furniture' shall be '049'.

Article 6

Decision 2009/894/EC is repealed.

Article 7

1. By derogation from Article 6, applications for the EU Ecolabel for products falling within the product group 'wooden furniture' submitted before the date of adoption of this Decision shall be evaluated in accordance with the conditions laid down in Decision 2009/894/EC.

2. Applications for the EU Ecolabel for products falling within the product group 'wooden furniture' submitted within two months from the date of adoption of this Decision may be based either on the criteria set out in Decision 2009/894/EC or on the criteria set out in this Decision.

Applications shall be evaluated in accordance with the criteria on which they are based.

3. EU Ecolabel licences awarded in accordance with the criteria set out in Decision 2009/894/EC may be used for 12 months from the date of adoption of this Decision.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 28 July 2016.

For the Commission
Karmenu VELLA
Member of the Commission

ANNEX

FRAMEWORK**EU ECOLABEL CRITERIA**

Criteria for awarding the EU Ecolabel to furniture products:

1. Product description
2. General requirements for hazardous substances and mixtures
3. Wood, cork, bamboo and rattan
4. Plastics
5. Metals
6. Upholstery covering materials
7. Upholstery padding materials
8. Glass: use of heavy metals
9. Final product requirements
10. Consumer information
11. Information appearing on the EU Ecolabel

ASSESSMENT AND VERIFICATION REQUIREMENTS

The specific assessment and verification requirements are indicated within each criterion.

Where the applicant is required to provide declarations, documentation, analyses, test reports, or other evidence to show compliance with the criteria, these may originate from the applicant and/or his supplier(s) and/or their suppliers, etc., as appropriate.

Competent bodies shall preferentially recognise attestations which are issued by bodies accredited according to the relevant harmonised standard for testing and calibration laboratories and verifications by bodies that are accredited according to the relevant harmonised standard for bodies certifying products, processes and services.

Where appropriate, test methods other than those indicated for each criterion may be used if the competent body assessing the application accepts their equivalence.

Where appropriate, competent bodies may require supporting documentation and may carry out independent verifications.

As a pre-requisite, the product must meet all respective legal requirements of the country (countries) in which the product is intended to be placed on the market. The applicant shall declare the product's compliance with this requirement.

The EU Ecolabel criteria reflect the best environmental performing products on the furniture market. The criteria are focused on a 'per material' basis for ease of assessment given that many furniture products will only contain one or two of the above listed materials.

Whilst the use of chemicals and release of pollutants is part of the production process, the use of hazardous substances are excluded whenever possible or limited to the minimum necessary to provide an adequate function and at the same time strict quality and safety standards for furniture products. For this purpose, derogation conditions for specific substances/groups of substances are granted in exceptional circumstances, in order not to shift the environmental burden to other life cycle phases or impacts and only when there are no viable alternatives existing on the market.

Criterion 1 — Product Description

Technical drawings that illustrate the assembly of component parts/materials and sub-component parts/materials that form the final furniture product and its dimensions shall be provided to the competent body along with a bill of materials for the product that shall state the total weight of the product itself and how this is split between the following different materials: solid wood, wood-based panels, cork, bamboo, rattan, plastics, metals, leather, coated fabrics, textiles, glass and padding/filling materials.

Any remaining materials that do not fall within the categories above shall be listed as 'other' materials.

The total quantity of 'other' materials shall not exceed 5 % of the total product weight.

Assessment and verification: The applicant shall provide documentation to the competent body containing:

- (i) Technical drawings that illustrate the different component parts/materials and sub-component parts/materials used in the assembly of the furniture product;
- (ii) An overall bill of materials stating the total weight of the product unit and how the weight is split amongst solid wood, wood-based panels, cork, bamboo, rattan, plastics, metals, leather, textiles, coated fabrics, glass, padding/filling and 'other' materials. Weights of different materials shall be expressed as grams or kilograms and as a percentage of the total product unit weight.

Criterion 2 — General requirements for hazardous substances and mixtures

The presence in the product and any component parts/materials thereof, of substances that are identified according to Article 59(1) of Regulation (EC) No 1907/2006 as substances of very high concern (SVHCs) or substances and mixtures that meet the criteria for Classification, Labelling and Packaging (CLP) according to Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽¹⁾ for the hazards listed in Table 1, shall be restricted in accordance with criteria 2.1, 2.2(a) and 2.2(b).

For the purpose of this criterion Candidate List SVHCs and CLP hazard classifications are grouped in Table 1 according to their hazardous properties.

Table 1

Grouping of restricted hazards

Group 1 hazards — SVHCs and CLP

Hazards that identify a substance or mixture as being within Group 1:

Substances that appear on the Candidate List for SVHCs

Carcinogenic, Mutagenic and/or Toxic for Reproduction (CMR) Category 1A or 1B: H340, H350, H350i, H360, H360F, H360D, H360FD, H360Fd, H360Df

⁽¹⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

Group 2 hazards — CLP

Hazards that identify a substance or mixture as being within Group 2:

Category 2 CMR: H341, H351, H361f, H361d, H361fd, H362

Category 1 aquatic toxicity: H400, H410

Category 1 and 2 acute toxicity: H300, H310, H330

Category 1 aspiration toxicity: H304

Category 1 Specific Target Organ Toxicity (STOT): H370, H372

Category 1 Skin Sensitiser H317

Group 3 hazards — CLP

Hazards that identify a substance or mixture as being within Group 3:

Category 2, 3 and 4 aquatic toxicity: H411, H412, H413

Category 3 acute toxicity: H301, H311, H331, EUH070

Category 2 STOT: H371, H373

2.1. Restriction of SVHCs

The product and any component parts/materials thereof, shall not contain SVHCs, at concentrations greater than 0,10 % (weight by weight).

No derogation from this requirement shall be given to Candidate List SVHCs present in the product or any component parts/materials thereof at concentrations greater than 0,10 % (weight by weight).

Textiles that have been awarded the EU Ecolabel based on the ecological criteria established in Commission Decision 2014/350/EU ⁽¹⁾ are considered to comply with criterion 2.1.

Assessment and verification: The applicant shall compile declarations of the absence of SVHCs at or above the specified concentration limit for the product and any component parts/materials used in the assembly of the product. Declarations shall be with reference to the latest version of the Candidate List published by ECHA ⁽²⁾.

For textiles that have been awarded the EU Ecolabel in accordance with Decision 2014/350/EU, a copy of the EU Ecolabel certificate must be provided as a proof of compliance.

2.2. Restriction of CLP classified substances and mixtures used in the furniture product

The requirements are split into two parts, based on the production stage of the furniture product. Part a) refers to substances and mixtures used during any finishing or assembly operations carried out directly by the furniture manufacturer. Part b) refers to substances and mixtures used during the production of supplied component parts/materials.

Textiles that have been awarded the EU Ecolabel based on the ecological criteria established in Decision 2014/350/EU are considered to comply with criteria 2.2(a) and 2.2(b).

2.2(a) Substances and mixtures used by the furniture manufacturer

None of the adhesives, varnishes, paints, primers, wood stains, biocidal products (such as wood preservatives), flame retardants, fillers, waxes, oils, joint fillers, sealants, dyestuff, resins or lubricating oils directly used by the furniture manufacturer shall be classified with any of the CLP hazards listed in Table 1, unless their use is specifically derogated in Table 2.

2.2(b) Substances and mixtures used by suppliers of defined component parts/materials

This criterion shall not apply to individual component parts/materials from suppliers that: (i) weigh less than 25 g and that (ii) do not come into direct contact with users during normal use.

⁽¹⁾ Commission Decision 2014/350/EU of 5 June 2014 establishing the ecological criteria for the award of the EU Ecolabel for textile products (OJ L 174, 13.6.2014, p. 45).

⁽²⁾ ECHA, Candidate List of substances of very high concern for Authorisation, <http://www.echa.europa.eu/candidate-list-table>.

None of the substances or mixtures used by suppliers that fall within the scope defined below shall be classified with any of the CLP hazards listed in Table 1, unless their use is specifically derogated in Table 2:

- Solid wood and wood-based panels: adhesives, varnishes, paints, wood stains, biocidal products (such as wood preservatives), primers, flame retardants fillers, waxes, oils, joint fillers, sealants and resins used.
- Plastics: pigments, plasticisers, biocidal products and flame retardants used as additives.
- Metals: paints, primers or varnishes applied to the metal surface.
- Textiles, leather and coated fabric upholstery: dyestuff, varnishes, optical brighteners, stabilisers, auxiliary compounds, flame retardants, plasticisers, biocidal products or water/dirt/stain repellents used.
- Upholstery padding materials: biocidal products, flame retardants or plasticisers applied to the material.

Table 2

Derogations to the hazard restrictions in Table 1 and applicable conditions

Substance/mixture type	Applicability	Derogated classification(s)	Derogation conditions
(a) Biocidal products (such as wood preservatives)	Treatment of furniture component parts and/or upholstery materials to be used in the final product	All group 2 and 3 hazards listed in Table 1 except for CMR hazards	Only if the active substance contained in the biocidal product is approved, or under examination pending a decision on approval, under Regulation (EU) No 528/2012 or included in Annex I of that Regulation, and in the following circumstances, as appropriate: i. For in-can preservatives present in coating formulations applied to indoor or outdoor furniture component parts/materials. ii. For dry-film preservatives present in coatings applied to outdoor furniture only. iii. For preservation treatment of wood to be used in outdoor furniture but only if the original wood does not meet the requirements for Durability class 1 or 2 as per EN 350. iv. For textile fabrics or coated fabrics used in outdoor furniture products. Verification: The applicant shall declare which, if any, active substances contained in the biocidal product have been used in the manufacture of different furniture component parts/materials, supported by declarations from suppliers, relevant SDSs, CAS numbers and results from EN 350 testing, as appropriate.

Substance/mixture type	Applicability	Derogated classification(s)	Derogation conditions
(b) Flame retardants	Textiles, leather, coated fabrics in furniture upholstery covering materials and also padding materials	H317, H373, H411, H412, H413	The product must be intended to be used in applications in which it is required to meet fire protection requirements for ISO, EN, Member State or public sector procurement standards and regulations.
(c) Flame retardants/ Antimony Trioxide (ATO)		H351	ATO is only permitted when all of the following conditions are met: i. The product must be intended to be used in applications in which it is required to meet fire protection requirements in ISO, EN, Member State or public sector procurement standards and regulations. ii. It is used as a synergist with textiles or coated fabrics. iii. Emissions to air in the workplace where the flame retardant is applied to the textile product shall meet an eight hour occupational exposure limit value of 0,50 mg/m ³ .
(d) Nickel	Metal component parts	H317, H351, H372	Only permitted when used in stainless steel or nickel-plated component parts and when the nickel release rate is less than 0,5 µg/cm ² /week according to EN 1811.
(e) Chromium compounds		H317, H411	Derogation only applies to chromium III compounds used in electroplating operations (e.g., chromium III chloride).
(f) Zinc compounds		H300, H310, H330, H400, H410	Derogation only applies to zinc compounds used in electroplating or hot-dip galvanisation operations (such as, zinc oxide, zinc chloride and zinc cyanide).
(g) Dyestuff for dyeing and non-pigment printing	Textiles, leather and coated fabrics in furniture upholstery covering materials	H301, H311, H317, H331	When dust free dye formulations or automatic dosing and dispensing of dyes are used by dye houses and printers to minimise worker exposure.

Substance/mixture type	Applicability	Derogated classification(s)	Derogation conditions
		H411, H412, H413	Dyeing processes using reactive, direct, vat or sulphur dyes with these classifications shall meet a minimum of one of the following conditions: i. Use of high affinity dyes; ii. Achievement of a reject rate of less than 3,0 %; iii. Use of colour matching instrumentation; iv. Implementation of standard operating procedures for the dyeing process; v. Use of colour removal to treat wastewater (*). The use of solution dyeing and/or digital printing is exempted from these conditions.
(h) Optical brighteners	Textiles, leather and coated fabrics in furniture upholstery covering materials	H411, H412, H413	Optical brighteners may only be applied in the following cases: i. In white coloured printing; ii. As additives during the production of acrylic, polyamide or polyester with a recycled content.
(i) Water, dirt and stain repellents	Use in any surface treatments of furniture component parts/materials	H413	The repellent and its degradation products shall either: i. be readily and/or inherently biodegradable or ii. have a low potential to bioaccumulate (an octanol-water partition coefficient $\text{Log } K_{ow} \leq 3,2$ or a Bioconcentration Factor (BCF) < 100) in the aquatic environment, including aquatic sediment.
(j) Stabilisers and varnishes	Use in coated fabric production	H411, H412, H413	Automatic dosing and/or personal protective equipment must be used to minimise worker exposure. At least 95 % of these additives must show at least 80 % degradation of dissolved organic carbon within 28 days using OECD 303A/B and/or ISO 11733 test methods.
(k) Auxiliaries (comprising carriers, levelling agents, dispersing agents, surfactants, thickeners and binders)	Use in treatment of furniture upholstery covering materials (textiles, leather or coated fabrics)	H301, H311, H317, H331, H371, H373, H411, H412, H413, EUH070	Recipes shall be formulated using automatic dosing systems and processes shall follow standard operating procedures. Substances classified with H311 or H331 shall not be present on the material at concentrations greater than 1,0 % w/w.

