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⁽¹⁾ Text with EEA relevance

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1354**of 5 August 2016****concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

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

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

Article 3

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

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

Done at Brussels, 5 August 2016.

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

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
An article (so-called 'toner cartridge'), consisting of a rectangular plastic recipient with dimensions of approximately 11 cm × 11 cm × 7 cm filled with toner. On the outside the cartridge is provided with sprocket wheels specifically designed to be used in connection with certain mechanical parts of a specific printer. Inside, the cartridge is equipped with a rotating mechanism that works in conjunction with the sprocket wheels. When the toner cartridge is placed in a printer, the rotation prevents the toner from agglomerating. The cartridge has the capability of releasing the toner by electrostatic attraction.	8443 99 90	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 2(b) to Section XVI and by the wording of CN codes 8443, 8443 99 and 8443 99 90. Classification under heading 3707 as a chemical preparation for photographic use is excluded as the cartridge comprises not only the toner but also mechanical components such as sprocket wheels and a rotating mechanism. The presence of the specific dedicated sprocket wheels identifies the cartridge as being intended for use in a specific printer. It is essential for the actual mechanical functioning of the printer as the mechanical parts of the printer work in conjunction with the mechanical parts of the cartridge and the printer could not function without this specific cartridge (see also WCO classification opinions 8443.99/2 and 8443.99/3). The article is therefore to be classified under CN code 8443 99 90 as a part of a printer.

COMMISSION REGULATION (EU) 2016/1355**of 9 August 2016****amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards thiacloprid****(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 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC ⁽¹⁾, and in particular Article 14(1)(a) thereof,

Whereas:

- (1) For thiacloprid, maximum residue levels (MRLs) were set in Annex II to Regulation (EC) No 396/2005.
- (2) In the context of a procedure for the authorisation of the use of a plant protection product containing the active substance thiacloprid on rapeseed, an application was submitted in accordance with Article 6(1) of Regulation (EC) No 396/2005 for modification of the existing MRL in honey and other apiculture products.
- (3) In accordance with Article 8 of Regulation (EC) No 396/2005, that application was evaluated by the Member State concerned and the evaluation report was forwarded to the Commission.
- (4) The European Food Safety Authority, hereinafter 'the Authority', assessed the application and the evaluation report, examining in particular the risks to the consumer and, where relevant, to animals and gave a reasoned opinion on the proposed MRL ⁽²⁾. It forwarded that opinion to the Commission and the Member States and made it available to the public.
- (5) The Authority concluded that all requirements with respect to data were met and that the modification to the MRL requested by the applicant was acceptable with regard to consumer safety on the basis of a consumer exposure assessment for 27 specific European consumer groups. It took into account the most recent information on the toxicological properties of the substance. Neither the lifetime exposure to this substance via consumption of all food products that may contain it nor the short-term exposure due to high consumption of the relevant product showed that there is a risk that the acceptable daily intake or the acute reference dose is exceeded.
- (6) The Authority proposed several MRLs for honey, to be considered by the risk managers, which were based on, respectively, the field trials submitted by the applicant and Union wide monitoring data. As there is no risk to consumers, the MRL for thiacloprid in honey should be set at the level of 0,2 mg/kg on the basis of the available residue trials. The monitoring data are in a similar range and confirm such level.
- (7) Based on the reasoned opinion of the Authority and taking into account the factors relevant to the matter under consideration, the appropriate modification to the MRL fulfils the requirements of Article 14(2) of Regulation (EC) No 396/2005.
- (8) Regulation (EC) No 396/2005 should therefore be amended accordingly.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ EFSA scientific reports available online: <http://www.efsa.europa.eu>:

Reasoned opinion on the modification of the existing maximum residue level for thiacloprid in honey. EFSA Journal 2016;14(3):4418 [21 pp.].

- (9) In order to minimise the potential market disruptions that may arise from the temporary application of the MRL for honey, set at the limit of determination by Commission Regulation (EU) 2015/1200 ⁽¹⁾, this Regulation should enter into force as soon as possible.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 396/2005 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 9 August 2016.

For the Commission

The President

Jean-Claude JUNCKER

⁽¹⁾ Commission Regulation (EU) 2015/1200 of 22 July 2015 amending Annexes II and III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for amidosulfuron, fenhexamid, kresoxim-methyl, thiacloprid and trifloxystrobin in or on certain products (OJ L 195, 23.7.2015, p. 1).

ANNEX

In Annex II to Regulation (EC) No 396/2005, the column for thiacloprid is replaced by the following:

'Pesticide residues and maximum residue levels (mg/kg)

Code number	Groups and examples of individual products to which the MRLs apply ^(a)	Thiacloprid
(1)	(2)	(3)
0100000	FRUITS, FRESH or FROZEN; TREE NUTS	
0110000	Citrus fruits	0,01 (*)
0110010	Grapefruits	
0110020	Oranges	
0110030	Lemons	
0110040	Limes	
0110050	Mandarins	
0110990	Others	
0120000	Tree nuts	0,02 (*)
0120010	Almonds	
0120020	Brazil nuts	
0120030	Cashew nuts	
0120040	Chestnuts	
0120050	Coconuts	
0120060	Hazelnuts/cobnuts	
0120070	Macadamias	
0120080	Pecans	
0120090	Pine nut kernels	
0120100	Pistachios	
0120110	Walnuts	
0120990	Others	
0130000	Pome fruits	
0130010	Apples	0,3
0130020	Pears	0,3
0130030	Quinces	0,7
0130040	Medlars	0,7

(1)	(2)	(3)
0130050	Loquats/Japanese medlars	0,7
0130990	Others	0,01 (*)
0140000	Stone fruits	0,5
0140010	Apricots	
0140020	Cherries (sweet)	
0140030	Peaches	
0140040	Plums	
0140990	Others	
0150000	Berries and small fruits	
0151000	(a) <i>grapes</i>	0,01 (*)
0151010	Table grapes	
0151020	Wine grapes	
0152000	(b) <i>strawberries</i>	1
0153000	(c) <i>cane fruits</i>	
0153010	Blackberries	1
0153020	Dewberries	1
0153030	Raspberries (red and yellow)	6
0153990	Others	0,01 (*)
0154000	(d) <i>other small fruits and berries</i>	1
0154010	Blueberries	
0154020	Cranberries	
0154030	Currants (black, red and white)	
0154040	Gooseberries (green, red and yellow)	
0154050	Rose hips	
0154060	Mulberries (black and white)	
0154070	Azaroles/Mediterranean medlars	
0154080	Elderberries	
0154990	Others	
0160000	Miscellaneous fruits with	
0161000	(a) <i>edible peel</i>	
0161010	Dates	0,01 (*)
0161020	Figs	0,5

