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EN

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2017/268**of 14 February 2017****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 Articles 57(4) and 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, 14 February 2017.

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

ANNEX

Description of goods	Classification (CN Code)	Reasons
(1)	(2)	(3)
A product consisting of white tablets composed of the following: — steviol glycosides, — sodium carbonate, — sodium citrate, — leucine. 200 tablets (each of 56 mg) put up for retail sale in a pocket dispenser. The product has a caloric value of 0,06 kcal per tablet.	2106 90 92	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 1(b) to Chapter 38 and the wording of CN codes 2106, 2106 90 and 2106 90 92. In accordance with Note 1(b) to Chapter 38, the product cannot be regarded as a chemical product of Chapter 38 as it contains substances with nutritive value, of a kind used in the preparation of foodstuffs. There is no threshold for the amount of the nutritive value. Steviol glycosides and leucine are regarded as substances with nutritive value (see also the Harmonized System Explanatory Notes (HSEN) to Chapter 38, General, antepenultimate and penultimate paragraph). Preparations (such as tablets) consisting of a sweetener and a foodstuff used for sweetening purposes should be classified under heading 2106 (see also the HSEN to heading 2106, number 10). The product is therefore to be classified under heading 2106 as other food preparation of CN code 2106 90 92.

COMMISSION REGULATION (EU) 2017/269**of 16 February 2017****amending Regulation (EC) No 1185/2009 of the European Parliament and of the Council
concerning statistics on pesticides, as regards the list of active substances****(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 1185/2009 of the European Parliament and of the Council of 25 November 2009 concerning statistics on pesticides ⁽¹⁾, and in particular Article 5(3) thereof,

Whereas:

- (1) Regulation (EC) No 1185/2009 establishes a common framework for producing comparable European statistics on the sales and use of pesticides.
- (2) The Commission should adapt, on a regular basis and at least every five years, the list of substances to be covered and their classification in categories of products and chemical classes as set out in Annex III. As the latter was last updated in 2011 by Commission Regulation (EU) No 656/2011 ⁽²⁾, the list annexed to that Regulation needs to be updated to cover the years from 2016 to 2020.
- (3) Given the number of substances concerned and the complex process of identifying and classifying the relevant compounds, it is difficult for the national statistical authorities to acquire the array of tools they need to collect information on use and placing on the market of pesticides. Consequently, only substances assigned an identification number by one or both of the two major internationally recognised institutions that register chemical compounds or pesticides, the Chemical Abstracts Service of the American Chemical Society and the Collaborative International Pesticides Analytical Council, should be included.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 1185/2009 is replaced by the Annex 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, 16 February 2017.

*For the Commission**The President*

Jean-Claude JUNCKER

⁽¹⁾ OJ L 324, 10.12.2009, p. 1.⁽²⁾ Commission Regulation (EU) No 656/2011 of 7 July 2011 implementing Regulation (EC) No 1185/2009 of the European Parliament and of the Council concerning statistics on pesticides, as regards definitions and list of active substances (OJ L 180, 8.7.2011, p. 3).

HARMONISED CLASSIFICATION OF SUBSTANCES

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
Fungicides and Bactericides		PES_F				
	Inorganic fungicides	F01				
		F01_01	COPPER COMPOUNDS			
		F01_01_01		BORDEAUX MIXTURE	8011-63-0	44.604
		F01_01_02		COPPER HYDROXIDE	20427-59-2	44.305
		F01_01_03		COPPER (I) OXIDE	1319-39-1	44.603
		F01_01_04		COPPER OXYCHLORIDE	1332-40-7	44.602
		F01_01_05		TRIBASIC COPPER SULFATE	1333-22-8	44.606
		F01_01_06		OTHER COPPER SALTS		44
		F01_02	INORGANIC SULFUR			
		F01_02_01		SULFUR	7704-34-9	18
		F01_99	OTHER INORGANIC FUNGICIDES			
		F01_99_01		LIME SULFUR (CALCIUM POLYSULFID)	1344-81-6	17
		F01_99_03		POTASSIUM PHOSPHONATES (FORMERLY POTASSIUM PHOSPHITE)	13977-65-6 13492-26-7	756
		F01_99_06		DISODIUM PHOSPHONATE		808