Substance/mixture type	Applicability	Derogated classification(s)	Derogation conditions
(l) Paints, varnishes, resins and adhesives	Any furniture component part/material	H304, H317, H412, H413, H371, H373	A Safety Data Sheet (SDS) of the chemical mixture which clearly outlines the correct Personal Protective Equipment and adequate procedures for storage, handling, use and disposal of these mixtures during use and a declaration of proof of compliance with these measures shall be provided.
		H350	Only applicable to formaldehyde-based resins where the free formaldehyde content in the resin formulation (resins, adhesives and hardeners) does not exceed 0,2 % (w/w) as determined by ISO 11402 or equivalent methodology.
(m) Lubricating oils	In component parts designed to move repeatedly during normal use	All Group 2 hazards except CMR and all Group 3 hazards listed in Table 1	Lubricants shall only be permitted for use if it can be demonstrated by relevant OECD or ISO tests to be readily or inherently biodegradable in the aquatic environment, including aquatic sediment.

(*) Colour removal in wastewater treatment shall be considered as taking place when effluents from the dyehouse meets the following spectral coefficients: (i) 7 m^{-1} at 436 nm, 5 m^{-1} at 525 nm and 3 m^{-1} at 620 nm.

Assessment and verification: The applicant shall provide a declaration of compliance with criterion 2.2(a) and 2.2(b) supported, where appropriate, by declarations from suppliers. Declarations shall be supported by lists of relevant mixtures or substances used together with information about their hazard classification or non-classification.

The following information shall be provided to support declarations of the hazard classification or non-classification for each substance or mixture:

- (i) The CAS, EC or list number (where available for mixtures);
- (ii) The physical form and state in which the substance or mixture is used;
- (iii) Harmonised CLP hazard classifications for substances;
- (iv) Self-classification entries in ECHA's REACH registered substance database ⁽¹⁾ (if no harmonised classification is available).
- (v) Mixture classifications according to the criteria laid down in the CLP Regulation.

When considering self-classification entries in the REACH registered substance database, priority shall be given to entries from joint submissions.

Where a classification is recorded as 'data-lacking' or 'inconclusive' according to the REACH registered substance database, or where a substance has not yet been registered under the REACH system, toxicological data meeting the requirements in Annex VII to Regulation (EC) No 1907/2006 shall be provided that is sufficient to support conclusive self-classifications in accordance with Annex I to Regulation (EC) No 1272/2008 and ECHA's supporting guidance. In the case of 'data lacking' or 'inconclusive' database entries, self-classifications shall be verified, with the following information sources being accepted:

- (i) Toxicological studies and hazard assessments by ECHA peer regulatory agencies ⁽²⁾, Member State regulatory bodies or Intergovernmental bodies;

⁽¹⁾ ECHA, REACH registered substances database: <http://www.echa.europa.eu/information-on-chemicals/registered-substances>.

⁽²⁾ ECHA, Cooperation with peer regulatory agencies, <http://echa.europa.eu/about-us/partners-and-networks/international-cooperation/cooperation-with-peer-regulatory-agencies>.

- (ii) A Safety Data Sheet (SDS) fully completed in accordance with Annex II to Regulation (EC) No 1907/2006;
- (iii) A documented expert judgment provided by a professional toxicologist. This shall be based on a review of scientific literature and existing testing data, where necessary supported by results from new testing carried out by independent laboratories using methods approved by ECHA;
- (iv) An attestation, where appropriate based on expert judgment, issued by an accredited conformity assessment body that carries out hazard assessments according to the Globally Harmonised System (GHS) of the classification and labelling of chemicals or CLP hazard classification systems.

Information on the hazardous properties of substances or mixtures may, in accordance with Annex XI to Regulation (EC) No 1907/2006, be generated by means other than tests, for instance through the use of alternative methods such as in vitro methods, by quantitative structure activity models or by the use of grouping or read-across.

For the derogated substances and mixtures listed in Table 2, the applicant shall provide proof that all derogation conditions are met.

Textile-based materials that have been awarded the EU Ecolabel in accordance with Decision 2014/350/EU shall be considered compliant with criteria 2.2(a) and 2.2(b), however a copy of the EU Ecolabel certificate must be provided.

Criterion 3 — Wood, cork, bamboo and rattan

The term 'wood' applies not only to solid wood but also to wood chips and wood fibres. Where criteria refer solely to wood-based panels, this is mentioned in the title of those criteria.

Plastic foils manufactured using Vinyl Chloride Monomer (VCM) shall not be used in any part of the furniture product.

3.1. Sustainable wood, cork, bamboo and rattan

This criterion shall only apply when the content of wood or wood-based panels exceeds 5 % w/w of the final product weight (excluding packaging).

All wood, cork, bamboo and rattan shall be covered by chain of custody certificates issued by an independent third party certification scheme such as the Forest Stewardship Council (FSC), the Programme for the Endorsement of Forest Certification (PEFC) or equivalent.

All virgin wood, cork, bamboo and rattan shall not originate from GMO species and shall be covered by valid sustainable forest management certificates issued by an independent third party certification scheme such as FSC, PEFC or equivalent.

Where a certification scheme allows the mixing of uncertified material with certified and/or recycled materials in a product or production line, a minimum of 70 % of the wood, cork, bamboo or rattan material, as appropriate, shall be sustainable certified virgin material and/or recycled material.

Uncertified material shall be covered by a verification system which ensures that it is legally sourced, and meets any other requirement of the certification scheme with respect to uncertified material.

The certification bodies issuing forest and/or chain of custody certificates shall be accredited or recognised by that certification scheme.

Assessment and verification: The applicant or material supplier, as appropriate, shall provide a declaration of compliance supported by valid, independently certified chain of custody certificate(s) for all wood, cork, bamboo or rattan material used in the product or production line and demonstrate that at least 70 % of the material originates from forests or areas managed according to Sustainable Forestry Management principles and/or from recycled sources that meet the requirements set out by the relevant independent chain of custody scheme. FSC, PEFC or equivalent schemes shall be accepted as independent third party certification. In case the scheme does not specifically require that all virgin material is sourced from non-GMO species, additional evidence shall be provided to demonstrate this.

If the product or production line includes uncertified virgin material, proof shall be provided that the content of uncertified virgin material does not exceed 30 % and is covered by a verification system which ensures that it is legally sourced and meets any other requirement of the certification scheme with respect to uncertified material.

3.2. *Restricted substances*

In addition to the General conditions on hazardous substances set out in criterion 2, the following conditions shall specifically apply to any furniture component parts made of wood, cork, bamboo or rattan or specifically only to wood-based panels where the latter term is mentioned in the criterion title:

3.2(a) Contaminants in recycled wood used in wood-based panels

Any recycled wood fibres or wood chips used in the manufacture of wood based panels shall be tested in accordance with the European Panel Federation (EPF) standard for delivery conditions of recycled wood ⁽¹⁾ and comply with the limits for contaminants as listed in Table 3.

Table 3

Limits for contaminants in recycled wood

Contaminant	Limit values (mg/kg recycled wood)	Contaminant	Limit values (mg/kg recycled wood)
Arsenic (As)	25	Mercury (Hg)	25
Cadmium (Cd)	50	Fluorine (F)	100
Chromium (Cr)	25	Chlorine (Cl)	1 000
Copper (Cu)	40	Pentachlorophenol (PCP)	5
Lead (Pb)	90	Creosote (Benzo(a)pyrene)	0,5

Assessment and verification: The applicant shall provide either:

- (i) A declaration from the wood-based panel manufacturer that no recycled wood fibres were used in the panel, or
- (ii) A declaration from the wood-based panel manufacturer that all recycled wood fibres used have been representatively tested in accordance with the 2002 'EPF Standard conditions for the delivery of recycled wood', supported by appropriate test reports that demonstrate compliance of the recycled wood samples with the limits specified in Table 3.
- (iii) A declaration from the wood-based panel manufacturer that all recycled wood fibres used have been representatively tested by other equivalent standards that have equal or stricter limits than the 2002 'EPF Standard conditions for the delivery of recycled wood', supported by appropriate test reports that demonstrate compliance of the recycled wood samples with the limits specified in Table 3.

3.2(b) Heavy metals in paints, primers and varnishes

Paints, primers or varnishes used on wood or wood-based materials shall not contain substances based on cadmium, lead, chromium VI, mercury, arsenic or selenium, at concentrations exceeding 0,010 % w/w for each individual metal in the in-can paint, primer or varnish formulation.

Assessment and verification: The applicant or material supplier, as appropriate, shall provide a declaration of compliance with this criterion and provide the respective SDS from the suppliers of the paints, primers and/or varnishes used.

⁽¹⁾ 'EPF Standard for delivery conditions of recycled wood', October 2002. Can be viewed online at: <http://www.europanel.org/upload/EPF-Standard-for-recycled-wood-use.pdf>

3.2(c) VOC content in paints, primers and varnishes

This criterion does not apply to untreated wooden surfaces or to natural wooden surfaces treated with soap, wax or oil.

This criterion shall only apply when the content of coated wood or wood-based panels (excluding untreated wooden surfaces or natural wooden surfaces treated with soap, wax or oil) exceeds 5 % w/w in the final furniture product (excluding packaging).

It shall not be necessary to meet the requirements of this criterion if compliance with criterion 9.5 can be demonstrated.

The VOC content of any paints, primers or varnishes used to coat any wood or wood-based panels used in the furniture product shall not exceed 5 % (in-can concentration).

However, higher VOC content coatings may be used, if it can be demonstrated that either:

- The total quantity of VOCs in the paint, primer or varnish used during the coating operation amounts to less than 30 g/m² of coated surface area, or
- The total quantity of VOCs in the paint, primer or varnish used during the coating operation is between 30 and 60 g/m² of coated surface area and that the surface finish quality meets all of the requirements set out in Table 4.

Table 4

Surface finish quality requirements if VOC application rate is 30-60 g/m²

Test standard	Condition	Required result
EN 12720. Furniture — Assessment of surface resistance to cold liquids	Contact with water	No change after 24 hour contact
	Contact with grease	No change after 24 hour contact
	Contact with alcohol	No change after 1 hour contact
	Contact with coffee	No change after 1 hour contact
EN 12721. Furniture — Assessment of a surface resistance to wet heat	Contact with 70 °C heat source	No change after testing
EN 12722. Furniture — Assessment of surface resistance to dry heat	Contact with 70 °C heat source	No change after testing
EN 15186. Furniture — Assessment of the surface resistance to scratching	Contact with diamond scratching tip	Method A: no scratches $\geq 0,30$ mm when a load of 5 N has been applied or, Method B: no scratches visible in ≥ 6 slots in the viewing template where a load of 5 N has been applied

Assessment and verification: The applicant shall provide a declaration of compliance, specifying whether compliance is achieved because the furniture product is exempt from the criterion or if it is achieved by the controlled use of VOCs in the coating operation.

In the latter case, the declaration by the applicant shall be supported by information from the paint, primer or varnish supplier stating the VOC content and density of the paint, primer or varnish (both in g/L) and a calculation of the effective percentage VOC content.

If the VOC content of the paint, primer or varnish is greater than 5 % (in-can concentration), then the applicant shall either:

- (i) Provide calculations demonstrating that the effective quantity of VOCs applied to the coated surface area of the final assembled furniture product is less than 30 g/m², in accordance with the guidance provided in Appendix I.
- (ii) Provide calculations demonstrating that the effective quantity of VOCs applied to the coated surface area of the final assembled furniture product is less than 60 g/m², in accordance with the guidance provided in Appendix I and provide test reports demonstrating compliance of the surface finishes with the requirements of Table 4.

3.3. Formaldehyde emissions from wood-based panels

This criterion shall only apply when the content of wood-based panels in the final furniture product (excluding packaging) exceeds 5 % w/w.