(1)	(2)	(3)
0161030	Table olives	4
0161040	Kumquats	0,01 (*)
0161050	Carambolas	0,01 (*)
0161060	Kaki/Japanese persimmons	0,01 (*)
0161070	Jambuls/jambolans	0,01 (*)
0161990	Others	0,01 (*)
0162000	(b) <i>inedible peel, small</i>	
0162010	Kiwi fruits (green, red, yellow)	0,2
0162020	Litchis/lychees	0,01 (*)
0162030	Passionfruits/maracujas	0,01 (*)
0162040	Prickly pears/cactus fruits	0,01 (*)
0162050	Star apples/cainitos	0,01 (*)
0162060	American persimmons/Virginia kaki	0,01 (*)
0162990	Others	0,01 (*)
0163000	(c) <i>inedible peel, large</i>	
0163010	Avocados	0,01 (*)
0163020	Bananas	0,01 (*)
0163030	Mangoes	0,01 (*)
0163040	Papayas	0,5
0163050	Granate apples/pomegranates	0,01 (*)
0163060	Cherimoyas	0,01 (*)
0163070	Guavas	0,01 (*)
0163080	Pineapples	0,01 (*)
0163090	Breadfruits	0,01 (*)
0163100	Durians	0,01 (*)
0163110	Soursops/guanabanas	0,01 (*)
0163990	Others	0,01 (*)
0200000	VEGETABLES, FRESH or FROZEN	
0210000	Root and tuber vegetables	
0211000	(a) <i>potatoes</i>	0,02
0212000	(b) <i>tropical root and tuber vegetables</i>	0,01 (*)
0212010	Cassava roots/manioc	
0212020	Sweet potatoes	

(1)	(2)	(3)
0212030	Yams	
0212040	Arrowroots	
0212990	Others	
0213000	(c) <i>other root and tuber vegetables except sugar beets</i>	
0213010	Beetroots	0,05
0213020	Carrots	0,05
0213030	Celeriacs/turnip rooted celeries	0,05
0213040	Horseradishes	0,05
0213050	Jerusalem artichokes	0,05
0213060	Parsnips	0,05
0213070	Parsley roots/Hamburg roots parsley	0,05
0213080	Radishes	0,05
0213090	Salsifies	0,05
0213100	Swedes/rutabagas	0,01 (*)
0213110	Turnips	0,01 (*)
0213990	Others	0,01 (*)
0220000	Bulb vegetables	
0220010	Garlic	0,01 (*)
0220020	Onions	0,01 (*)
0220030	Shallots	0,01 (*)
0220040	Spring onions/green onions and Welsh onions	0,15
0220990	Others	0,01 (*)
0230000	Fruiting vegetables	
0231000	(a) <i>solanacea</i>	
0231010	Tomatoes	0,5
0231020	Sweet peppers/bell peppers	1
0231030	Aubergines/eggplants	0,7
0231040	Okra/lady's fingers	0,01 (*)
0231990	Others	0,01 (*)
0232000	(b) <i>cucurbits with edible peel</i>	0,5
0232010	Cucumbers	
0232020	Gherkins	

(1)	(2)	(3)
0232030	Courgettes	(+)
0232990	Others	
0233000	(c) <i>cucurbits with inedible peel</i>	
0233010	Melons	0,2
0233020	Pumpkins	0,01 (*)
0233030	Watermelons	0,2
0233990	Others	0,01 (*)
0234000	(d) <i>sweet corn</i>	0,01 (*)
0239000	(e) <i>other fruiting vegetables</i>	0,01 (*)
0240000	Brassica vegetables (excluding brassica roots and brassica baby leaf crops)	
0241000	(a) <i>flowering brassica</i>	0,3 (+)
0241010	Broccoli	
0241020	Cauliflowers	
0241990	Others	
0242000	(b) <i>head brassica</i>	0,3
0242010	Brussels sprouts	
0242020	Head cabbages	
0242990	Others	
0243000	(c) <i>leafy brassica</i>	
0243010	Chinese cabbages/pe-tsai	1
0243020	Kales	0,4
0243990	Others	0,01 (*)
0244000	(d) <i>kohlrabies</i>	0,04
0250000	Leaf vegetables, herbs and edible flowers	
0251000	(a) <i>lettuces and salad plants</i>	
0251010	Lamb's lettuces/corn salads	8
0251020	Lettuces	1
0251030	Escaroles/broad-leaved endives	0,15 (+)
0251040	Cresses and other sprouts and shoots	0,01 (*)

(1)	(2)	(3)
0251050	Land cresses	0,7 (+)
0251060	Roman rocket/rucola	2 (+)
0251070	Red mustards	0,01 (*)
0251080	Baby leaf crops (including brassica species)	2 (+)
0251990	Others	0,01 (*)
0252000	(b) <i>spinaches and similar leaves</i>	
0252010	Spinaches	0,15 (+)
0252020	Purslanes	0,01 (*)
0252030	Chards/beet leaves	0,15 (+)
0252990	Others	0,01 (*)
0253000	(c) <i>grape leaves and similar species</i>	0,01 (*)
0254000	(d) <i>watercresses</i>	0,01 (*)
0255000	(e) <i>witloofs/Belgian endives</i>	0,01 (*)
0256000	(f) <i>herbs and edible flowers</i>	5
0256010	Chervil	
0256020	Chives	
0256030	Celery leaves	
0256040	Parsley	
0256050	Sage	
0256060	Rosemary	
0256070	Thyme	
0256080	Basil and edible flowers	
0256090	Laurel/bay leave	
0256100	Tarragon	
0256990	Others	
0260000	Legume vegetables	
0260010	Beans (with pods)	0,4 (+)
0260020	Beans (without pods)	0,01 (*)
0260030	Peas (with pods)	0,2
0260040	Peas (without pods)	0,2
0260050	Lentils	0,01 (*)
0260990	Others	0,01 (*)

(1)	(2)	(3)
0270000	Stem vegetables	
0270010	Asparagus	0,01 (*)
0270020	Cardoons	0,01 (*)
0270030	Celeries	0,7
0270040	Florence fennels	0,7
0270050	Globe artichokes	0,01 (*)
0270060	Leeks	0,1
0270070	Rhubarbs	0,02
0270080	Bamboo shoots	0,01 (*)
0270090	Palm hearts	0,01 (*)
0270990	Others	0,01 (*)
0280000	Fungi, mosses and lichens	0,01 (*)
0280010	Cultivated fungi	
0280020	Wild fungi	
0280990	Mosses and lichens	
0290000	Algae and prokaryotes organisms	0,01 (*)
0300000	PULSES	
0300010	Beans	0,08 (+)
0300020	Lentils	0,01 (*)
0300030	Peas	0,08 (+)
0300040	Lupins/lupini beans	0,01 (*)
0300990	Others	0,01 (*)
0400000	OILSEEDS AND OIL FRUITS	
0401000	Oilseeds	
0401010	Linseeds	0,02 (*)
0401020	Peanuts/groundnuts	0,02 (*)
0401030	Poppy seeds	0,3
0401040	Sesame seeds	0,02 (*)
0401050	Sunflower seeds	0,02 (*)
0401060	Rapeseeds/canola seeds	0,6 (+)