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		F01_99_07		POTASSIUM HYDROGEN CARBONATE	298-14-6	853
		F01_99_99		OTHER INORGANIC FUNGICIDES		
	Fungicides based on carbamates and dithiocarbamates	F02				
		F02_01	CARBANILATE FUNGICIDES			
		F02_01_01		DIETHOFENCARB	87130-20-9	513
		F02_02	CARBAMATE FUNGICIDES			
		F02_02_01		BENTHIAVALICARB-ISOPROPYL	413615-35-7 177406-68-7	744
		F02_02_02		IPROVALICARB	140923-17-7	620
		F02_02_03		PROPAMOCARB	24579-73-5	399
		F02_03	DITHIOCARBAMATE FUNGICIDES			
		F02_03_01		MANCOZEB	8018-01-7	34
		F02_03_02		MANEB	12427-38-2	61
		F02_03_03		METIRAM	9006-42-2	478
		F02_03_04		PROPINEB	12071-83-9	177
		F02_03_05		THIRAM	137-26-8	24
		F02_03_06		ZIRAM	137-30-4	31
		F02_99	OTHER FUNGICIDES BASED ON CARBAMATES AND DITHIOCARBAMATES			

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		F02_99_99		OTHER FUNGICIDES BASED ON CARBAMATES AND DITHIOCARBAMATES		
	Fungicides based on benzimidazoles	F03				
		F03_01	BENZIMIDAZOLE FUNGICIDES			
		F03_01_01		CARBENDAZIM	10605-21-7	263
		F03_01_02		FUBERIDAZOLE	3878-19-1	525
		F03_01_03		THIABENDAZOLE	148-79-8	323
		F03_01_04		THIOPHANATE-METHYL	23564-05-8	262
		F03_99	OTHER FUNGICIDES BASED ON BENZIMIDAZOLES			
		F03_99_99		OTHER FUNGICIDES BASED ON BENZIMIDAZOLES		
	Fungicides based on imidazoles and triazoles	F04				
		F04_01	CONAZOLE FUNGICIDES			
		F04_01_02		BROMUCONAZOLE	116255-48-2	680
		F04_01_03		CYPROCONAZOLE	94361-06-5	600
		F04_01_04		DIFENOCONAZOLE	119446-68-3	687
		F04_01_05		EPOXICONAZOLE	106325-08-0	609
		F04_01_06		ETRIDIAZOLE	2593-15-9	518
		F04_01_07		FENBUCONAZOLE	114369-43-6	694
		F04_01_08		FLUQUINCONAZOLE	136426-54-5	474

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		F04_01_10		FLUTRIAFOL	76674-21-0	436
		F04_01_11		IMAZALIL (ENILCONAZOLE)	35554-44-0	335
		F04_01_12		IPCONAZOLE	125225-28-7	798
		F04_01_13		METCONAZOLE	125116-23-6	706
		F04_01_14		MYCLOBUTANIL	88671-89-0	442
		F04_01_15		PENCONAZOLE	66246-88-6	446
		F04_01_16		PROPICONAZOLE	60207-90-1	408
		F04_01_17		PROTHIOCONAZOLE	178928-70-6	745
		F04_01_18		TEBUCONAZOLE	107534-96-3	494
		F04_01_19		TETRACONAZOLE	112281-77-3	726
		F04_01_20		TRIADIMENOL	55219-65-3	398
		F04_01_21		TRIFLUMIZOLE	99387-89-0	730
		F04_01_22		TRITICONAZOLE	131983-72-7	652
		F04_02	IMIDAZOLE FUNGICIDES			
		F04_02_01		CYAZOFAMID	120116-88-3	653
		F04_02_02		FENAMIDONE	161326-34-7	650
		F04_02_03		TRIAZOXIDE	72459-58-6	729
		F04_99	OTHER FUNGICIDES BASED ON IMIDAZOLES AND TRIAZOLES			
		F04_99_01		AMETOCTRADIN	865318-97-4	818

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		F04_99_02		AMISULBROM	348635-87-0	789
		F04_99_03		TRICYCLAZOLE	41814-78-2	547
		F04_99_99		OTHER FUNGICIDES BASED ON IMIDAZOLES AND TRIAZOLES		
	Fungicides based on morpholines	F05				
		F05_01	MORPHOLINE FUNGICIDES			
		F05_01_01		DIMETHOMORPH	110488-70-5	483
		F05_01_02		DODEMORPH	1593-77-7	300
		F05_01_03		FENPROPIMORPH	67564-91-4	427
		F05_99	OTHER FUNGICIDES BASED ON MORPHOLINES			
		F05_99_99		OTHER FUNGICIDES BASED ON MORPHOLINES		
	Fungicides of microbiological or botanical origin	F06				
		F06_01	MICROBIOLOGICAL FUNGICIDES			
		F06_01_01		AMPELOMYCES QUISQUALIS STRAIN AQ10		589
		F06_01_02		AUREOBASIDIUM PULLULANS (STRAINS DSM 14940-1)		809, 810
		F06_01_03		BACILLUS SUBTILIS STR. QST 713		661