Formaldehyde emissions from all supplied wood-based panels, in the form that they are used in the furniture product (in other words, unfaced, coated, overlaid, veneered), and which were manufactured using formaldehyde-based resins shall either:

- Be lower than 50 % of the threshold value allowing them to be classified as E1.
- Be lower than 65 % of the E1 threshold value, in the case of Medium Density Fibreboard (MDF) panels.
- Be lower than the limits set out in the CARB Phase II or the Japanese F-3 star or F-4 star standards.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, stating that no other further modification or treatment has been applied by the applicant to the panels that would compromise their compliance with the formaldehyde emission limits of the panels as supplied. The assessment and verification of low formaldehyde emission panels shall vary depending on the certification scheme it falls under. The verification documentation required for each scheme is described in Table 5.

Table 5

Assessment and verification of low formaldehyde emission panels

Certification scheme	Verification documentation
E1 (as defined in Annex B of EN 13986)	A declaration from the wood-based panel manufacturer, stating that the panel is compliant with 50 % of E1 emission limits or, in the case of MDF panels, with 65 % of E1 emission limits, supported by test reports carried out according to either EN 717-2, EN 120, EN 717-1 or equivalent methods.
CARB — California Air Resources Board: Phase II limits	A declaration from the wood-based panel manufacturer, supported by test results according to ASTM E1333 or ASTM D6007, demonstrating panel compliance with the formaldehyde Phase II emission limits defined in the California Composite Wood Products Regulation 93120 (1). The wood-based panel may be labelled in accordance with Section 93120.3(e), containing details in respect of the manufacturer's name, the product lot number or batch produced, and the CARB assigned number for the third party certifier (this part is not mandatory if the products are sold outside of California or if they were made using no-added formaldehyde or certain ultra-low emitting formaldehyde-based resins).

Certification scheme	Verification documentation
F-3 or 4 star limits	A declaration from the wood-based panel manufacturer of compliance with the formaldehyde emission limits as per JIS A 5905 (for fibreboard) or JIS A 5908 (for particleboard and plywood), supported by test data according to the JIS A 1460 desicator method.

(1) Regulation 93120 'Airborne toxic control measure to reduce formaldehyde emissions from composite wood products'-California Code of Regulations.

Criterion 4 — Plastics

Plastics manufactured using Vinyl Chloride Monomer (VCM) shall not be used in any part of the furniture product.

4.1. Marking of plastic component parts

Plastic parts with a mass greater than 100 g shall be marked in accordance with EN ISO 11469 and EN ISO 1043 (parts 1-4). The lettering used in markings shall be at least 2,5 mm high.

Where any fillers, flame retardants or plasticisers are intentionally incorporated into the plastic in proportions greater than 1 % w/w, their presence shall also be included in the marking as per EN ISO 1043 parts 2-4.

In exceptional cases, non-marking of plastic parts with a weight greater than 100 g is permitted if:

- Marking would impact on the performance or functionality of the plastic part;
- Where marking is not technically possible due to the production method;
- Where parts cannot be marked because there is not enough appropriate surface area available for the marking to be of a legible size to be identified by a recycling operator.

In the above cases, where non-marking is allowed, further details about the polymer type and any additives as per the requirements of EN ISO 11469 and EN ISO 1043 (parts 1-4) shall be included with consumer information referred to in criterion 10.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion, listing all the plastic component parts with a weight greater than 100 g in the furniture product and stating whether or not they have been marked according to EN ISO 11469 and EN ISO 1043 (parts 1-4).

The marking of any plastic component parts shall be clearly visible upon visual examination of the plastic component part. Marking does not necessarily need to be clearly visible in the final assembled furniture product.

If any plastic parts with a weight greater than 100 g have not been marked, the applicant shall provide justification for non-marking and indicate where relevant information has been included in consumer information.

In cases of doubt regarding the nature of the plastic for component parts with a weight greater than 100 g and in case suppliers do not provide the required information, laboratory test data using infra-red or Raman spectroscopy or any other suitable analytical techniques to identify the nature of the plastic polymer and the quantity of fillers or other additives shall be provided as evidence supporting the EN ISO 11469 and EN ISO 1043 marking.

4.2. Restricted substances

In addition to the general requirements for hazardous substances established in Criterion 2, the conditions listed below shall apply for plastic component parts.

4.2(a) Heavy metals in plastic additives

Plastic component parts and any surface layers shall not be manufactured using additives that contain cadmium (Cd), chromium VI (CrVI), lead (Pb), mercury (Hg) or tin (Sn) compounds.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion.

Where only virgin plastic is used, a declaration from the supplier of the virgin plastic material that no additives containing cadmium, chromium VI, lead, mercury or tin have been used shall be accepted.

Where virgin plastic has been combined with pre-consumer plastic recyclates from known sources and/or with post-consumer polyethylene terephthalate (PET), polystyrene (PS), polyethylene (PE) or polypropylene (PP) from municipal collection schemes, a declaration from the supplier of the recycled plastic material that no compounds containing cadmium, chromium VI, lead, mercury or tin have been intentionally added shall be accepted.

If no suitable declarations are provided by the supplier, or where virgin plastic is combined with pre-consumer recyclates from mixed or unknown sources, representative testing of the plastic component parts shall demonstrate compliance with the conditions set out in Table 6.

Table 6

Assessment and verification of heavy metal impurities in plastics

Metal	Method	Limit (mg/kg)	
		Virgin	Recycled
Cd	XRF (X-Ray Fluorescence) or acid digestion followed by inductively coupled plasma or atomic absorption spectrophotometry or other equivalent methods for measuring total metal content	100	1 000
Pb		100	1 000
Sn		100	1 000
Hg		100	1 000
CrVI	EN 71-3	0,020	0,20

4.3. Recycled plastic content

This criterion shall only apply if the total content of plastic material in the furniture product exceeds 20 % of the total product weight (excluding packaging).

The average recycled content of plastic parts (not including packaging) shall be at least 30 % w/w.

Assessment and verification: The applicant shall provide a declaration from the plastic supplier(s) stating the average recycled content in the final furniture product. Where plastic component parts come from different sources or suppliers, the average recycled content shall be calculated for each plastic source and the overall average recycled plastic content in the final furniture product shall be stated.

The declaration of recycled content from the plastic manufacturer(s) shall be supported by traceability documentation for plastic recyclates. An option would be to provide batch delivery information as per the framework set out in Table 1 of EN 15343.

Criterion 5 — Metals

In addition to the general requirements for hazardous substances stated in Criterion 2, the conditions listed below shall apply for metal component parts in the furniture product.

5.1. Electroplating restrictions

Chromium VI or cadmium shall not be used for electroplating operations of any metal component parts used in the final furniture product.

Nickel shall only be permitted in electroplating operations if the nickel release rate from the electroplated component part is less than 0,5 µg/cm²/week according to EN 1811.

Assessment and verification: The applicant shall provide a declaration from the supplier of the metal component part(s) that no plating treatments involving chromium VI or cadmium substances have been used in any metal component parts.

Where nickel has been used in electroplating operations, the applicant shall provide a declaration from the supplier of the metal component part(s), supported by a test report according to EN 1811, where results reveal nickel release rates to be less than 0,5 µg/cm²/week.

5.2. Heavy metals in paints, primers and varnishes

Paints, primers or varnishes used on metal component parts shall not contain additives based on cadmium, lead, chromium VI, mercury, arsenic or selenium, at concentrations exceeding 0,010 % w/w for each individual metal in the in-can paint, primer or varnish formulation.

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion and provide the respective SDS from the suppliers of the paints, primers or varnishes used.

5.3. VOC content in paints, primers and varnishes

This sub-criterion shall only apply when the content of coated metal component parts exceeds 5 % w/w in the final furniture product (excluding packaging).

It shall not be necessary to meet the requirements of this sub-criterion if compliance with criterion 9.5 can be demonstrated.

The VOC content of any paints, primers or varnishes used to coat any metal component parts used in the furniture product shall not exceed 5 % (in-can concentration).

However, higher VOC content coatings may be used, if it can be demonstrated that either:

- The total quantity of VOCs in the paint, primer or varnish used during the coating operation amounts to less than 30 g/m² of coated surface area, or
- The total quantity of VOCs in the volume of paint, primer or varnish that is used during the coating operation is between 30 and 60 g/m² of coated surface area and that the surface finish quality meets the requirements set out in Table 7.

Table 7

Surface finish quality requirements if VOC application rate is 30-60 g/m²

Test standard	Condition	Required result
EN 12720. Furniture — Assessment of surface resistance to cold liquids	Contact with water	No change after 24 hour contact
	Contact with grease	No change after 24 hour contact
	Contact with alcohol	No change after 1 hour contact
	Contact with coffee	No change after 1 hour contact

Test standard	Condition	Required result
EN 12721. Furniture — Assessment of a surface resistance to wet heat	Contact with 70 °C heat source	No change after testing
EN 12722. Furniture — Assessment of surface resistance to dry heat	Contact with 70 °C heat source	No change after testing
EN 15186. Furniture — Assessment of the surface resistance to scratching	Contact with diamond scratching tip	Method A: no scratches $\geq 0,30$ mm when a load of 5 N has been applied or, Method B: no scratches visible in ≥ 6 slots in the viewing template where a load of 5 N has been applied

Assessment and verification: The applicant shall provide a declaration of compliance, specifying whether compliance is achieved because the furniture product is exempt from the criterion or if it is achieved by the controlled use of VOCs in the coating operation.

In the latter case, the declaration by the applicant shall be supported by information from the paint, primer or varnish supplier stating the VOC content and density of the paint, primer or varnish (both in g/L) and the effective percentage of VOC content.

If the VOC content of the paint, primer or varnish is greater than 5 % (in-can concentration), then the applicant shall either:

- Provide calculations demonstrating that the effective quantity of VOCs applied to the coated surface area of the final assembled furniture product is less than 30 g/m², in accordance with the guidance provided in Appendix I.
- Provide calculations demonstrating that the effective quantity of VOCs applied to the coated surface area of the final assembled furniture product is less than 60 g/m², in accordance with the guidance provided in Appendix I and provide test reports that show compliance of the surface finishes with the requirements of Table 7.

Criterion 6 — Upholstery Covering Materials

Upholstery covering materials manufactured using Vinyl Chloride Monomer (VCM) shall not be used in any part of the furniture product.

6.1. Physical quality requirements

Any leather used as upholstery covering material shall comply with the physical quality requirements presented in Appendix II.

Any textiles used as upholstery covering material shall comply with the physical quality requirements presented in Table 8.

Any coated fabrics used as upholstery covering material shall comply with the physical quality requirements stated in Table 9.

Table 8

Physical requirements for textile fabric covering materials in furniture upholstery

Test factor	Method	Removable and washable coverings	Non-removable and washable coverings
Dimensional changes during washing and drying	Domestic washing: ISO 6330 + EN ISO 5077 (three washes at temperatures as indicated in the product with tumble drying after each washing cycle) Commercial washing: ISO 15797 + EN ISO 5077 (at minimum of 75 °C)	woven furniture upholstery fabrics: $\pm 2,0 \%$ woven furniture ticking fabric: $\pm 3,0 \%$ non-woven furniture ticking: $\pm 5,0 \%$ non-woven furniture upholstery fabrics: $\pm 6,0 \%$	N/A
Colour fastness to washing	Domestic washing: ISO 105-C06 Commercial washing: ISO 15797 + ISO 105-C06 (at minimum of 75 °C)	$\geq$ level 3-4 for colour change $\geq$ level 3-4 for staining	N/A
Colour fastness to wet rubbing (*)	ISO 105 X12	$\geq$ level 2-3	$\geq$ level 2-3
Colour fastness to dry rubbing (*)	ISO 105 X12	$\geq$ level 4	$\geq$ level 4
Colour fastness to light	ISO 105 B02	$\geq$ level 5 (**)	$\geq$ level 5 (**)
Fabric resistance to pilling and abrasion	Knitted and non-woven products: ISO 12945-1 Woven fabrics: ISO 12945-2	ISO 12945-1 result > 3 ISO 12945-2 result > 3	ISO 12945-1 result > 3 ISO 12945-2 result > 3

(*) Does not apply to white products or products that are neither dyed nor printed.

(**) A level of 4 is nevertheless allowed when furniture covering fabrics are both light coloured (standard depth $< 1/12$) and made of more than 20 % wool or other keratin fibres, or more than 20 % linen or other bast fibres.