(1)	(2)	(3)
0401070	Soyabeans	0,02 (*)
0401080	Mustard seeds	0,6 (+)
0401090	Cotton seeds	0,15
0401100	Pumpkin seeds	0,02 (*)
0401110	Safflower seeds	0,02 (*)
0401120	Borage seeds	0,02 (*)
0401130	Gold of pleasure seeds	0,02 (*)
0401140	Hemp seeds	0,02 (*)
0401150	Castor beans	0,02 (*)
0401990	Others	0,02 (*)
0402000	Oil fruits	
0402010	Olives for oil production	4
0402020	Oil palms kernels	0,02 (*)
0402030	Oil palms fruits	0,02 (*)
0402040	Kapok	0,02 (*)
0402990	Others	0,02 (*)
0500000	CEREALS	
0500010	Barley	0,9
0500020	Buckwheat and other pseudo-cereals	0,01 (*)
0500030	Maize/corn	0,01* (+)
0500040	Common millet/proso millet	0,01 (*)
0500050	Oat	0,9
0500060	Rice	0,02
0500070	Rye	0,06
0500080	Sorghum	0,01 (*)
0500090	Wheat	0,1
0500990	Others	0,01 (*)
0600000	TEAS, COFFEE, HERBAL INFUSIONS, COCOA AND CAROBS	
0610000	Teas	10 (+)
0620000	Coffee beans	0,05 (*)

(1)	(2)	(3)
0630000	Herbal infusions from	
0631000	(a) <i>flowers</i>	0,05 (*)
0631010	Chamomile	
0631020	Hibiscus/roselle	
0631030	Rose	
0631040	Jasmine	
0631050	Lime/linden	
0631990	Others	
0632000	(b) <i>leaves and herbs</i>	50 (+)
0632010	Strawberry	
0632020	Rooibos	
0632030	Mate/maté	
0632990	Others	
0633000	(c) <i>roots</i>	0,02 (+)
0633010	Valerian	
0633020	Ginseng	
0633990	Others	
0639000	(d) <i>any other parts of the plant</i>	0,05 (*)
0640000	Cocoa beans	0,05 (*)
0650000	Carobs/Saint John's breads	0,05 (*)
0700000	HOPS	0,05 (*)
0800000	SPICES	
0810000	Seed spices	0,08 (+)
0810010	Anise/aniseed	
0810020	Black caraway/black cumin	
0810030	Celery	
0810040	Coriander	
0810050	Cumin	
0810060	Dill	

(1)	(2)	(3)
0810070	Fennel	
0810080	Fenugreek	
0810090	Nutmeg	
0810990	Others	
0820000	Fruit spices	0,05 (*)
0820010	Allspice/pimento	
0820020	Sichuan pepper	
0820030	Caraway	
0820040	Cardamom	
0820050	Juniper berry	
0820060	Peppercorn (black, green and white)	
0820070	Vanilla	
0820080	Tamarind	
0820990	Others	
0830000	Bark spices	0,05 (*)
0830010	Cinnamon	
0830990	Others	
0840000	Root and rhizome spices	
0840010	Liquorice	0,05 (*)
0840020	Ginger	0,05 (*)
0840030	Turmeric/curcuma	0,05 (*)
0840040	Horseradish	(+)
0840990	Others	0,05 (*)
0850000	Bud spices	0,05 (*)
0850010	Cloves	
0850020	Capers	
0850990	Others	
0860000	Flower pistil spices	0,05 (*)
0860010	Saffron	
0860990	Others	

(1)	(2)	(3)
0870000	Aril spices	0,05 (*)
0870010	Mace	
0870990	Others	
0900000	SUGAR PLANTS	
0900010	Sugar beet roots	0,02
0900020	Sugar canes	0,01 (*)
0900030	Chicory roots	0,05
0900990	Others	0,01 (*)
1000000	PRODUCTS OF ANIMAL ORIGIN -TERRESTRIAL ANIMALS	
1010000	Tissues from	
1011000	(a) <i>swine</i>	
1011010	Muscle	0,1
1011020	Fat tissue	0,01 (*)
1011030	Liver	0,5
1011040	Kidney	0,5
1011050	Edible offals (other than liver and kidney)	0,5
1011990	Others	0,01 (*)
1012000	(b) <i>bovine</i>	
1012010	Muscle	0,1
1012020	Fat tissue	0,04
1012030	Liver	0,5
1012040	Kidney	0,5
1012050	Edible offals (other than liver and kidney)	0,5
1012990	Others	0,01 (*)
1013000	(c) <i>sheep</i>	
1013010	Muscle	0,1
1013020	Fat tissue	0,04
1013030	Liver	0,5
1013040	Kidney	0,5

(1)	(2)	(3)
1013050	Edible offals (other than liver and kidney)	0,5
1013990	Others	0,01 (*)
1014000	(d) <i>goat</i>	
1014010	Muscle	0,1
1014020	Fat tissue	0,04
1014030	Liver	0,5
1014040	Kidney	0,5
1014050	Edible offals (other than liver and kidney)	0,5
1014990	Others	0,01 (*)
1015000	(e) <i>equine</i>	
1015010	Muscle	0,1
1015020	Fat tissue	0,04
1015030	Liver	0,5
1015040	Kidney	0,5
1015050	Edible offals (other than liver and kidney)	0,5
1015990	Others	0,01 (*)
1016000	(f) <i>poultry</i>	
1016010	Muscle	0,02
1016020	Fat tissue	0,01 (*)
1016030	Liver	0,02
1016040	Kidney	0,01 (*)
1016050	Edible offals (other than liver and kidney)	0,02
1016990	Others	0,01 (*)
1017000	(g) <i>other farmed terrestrial animals</i>	
1017010	Muscle	0,1
1017020	Fat tissue	0,04
1017030	Liver	0,5
1017040	Kidney	0,5
1017050	Edible offals (other than liver and kidney)	0,5
1017990	Others	0,01 (*)

(1)	(2)	(3)
1020000	Milk	0,05
1020010	Cattle	
1020020	Sheep	
1020030	Goat	
1020040	Horse	
1020990	Others	
1030000	Birds eggs	0,02 (*)
1030010	Chicken	
1030020	Duck	
1030030	Geese	
1030040	Quail	
1030990	Others	
1040000	Honey and other apiculture products	0,2
1050000	Amphibians and Reptiles	0,01 (*)
1060000	Terrestrial invertebrate animals	0,01 (*)
1070000	Wild terrestrial vertebrate animals	0,01 (*)

(*) Indicates lower limit of analytical determination

(**) Pesticide-code combination for which the MRL as set in Annex III Part B applies.