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		F06_01_04		CONIOTHYRIUM MINITANS		614
		F06_01_05		GLIOCLADIUM CATENULATUM STRAIN J1446		624
		F06_01_08		PSEUDOMONAS CHLORORAPHIS STRAIN MA342		574
		F06_01_09		PSEUDOZYMA FLOCCULOSA		669
		F06_01_11		TRICHODERMA HARZIANUM RIFAI (T-22) (ITEM 908)		816
		F06_01_12		CANDIDA OLEOPHILA STRAIN O		946
		F06_01_14		PHLEBIOPSIS GIGANTEA (SEVERAL STRAINS)		921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934
		F06_01_15		PSEUDOMONAS SP. STRAIN DSMZ 13134		935
		F06_01_16		PYTHIUM OLIGANDRUM (M1)		936
		F06_01_17		STREPTOMYCES K61 (K61) (FOR- MERLY STREPTOMYCES GRISEOVIRI- DIS)		937
		F06_01_18		TRICHODERMA ASPELLERUM (ICC012) (T25) (TV1) (FORMERLY T. HARZIANUM)		938, 939, 940
		F06_01_19		TRICHODERMA ASPERELLUM (STRAIN T34)		941

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		F06_01_20		TRICHODERMA ATROVIRIDE (IMI 206040) (T 11) (FORMERLY TRICHODERMA HARZIANUM)		942, 943
		F06_01_21		TRICHODERMA ATROVIRIDE STRAIN I-1237		944
		F06_01_22		TRICHODERMA GAMSII (FORMERLY T. VIRIDE) (ICC080)		945
		F06_01_23		TRICHODERMA POLYSPORUM (IMI 206039)		946
		F06_01_24		VERTICILLIUM ALBO-ATRUM (WCS850) (FORMERLY VERTICILLIUM DAHLIAE)		948
		F06_01_25		BACILLUS AMYLOLIQUEFACIENS MBI 600		
		F06_01_26		BACILLUS AMYLOLIQUEFACIENS STRAIN FZB24		
		F06_01_27		SACCHAROMYCES CEREVISIAE STRAIN LAS02		
		F06_01_28		TRICHODERMA ATROVIRIDE STRAIN SC1		
		F06_01_29		BACILLUS AMYLOLIQUEFACIENS SUBSP.PLANTARUM D747		
		F06_01_30		BACILLUS PUMILUS QST 2808		
		F06_02	BOTANICAL FUNGICIDES			
		F06_02_01		EUGENOL	97-53-0	

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		F06_02_02		GERANIOL	106-24-1	
		F06_02_03		THYMOL	89-83-8	900
		F06_02_04		EXTRACT FROM TEA TREE	68647-73-4	914
		F06_02_05		LAMINARIN	9008-22-4	671
		F06_02_06		FEN 560		858
		F06_02_07		REYNOUTRIA SACCHALINENSIS EXTRACT		
		F06_99	OTHER FUNGICIDES OF MICROBIOLOGICAL OR BOTANICAL ORIGIN			
		F06_99_01		CEREVISANE		980
	Bactericides	F07				
		F07_01	INORGANIC BACTERICIDES			
		F07_01_01		SODIUM HYPOCHLORITE	7681-52-9	848
		F07_01_02		ALUMINIUM SULFATE	10043-01-3	849
		F07_99	OTHER BACTERICIDES			
	Other fungicides and bactericides	F99				
		F99_01	ALIPHATIC NITROGEN FUNGICIDES			
		F99_01_01		CYMOXANIL	57966-95-7	419
		F99_01_02		DODINE	2439-10-3	101
		F99_02	AMIDE FUNGICIDES			
		F99_02_01		CYFLUFENAMID	180409-60-3	759