Table 9

Physical requirements for coated fabric covering materials in furniture upholstery

Property	Method	Requirement
Tensile strength	ISO 1421	CH ≥ 35 daN and TR ≥ 20 daN
Tear resistance of coated fabrics by the trouser tear method	ISO 13937/2	CH $\geq 2,5$ daN and TR ≥ 2 daN

Property	Method	Requirement
Colour fastness to artificial weathering — Xenon arc fading lamp test	EN ISO 105-B02	Indoor use ≥ 6 ; Outdoor use ≥ 7
Textiles — abrasion resistance by the Martindale method	ISO 5470/2	$\geq 75\ 000$
Determination of coating adhesion	EN 2411	CH $\geq 1,5$ daN and TR $\geq 1,5$ daN

Where: daN = deca Newtons, CH = Warp and TR = Weft

Assessment and verification: The applicant shall provide a declaration from the leather supplier, textile fabric supplier or coated fabric supplier, as appropriate, supported by relevant test reports, stating that the upholstery covering material meets the physical requirements for leather, textile fabrics or coated fabrics as specified in Appendix II, Table 8 or Table 9 respectively.

Textile-based materials that have been awarded the EU Ecolabel in accordance with Decision 2014/350/EU shall be considered compliant with this criterion, however a copy of the EU Ecolabel certificate must be provided.

6.2. Chemical testing requirements

This criterion applies to the upholstery covering materials in the final treated form that they are to be used in the furniture product. In addition to the general conditions on hazardous substances set out in criterion 2, the following restrictions listed in Table 10 shall specifically apply to upholstery covering materials:

Table 10

Chemical testing requirements for leather, textiles and coated fabric covering material

Chemical	Applicability	Limits (mg/kg)		Test method
Restricted arylamines from cleavage of azodyes (*)	Leather	≤ 30 for each amine (*)		EN ISO 17234-1
	Textiles and coated fabrics			EN ISO 14362-1 and EN ISO 14362-3
Chromium VI	Leather	< 3 (**)		EN ISO 17075
Free formaldehyde	Leather	≤ 20 (for children's furniture) (***) or ≤ 75 for other furniture		EN ISO 17226-1
	Textiles and coated fabrics			EN ISO 14184-1
Extractable heavy metals	Leather	Arsenic $\leq 1,0$	Antimony $\leq 30,0$	EN ISO 17072-1
		Chromium $\leq 200,0$	Cadmium $\leq 0,1$	
		Cobalt $\leq 4,0$	Copper $\leq 50,0$	
		Lead $\leq 1,0$	Mercury $\leq 0,02$	
		Nickel $\leq 1,0$		

Chemical	Applicability	Limits (mg/kg)		Test method
	Textiles and coated fabrics	Arsenic $\leq 1,0$	Antimony $\leq 30,0$ (****)	EN ISO 105 E04
		Chromium $\leq 2,0$	Cadmium $\leq 0,1$	
		Cobalt $\leq 4,0$	Copper $\leq 50,0$	
		Lead $\leq 1,0$	Mercury $\leq 0,02$	
		Nickel $\leq 1,0$		
Chlorophenols	Leather	Pentachlorophenol $\leq 0,1$ mg/kg Tetrachlorophenol $\leq 0,1$ mg/kg		EN ISO 17070
Alkylphenols	Leather, textiles and coated fabrics	Nonylphenol, mixed isomers (CAS No 25154-52-3); 4-Nonylphenol (CAS No 104-40-5) 4-Nonylphenol, branched (CAS No 84852-15-3) Octylphenol (CAS No 27193-28-8) 4-Octylphenol (CAS No 1806-26-4) 4-tert-Octylphenol (CAS No 140-66-9) Alkylphenolethoxylates (APEOs) and their derivatives: Polyoxyethylated octyl phenol (CAS No 9002-93-1) Polyoxyethylated nonyl phenol (CAS No 9016-45-9) Polyoxyethylated p-nonyl phenol (CAS No 26027-38-3) Sum Total limit value: ≤ 25 mg/kg — textiles or coated fabrics ≤ 100 mg/kg — leather		For leather: EN ISO 18218-2 (indirect method) For textiles and coated fabrics: EN ISO 18254 for alkylphenolethoxylates. For alkylphenols final product testing is to be carried out by solvent extraction followed by LC-MS or GC-MS
Polycyclic Aromatic Hydrocarbons	Textiles, coated fabrics or leather	PAHs restricted under Regulation (EC) No 1907/2006: Chrysene (CAS No 218-01-9) Benzo[a]anthracene (CAS No 56-55-3) Benzo[k]fluoranthene (CAS No 207-08-9) Benzo[a]pyrene (CAS No 50-32-8) Dibenzo[a,h]anthracene (CAS No 53-70-3) Benzo[j]fluoranthene (CAS No 205-82-3) Benzo[b]fluoranthene (CAS No 205-99-2) Benzo[e]pyrene (CAS No 192-97-2)		AfPS GS 2014:01 PAK

Chemical	Applicability	Limits (mg/kg)	Test method
		Individual limits for 8 PAHs listed above: $\leq 1 \text{ mg/kg}$ Additional PAHs subject to restriction: Naphthalene (CAS No 91-20-3) Acenaphthylene (CAS No 208-96-8) Acenaphthene (CAS No 83-32-9) Fluorene (CAS No 86-73-7) Phenanthrene (CAS No 85-1-8) Anthracene (CAS No 120-12-7) Fluoranthene (CAS No 206-44-0) Pyrene (CAS No 129-00-0) Indeno[1,2,3-c,d]pyrene (CAS No 193-39-5) Benzo[g,h,i]perylene (CAS No 191-24-2) Sum Total limit for 18 PAHs listed above: $\leq 10 \text{ mg/kg}$	
N,N-Dimethylacetamide (CAS No 127-19-5)	Elastane or acrylic-based textiles	Result $\leq 0,005 \text{ \% w/w}$ ($\leq 50 \text{ mg/kg}$)	Solvent extraction followed by GCMS or LCMS
Chloralkanes	Leather	C10-C13 (SCCP) chloralkanes not detectable C14-C17 (MCCP) chloralkanes $\leq 1\,000 \text{ mg/kg}$	EN ISO 18219

(*) A total of 22 arylamines listed in Entry 43 of Annex XVII to Regulation (EC) No 1907/2006 plus two other compounds (see Table 1 in Appendix III for a full listed of the arylamines to be tested). Limit of detection for EN ISO 17234-1 is 30 mg/kg.

(**) The detection limit for the EN ISO 17075 is generally assumed to be 3 mg/kg.

(***) Furniture designed specifically for babies and children less than 3 years old.

(****) If the tested textiles have been treated with ATO as a synergist, in accordance with the derogation conditions for ATO use in entry (c) of Table 2, then it shall be exempted from compliance with the leaching limit for antimony.

Assessment and verification: The applicant shall provide a declaration that the leather, textile fabric or coated fabric upholstery covering material complies with the limits specified in Table 10, supported by test reports.

Textile-based materials that have been awarded the EU Ecolabel in accordance with Decision 2014/350/EU shall be considered compliant with this criterion, however a copy of the EU Ecolabel certificate must be provided.

6.3. Restrictions during production processes

If the upholstery covering materials account for more than 1,0 % w/w of the total furniture product weight (excluding packaging), the supplier of the material shall comply with the restrictions specified in Table 11 on the use of hazardous substances during production.

Table 11

Restricted substances used in leather, textile and coated fabric production stages**1 — Hazardous substances used in different production stages****(a) Detergents, surfactants, softeners and complexing agents**

Applicability: To dyeing and finishing process stages in textile, leather or coated fabric production	All non-ionic and cationic detergents and surfactants must be ultimately biodegradable under anaerobic conditions. <i>Assessment and verification:</i> The applicant shall provide a declaration from the leather, textile or coated fabric producer, supported by a declaration from their chemical supplier(s) and by relevant SDSs and results of EN ISO 11734 or ECETOC No 28 OECD 311 tests. The latest revision of the Detergents Ingredients Database shall be used as a reference point for biodegradability and may, at the discretion of the competent body, be accepted as an alternative to providing test reports. http://ec.europa.eu/environment/ecolabel/documents/did_list/didlist_part_a_en.pdf Long chain perfluoroalkyl sulfonates ($\geq C6$) and perfluorocarboxylic acids ($\geq C8$) shall not be used in the production processes. <i>Assessment and verification:</i> The applicant shall provide a declaration from the leather, textile or coated fabric producer, supported by a declaration from their chemical supplier(s) and by relevant SDSs of the non-use of these substances for each production stage.
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(b) Auxiliaries (used in mixtures, formulations and adhesives)

Applicability: Dyeing and finishing operations for leather, textile or coated fabric production	The following substances shall not be used in any mixtures or formulations for dyeing and finishing of leather, textiles or coated fabrics: bis(hydrogenated tallow alkyl) dimethyl ammonium chloride (DTDMAC) distearyl dimethyl ammonium chloride (DSDMAC) di(hardened tallow) dimethyl ammonium chloride (DHTDMAC) ethylene diamine tetra acetate (EDTA), diethylene triamine penta acetate (DTPA) 4-(1,1,3,3-tetramethylbutyl)phenol Nitrilotriacetic acid (NTA) <i>Assessment and verification:</i> The applicant shall provide a declaration from the leather, textile or coated fabric supplier, supported by relevant SDSs, that these compounds have not been used in any dyeing and finishing operations for leather, textiles or coated fabrics.
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(c) Solvents

Applicability: Processing of leather, textile or coated fabric materials	The following substances shall not be used in any mixtures or formulations for the processing of leather, textile or coated fabric materials: 2-Methoxyethanol N,N-dimethylformamide 1-Methyl-2-pyrrolidone Bis(2-methoxyethyl) ether 4,4'- Diaminodiphenylmethane 1,2,3-trichloropropane 1,2-Dichloroethane (ethylene dichloride) 2-Ethoxyethanol
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	Benzene-1,4-diamine dihydrochloride Bis(2-methoxyethyl) ether Formamide N-methyl-2-pyrrolidone Trichloroethylene <i>Assessment and verification:</i> The applicant shall provide a declaration from the leather, textile or coated fabric producer, supported by relevant SDSs, that these solvents have not been used in any of the leather, textile or coated fabric production processes.
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2 — Dyes used in dyeing and printing processes

(i) Carriers used in dyeing process Applicability: Dyeing and printing processes	Where disperse dyes are used, halogenated dyeing accelerants (carriers) shall not be used (Examples of carriers include: 1,2-dichlorobenzene, 1,2,4-trichlorobenzene, chlorophenoxyethanol). <i>Assessment and verification:</i> The applicant shall provide a declaration, supported by declarations of leather, textile or coated fabric producers, their chemical supplier(s) and any relevant SDSs, that states the non-use of any halogenated carriers during the dyeing process of any leather, textiles or coated fabrics used in the furniture product.
(ii) Chrome mordant dyes Applicability: Dyeing and printing processes	Chrome mordant dyes shall not be used. <i>Assessment and verification:</i> The applicant shall provide a declaration, supported by declarations of leather, textile or coated fabric producers, their chemical supplier(s) and any relevant SDSs, that states the non-use of any chrome mordant dyes during the dyeing process of any leather, textiles or coated fabrics used in the furniture product.
(iii) Pigments Applicability: Dyeing and printing processes	Pigments based on cadmium, lead, chromium VI, mercury, arsenic and antimony shall not be used. <i>Assessment and verification:</i> The applicant shall provide a declaration, supported by declarations of leather, textile or coated fabric producers, their chemical supplier(s) and any relevant SDSs, that states the non-use of any pigments based on the mentioned heavy metals during dyeing or printing processes with any leather, textiles or coated fabrics used in the furniture product.

3 — Finishing processes

Fluorinated compounds Applicability: Upholstery covering materials with integrated water or stain repellent function	Fluorinated compounds shall not be impregnated into furniture upholstery covering material finishes in order to impart water, stain and oil repellent functions. This restriction includes perfluorinated and polyfluorinated substances. Non-fluorinated treatments using substances that are readily or inherently biodegradable or have a low potential to bioaccumulate in the aquatic environment shall be permitted. <i>Assessment and verification:</i> The applicant shall provide a declaration of compliance, supported by declarations from leather, textile or coated fabric producers, declarations from chemical supplier(s) and any relevant SDSs, that state non-use of fluorinated, perfluorinated or polyfluorinated substances in leather, textile or coated fabric finishing operations. In the absence of an acceptable declaration, the competent body may further request testing of the covering material according to the methods defined by CEN/TS 15968. For non-fluorinated treatments, readily or inherently biodegradability properties may be demonstrated by tests conducted according to the following methods: OECD 301 A, ISO 7827, OECD 301 B, ISO 9439, OECD 301 C, OECD 301 D, ISO 10708, OECD 301 E, OECD 301 F, ISO 9408.
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A low potential to bioaccumulate shall be demonstrated by tests that show an octanol-water partition coefficients (Log K_{ow}) of < 3,2 or Bioconcentration Factors (BCF) < 100.