(a) For the complete list of products of plant and animal origin to which MRLs apply, reference should be made to Annex I.

Thiacloprid

(+) The European Food Safety Authority identified some information on residue trials as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 23 July 2017, or, if that information is not submitted by that date, the lack of it.

0232030 Courgettes

0241000 (a) flowering brassica

0241010 Broccoli

0241020 Cauliflowers

0241990 Others

0251030 Escaroles/broad-leaved endives

0251050 Land cresses

0251060 Roman rocket/rucola

0251080 Baby leaf crops (including brassica species)

0252010 Spinaches

0252030 Chards/beet leaves

0260010 Beans (with pods)

0300010 Beans

0300030 Peas

0401060 Rapeseeds/canola seeds

0401080 Mustard seeds

- (+) The European Food Safety Authority identified some information on crop metabolism with seed treatment as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 23 July 2017, or, if that information is not submitted by that date, the lack of it.

0500030 Maize/corn

- (+) The European Food Safety Authority identified some information on analytical methods as unavailable. When re-viewing the MRL, the Commission will take into account the information referred to in the first sentence, if it is submitted by 23 July 2017, or, if that information is not submitted by that date, the lack of it.

0610000 Teas

0632000 (b) leaves and herbs

0632010 Strawberry

0632020 Rooibos

0632030 Mate/maté

0632990 Others

0633000 (c) roots

0633010 Valerian

0633020 Ginseng

0633990 Others

0810000 Seed spices

0810010 Anise/aniseed

0810020 Black caraway/black cumin

0810030 Celery

0810040 Coriander

0810050 Cumin

0810060 Dill

0810070 Fennel

0810080 Fenugreek

0810090 Nutmeg

0810990 Others

- (+) The applicable maximum residue level for horseradish (*Armoracia rusticana*) in the spice group (code 0840040) is the one set for horseradish (*Armoracia rusticana*) in the Vegetables category, root and tuber vegetables group (code 0213040) taking into account changes in the levels by processing (drying) according to Art. 20 (1) of Regulation (EC) No 396/2005.

0840040 Horseradish'

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1356**of 9 August 2016**

amending Implementing Regulation (EU) No 1105/2010 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of high tenacity yarn of polyesters originating in the People's Republic of China and terminating the proceeding concerning imports of high tenacity yarn of polyesters originating in the Republic of Korea and Taiwan, amended by Implementing Regulation (EU) No 907/2011

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the 'basic Regulation'),

Having regard to Council Implementing Regulation (EU) No 1105/2010 of 29 November 2010 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of on high tenacity yarns originating in the People's Republic of China and terminating the proceeding concerning imports of high tenacity yarns of polyesters originating in the Republic of Korea and Taiwan ⁽²⁾, and in particular Article 4 thereof,

Whereas:

A. MEASURES IN FORCE

- (1) By Implementing Regulation (EU) No 1105/2010, the Council imposed a definitive anti-dumping duty on imports of high tenacity yarns of polyesters (other than sewing thread), not put up for retail sale, including monofilament of less than 67 decitex, originating in the People's Republic of China ('PRC'), currently falling within CN code 5402 20 00 ('the product concerned').
- (2) Given the large number of cooperating exporting producers in the investigation that led to the imposition of the anti-dumping duty ('the original investigation') in the PRC, a sample of Chinese exporting producers was selected and individual duty rates ranging from 0 % to 5,5 % were imposed on the companies included in the sample, while other cooperating companies not included in the sample were attributed a duty rate of 5,3 %. The list of those companies is contained in the Annex to Implementing Regulation (EU) No 1105/2010. This Annex was amended by Council Implementing Regulation (EU) No 907/2011 ⁽³⁾. Two cooperating non-sampled companies were granted individual examination within the meaning of Article 17(3) of the basic Regulation. They received duties of 0 % and 9,8 %. A duty rate of 9,8 % for the PRC was imposed on all other companies.
- (3) Article 4 of Implementing Regulation (EU) No 1105/2010 gives the possibility to new Chinese exporting producers which provide sufficient evidence to the Commission that they meet the criteria set out in that Article to be granted the duty rate applicable to the cooperating companies not included in the sample, i.e. 5,3 %. These criteria are as follows:
 - it did not export to the Union the product concerned during the period of the original investigation (1 July 2008 to 30 June 2009),
 - it is not related to any of the exporters or producers in the PRC which are subject to the measures imposed by Implementing Regulation (EU) No 1105/2010,
 - it has actually exported to the Union the product concerned after the period of the original investigation on which the measures are based, or it has entered into an irrevocable contractual obligation to export a significant quantity to the Union.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 315, 1.12.2010, p. 1.

⁽³⁾ Council Implementing Regulation (EU) No 907/2011 of 6 September 2011 amending Implementing Regulation (EU) No 1105/2010 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of high tenacity yarns of polyesters originating in the People's Republic of China, and terminating the proceeding concerning imports of high tenacity yarns of polyesters originating in the Republic of Korea and Taiwan (OJ L 232, 9.9.2011, p. 29).

B. NEW EXPORTING PRODUCER'S REQUEST

- (4) The Chinese company Zhejiang Kingsway High-Tech Fiber Co. Ltd ('the applicant') requested to be granted the duty rate applicable to the cooperating companies not included in the sample ('new exporting producer treatment' or 'NEPT').
- (5) An examination has been carried out in order to determine whether the applicant fulfils the criteria for being granted NEPT as set out in Article 4 of Implementing Regulation (EU) No 1105/2010.
- (6) A questionnaire was sent to the applicant asking the company to supply evidence that it met all of the criteria set out above in Article 4 of Implementing Regulation (EU) No 1105/2010.
- (7) The Commission sought and verified all information it deemed necessary for the purpose of determining whether the applicant met the three criteria to be granted NEPT. A verification visit was carried out at the premise of the applicant in Haining, PRC.
- (8) The applicant has provided sufficient evidence to prove that it meets the three criteria mentioned in Article 4 of Implementing Regulation (EU) No 1105/2010. The applicant in fact could prove that:
- (i) it was established in 2013 and that the production of the product concerned started at the end of 2014, namely after the investigation period;
 - (ii) it is not related to an exporter or producer in the PRC which is subject to the anti-dumping measures imposed by Implementing Regulation (EU) No 1105/2010; and
 - (iii) it actually started exporting the product concerned to the Union from February 2015 onwards.
- (9) Therefore, the applicant should be granted the duty rate applicable to the cooperating companies not included in the sample, namely 5,3 %, in accordance with Article 4 of Implementing Regulation (EU) No 1105/2010, and should be added to the list of Chinese cooperating exporting producers not included in the sample.
- (10) The Commission informed the applicant and the Union industry of the above findings and gave them the opportunity to comment. No comments were received.
- (11) This Regulation is in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex referred to in Article 1 of Implementing Regulation (EU) No 907/2011, amending Implementing Regulation (EU) No 1105/2010, shall be replaced by the following:

*'ANNEX***CHINESE COOPERATING EXPORTING PRODUCERS NOT SAMPLED****Taric Additional Code A977**

Company name	City
Heilongjiang Longdi Co. Ltd	Harbin
Jiangsu Hengli Chemical Fibre Co. Ltd	Wujiang

Company name	City
Hyosung Chemical Fiber (Jiaxing) Co. Ltd	Jiaxing
Shanghai Wenlong Chemical Fiber Co. Ltd	Shanghai
Shaoxing Haiu Chemistry Fibre Co. Ltd	Shaoxing
Sinopec Shanghai Petrochemical Company	Shanghai
Wuxi Taiji Industry Co. Ltd	Wuxi
Zhejiang Kingsway High-Tech Fiber Co. Ltd	Haining City'

Article 2

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

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

Done at Brussels, 9 August 2016.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1357**of 9 August 2016****making imports of certain heavy plate of non-alloy or other alloy steel originating in the People's Republic of China subject to registration**

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 14(5) thereof,

After informing the Member States,

Whereas:

- (1) On 13 February 2016, the European Commission ('the Commission') initiated by a Notice of Initiation in the *Official Journal of the European Union* ⁽²⁾ an anti-dumping investigation into imports into the Union of flat products of non-alloy or alloy steel (excluding stainless steel, silicon-electrical steel, tool steel and high-speed steel), hot-rolled, not clad, plated or coated, not in coils, of a thickness exceeding 10 mm and of a width of 600 mm or more or of a thickness of 4,75 mm or more but not exceeding 10 mm and of a width of 2 050 mm or more ('heavy plate') originating in the People's Republic of China ('PRC').

1. PRODUCT CONCERNED

- (2) The product subject to registration ('product concerned') is flat products of non-alloy or alloy steel (excluding stainless steel, silicon-electrical steel, tool steel and high-speed steel), hot-rolled, not clad, plated or coated, not in coils, of a thickness exceeding 10 mm and of a width of 600 mm or more or of a thickness of 4,75 mm or more but not exceeding 10 mm and of a width of 2 050 mm or more currently falling within CN codes ex 7208 51 20, ex 7208 51 91, ex 7208 51 98, ex 7208 52 91, ex 7208 90 20, ex 7208 90 80, 7225 40 40, ex 7225 40 60 and ex 7225 99 00 ('heavy plate') and originating in the PRC. These CN codes are given for information only.

2. REQUEST

- (3) The registration request pursuant to Article 14(5) of the basic Regulation was made by the complainant on 18 April 2016. It was supplemented by additional information on 7 July 2016. The complainant requested that imports of the product concerned are made subject to registration so that measures may subsequently be applied against those imports from the date of such registration.

3. GROUNDS FOR THE REGISTRATION

- (4) According to Article 14(5) of the basic Regulation, the Commission may direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports. Imports may be made subject to registration following a request from the Union industry, which contains sufficient evidence to justify such action.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ C 58, 13.2.2016, p. 20.

- (5) The complainant claims that registration is justified as the product concerned continues to be dumped and that importers were well aware of dumping practices which stretched over an extended period of time and were causing injury to the Union industry. The complainant further claims that imports from the PRC are causing injury to the Union industry and that there was a substantial increase in the level of these imports, even following the investigation period, which would seriously undermine the remedial effect of the anti-dumping duty, if such a duty is to be applied.

3.1. Importers were or should have been aware of the dumping and injury alleged or found

- (6) The Commission considers that the importers were aware, or should have been aware, of the exporting producers' dumping practices. Sufficient prima facie evidence in this regard was contained in the complaint and this was spelled out in the notice of initiation for this proceeding⁽¹⁾. The non-confidential version of the complaint estimated dumping margins of 28 % to 73 % for imports from the PRC. The complainant provided in the complaint sufficient evidence in which the dumping practices by exporting producers from the PRC are described and which prima facie could and should not have been ignored by importers. In particular, the complainant provided in the complaint evidence on the comparison between a normal value determined on the basis of pricing information reported in the USITC Final Report (for the period July 2014 to June 2015) with the export price based on the quarterly average unit value for imports of heavy plate from the PRC for the applicable CN codes as derived from Eurostat data. Furthermore, the complainant also included prima facie evidence in the complaint on the decreasing trend of the import prices for the PRC. The average sales price of imports from the PRC to the Union decreased by 25 % between 2012 and the period October 2014-September 2015. In the request for registration, average import prices from the PRC for the investigation period (2015) were compared with prices for 2012, showing a decrease of around 30 %. Finally, in the complaint there is sufficient prima facie evidence that injury is being caused. Based on all these information contained in the non-confidential version of the complaint, but also given the extent of the dumping that may be occurring and that the information available to the complainants was publicly available, it is reasonable to conclude, based on prima facie evidence available to the Commission, that the importers were aware, or should have been aware, of the dumping and the injury alleged or found.

3.2. Further substantial rise in imports

- (7) Since the initiation of the proceeding in February 2016, a further increase of approximately 15 % for the PRC is observed when comparing the import volumes during the investigation period (2015) with data available for the period following the initiation (March to May 2016). This shows that there was a further substantial rise in imports from the PRC of the product concerned in the first three months following the initiation of the present investigation.

3.3. Undermining of the remedial effect of the duty

- (8) In the submissions made in the framework of the investigation, including the registration request, there is evidence that additional injury would be caused by a continued rise in these imports at further decreasing prices. As regards prices, the complainant included prima facie evidence in the request for registration on the decreasing trend of the import prices for the PRC. As for the evolution of import prices after the initiation of the case in February 2016, a further drop of around 30 % was observed for average import prices from the PRC when comparing prices of March-May 2016 with prices for the investigation period (2015). Further substantial rise in imports, for which there is sufficient prima facie evidence as referred to in recital 6, is likely, in light of its timing, the volume of the alleged dumped imports and other circumstances (such as the excess capacity in the PRC and pricing behaviour of Chinese exporting producers) to seriously undermine the remedial effect of any definitive duty, unless such duty would be applied retroactively.
- (9) In addition, in view of the initiation of the current proceeding and taking into account the developments of imports from the PRC in terms of prices and volumes hitherto, it is reasonable to assume that the level of imports of the product concerned may further increase prior to the adoption of provisional measures, if any, and inventories may be rapidly built up by the importers.

⁽¹⁾ OJ C 58, 13.2.2016, p. 20 (section 3 of the notice of initiation).