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		F99_02_02		FLUOPICOLIDE	239110-15-7	787
		F99_02_03		PROCHLORAZ	67747-09-5	407
		F99_02_04		SILTHIOFAM	175217-20-6	635
		F99_02_05		ZOXAMIDE	156052-68-5	640
		F99_02_06		MANDIPROPAMID	374726-62-2	783
		F99_02_07		PENTHIOPYRAD	183675-82-3	824
		F99_02_08		BENZOVINDIFLUPYR	1072957-71-1	981
		F99_02_09		ISOFETAMID	875915-78-9	972
		F99_02_10		MANDESTROBIN	173662-97-0	
		F99_02_11		FLUOPYRAM	658066-35-4	807
		F99_03	ANILIDE FUNGICIDES			
		F99_03_01		BENALAXYL	71626-11-4	416
		F99_03_02		BOSCALID	188425-85-6	673
		F99_03_03		CARBOXIN	5234-68-4	273
		F99_03_04		FENHEXAMID	126833-17-8	603
		F99_03_05		FLUTOLANIL	66332-96-5	524
		F99_03_06		METALAXYL-M	70630-17-0	580
		F99_03_07		METALAXYL	57837-19-1	365
		F99_03_08		BENALAXYL-M	98243-83-5	766

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		F99_03_09		BIXAFEN	581809-46-3	819
		F99_03_12		ISOPYRAZAM	881685-58-1	963
		F99_03_13		FLUXAPYROXAD	907204-31-3	828
		F99_03_14		PENFLUFEN	494793-67-8	826
		F99_03_15		SEDAXANE	874967-67-6	833
		F99_05	AROMATIC FUNGICIDES			
		F99_05_01		CHLOROTHALONIL	1897-45-6	288
		F99_05_03		2,5-DICHLOROBENZOIC ACID METHYLESTER	2905-69-3	686
		F99_06	DICARBOXIMIDE FUNGICIDES			
		F99_06_01		IPRODIONE	36734-19-7	278
		F99_07	DINITROANILINE FUNGICIDES			
		F99_07_01		FLUAZINAM	79622-59-6	521
		F99_08	DINITROPHENOL FUNGICIDES			
		F99_08_02		MEPTYLDINOCAP	131-72-6	811
		F99_09	ORGANOPHOSPHORUS FUNGICIDES			
		F99_09_01		FOSETYL-AL	15845-66-6	384
		F99_09_02		TOLCLOFOS-METHYL	57018-04-9	479
		F99_10	OXAZOLE FUNGICIDES			
		F99_10_01		FAMOXADONE	131807-57-3	594

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		F99_10_02		HYMEXAZOL	10004-44-1	528
		F99_11	PHENYLPYRROLE FUNGICIDES			
		F99_11_01		FLUDIOXONIL	131341-86-1	522
		F99_12	PHTHALIMIDE FUNGICIDES			
		F99_12_01		CAPTAN	133-06-2	40
		F99_12_02		FOLPET	133-07-3	75
		F99_13	PYRIMIDINE FUNGICIDES			
		F99_13_01		BUPIRIMATE	41483-43-6	261
		F99_13_02		CYPRODINIL	121552-61-2	511
		F99_13_03		MEPANIPYRIM	110235-47-7	611
		F99_13_04		PYRIMETHANIL	53112-28-0	714
		F99_14	QUINOLINE FUNGICIDES			
		F99_14_01		8-HYDROXYQUINOLINE SULFATE (8-HYDROXYQUINOLINE INCL. OXY- QUINOLEINE)	134-31-6	677
		F99_14_02		QUINOXYFEN	124495-18-7	566
		F99_15	QUINONE FUNGICIDES			
		F99_15_01		DITHIANON	3347-22-6	153
		F99_16	STROBILURINE FUNGICIDES			
		F99_16_01		AZOXYSTROBIN	131860-33-8	571

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		F99_16_02		DIMOXYSTROBIN	149961-52-4	739
		F99_16_03		FLUOXASTROBIN	361377-29-9	746
		F99_16_04		KRESOXIM-METHYL	143390-89-0	568
		F99_16_05		PICOXYSTROBINE	117428-22-5	628
		F99_16_06		PYRACLOSTROBINE	175013-18-0	657
		F99_16_07		TRIFLOXYSTROBINE	141517-21-7	617
		F99_17	UREA FUNGICIDES			
		F99_17_01		PENCYCURON	66063-05-6	402
		F99_17_02		UREA	57-13-6	913
	Unclassified fungicides	F99_99	UNCLASSIFIED FUNGICIDES			
		F99_99_01		2-PHENYLPHENOL	90-43-7	246
		F99_99_02		ACIBENZOLAR -S-METHYL	126448-41-7	597
		F99_99_04		ASCORBIC ACID		774
		F99_99_05		BENZOIC ACID	65-85-0	622
		F99_99_06		FENPROPIDIN	67306-00-7	520
		F99_99_08		METRAFENONE	220899-03-6	752
		F99_99_09		PYRIOFENONE	688046-61-9	827
		F99_99_10		SPIROXAMINE	118134-30-8	572
		F99_99_12		PROQUINAZID	189278-12-4	764