With non-fluorinated treatments, the latest revision of the Detergents Ingredients Database shall be used as a reference point for biodegradability and may, at the discretion of the competent body, be accepted as an alternative to providing test reports.

http://ec.europa.eu/environment/ecolabel/documents/did_list/didlist_part_a_en.pdf

4 — Tannery effluent quality and specific water consumption

Applicability: Leather production process	(i) The COD value in wastewater from leather tanning sites, when discharged to surface waters after treatment (whether on-site or off-site), shall not exceed 200 mg/l. <i>Assessment and verification:</i> the applicant or material supplier, as appropriate, shall provide a declaration of compliance supported by detailed documentation and test reports in accordance with ISO 6060 showing compliance with this criterion on the basis of monthly averages for the six months preceding the application. The data shall demonstrate compliance of the production site or, if the effluent is treated off-site, of the wastewater treatment operator. (ii) Total chromium concentration in tannery wastewater after treatment shall not exceed 1,0 mg/l as specified in the Commission Implementing Decision 2013/84/EU ⁽¹⁾. <i>Assessment and verification:</i> the applicant or material supplier, as appropriate, shall provide a declaration of compliance supported by a test report using one of the following test methods: ISO 9174 or EN 1233 or EN ISO 11885 for chromium and showing compliance with this criterion on the basis of monthly averages for the six months preceding the application. The applicant shall provide a declaration of compliance with BAT 10, and either BAT 11 or 12, as appropriate, of Implementing Decision 2013/84/EU for the reduction of chromium content of wastewater discharges. (iii) Water consumption expressed as annual average volume of water consumed per tonne of raw hides and skins shall not exceed the limits given below:		
	<table border="1"> <tr> <td>Hides</td><td>28 m³/t</td></tr> </table>	Hides	28 m ³ /t
Hides	28 m ³ /t		
	<table border="1"> <tr> <td>Skins</td><td>45 m³/t</td></tr> </table>	Skins	45 m ³ /t
Skins	45 m ³ /t		
	<table border="1"> <tr> <td>Vegetable tanned leather</td><td>35 m³/t</td></tr> </table>	Vegetable tanned leather	35 m ³ /t
Vegetable tanned leather	35 m ³ /t		
	<table border="1"> <tr> <td>Pig skin</td><td>80 m³/t</td></tr> </table>	Pig skin	80 m ³ /t
Pig skin	80 m ³ /t		
	<table border="1"> <tr> <td>Sheepskins</td><td>180 l/skin</td></tr> </table>	Sheepskins	180 l/skin
Sheepskins	180 l/skin		
	<i>Assessment and verification:</i> the applicant shall provide a declaration of compliance from the leather supplier or leather manufacturing company, as appropriate. The declaration shall specify the annual amount of leather production and related water consumption based on the monthly average values of the last 12 months preceding the application, measured by the quantity of waste water discharged. If the leather production process is conducted in different geographical locations, the applicant or supplier of semi-finished leather shall provide documentation that specifies the quantity of water discharged (m³) for the quantity of semi-finished leather processed in tonnes (t) or number of skins for sheepskin, as appropriate, based on the monthly average values during the 12 months preceding the application.		

⁽¹⁾ Commission Implementing Decision 2013/84/EU of 11 February 2013 establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for the tanning of hides and skins (OJ L 45, 16.2.2013, p. 13).

Assessment and verification: The applicant shall compile all relevant declarations, SDSs and supporting test reports from leather, textile or coated fabric producers, or their suppliers, that are relevant to demonstrate compliance with the requirements for non-use of the hazardous substances listed in Table 11.

Upholstery covering materials made of textiles that have been awarded the EU Ecolabel in accordance with Decision 2014/350/EU shall be considered compliant with this criterion for non-use of the listed hazardous substances during production processes, however a copy of the EU Ecolabel certificate must be provided..

6.4. Cotton and other natural cellulosic seed fibres

Cotton that contains equal or greater than 70 % weight by weight of recycled content is exempted from the requirements of criterion 6.4.

Cotton and other natural cellulosic seed fibres (hereinafter referred to as cotton) that are not recycled fibres, shall contain a minimum content of either organic cotton (see criterion 6.4(a)) or integrated pest management (IPM) cotton (see criterion 6.4(b)).

Textiles that have been awarded the EU Ecolabel based on the ecological criteria established in Decision 2014/350/EU are considered to comply with criterion 6.4.

Assessment and verification: The applicant or material supplier, as appropriate, shall provide a declaration of compliance.

Where EU Ecolabel textiles are used, the applicant shall provide a copy of the EU Ecolabel certificate showing that it was awarded in accordance with Decision 2014/350/EU.

Where applicable, recycled content shall be traceable back to the reprocessing of the feedstock. This shall be verified by independent third party certification of the chain of custody or by documentation provided by feedstock suppliers and reprocessors.

6.4(a) Organic production standard

A minimum of 10 % weight by weight of the non-recycled cotton fibre used in upholstery materials shall be grown according to the requirements laid down in Council Regulation (EC) No 834/2007 ⁽¹⁾, the US National Organic Programme (NOP) or equivalent legal obligations set by trading partners of the EU. The organic cotton content may include organically grown cotton and transitional organic cotton.

Where the organic cotton is to be blended with conventional or IPM cotton, cotton shall be from non-genetically modified varieties.

Organic content claims may only be made when the organic content is a minimum of 95 %.

Assessment and verification: The applicant or material supplier, as appropriate, shall provide a declaration of compliance for the organic content supported by evidence certified by an independent control body to have been produced in conformity with the production and inspection requirements laid down in Regulation (EC) No 834/2007, the US National Organic Programme (NOP) or those set by other trading partners. Verification shall be provided for each country of origin.

The applicant or material supplier, as appropriate, shall demonstrate compliance with the minimum organic cotton content requirement based on the annual volume of cotton purchased to manufacture the final product(s) and according to each product line. Transaction records and/or invoices shall be provided that document the quantity of certified cotton purchased.

For conventional or IPM cotton that is used in blends with organic cotton, a screening test for common genetic modifications shall be accepted as a proof of compliance of the cotton variety.

⁽¹⁾ Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1).

6.4(b) Cotton production according to Integrated Pest Management (IPM) principles and restriction on pesticides

A minimum of 20 % weight by weight of the non-recycled cotton fibre used in upholstery materials shall be grown according to IPM principles as defined by the UN Food and Agricultural Organisation (FAO) IPM programme, or Integrated Crop Management (ICM) systems incorporating IPM principles.

IPM cotton destined for use in the final product shall be grown without the use of any of the following substances: aldicarb, aldrin, campheclor (toxaphene), captafol, chlordane, 2,4,5-T, chlordimeform, cypermethrin, DDT, dieldrin, dinoseb and its salts, endosulfan, endrin, heptachlor, hexachlorobenzene, hexachlorocyclohexane (total isomers), methamidophos, methylparathion, monocrotophos, neonicotinoids (clothianidine, imidacloprid, thiametoxam), parathion, pentachlorophenol.

Assessment and verification: The applicant or material supplier, as appropriate, shall provide a declaration of compliance with criterion 6.4(b), supported by evidence that at least 20 % weight by weight of the non-recycled cotton contained in the product has been grown by farmers that have participated in formal training programmes of the UN FAO or Government IPM and ICM programmes and/or that have been audited as part of third party certified IPM schemes. Verification shall either be provided on an annual basis for each country of origin or on the basis of certifications for all IPM cotton purchased to manufacture the product.

The applicant of material supplier, as appropriate, shall also declare that the IPM cotton was not grown using any of the substances listed in criterion 6.4(b). IPM certification schemes that exclude the use of listed substances shall be accepted as a proof of compliance.

Criterion 7 — Upholstery padding materials

7.1. *Latex foam*

7.1(a) Restricted substances

The concentrations in the latex foam of the substances listed below shall not exceed the limit values shown in Table 12.

Table 12

Restricted substances in latex foams used in furniture upholstery padding materials

Group of substances	Substance	Limit value (ppm)	Assessment and verification conditions
Chlorophenols	mono- and di-chlorinated phenols (salts and esters)	1	A
	Other chlorophenols	0,1	A
Heavy metal	As (Arsenic)	0,5	B
	Cd (Cadmium)	0,1	B
	Co (Cobalt)	0,5	B
	Cr (Chromium), total	1	B
	Cu (Copper)	2	B
	Hg (Mercury)	0,02	B
	Ni (Nickel)	1	B
	Pb (Lead)	0,5	B
	Sb (Antimony)	0,5	B

Group of substances	Substance	Limit value (ppm)	Assessment and verification conditions
Pesticides (only to be tested for foams composed of natural latex by at least 20 % by weight),	Aldrin	0,04	C
	o,p-DDE	0,04	C
	p,p-DDE	0,04	C
	o,p-DDD	0,04	C
	p,p-DDD	0,04	C
	o,p-DDT	0,04	C
	p,p-DDT	0,04	C
	Diazinone	0,04	C
	Dichlorfenthion	0,04	C
	Dichlorvos	0,04	C
	Dieldrin	0,04	C
	Endrin	0,04	C
	Heptachlor	0,04	C
	Heptachlorepoxyde	0,04	C
	Hexachlorobenzene	0,04	C
	Hexachlorocyclohexane	0,04	C
	α -Hexachlorocyclohexane	0,04	C
	β -Hexachlorocyclohexane	0,04	C
	γ -Hexachlorocyclohexane (Lindane)	0,04	C
	δ -Hexachlorocyclohexane	0,04	C
	Malathion	0,04	C
	Methoxychlor	0,04	C
	Mirex	0,04	C
	Parathion-ethyl	0,04	C
	Parathion-methyl	0,04	C
Other specific substances that are restricted	Butadiene	1	D

Assessment and verification: The applicant shall provide a declaration of compliance with criterion 7.1(a) and, if applicable, test reports according to the following methods:

- A. For chlorophenols the applicant shall provide a report presenting the results of the following test procedure. 5 g of sample shall be milled and chlorophenols shall be extracted in the form of phenol (PCP), sodium salt (SPP) or esters. The extracts shall be analysed by means of gas chromatography (GC). Detection shall be made with mass spectrometer or electron capture detector (ECD).

- B. For heavy metals the applicant shall provide a report presenting the results of the following test procedure. Milled sample material is eluted in accordance with DIN 38414-S4 or equivalent in a ratio of 1:10. The resultant filtrate shall be passed through a 0,45 µm membrane filter (if necessary by pressure filtration). The solution obtained shall be examined for the content of heavy metals by inductively coupled plasma optical emission spectrometry (ICP-OES), also known as inductively coupled plasma atomic emission spectrometry (ICP-AES), or by atomic absorption spectrometry using a hydride or cold vapour process.
- C. For pesticides the applicant shall provide a report presenting the results of the following test procedure. 2 g of sample is extracted in an ultrasonic bath with a hexane/dichloromethane mixture (85/15). The extract is cleaned up by acetonitrile agitation or by adsorption chromatography over florisil. Measurement and quantification are determined by gas chromatography with detection on an electron capture detector or by coupled gas chromatography/mass spectrometry. The testing on pesticides is requested for latex foams with a content of at least 20 % natural latex.
- D. For butadiene the applicant shall provide a report presenting the results of the following test procedure. Following milling and weighing of the latex foam, headspace sampling shall be performed. Butadiene content shall be determined by gas chromatography with detection by flame ionisation.

7.1(b) 24h VOC emissions

After 24 hours, the test chamber concentrations of the VOCs listed below shall not exceed the limit values shown in Table 13.

Table 13

VOC emission limits for latex foams

Substance	Limit value (mg/m ³)
1,1,1 — trichloroethane	0,2
4-Phenylcyclohexene	0,02
Carbon Disulphide	0,02
Formaldehyde	0,005
Nitrosamines (*)	0,0005
Styrene	0,01
Tetrachloroethylene	0,15
Toluene	0,1
Trichlorethylene	0,05
Vinyl chloride	0,0001
Vinyl cyclohexene	0,002
Aromatic hydrocarbons (total)	0,3
VOCs (total)	0,5

(*) N-nitrosodimethylamine (NDMA), N-nitrosodiethylamine (NDEA), N-nitrosomethylethylamine (NMEA), N-nitrosodi-i-propylamine (NDIPA), N-nitrosodi-n-propylamine (NDPA), N-nitrosodi-n-butylamine (NDBA), N-nitrosopyrrolidinone (NPYR), N-nitrosopiperidine (NPIP), N-nitrosomorpholine (NMOR).