4. PROCEDURE

- (10) In view of the above, the Commission has concluded that the complainant provided sufficient *prima facie* evidence to justify making imports of the product concerned subject to registration in accordance with Article 14(5) of the basic Regulation.
- (11) All interested parties are invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

5. REGISTRATION

- (12) Pursuant to Article 14(5) of the basic Regulation imports of the product concerned should be made subject to registration for the purpose of ensuring that, should the investigation result in findings leading to the imposition of an anti-dumping duty, this duty can, if the necessary conditions are fulfilled, be levied retroactively on the registered imports in accordance with Article 10(4) of the basic Regulation.
- (13) The complainant estimates in the complaint dumping margins of 28 % to 73 % and an average undercutting margin of 11 % for imports of the product concerned from the PRC. The estimated amount of possible future liability is set for the PRC at least at the level of undercutting estimated on the basis of the complaint, i.e. 11 % *ad valorem* on the CIF import value of the product concerned.

6. PROCESSING OF PERSONAL DATA

- (14) Any personal data collected in the context of this registration will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The customs authorities are hereby directed, pursuant to Article 14(5) of Regulation (EU) 2016/1036 of the European Parliament and of the Council ⁽²⁾ to take the appropriate steps to register the imports into the Union of flat products of non-alloy or alloy steel (excluding stainless steel, silicon-electrical steel, tool steel and high-speed steel), hot-rolled, not clad, plated or coated, not in coils, of a thickness exceeding 10 mm and of a width of 600 mm or more or of a thickness of 4,75 mm or more but not exceeding 10 mm and of a width of 2 050 mm or more currently falling within CN codes ex 7208 51 20, ex 7208 51 91, ex 7208 51 98, ex 7208 52 91, ex 7208 90 20, ex 7208 90 80, 7225 40 40, ex 7225 40 60 and ex 7225 99 00 (TARIC codes: 7208 51 20 10, 7208 51 91 10, 7208 51 98 10, 7208 52 91 10, 7208 90 20 10, 7208 90 80 20, 7225 40 60 10, 7225 99 00 30) and originating in the People's Republic of China.

Registration shall expire nine months following the date of entry into force of this Regulation.

2. All interested parties are invited to make their views known in writing, to provide supporting evidence or to request to be heard within 20 days from the date of publication of this Regulation.

⁽¹⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

⁽²⁾ 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 (OJ L 176, 30.6.2016, p. 21).

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, 9 August 2016.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1358**of 9 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, 9 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	146,8
	ZZ	146,8
0707 00 05	TR	116,3
	ZZ	116,3
0709 93 10	TR	133,0
	ZZ	133,0
0805 50 10	AR	186,9
	CL	141,9
	MA	101,7
	TR	157,0
	UY	142,1
	ZA	155,2
	ZZ	147,5
	EG	211,6
	MA	178,8
	TR	158,2
0806 10 10	ZZ	182,9
	AR	109,9
	BR	102,1
	CL	125,8
	CN	62,4
	NZ	135,3
	PE	106,8
	US	167,9
	UY	92,2
	ZA	101,2
0808 10 80	ZZ	111,5
	AR	93,2
	CL	114,7
	TR	149,7
	ZA	120,2
	ZZ	119,5
0808 30 90	AR	93,2
	CL	114,7
0809 29 00	TR	149,7
	ZA	120,2
0809 30 10, 0809 30 90	ZZ	119,5
	TR	262,8
	ZZ	262,8
	TR	139,2
	ZZ	139,2

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

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2016/1359

of 8 August 2016

amending Implementing Decision 2012/270/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similis* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberosa* (Gentner)

(notified under document C(2016) 5038)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular the fourth sentence of Article 16(3) thereof,

Whereas:

- (1) Commission Implementing Decision 2012/270/EU ⁽²⁾ established emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris*, *Epitrix similis*, *Epitrix subcrinita* and *Epitrix tuberosa*, those harmful organisms not being listed in Annex I or II to Directive 2000/29/EC.
- (2) Since the adoption of Commission Implementing Decision 2014/679/EU ⁽³⁾, amending Implementing Decision 2012/270/EU, an official laboratory report by the National Reference Laboratory of Spain, based on a scientific paper published by Orlova-Bienkowskaja MJ ⁽⁴⁾, revealed that the harmful organism identified as *Epitrix similis* (Gentner) was wrongly identified as such. Instead it should have been identified as *Epitrix papa* sp. n. Moreover, and according to the latest information supplied by Spain and Portugal, the organism causing harm to potatoes in some areas and earlier identified as *Epitrix similis* (Gentner) is now identified as *Epitrix papa* sp. n. It has been further confirmed that *Epitrix similis* (Gentner) has never been found present in Union territory. Therefore Implementing Decision 2012/270/EU should no longer cover *Epitrix similis* (Gentner) but the harmful organism *Epitrix papa* sp. n.
- (3) Since the adoption of Implementing Decision 2014/679/EU, amending Implementing Decision 2012/270/EU, experience gained by Spain and Portugal indicate that a buffer zone with a width of at least 500 m beyond the edge of an infested zone should be established to ensure effective protection of the Union territory.
- (4) Implementing Decision 2012/270/EU should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ Commission Implementing Decision 2012/270/EU of 16 May 2012 as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similis* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberosa* (Gentner) (OJ L 132, 23.5.2012, p. 18).

⁽³⁾ Commission Implementing Decision 2014/679/EU of 25 September 2014 amending Implementing Decision 2012/270/EU as regards its period of application and as regards the movement to packing facilities of potato tubers originating in areas demarcated in order to prevent the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similis* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberosa* (Gentner) (OJ L 283, 27.9.2014, p. 61).

⁽⁴⁾ http://www.eje.cz/artkey/eje-201504-0028_epitrix_papa_sp_n_coleoptera_chrysomelidae_galerucinae_alticini_previously_misidentified_as_epitrix_sim.php

HAS ADOPTED THIS DECISION:

Article 1

Amendments to Implementing Decision 2012/270/EU

Implementing Decision 2012/270/EU is amended as follows:

- (1) in the title, the words '*Epitrix similis* (Gentner)' are replaced by the words '*Epitrix papa* sp. n.';
- (2) in Article 1, the words '*Epitrix similis* (Gentner)' are replaced by the words '*Epitrix papa* sp. n.';
- (3) in Annex II, point (b) of Section 1(1) is replaced by the following:
'(b) a buffer zone with a width of at least 500 m beyond the edge of an infested zone; where part of a field is within that width, the entire field shall be part of the buffer zone.'