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		F99_99_13		VALIFENALATE (FORMERLY VALIPHENAL)		857
		F99_99_14		DIMETHYL DISULPHIDE	624-92-0	
		F99_99_15		COS-OGA		979
		F99_99_16		FLUTIANIL	958647-10-4	835
		F99_99_17		FENPYRAZAMINE	473798-59-3	832
		F99_99_99		OTHER FUNGICIDES, NOT CLASSIFIED		
Herbicides. Haulm Destructors and Moss Killers		PES_H				
	Herbicides based on phenoxy- phytohormones	H01				
		H01_01	PHENOXY HERBICIDES			
		H01_01_01		2,4-D	94-75-7	1
		H01_01_02		2,4-DB	94-82-6	83
		H01_01_03		DICHLORPROP-P	15165-67-0	476
		H01_01_04		MCPA	94-74-6	2
		H01_01_05		MCPB	94-81-5	50
		H01_01_06		MECOPROP	7085-19-0	51
		H01_01_07		MECOPROP-P	16484-77-8	475

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		H01_99	OTHER HERBICIDES BASED ON PHE- NOXY-PHYTOHORMONES			
		H01_99_99		OTHER HERBICIDES BASED ON PHE- NOXY-PHYTOHORMONES		
	Herbicides based on triazines and triazinones	H02				
		H02_02	TRIAZINE HERBICIDES			
		H02_02_01		TERBUTHYLAZINE	5915-41-3	234
		H02_03	TRIAZINONE HERBICIDES			
		H02_03_01		METAMITRON	41394-05-2	381
		H02_03_02		METRIBUZIN	21087-64-9	283
		H02_99	OTHER HERBICIDES BASED ON TRIA- ZINES AND TRIAZINONES			
		H02_99_99		OTHER HERBICIDES BASED ON TRIA- ZINES AND TRIAZINONES		
	Herbicides based on amides and anilides	H03				
		H03_01	AMIDE HERBICIDES			
		H03_01_01		BEFLUBUTAMID	113614-08-7	662
		H03_01_02		DIMETHENAMID-P	163515-14-8	638
		H03_01_03		ISOXABEN	82558-50-7	701
		H03_01_04		NAPROPAMIDE	15299-99-7	271

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		H03_01_05		PENOXSULAM	219714-96-2	758
		H03_01_06		PETHOXAMIDE	106700-29-2	665
		H03_01_07		PROPYZAMIDE	23950-58-5	315
		H03_01_08		PYROXSULAM	422556-08-9	793
		H03_02	ANILIDE HERBICIDES			
		H03_02_01		DIFLUFENICAN	83164-33-4	462
		H03_02_02		FLORASULAM	145701-23-1	616
		H03_02_03		FLUFENACET	142459-58-3	588
		H03_02_04		METAZACHLOR	67129-08-2	411
		H03_02_05		METOSULAM	139528-85-1	707
		H03_03	CHLOROACETANILIDE HERBICIDES			
		H03_03_02		DIMETHACHLOR	50563-36-5	688
		H03_03_04		S-METOLACHLOR	87392-12-9	607
		H03_99	OTHER HERBICIDES BASED ON AMIDES AND ANILIDES			
		H03_99_99		OTHER HERBICIDES BASED ON AMIDES AND ANILIDES		
	Herbicides based on carbamates and bis- carbamates	H04				
		H04_01	BIS-CARBAMATE HERBICIDES			
		H04_01_01		CHLORPROPHAM	101-21-3	43

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		H04_01_02		DESMEDIPHAM	13684-56-5	477
		H04_01_03		PHENMEDIPHAM	13684-63-4	77
		H04_02	CARBAMATE HERBICIDES			
		H04_02_02		CARBETAMIDE	16118-49-3	95
		H04_99	OTHER HERBICIDES BASED ON CARBAMATES AND BIS-CARBAMATES			
		H04_99_99		OTHER HERBICIDES BASED ON CARBAMATES AND BIS-CARBAMATES		
	Herbicides based on dinitroaniline derivatives	H05				
		H05_01	DINITROANILINE HERBICIDES			
		H05_01_01		BENFLURALIN	1861-40-1	285
		H05_01_02		PENDIMETHALIN	40487-42-1	357
		H05_01_03		ORYZALIN	19044-88-3	537
		H05_99	OTHER HERBICIDES BASED ON DINITROANILINE DERIVATIVES			
		H05_99_99		OTHER HERBICIDES BASED ON DINITROANILINE DERIVATIVES		
	Herbicides based on derivatives of urea, of uracil or of sulfonylurea	H06				
		H06_01	SULFONYLUREA HERBICIDES			