Assessment and verification: The applicant shall provide a declaration of compliance with criterion 7.1(b) which, if applicable, shall be supported by a test report presenting the results of chamber test analysis in accordance with ISO 16000-9.

The wrapped sample shall be stored at room temperature at least for 24 hours. After this period the sample shall be unwrapped and immediately transferred into the test chamber. The sample shall be placed on a sample holder, which allows air access from all sides. The climatic factors shall be adjusted according to ISO 16000-9. For comparison of test results, the area specific ventilation rate ($q = n/l$) shall be 1. The ventilation rate shall be between 0,5 and 1. The air sampling shall be done 24 ± 1 h after loading of the chamber during 1 hour on DNPH cartridges for the analysis of formaldehyde and other aldehydes and on Tenax TA for the analysis of other volatile organic compounds. Sampling duration for other compounds may be longer but shall be completed before 30 hours.

The analysis of formaldehyde and other aldehydes shall comply with the standard ISO 16000-3. Unless specified differently, the analysis of other volatile organic compounds shall comply with the standard ISO 16000-6.

Testing following the standard CEN/TS 16516 shall be considered as equivalent to those of the ISO 16000 series of standards.

The analysis of nitrosamines shall be done by means of gas chromatography in combination with a thermal energy analysis detector (GC-TEA), in accordance with the BGI 505-23 method (formerly: ZH 1/120.23) or equivalent.

7.2. Polyurethane (PUR) foam

7.2(a) Restricted substances and mixtures

The concentrations in the PUR foam of the substances and mixtures listed below shall not exceed the limit values shown in Table 14.

Table 14

List of restricted substances and mixtures in PUR

Substance group	Substance (acronym, CAS number, element symbol)	Limit value	Method
Biocidal products		Not added intentionally	A
Flame retardants		Not added (unless in compliance with conditions in Table 2 entries (b) and (c))	A
Heavy Metals	As (Arsenic)	0,2 ppm	B
	Cd (Cadmium)	0,1 ppm	B
	Co (Cobalt)	0,5 ppm	B
	Cr (Chromium), total	1,0 ppm	B
	Cr VI (Chromium VI)	0,01 ppm	B
	Cu (Copper)	2,0 ppm	B
	Hg (Mercury)	0,02 ppm	B
	Ni (Nickel)	1,0 ppm	B
	Pb (Lead)	0,2 ppm	B
	Sb (Antimony)	0,5 ppm	B
	Se (Selenium)	0,5 ppm	B

Substance group	Substance (acronym, CAS number, element symbol)	Limit value	Method
Plasticizers	Dibutylphthalate (DBP, 84-74-2) (*)	0,01 % w/w (sum of all 6 phthalates in furniture for children less than 3 years old)	C
	Di-n-octylphthalate (DNOP, 117-84-0) (*)		
	Di (2-ethylhexyl)-phthalate (DEHP, 117-81-7) (*)		
	Butylbenzylphthalate (BBP, 85-68-7) (*)		
	Di-iso-decylphthalate (DIDP, 26761-40-0)		
	Di-iso-nonylphthalate (DINP, 28553-12-0)		
	ECHA Candidate List (**) phthalates	Not added intentionally	A
TDA and MDA	2,4 Toluenediamine (2,4-TDA, 95-80-7)	5,0 ppm	D
	4,4'-Diaminodiphenylmethane (4,4'-MDA, 101-77-9)	5,0 ppm	D
Tinorganic substances	Tributyltin (TBT)	50 ppb	E
	Dibutyltin (DBT)	100 ppb	E
	Monobutyltin (MBT)	100 ppb	E
	Tetrabutyltin (TeBT)	—	—
	Monooctyltin (MOT)	—	—
	Diocetyl tin (DOT)	—	—
	Tricyclohexyltin (TcyT)	—	—
	Triphenyltin (TPhT)	—	—
	Sum	500 ppb	E
Other specific substances that are restricted	Chlorinated or brominated dioxins or furans	Not added intentionally	A
	Chlorinated hydrocarbons: (1,1,2,2-Tetrachloroethane, Pentachloroethane, 1,1,2-Trichloroethane, 1,1-Dichloroethylene)	Not added intentionally	A
	Chlorinated phenols (PCP, TeCP, 87-86-5)	Not added intentionally	A
	Hexachlorocyclohexane (58-89-9)	Not added intentionally	A
	Monomethyldibromo-Diphenylmethane (99688-47-8)	Not added intentionally	A
	Monomethyldichloro-Diphenylmethane (81161-70-8)	Not added intentionally	A
	Nitrites	Not added intentionally	A
	Polybrominated Biphenyls (PBB, 59536-65-1)	Not added intentionally	A
	Pentabromodiphenyl Ether (PeBDE, 32534-81-9)	Not added intentionally	A

Substance group	Substance (acronym, CAS number, element symbol)	Limit value	Method
	Octabromodiphenyl Ether (OBDE, 32536-52-0)	Not added intentionally	A
	Polychlorinated Biphenyls (PCB, 1336-36-3)	Not added intentionally	A
	Polychlorinated Terphenyls (PCT, 61788-33-8)	Not added intentionally	A
	Tris(2,3-dibromopropyl) phosphate (TRIS, 126-72-7)	Not added intentionally	A
	Trimethylphosphate (512-56-1)	Not added intentionally	A
	Tris-(aziridinyl)-phosphin oxide (TEPA, 545-55-1)	Not added intentionally	A
	Tris(2-chloroethyl)-phosphate (TCEP, 115-96-8)	Not added intentionally	A
	Dimethyl methylphosphonate (DMMP, 756-79-6)	Not added intentionally	A

(*) 0,01 % w/w (sum of 4 phthalates in all other furniture products)

(**) With reference to the latest version of the ECHA Candidate List at the time of application.

Assessment and verification: The applicant shall provide a declaration of compliance with criterion 7.2(a). Where testing is required, the applicant shall provide the test results and demonstrating compliance with the limits in Table 14. For methods B, C, D and E where analysis is required, 6 composite samples shall be taken from a maximum depth of up to 2 cm from the surface faces of the material sent to the relevant laboratory.

- A. For biocidal products, phthalates and other specific substances that are restricted the applicant shall provide a declaration supported by declarations from suppliers of the foam confirming that they have not been added intentionally to the foam formulation.
- B. For heavy metals the applicant shall provide a report presenting the results of the following test procedure. Milled sample material is eluted in accordance with DIN 38414-S4 or equivalent in a ratio of 1:10. The resultant filtrate shall be passed through a 0,45 µm membrane filter (if necessary by pressure filtration). The solution obtained shall be examined for the content of heavy metals by atomic emission spectrometry with inductively coupled plasma (ICP-AES or ICP-OES) or by atomic absorption spectrometry using a hydride or cold vapour process.
- C. For the total amount of plasticizers the applicant shall provide a report presenting the results of the following test procedure. Extraction shall be performed using a validated method such as the subsonic extraction of 0,3 g of sample in a vial with 9 ml of t-Butylmethylether during 1 hour followed by the determination of phthalates by GC using a single ion monitoring mass selective detector (SIM Modus).
- D. For TDA and MDA the applicant shall provide a report presenting the results of the following test procedure. Extraction of a 0,5 g composite sample in a 5 ml syringe shall be performed with 2,5 ml of 1 % aqueous acetic acid solution. The syringe is squeezed and the liquid returned to the syringe. After repeating this operation 20 times, the final extract is kept for analysis. A new 2,5 ml of 1 % aqueous acetic acid is then added to the syringe and another 20 cycles repeated. After this, the extract is combined with the first extract and diluted to 10 ml in a volumetric flask with acetic acid. The extracts shall be analysed by high-performance liquid chromatography (HPLC-UV) or HPLC-MS. If HPLC-UV is performed and interference is suspected, reanalysis with high performance liquid chromatography-mass spectrometry (HPLC-MS) shall be performed.

- E. For tinorganic substances the applicant shall provide a report presenting the results of the following test procedure. A composite sample of 1-2 g weight shall be mixed with at least 30 ml of extracting agent during 1 hour in an ultrasonic bath at room temperature. The extracting agent shall be a mixture composed as it follows: 1 750 ml methanol + 300 ml acetic acid + 250 ml buffer (pH 4,5). The buffer shall be a solution of 164 g of sodium acetate in 1 200 ml of water and 165 ml acetic acid, to be diluted with water to a volume of 2 000 ml. After extraction the alkyl tin species shall be derivatised by adding 100 µl of sodium tetraethylborate in tetrahydrofuran (THF) (200 mg/ml THF). The derivative shall be extracted with n-hexane and the sample shall be submitted to a second extraction procedure. Both hexane extracts shall be combined and further used to determine the organotin compounds by gas chromatography with mass selective detection in SIM modus.

7.2(b) 72h VOC emissions

After 72 hours, the test chamber concentrations of the substances listed below shall not exceed the limit values shown in Table 15.

Table 15

72-hour VOC emission limits for PUR foams

Substance (CAS number)	Limit value (mg/m ³)
Formaldehyde (50-00-0)	0,005
Toluene (108-88-3)	0,1
Styrene (100-42-5)	0,005
Each detectable compound classified as categories C1A or C1B according to Regulation (EC) No 1272/2008	0,005
Sum of all detectable compound classified as categories C1A or C1B according to Regulation (EC) No 1272/2008	0,04
Aromatic hydrocarbons	0,5
VOCs (total)	0,5

Assessment and verification: The applicant shall provide a declaration of compliance with criterion 7.2(b). If applicable, the declaration shall be supported by test results that show compliance with the limits stated in Table 15. The test sample/chamber combination shall be either:

1 sample of 25 × 20 × 15 cm dimensions is placed in a 0,5 m³ test chamber or

2 samples of 25 × 20 × 15 cm dimensions are placed in a 1,0 m³ test chamber.

The foam sample shall be placed on the bottom of an emission test chamber and conditioned for 3 days at 23 °C and 50 % relative humidity, applying an air exchange rate n of 0,5 per hour and a chamber loading L of 0,4 m²/m³ (= total exposed surface of sample in relation to chamber dimensions without sealing edges and back) in accordance with ISO 16000-9 and ISO 16000-11.

Sampling shall be done 72 ± 2 h after loading of the chamber during 1 hour via Tenax TA and DNPH cartridges for VOC and formaldehyde analysis respectively. The emissions of VOC are being trapped on Tenax TA sorbent tubes and subsequently analysed by means of thermo-desorption-GC-MS in accordance to ISO 16000-6.

Results are semi-quantitatively expressed as toluene equivalents. All specified individual analytes are reported from a concentration limit $\geq 1 \mu\text{g}/\text{m}^3$. Total VOC value is the sum of all analytes with a concentration $\geq 1 \mu\text{g}/\text{m}^3$ and eluting within the retention time window from n-hexane (C6) to n-hexadecane (C16), both included. The sum of all detectable compounds classified as categories C1A or C1B according to Regulation (EC) No 1272/2008 is the sum of all these substances with a concentration $\geq 1 \mu\text{g}/\text{m}^3$. In case the test results exceed the standard limits, substance specific quantification needs to be performed. Formaldehyde can be determined by collection of the sampled air onto DNPH cartridge and subsequent analysis by HPLC/UV in accordance to ISO 16000-3.

Testing following the standard CEN/TS 16516 shall be considered as equivalent to those of the ISO 16000 series of standards.

7.2(c) Blowing agents

Halogenated organic compounds shall not be used as blowing agents or as auxiliary blowing agents.

Assessment and verification: The applicant shall provide a declaration of non-use from the manufacturer of the foam.

7.3. Other padding materials

Other materials may be permitted to be used as padding in furniture upholstery if the following conditions are met:

- General requirements for hazardous substances set out in criterion 2 are respected.
- Halogenated organic compounds are not used as blowing agents or as auxiliary blowing agents.
- Feathers or down are not be used as padding/filling material either alone or in blends.
- If the padding/filling material uses coconut fibre rubberised using latex, compliance with criterion 7.1(a) and 7.1(b) is demonstrated.

Assessment and verification: The applicant shall provide a declaration of compliance stating:

- (i) The nature of the padding/filling material used and any other blended materials;
- (ii) That the material does not contain any SVHCs or other hazardous substances that are not specifically derogated in Table 2.
- (iii) That halogenated organic compounds have not been used as blowing agents or as auxiliary blowing agents.
- (iv) That down or animal feathers have not been used in the filling/padding material, either alone or in blends.
- (v) If coconut fibres have been rubberised with latex, then compliance with criterion 7.1 for restricted substances and VOC emissions shall be demonstrated.

Criterion 8 — Glass: use of heavy metals

This criterion applies to any glass-material included in the final furniture product regardless of the weight fraction it presents.