Article 2

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 8 August 2016.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2016/1360**of 8 August 2016****terminating the anti-subsidy proceeding concerning imports of European sea bass and gilthead sea bream originating in Turkey**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union ⁽¹⁾, and in particular Article 14 thereof,

Whereas:

A. PROCEDURE**Initiation**

- (1) On 14 August 2015, the European Commission ('the Commission') initiated an anti-subsidy investigation with regard to imports into the Union of European sea bass and gilthead sea bream originating in Turkey on the basis of Article 10 of Regulation (EU) 2016/1037 ('the basic Regulation') by a notice published in the *Official Journal of the European Union* ⁽²⁾ ('the Notice of Initiation').
- (2) The investigation was initiated following a complaint lodged on 1 July 2015 by Asociación Empresarial de Productores de Cultivos Marinos ('Apromar' or 'the complainant') on behalf of producers representing more than 25 % of the total Union production of European sea bass and gilthead sea bream.
- (3) The complaint contained *prima facie* evidence of subsidisation of the Turkish industry producing European sea bass and gilthead sea bream and of material injury caused by it.
- (4) In accordance with Article 10(7) of the basic Regulation, the Commission notified the Government of Turkey ('GOT') prior to the initiation of the proceeding that it had received a properly documented complaint alleging that subsidised imports of European sea bass and gilthead sea bream originating in Turkey were causing material injury to the Union industry. The Commission invited the GOT for consultations with the aim of clarifying the situation as regards the contents of the complaint and arriving at a mutually agreed solution.
- (5) The GOT accepted the offer of consultations which were subsequently held. During the consultations no mutually agreed solution was reached. However, the Commission took due note of comments made by the GOT.
- (6) The Commission invited the complainant, other known Union producers, users and importers, known exporting producers in Turkey and the Turkish authorities as well as associations known to be affected by the initiation of the investigation to participate. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the Notice of Initiation.
- (7) The complainant, other Union producers, the exporting producers in Turkey, importers and traders made their views known. All interested parties, who so requested and showed that there were particular reasons why they should be heard, were granted a hearing.

⁽¹⁾ OJ L 176, 30.6.2016, p. 55.

⁽²⁾ Notice of Initiation of an anti-subsidy proceeding concerning imports of European sea bass and gilthead sea bream originating in Turkey (OJ C 266, 14.8.2015, p. 4).

B. WITHDRAWAL OF THE COMPLAINT AND TERMINATION OF THE PROCEEDING

- (8) On 5 May 2016 a Decree was published in the Turkish Official Gazette, by which the Turkish authorities withdrew the main subsidy scheme with the effect of 1 January 2016.
- (9) By letter of 1 June 2016 addressed to the Commission, the complainant withdrew its complaint. In accordance with Article 14 of the basic Regulation, a proceeding may be terminated when the complaint is withdrawn, unless such termination would not be in the Union interest.
- (10) The investigation has not brought to light any considerations showing that such termination would not be in the Union interest. Therefore, the Commission considers that the present proceeding should be terminated.
- (11) Interested parties were informed accordingly and were given an opportunity to comment. However, no comments were received.
- (12) The Commission therefore concludes that the anti-subsidy proceeding concerning imports of European sea bass and gilthead sea bream originating in Turkey should be terminated without the imposition of measures.
- (13) This Decision is in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036 of the European Parliament and of the Council ⁽¹⁾,

HAS ADOPTED THIS DECISION:

Article 1

The anti-subsidy proceeding concerning imports into the Union of European sea bass and gilthead sea bream originating in Turkey and currently falling under CN codes 0302 84 10, 0302 85 30, 0303 84 10, 0303 89 55, ex 0304 49 90 and ex 0304 89 90 is hereby terminated.

Article 2

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

Done at Brussels, 8 August 2016.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ 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 (OJ L 176, 30.6.2016, p. 21).

COMMISSION IMPLEMENTING DECISION (EU) 2016/1361**of 9 August 2016****on recognition of the 'International Sustainability and Carbon Certification system' for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC ⁽¹⁾, and in particular the second subparagraph of Article 7c(4) thereof,

Having regard to Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC ⁽²⁾, and in particular the second subparagraph of Article 18(4) thereof,

Whereas:

- (1) Articles 7b and 7c of and Annex IV to Directive 98/70/EC and Articles 17 and 18 of and Annex V to Directive 2009/28/EC lay down similar sustainability criteria for biofuels and bioliquids, and similar procedures of the verification of compliance with those criteria.
- (2) Where biofuels and bioliquids are to be taken into account for the purposes referred to in Article 17(1)(a), (b) and (c) of Directive 2009/28/EC, Member States must require economic operators to show the compliance of biofuels and bioliquids with the sustainability criteria set out in Article 17(2) to (5) of Directive 2009/28/EC.
- (3) The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 17(2) of Directive 2009/28/EC, and/or demonstrate that consignments of biofuel or bioliquid comply with the sustainability criteria set out in Article 17(3), (4) and (5), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When an economic operator provides proof or data obtained in accordance with a voluntary scheme that has been recognised by the Commission, to the extent covered by the recognition decision, a Member State is barred from requiring the supplier to provide further evidence of compliance with the sustainability criteria.
- (4) The request to recognise that the 'International Sustainability and Carbon Certification system' based, Hohenzollernring 72, 50762 Cologne, Germany, demonstrates that consignments of biofuel comply with the sustainability criteria set out in Directive 98/70/EC and Directive 2009/28/EC was submitted to the Commission on 23 June 2016. The scheme covers a wide range of feedstocks including wastes and residues and the entire chain of custody. The recognised scheme documents should be made available at the transparency platform established under Directive 2009/28/EC.
- (5) Assessment of the 'International Sustainability and Carbon Certification system' found it to cover adequately the sustainability criteria of Directive 98/70/EC and of Directive 2009/28/EC, as well as applying a mass balance methodology in line with the requirements of Article 7c(1) of Directive 98/70/EC and Article 18(1) of Directive 2009/28/EC.
- (6) The evaluation of the 'International Sustainability and Carbon Certification system' found that it meets adequate standards of reliability, transparency and independent auditing and also complies with the methodological requirements in Annex IV to Directive 98/70/EC and Annex V to Directive 2009/28/EC.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee on the Sustainability of Biofuels and Bioliquids,

⁽¹⁾ OJ L 350, 28.12.1998, p. 58.

⁽²⁾ OJ L 140, 5.6.2009, p. 16.

HAS ADOPTED THIS DECISION:

Article 1

The 'International Sustainability and Carbon Certification system' (hereinafter 'the scheme'), submitted for recognition to the Commission on 23 June 2016, demonstrates that consignments of biofuels and bioliquids produced in accordance with the standards for the production of biofuels and bioliquids set in the scheme comply with the sustainability criteria as laid down in Article 7b(3), (4) and (5) of Directive 98/70/EC and Article 17(3), (4) and (5) of Directive 2009/28/EC.

The scheme also contains accurate data for the purposes of Article 17(2) of Directive 2009/28/EC and Article 7b(2) of Directive 98/70/EC.

Article 2

The Decision is valid for a period of 5 years after it enters into force. If the contents of the scheme, as submitted for recognition to the Commission on 23 June 2016, change in a way that might affect the basis of this Decision, such changes shall be notified to the Commission without delay. The Commission shall assess the notified changes with a view to establish whether the scheme is still adequately covering the sustainability criteria for which it is recognised.