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		H06_01_01		AMIDOSULFURON	120923-37-7	515
		H06_01_02		AZIMSULFURON	120162-55-2	584
		H06_01_03		BENSULFURON-METHYL	99283-01-9 83055-99-6	502
		H06_01_04		CHLORSULFURON	64902-72-3	391
		H06_01_06		FLAZASULFURON	104040-78-0	595
		H06_01_07		FLUPYRSULFURON-METHYL	150315-10-9 144740-54-5	577
		H06_01_08		FORAMSULFURON	173159-57-4	659
		H06_01_09		IMAZOSULFURON	122548-33-8	590
		H06_01_10		IODOSULFURON-METHYL-SODIUM	144550-36-7	634.501
		H06_01_11		MESOSULFURON-METHYL	400852-66-6 208465-21-8	663
		H06_01_12		METSULFURON-METHYL	74223-64-6	441
		H06_01_13		NICOSULFURON	111991-09-4	709
		H06_01_14		OXASULFURON	144651-06-9	626
		H06_01_15		PROSULFURON	94125-34-5	579
		H06_01_16		RIMSULFURON	122931-48-0	716
		H06_01_17		SULFOSULFURON	141776-32-1	601

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		H06_01_18		THIFENSULFURON-METHYL	79277-67-1 79227-27-3	452
		H06_01_19		TRIASULFURON	82097-50-5	480
		H06_01_20		TRIBENURON-METHYL	106040-48-6 101200-48-0	546
		H06_01_21		TRIFLUSULFURON	135990-29-3 126535-15-7	731
		H06_01_22		TRITOSULFURON	142469-14-5	735
		H06_01_23		ORTHOSULFAMURON	213464-77-8	781
		H06_01_24		ETHAMETSULFURON-METHYL	97780-06-8	834.201
		H06_01_25		HALOSULFURON METHYL	100784-20-1	785
		H06_02	URACIL HERBICIDES			
		H06_02_01		LENACIL	2164-08-1	163
		H06_03	UREA HERBICIDES			
		H06_03_01		CHLOROTOLURON	15545-48-9	217
		H06_03_02		DIURON	330-54-1	100
		H06_03_03		FLUOMETURON	2164-17-2	159
		H06_03_04		ISOPROTURON	34123-59-6	336
		H06_03_05		LINURON	330-55-2	76

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		H06_03_06		METOBROMURON	3060-89-7	168
		H06_99	OTHER HERBICIDES BASED ON DERIVATIVES OF UREA, OF URACIL OR OF SULFONYLUREA			
		H06_99_99		OTHER HERBICIDES BASED ON DERIVATIVES OF UREA, OF URACIL OR OF SULFONYLUREA		
	Other herbicides	H99				
		H99_01	ARYLOXYPHENOXY- PROPIONIC HERBICIDES			
		H99_01_01		CLODINAFOP-PROPARGYL	114420-56-3 105512-06-9	683
		H99_01_02		CYHALOFOP-BUTYL	122008-85-9	596
		H99_01_03		DICLOFOP-METHYL	40843-25-2 257-141-8	358
		H99_01_04		FENOXAPROP-P-ETHYL	113158-40-0 71283-80-2	484
		H99_01_05		FLUAZIFOP-P-BUTYL	79241-46-6	467
		H99_01_06		HALOXYFOP-P	95977-29-0	526
		H99_01_07		PROPAQUIZAFOP	111479-05-1	713
		H99_01_08		QUIZALOFOP-P	94051-08-8	641
		H99_01_09		QUIZALOFOP-P-ETHYL	100646-51-3	641.202