Any glass used in the furniture product shall comply with the following conditions:

- Not contain leaded glass.
- Not contain lead, mercury or cadmium impurities at levels exceeding 100 mg/kg per metal.
- For mirror glass, any paints, primers or varnishes used on the mirror backing shall have a lead content less than 2 000 mg/kg of the in-can substance. Coatings shall be applied using the 'tin process' instead of the 'copper process'.

Assessment and verification:

- (i) The applicant shall provide a declaration from the glass supplier stating that no leaded glass is present in the final furniture product. In the absence of a suitable declaration, the competent body may request analysis of glass in the final furniture product via a non-destructive method using a portable X-Ray Fluorescence instrument.
- (ii) The applicant shall provide a declaration from the glass supplier stating that the glass present in the furniture product does not contain lead, mercury or cadmium impurities at levels exceeding 100 mg/kg (0,01 % w/w). In the absence of a suitable declaration, the competent body may request testing of these metals in the glass by X-Ray Fluorescence according to the principles of the ASTM F2853-10 standard or equivalent.
- (iii) The applicant shall provide a declaration from the mirror supplier that all paint, primer and varnish formulations used on any mirror backing contains less than 2 000 mg/kg lead (0,2 % w/w). The declaration shall be supported by a relevant SDS or similar documentation. A further declaration from the mirror glass supplier shall be provided stating that the backing has been applied using the 'tin process' and not the 'copper process'.

Criterion 9 — Final product requirements**9.1. Fitness for use**

EU Ecolabel furniture shall be considered as fit for use if it complies with the requirements set out in the latest versions of any relevant EN standards listed in Appendix IV that relate to the durability, dimensional requirements, safety and strength of the product.

Assessment and verification: The applicant shall provide a declaration stating which (if any) standards in Appendix IV apply to the product and then provide a declaration of compliance with any relevant EN standards, supported by test reports from either the furniture manufacturer or component part/material suppliers, as appropriate.

9.2. Extended product guarantee

The applicant shall provide at no additional cost a minimum of a five year guarantee effective from the date of delivery of the product. This guarantee shall be provided without prejudice to the legal obligations of the manufacturer and seller under national law.

Assessment and verification: The applicant shall provide a declaration of compliance and indicate the terms and conditions of the extended product guarantee that are provided in consumer information documentation and that meet the minimum requirements set out in this criterion.

9.3. Provision of spare parts

The furniture manufacturer shall make spare parts available to customers for a period of at least 5 years from the date of delivery of the product. The cost (if any) of spare parts shall be proportional to the total cost of the furniture product. Contact details that shall be used in order to arrange the delivery of spare parts shall be provided.

Assessment and verification: The applicant shall provide a declaration that spare parts shall be available for a period of at least 5 years from the date of delivery of the product. The parts shall be available for free during the guarantee period if the goods are found to be faulty during normal use or at a proportionate cost if the goods were damaged by misuse. Contact information shall be included in consumer information.

9.4. Design for disassembly

For furniture consisting of multiple component parts/materials, the product shall be designed for disassembly with a view to facilitating repair, reuse and recycling. Simple and illustrated instructions regarding the disassembly and replacement of damaged component parts/materials shall be provided. Disassembly and replacement operations shall be capable of being carried out using common and basic manual tools and unskilled labour.

Assessment and verification: The applicant shall provide technical drawings that illustrate how the furniture item can be assembled/disassembled using basic tools and unskilled labour. In the case of upholstery, such disassembly may include the use of zip fastenings and velcro to attach/detach sofa cushions from the frame and interior padding from covering materials. If necessary, provision must be made for screw fittings that go directly into wood-based panels so that the screw can be re-inserted during reassembly at a different point than where it was removed from during disassembly.

9.5. VOC emissions

If the furniture product contains any of the component parts/materials listed below, VOC emission testing shall be required:

- Upholstery coverings made of leather;
- Upholstery coverings made of coated fabrics;
- Any component parts that account for more than 5 % of the total furniture product weight (excluding packaging) and that have been treated with high VOC content (higher than 5 %) coating formulations that have been applied at rates greater than 30 g/m² of coated surface area or whose application rates have not been calculated.

Packaging and delivery of samples sent for testing, their handling and conditioning, test chamber requirements and gas analysis methods shall follow the procedures described in the ISO 16000 set of standards.

Testing may be carried out on the entire furniture product (see conditions and limits in Table 16) or in smaller test chambers specifically for the component parts/materials listed above (see conditions and limits in Table 17).

VOC emissions shall not exceed the limit values given in Table 16 and Table 17.

Table 16

Maximum VOC emission limit values for specific furniture products

Test parameter	Armchairs and Sofas		Office chairs		Other furniture items
Chamber volume	In the range of 2-10 m ³				
Loading rate	Product shall occupy approximately 25 % of chamber volume				(*) 0,5-1,5 m ² /m ³
Ventilation rate	4,0 m ³ /h		2,0 m ³ /h		(*) 0,5-1,5 h ⁻¹
Substance	3d	28d	3d	28d	28d
Formaldehyde	—	60 µg/m ³	—	60 µg/m ³	60 µg/m ³
TVOC (*)	≤ 3 000 µg/m ³	≤ 400 µg/m ³	—	≤ 450 µg/m ³	≤ 450 µg/m ³
TSVOC	—	≤ 100 µg/m ³	—	≤ 80 µg/m ³	≤ 80 µg/m ³

Test parameter	Armchairs and Sofas		Office chairs		Other furniture items
C-substances ⁽¹⁾	$\leq 10 \mu\text{g}/\text{m}^3$ (total limit)	$\leq 1 \mu\text{g}/\text{m}^3$ (per substance)	$\leq 10 \mu\text{g}/\text{m}^3$ (total limit)	$\leq 1 \mu\text{g}/\text{m}^3$ (per substance)	$\leq 1 \mu\text{g}/\text{m}^3$ (per substance)
R-value for LCI substances ⁽²⁾	—	≤ 1	—	≤ 1	≤ 1

(*) Although there is scope to vary the loading rate and ventilation rate for other furniture items, the ratio between the loading rate (m^2/m^3) and the ventilation rate (h^{-1}) shall be maintained at 1,0.

(1) Formaldehyde is excluded from consideration within cumulative carcinogenic VOC emission calculations and instead has its own individual limit.

(2) R value = total of all quotients (C_i/LCI_i) < 1 (where C_i = substance concentration in the chamber air, LCI_i = LCI value of the substance as defined by the latest data defined under the European Collaborative Action 'Urban air, indoor environment and human exposure'.

Table 17

Maximum VOC emission limit values for targeted furniture materials/parts

Test parameter	Coated component parts		Leather or coated fabric upholstery covering materials	
Minimum allowed chamber volume	200 L for wood-based component parts 20 L for other component parts		20 L	
Ventilation rate	$0,5 \text{ h}^{-1}$		$1,5 \text{ m}^3/\text{m}^2\cdot\text{h}$	
Substance	3d	28d	3d	28d
Formaldehyde	—	$60 \mu\text{g}/\text{m}^3$	—	$60 \mu\text{g}/\text{m}^3$
TVOC	$\leq 3\,000 \mu\text{g}/\text{m}^3$	$\leq 400 \mu\text{g}/\text{m}^3$	—	$\leq 450 \mu\text{g}/\text{m}^3$
TSVOC	—	$\leq 100 \mu\text{g}/\text{m}^3$	—	$\leq 80 \mu\text{g}/\text{m}^3$
C-substances ⁽¹⁾	$\leq 10 \mu\text{g}/\text{m}^3$ (total limit)	$\leq 1 \mu\text{g}/\text{m}^3$ (per substance)	$\leq 10 \mu\text{g}/\text{m}^3$ (total limit)	$\leq 1 \mu\text{g}/\text{m}^3$ (per substance)
R-value for LCI substances ⁽²⁾	—	≤ 1	—	≤ 1

(1) Formaldehyde is excluded from consideration within cumulative carcinogenic VOC emission calculations and instead has its own individual limit.

(2) R value = total of all quotients (C_i/LCI_i) < 1 (where C_i = substance concentration in the chamber air, LCI_i = LCI value of the substance as defined by the latest data defined under the European Collaborative Action 'Urban air, indoor environment and human exposure'.

Assessment and verification: Where the furniture product is deemed to require final product VOC emission testing, the applicant shall provide a declaration of compliance, supported by a test report from chamber tests carried according to the ISO 16000 series of standards. Tests carried out according to CEN/TS 16516 shall be considered as equivalent to ISO 16000. If the chamber concentration limits specified at 28 days can be met 3 days after placing the sample in the chamber, or any other time period between 3 and 27 days after placing the sample in the chamber, then the compliance with the requirements can be declared and the test may be stopped prematurely.

Test data from up to 12 months prior to the EU Ecolabel application shall be valid for products or component parts/materials so long as no changes to the manufacturing process or chemical formulations used have been made that would be considered to increase VOC emissions from the final product or relevant component parts/materials.

Test data demonstrating compliance with the limits in Table 17 for relevant component parts/materials that is provided directly by suppliers shall also be accepted if they are accompanied by a declaration from that supplier.

Criterion 10 — Consumer Information

A single consumer information document shall be provided with the product which includes information in the language of the country where the product is placed on the market, relating to the following aspects:

- A product description as per the requirements of criterion 1.
- A detailed description of the best ways to dispose of the product (i.e. reuse, take-back initiative by the applicant, recycling, energy recovery) shall be given to the consumer, ranking them according to their impact on the environment.
- Information about the polymer types of any plastic component parts with a weight greater than 100 g that were not marked in accordance with the requirements of criterion 4.1.
- A declaration that the designation, description, label or marking of leather are used in accordance with the requirements established in EN 15987 and EN 16223.
- A clear statement under what conditions the furniture product should be used. For example indoors, outdoors, temperature ranges, load bearing capacities and how to correctly clean the product.
- Information regarding the type of glass used, any safety information, its suitability for contact with hard materials such as glass, metal or stone and information regarding the correct disposal of the glass, for example its compatibility or non-compatibility with post-consumer container glass.
- A declaration of compliance with relevant fire safety regulations in the country of sale for upholstered furniture, details regarding which flame retardants have been used (if any) and in what materials (if any).
- A declaration of the non-use of biocidal products in order to provide a final disinfective effect in any furniture that is clearly marketed for indoor use and with outdoor furniture, a declaration of which active substances of biocidal products have been used (if any) and in what materials (if any).
- A statement of compliance with any relevant EN standards as referred to in criterion 9.1 and Appendix IV.
- Relevant information regarding the terms and conditions of the product guarantee as per the requirements of criterion 9.2.
- Relevant contact information regarding provision of spare parts as per the requirements of criterion 9.3.
- Well illustrated assembly and disassembly instructions as per the requirements of criterion 9.4.

Assessment and verification: The applicant shall provide a copy of the consumer information document that is to be provided with the product that shows compliance with each of the points listed in the criterion, as appropriate.

Criterion 11 — Information appearing on the EU Ecolabel

If the optional label with text box is used, it shall contain, where relevant, three of the following statements:

- Wood, cork, bamboo and rattan from sustainably managed forests
- Recycled content (wood or plastic, if applicable)
- Restricted hazardous substances

- Not treated with biocidal products (if applicable)
- Not treated with flame retardants (if applicable)
- Low formaldehyde emission product
- Low VOC emission product
- Product designed for disassembly and ease of repair
- Where cotton-based textile materials have been used in furniture upholstery using organic or IPM cotton, text may be displayed in box 2 of the EU Ecolabel as follows:

Table 18

Information that may appear alongside the EU Ecolabel relating to cotton in textiles

Production specification	Text that may be displayed
Organic content of more than 95 % IPM content of more than 70 %	Textiles made with organic cotton Cotton grown with reduced use of pesticides

The guidelines for the use of the optional label with the text box can be found in the 'Guidelines for the use of the EU Ecolabel logo' on the website:

http://ec.europa.eu/environment/ecolabel/documents/logo_guidelines.pdf

Assessment and verification: The applicant shall provide a declaration of compliance with this criterion.

Appendix I

GUIDANCE FOR CALCULATING VOC USED IN SURFACE COATINGS

The calculation method requires the following information:

- Total coated surface area of final assembled product
- The VOC content of the coating compound (in g/L).
- The volume of coating compound present before the coating operation.
- The number of identical units processed during the coating operation.
- The volume of coating compound remaining after the coating operation.