Article 3

The Commission may decide to repeal this Decision *inter alia* under the following circumstances:

- (a) if it has been clearly demonstrated that the scheme has not implemented elements considered to be decisive for this Decision or if severe and structural breach of those elements has taken place;
- (b) if the scheme fails to submit annual reports to the Commission as provided for in Article 7c(6) of Directive 98/70/EC and Article 18(6) of Directive 2009/28/EC;
- (c) if the scheme fails to implement standards of independent auditing specified in implementing acts referred to in the third subparagraph of Article 7c(5) of Directive 98/70/EC and the third subparagraph of Article 18(5) of Directive 2009/28/EC or improvements to other elements of the scheme considered to be decisive for a continued recognition.

Article 4

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

Done at Brussels, 9 August 2016.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING DECISION (EU) 2016/1362**of 9 August 2016****on recognition of the 'Roundtable on Sustainable Biomaterials EU RED' for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC ⁽¹⁾, and in particular the second subparagraph of Article 7c(4) thereof,

Having regard to Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC ⁽²⁾, and in particular the second subparagraph of Article 18(4) thereof,

Whereas:

- (1) Articles 7b and 7c of and Annex IV to Directive 98/70/EC and Articles 17 and 18 of and Annex V to Directive 2009/28/EC lay down similar sustainability criteria for biofuels and bioliquids, and similar procedures of the verification of compliance with those criteria.
- (2) Where biofuels and bioliquids are to be taken into account for the purposes referred to in Article 17(1)(a), (b) and (c) of Directive 2009/28/EC, Member States must require economic operators to show the compliance of biofuels and bioliquids with the sustainability criteria set out in Article 17(2) to (5) of Directive 2009/28/EC.
- (3) The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 17(2) of Directive 2009/28/EC, and/or demonstrate that consignments of biofuel or bioliquid comply with the sustainability criteria set out in Article 17(3), (4) and (5), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. When an economic operator provides proof or data obtained in accordance with a voluntary scheme that has been recognised by the Commission, to the extent covered by the recognition decision, a Member State is barred from requiring the supplier to provide further evidence of compliance with the sustainability criteria.
- (4) The request to recognise that the 'Roundtable on Sustainable Biomaterials EU RED', based, 7-9 Chemin de Balexert 1219 Chatelaine, Switzerland, demonstrates that consignments of biofuel comply with the sustainability criteria set out in Directive 98/70/EC and Directive 2009/28/EC was submitted to the Commission on 27 June 2016. The scheme covers a wide range of feedstocks including wastes and residues and the entire chain of custody. The recognised scheme documents should be made available at the transparency platform established under Directive 2009/28/EC.
- (5) Assessment of the 'Roundtable on Sustainable Biomaterials EU RED' found it to cover adequately the sustainability criteria of Directive 98/70/EC and of Directive 2009/28/EC, as well as applying a mass balance methodology in line with the requirements of Article 7c(1) of Directive 98/70/EC and Article 18(1) of Directive 2009/28/EC.
- (6) The evaluation of the 'Roundtable on Sustainable Biomaterials EU RED' found that it meets adequate standards of reliability, transparency and independent auditing and also complies with the methodological requirements in Annex IV to Directive 98/70/EC and Annex V to Directive 2009/28/EC.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee on the Sustainability of Biofuels and Bioliquids,

⁽¹⁾ OJ L 350, 28.12.1998, p. 58.

⁽²⁾ OJ L 140, 5.6.2009, p. 16.

HAS ADOPTED THIS DECISION:

Article 1

The 'Roundtable on Sustainable Biomaterials EU RED' (hereinafter 'the scheme'), submitted for recognition to the Commission on 27 June 2016, demonstrates that consignments of biofuels and bioliquids produced in accordance with the standards for the production of biofuels and bioliquids set in the scheme comply with the sustainability criteria as laid down in Article 7b(3), (4) and (5) of Directive 98/70/EC and Article 17(3), (4) and (5) of Directive 2009/28/EC.

The scheme also contains accurate data for the purposes of Article 17(2) of Directive 2009/28/EC and Article 7b(2) of Directive 98/70/EC.

Article 2

The Decision is valid for a period of 5 years after it enters into force. If the contents of the scheme, as submitted for recognition to the Commission on 27 June 2016, change in a way that might affect the basis of this Decision, such changes shall be notified to the Commission without delay. The Commission shall assess the notified changes with a view to establish whether the scheme is still adequately covering the sustainability criteria for which it is recognised.

Article 3

The Commission may decide to repeal this Decision, inter alia, under the following circumstances:

- (a) if it has been clearly demonstrated that the scheme has not implemented elements considered to be decisive for this Decision or if severe and structural breach of those elements has taken place;
- (b) if the scheme fails to submit annual reports to the Commission as provided for in Article 7c(6) of Directive 98/70/EC and Article 18(6) of Directive 2009/28/EC;
- (c) if the scheme fails to implement standards of independent auditing specified in implementing acts referred to in the third subparagraph of Article 7c(5) of Directive 98/70/EC and the third subparagraph of Article 18(5) of Directive 2009/28/EC or improvements to other elements of the scheme considered to be decisive for a continued recognition.

Article 4

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

Done at Brussels, 9 August 2016.

For the Commission
The President
Jean-Claude JUNCKER

CORRIGENDA

Corrigendum to Commission Implementing Regulation (EU) 2016/561 of 11 April 2016 amending Annex IV to Implementing Regulation (EU) No 577/2013 as regards the model of animal health certificate for dogs, cats and ferrets moved into a Member State from a territory or a third country for non-commercial purposes

(Official Journal of the European Union L 96 of 12 April 2016)

On page 29, in the Annex amending Part 1 of Annex IV to Implementing Regulation (EU) No 577/2013, in Box I.28:

for:

‘Species	Sex	Colour	Breed	Identification	Identification	Date of birth’
(Scientific				number	system	
name)				[dd/mm/yyyy]		

read:

‘Species	Sex	Colour	Breed	Identification	Identification	Date of birth
(Scientific				number	system	
name)						[dd/mm/yyyy]’

on page 31, in the Annex amending Part 1 of Annex IV to Implementing Regulation (EU) No 577/2013, in the table in section II.3.1:

for:

‘Transponder or tattoo alphanumeric code of the animal Date of implantation and/or reading ⁽¹⁰⁾ [dd/mm/yyyy]	Date of vaccination [dd/mm/yyyy]	Name and manufacturer of vaccine	Batch number	Validity of vaccination		Date of the blood sampling [dd/mm/yyyy]’
				From [dd/mm/yyyy]	to [dd/mm/yyyy]	

read:

‘Transponder or tattoo		Date of vaccination [dd/mm/yyyy]	Name and manufacturer of vaccine	Batch number	Validity of vaccination		Date of the blood sampling [dd/mm/yyyy]’
Alphanumeric code of the animal	Date of implantation and/or reading ⁽¹⁰⁾ [dd/mm/yyyy]				From [dd/mm/yyyy]	to [dd/mm/yyyy]	