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		H99_01_10		QUIZALOFOP-P-TEFURYL	119738-06-6	641.226
		H99_02	BENZOFURANE HERBICIDES			
		H99_02_01		ETHOFUMESATE	26225-79-6	233
		H99_03	BENZOIC-ACID HERBICIDES			
		H99_03_01		DICAMBA	1918-00-9	85
		H99_04	BIPYRIDYLIUM HERBICIDES			
		H99_04_01		DIQUAT	85-00-7	55
		H99_05	CYCLOHEXANEDIONE HERBICIDES			
		H99_05_01		CLETHODIM	99129-21-2	508
		H99_05_02		CYCLOXYDIM	101205-02-1	510
		H99_05_03		PROFOXYDIM	139001-49-3	621
		H99_05_04		TEPRALOXYDIM	149979-41-9	608
		H99_05_05		TRALKOXYDIM	87820-88-0	544
		H99_06	DIAZINE HERBICIDES			
		H99_06_01		PYRIDATE	55512-33-9	447
		H99_07	DICARBOXIMIDE HERBICIDES			
		H99_07_02		FLUMIOXAZIN	103361-09-7	578
		H99_08	DIPHENYL ETHER HERBICIDES			
		H99_08_01		ACLONIFEN	74070-46-5	498

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		H99_08_02		BIFENOX	42576-02-3	413
		H99_08_03		OXYFLUORFEN	42874-03-3	538
		H99_09	IMIDAZOLINONE HERBICIDES			
		H99_09_01		IMAZAMOX	114311-32-9	619
		H99_10	INORGANIC HERBICIDES			
		H99_10_01		IRON SULFATE	7720-78-7 17375-41-6 7782-63-0	837
		H99_11	ISOXAZOLE HERBICIDES			
		H99_11_01		ISOXAFLUTOLE	141112-29-0	575
		H99_11_02		TOPRAMEZONE	210631-68-8	800
		H99_13	NITRILE HERBICIDES			
		H99_13_01		BROMOXYNIL OCTANOATE AND/OR HEPTANOATE	1689-84-5 1689-99-2 56634-95-8	87
		H99_13_03		IOXYNIL	1689-83-4 3861-47-0	86
		H99_14	ORGANOPHOSPHORUS HERBICIDES			
		H99_14_01		GLUFOSINATE-AMMONIUM	51276-47-2 77182-82-2	437
		H99_14_02		GLYPHOSATE	1071-83-6	284

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		H99_15	PHENYLPYRAZOLE HERBICIDES			
		H99_15_01		PINOXADEN	243973-20-8	776
		H99_15_02		PYRAFLUFEN-ETHYL	129630-19-9	605
		H99_16	PYRIDAZINONE HERBICIDES			
		H99_16_01		CHLORIDAZON	1698-60-8	111
		H99_16_02		FLURTAMONE	96525-23-4	569
		H99_17	PYRIDINECARBOXAMIDE HERBICIDES			
		H99_17_01		PICOLINAFEN	137641-05-5	639
		H99_18	PYRIDINECARBOXYLIC-ACID HERBICIDES			
		H99_18_01		CLOPYRALID MONOETHANOLAMIN SALT	1702-17-6 57754-85-5	455
		H99_18_02		PICLORAM	1918-02-1	174
		H99_18_03		HALAUXIFEN-METHYL	943831-98-9	970
		H99_18_04		AMINOPYRALID	150114-71-9	771
		H99_19	PYRIDYLOXYACETIC-ACID HERBICIDES			
		H99_19_02		FLUROXYPYR	69377-81-7	431
		H99_19_03		TRICLOPYR	55335-06-3	376

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		H99_20	QUINOLINE HERBICIDES			
		H99_20_01		QUINMERAC	90717-03-6	563
		H99_21	THIADIAZINE HERBICIDES			
		H99_21_01		BENTAZONE	25057-89-0	366
		H99_22	THIOCARBAMATE HERBICIDES			
		H99_22_01		MOLINATE	2212-67-1	235
		H99_22_02		PROSULFOCARB	52888-80-9	539
		H99_22_03		TRI-ALLATE	2303-17-5	97
		H99_23	TRIAZOLE HERBICIDES			
		H99_23_01		AMITROLE	61-82-5	90
		H99_24	TRIAZOLINONE HERBICIDES			
		H99_24_01		CARFENTRAZONE-ETHYL	128639-02-1	587.202
		H99_25	TRIAZOLONE HERBICIDES			
		H99_25_01		PROPOXYCARBAZONE-SODIUM	145026-81-9 181274-15-7	655
		H99_25_02		THIENCARBAZONE-METHYL	936331-72-5 317815-83-1	797
		H99_26	TRIKETONE HERBICIDES			
		H99_26_01		MESOTRIONE	104206-82-8	625
		H99_26_02		SULCOTRIONE	99105-77-8	723
		H99_26_03		TEMBOTRIONE	335104-84-2	790