An example calculation is as follows:

Total coated surface area of final assembled product	= 1,5 m ² .
The VOC content of the coating compound (in g/L)	= 120 g/L.
The volume ⁽¹⁾ of coating compound present before coating operation	= 18,5 L.
The number of identical units processed during the coating operation	= 4.
The volume ⁽¹⁾ of coating compound remaining after coating operation	= 12,5 L

Total area coated	= 4 × 1,5 m ²	= 6 m ² .
Total volume of coating compound used	= 18,5 — 12,5	= 6 L.
Total VOC applied to surface	= 3,9 L × 120 g/L	= 468 g
Total VOC applied per m ²	= 468 g/6 m ²	= 78 g/m ² .

Where more than one coating compound is applied, such as primers or finishing coats, the volumetric consumption and VOC contents shall also be calculated and added together.

Options to lower the total quantity of VOCs content used in coating operations include using more efficient techniques. Indicative efficiencies of different coating techniques are shown below.

Table

Indicative efficiency factors for coating techniques:

Coating technique	Effectiveness (%)	Efficiency factor
Spraying device without recycling	50	0,5
Electrostatic spraying	65	0,65
Spraying device with recycling	70	0,7
Spraying bell/disk	80	0,8

⁽¹⁾ Note that weight measurements can be used instead of volume so long as the density of the coating compound is known and accounted for in the calculation.

Coating technique	Effectiveness (%)	Efficiency factor
Roller varnishing	95	0,95
Blanket varnishing	95	0,95
Vacuum varnishing	95	0,95
Dipping	95	0,95
Rinsing	95	0,95

EN 13336 REQUIREMENTS FOR FURNITURE LEATHER

Table

Physical requirements of leather used in EU Ecolabel furniture (as per EN 13336)

Fundamental characteristics	Test method		Recommended values		
			Nubuck, Suede and Aniline (*)	Semi-aniline (*)	Coated, pigmented and other (*)
pH and ΔpH	EN ISO 4045		≥ 3,5 (if the pH is < 4,0, ΔpH shall be ≤ 0,7		
Tear load, average value	EN ISO 3377-1		> 20 N		
Colour fastness to to-and-fro rubbing	EN ISO 11640. Total mass of finger 1 000 g. Perspiration alkaline solution as defined in EN ISO 11641.	Aspects to be evaluated	Change of leather colour and felt staining	Change of leather colour and felt staining No destruction of finish	
		using dry felt	50 cycles, ≥ 3 grey scale	500 cycles, ≥ 4 grey scale	
		using wet felt	20 cycles, ≥ 3 grey scale	80 cycles, ≥ 3/4 grey scale	250 cycles, ≥ 3/4 grey scale
		using felt wetted with artificial perspiration	20 cycles, ≥ 3 grey scale	50 cycles, ≥ 3/4 grey scale	80 cycles, ≥ 3/4 grey scale
Colour fastness to artificial light	EN ISO 105-B02 (method 3)		≥ 3 blue scale	≥ 4 blue scale	≥ 5 blue scale
Dry finish adhesion	EN ISO 11644		—	≥ 2 N/10 mm	
Dry flex resistance	EN ISO 5402-1		For aniline leather with non- pigmented finish only, 20 000 cycles (no finish damage cracks)	50 000 cycles (no finish dam- age cracks)	50 000 cycles (no finish damage cracks)
Colour fastness to water spotting	EN ISO 15700		≥ 3 grey scale (no permanent swelling)		
Cold crack resistance of finish	EN ISO 17233		—	– 15 °C (no finish crack)	
Fire resistance	EN 1021 or relevant national standards		Pass		

(*) Definitions of these leather types are according to EN 15987.

Appendix III

PROHIBITED ARYLAMINE COMPOUNDS IN FINAL LEATHER, TEXTILE AND COATED FABRIC MATERIALS

Included here are the substances listed in Entry 43 of Annex XVII to Regulation (EC) No 1907/2006 that shall be tested for in any dyed leather (using the EN 17234 standard) or textiles (using the EN 14362-1 and -3 standards).

Table 1

Carcinogenic arylamines to be tested in textiles or leather.

Aryl amine	CAS Number	Aryl amine	CAS Number
4-aminodiphenyl	92-67-1	4,4'-oxydianiline	101-80-4
Benzidine	92-87-5	4,4'-thiodianiline	139-65-1
4-chloro-o-toluidine	95-69-2	o-toluidine	95-53-4
2-naphtylamine	91-59-8	2,4-diaminotoluene	95-80-7
o-amino-azotoluene	97-56-3	2,4,5-trimethylaniline	137-17-7
2-amino-4-nitrotoluene	99-55-8	4-aminoazobenzene	60-09-3
4-chloroaniline	106-47-8	o-anisidine	90-04-0
2,4-diaminoanisol	615-05-4	2,4-Xylidine	95-68-1
4,4'-diaminodiphenylmethane	101-77-9	2,6-Xylidine	87-62-7
3,3'-dichlorobenzidine	91-94-1	p-cresidine	120-71-8
3,3'-dimethoxybenzidine	119-90-4	3,3'-dimethylbenzidine	119-93-7
3,3'-dimethyl-4,4'-diaminodiphenylmethane	838-88-0	4,4'-methylene-bis-(2-chloro-aniline)	101-14-4

A number of other dye compounds, which are not directly restricted by Entry 43 of Annex XVII to Regulation (EC) No 1907/2006, are known to cleave during processing to form some of the prohibited substances listed in Table 1. In order to greatly reduce uncertainty about compliance with the established limit of 30 mg/kg for the substances listed in Table 1, manufacturers are recommended, but not obliged, to avoid the use of the dyes listed in Table 2.

Table 2

Indicative list of dyes that may cleave to form carcinogenic arylamines

Disperse dyes		Basic dyes	
Disperse Orange 60	Disperse Yellow 7	Basic Brown 4	Basic Red 114
Disperse Orange 149	Disperse Yellow 23	Basic Red 42	Basic Yellow 82
Disperse Red 151	Disperse Yellow 56	Basic Red 76	Basic Yellow 103
Disperse Red 221	Disperse Yellow 218	Basic Red 111	

Disperse dyes		Basic dyes	
Acid dyes			
CI Acid Black 29	CI Acid Red 4	CI Acid Red 85	CI Acid Red 148
CI Acid Black 94	CI Acid Red 5	CI Acid Red 104	CI Acid Red 150
CI Acid Black 131	CI Acid Red 8	CI Acid Red 114	CI Acid Red 158
CI Acid Black 132	CI Acid Red 24	CI Acid Red 115	CI Acid Red 167
CI Acid Black 209	CI Acid Red 26	CI Acid Red 116	CI Acid Red 170
CI Acid Black 232	CI Acid Red 26:1	CI Acid Red 119:1	CI Acid Red 264
CI Acid Brown 415	CI Acid Red 26:2	CI Acid Red 128	CI Acid Red 265
CI Acid Orange 17	CI Acid Red 35	CI Acid Red 115	CI Acid Red 420
CI Acid Orange 24	CI Acid Red 48	CI Acid Red 128	CI Acid Violet 12
CI Acid Orange 45	CI Acid Red 73	CI Acid Red 135	
Direct dyes			
Direct Black 4	Direct Blue 192	Direct Brown 223	Direct Red 28
Direct Black 29	Direct Blue 201	Direct Green 1	Direct Red 37
Direct Black 38	Direct Blue 215	Direct Green 6	Direct Red 39
Direct Black 154	Direct Blue 295	Direct Green 8	Direct Red 44
Direct Blue 1	Direct Blue 306	Direct Green 8.1	Direct Red 46
Direct Blue 2	Direct Brown 1	Direct Green 85	Direct Red 62
Direct Blue 3	Direct Brown 1:2	Direct Orange 1	Direct Red 67
Direct Blue 6	Direct Brown 2	Direct Orange 6	Direct Red 72
Direct Blue 8	Basic Brown 4	Direct Orange 7	Direct Red 126
Direct Blue 9	Direct Brown 6	Direct Orange 8	Direct Red 168
Direct Blue 10	Direct Brown 25	Direct Orange 10	Direct Red 216
Direct Blue 14	Direct Brown 27	Direct Orange 108	Direct Red 264
Direct Blue 15	Direct Brown 31	Direct Red 1	Direct Violet 1
Direct Blue 21	Direct Brown 33	Direct Red 2	Direct Violet 4
Direct Blue 22	Direct Brown 51	Direct Red 7	Direct Violet 12
Direct Blue 25	Direct Brown 59	Direct Red 10	Direct Violet 13
Direct Blue 35	Direct Brown 74	Direct Red 13	Direct Violet 14
Direct Blue 76	Direct Brown 79	Direct Red 17	Direct Violet 21
Direct Blue 116	Direct Brown 95	Direct Red 21	Direct Violet 22
Direct Blue 151	Direct Brown 101	Direct Red 24	Direct Yellow 1
Direct Blue 160	Direct Brown 154	Direct Red 26	Direct Yellow 24
Direct Blue 173	Direct Brown 222	Direct Red 22	Direct Yellow 48

Appendix IV

FURNITURE PRODUCT DURABILITY, STRENGTH AND ERGONOMIC STANDARDS

Table

Indicative list of EN furniture standards (elaborated by the Technical Committee CEN/TC 207 'Furniture') relevant to criterion 9.1.

Standard	Title
Upholstered furniture	
EN 1021-1	Furniture — Assessment of the ignitability of upholstered furniture — Part 1: Ignition source smouldering cigarette
EN 1021-2	Furniture — Assessment of the ignitability of upholstered furniture — Part 2: Ignition source match flame equivalent
Office furniture	
EN 527-1	Office furniture — Work tables and desks — Part 1: Dimensions
EN 527-2	Office furniture — Work tables and desks — Part 2: Mechanical safety requirements
EN 1023-2	Office furniture — Screens — Part 2: Mechanical safety requirements
EN 1335-1	Office furniture — Office work chair — Part 1: Dimensions — Determination of dimensions
EN 1335-2	Office furniture — Office work chair — Part 2: Safety requirements
EN 14073-2	Office furniture — Storage furniture — Part 2: Safety requirements
EN 14074	Office furniture — Tables and desks and storage furniture — Test methods for the determination of strength and durability of moving parts. (after testing, the components shall not be damaged and shall still function as intended).
Outdoor furniture	
EN 581-1	Outdoor furniture — Seating and tables for camping, domestic and contract use — Part 1: General safety requirements
EN 581-2	Outdoor furniture — Seating and tables for camping, domestic and contract use — Part 2: Mechanical safety requirements and test methods for seating
EN 581-3	Outdoor furniture — Seating and tables for camping, domestic and contract use — Part 3: Mechanical safety requirements and test methods for tables
Seating furniture	
EN 1022	Domestic furniture — Seating — Determination of stability

Standard	Title
EN 12520	Furniture — Strength, durability and safety — Requirements for domestic seating
EN 12727	Furniture — Ranked seating — Test methods and requirements for strength and durability
EN 13759	Furniture — Operating mechanisms for seating and sofa-beds — Test methods
EN 14703	Furniture — Links for non-domestic seating linked together in a row — Strength requirements and test methods
EN 16139	Furniture — Strength, durability and safety — Requirements for non-domestic seating

Tables

EN 12521	Furniture — Strength, durability and safety — Requirements for domestic tables
EN 15372	Furniture — Strength, durability and safety — Requirements for non-domestic tables

Kitchen furniture

EN 1116	Kitchen furniture — Coordinating sizes for kitchen furniture and kitchen appliances
EN 14749	Domestic and kitchen storage units and worktops — Safety requirements and test methods

Beds

EN 597-1	Furniture — Assessment of the ignitability of mattresses and upholstered bed bases — Part 1: Ignition source: Smouldering cigarette
EN 597-2	Furniture — Assessment of the ignitability of mattresses and upholstered bed bases — Part 2: Ignition source: Match flame equivalent
EN 716-1	Furniture — Children's cots and folding cots for domestic use — Part 1: Safety requirements
EN 747-1	Furniture — Bunk beds and high beds — Part 1: Safety, strength and durability requirements
EN 1725	Domestic furniture — Beds and mattresses — Safety requirements and test methods
EN 1957	Furniture — Beds and mattresses — Test methods for determination of functional characteristics and assessment criteria
EN 12227	Playpens for domestic use — Safety requirements and test methods

Storage furniture

EN 16121	Non-domestic storage furniture — Requirements for safety, strength, durability and stability
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Standard	Title
Other types of furniture	
EN 1729-1	Furniture — Chairs and tables for educational institutions — Part 1: Functional dimensions
EN 1729-2	Furniture — Chairs and tables for educational institutions — Part 2: Safety requirements and test methods
EN 13150	Workbenches for laboratories — Dimensions, safety requirements and test methods
EN 14434	Writing boards for educational institutions — Ergonomic, technical and safety requirements and their test methods