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
	Unclassified herbicides	H99_99	UNCLASSIFIED HERBICIDES			
		H99_99_01		ACETIC ACID	64-19-7	838
		H99_99_02		BISPYRIBAC SODIUM	125401-92-5	748.011
		H99_99_03		CLOMAZONE	81777-89-1	509
		H99_99_04		FLUROCHLORIDONE	61213-25-0	430
		H99_99_06		OXADIAZON	19666-30-9	213
		H99_99_07		PELARGONIC ACID	112-05-0	888
		H99_99_08		QUINOCLAMINE	2797-51-5	648
		H99_99_99		OTHER HERBICIDES HAULM DE- STRUCTOR MOSS KILLER		
Insecticides and Acaricides		PES_I				
	Insecticides based on pyrethroids	I01				
		I01_01	PYRETHROID INSECTICIDES			
		I01_01_01		ACRINATHRIN	101007-06-1	678
		I01_01_02		ALPHA-CYPERMETHRIN	67375-30-8	454
		I01_01_03		BETA-CYFLUTHRIN	68359-37-5	482
		I01_01_04		BIFENTHRIN	82657-04-3	415
		I01_01_06		CYPERMETHRIN	52315-07-8	332

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		I01_01_07		DELTAMETHRIN	52918-63-5	333
		I01_01_08		ESFENVALERATE	66230-04-4	481
		I01_01_09		ETOFENPROX	80844-07-1	471
		I01_01_10		GAMMA-CYHALOTHRIN	76703-62-3	768
		I01_01_11		LAMBDA-CYHALOTHRIN	91465-08-6	463
		I01_01_12		TAU-FLUVALINATE	102851-06-9	786
		I01_01_13		TEFLUTHRIN	79538-32-2	451
		I01_01_14		ZETA-CYPERMETHRIN	52315-07-8	733
		I01_01_15		BETA-CYPERMETHRIN	65731-84-2 72204-43-4 65732-07-2 83860-31-5	632
		I01_99	OTHER INSECTICIDES BASED ON PYRETHROIDS			
		I01_99_99		OTHER INSECTICIDES BASED ON PYRETHROIDS		
	Insecticides based on chlorinated hydrocarbons	I02				
		I02_01	ANTHRANILIC DIAMIDE INSECTI- CIDES			
		I02_01_01		CYANTRANILIPROLE		

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		I02_99	OTHER INSECTICIDES BASED ON CHLORINATED HYDROCARBONS			
		I02_99_99		OTHER INSECTICIDES BASED ON CHLORINATED HYDROCARBONS		
	Insecticides based on carbamates and oxime- carbamate	I03				
		I03_01	OXIME-CARBAMATE INSECTICIDES			
		I03_01_01		METHOMYL	16752-77-5	264
		I03_01_02		OXAMYL	23135-22-0	342
		I03_02	CARBAMATE INSECTICIDES			
		I03_02_01		FENOXYCARB	79127-80-3	425
		I03_02_02		FORMETANATE-HYDROCHLORIDE	22259-30-9 23422-53-9	697
		I03_02_03		METHIOCARB	2032-65-7	165
		I03_02_04		PIRIMICARB	23103-98-2	231
		I03_99	OTHER INSECTICIDES BASED ON CARBAMATE AND OXIME-CARBA- MATE			
		I03_99_99		OTHER INSECTICIDES BASED ON CARBAMATE AND OXIME-CARBA- MATE		

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
	Insecticides based on organophosphates	I04				
		I04_01	ORGANOPHOSPHORUS INSECTICIDES			
		I04_01_01		CHLORPYRIFOS	2921-88-2	221
		I04_01_02		CHLORPYRIFOS-METHYL	5589-13-0	486
		I04_01_03		DIMETHOATE	60-51-5	59
		I04_01_04		ETHOPROPHOS	13194-48-4	218
		I04_01_07		MALATHION	121-75-5	12
		I04_01_08		PHOSMET	732-11-6	318
		I04_01_09		PIRIMIPHOS-METHYL	29232-93-7	239
		I04_99	OTHER INSECTICIDES BASED ON ORGANOPHOSPHATES			
		I04_99_99		OTHER INSECTICIDES BASED ON ORGANOPHOSPHATES		
	Insecticides of microbiological or botanical origin	I05				
		I05_01	MICROBIOLOGICAL INSECTICIDES			
		I05_01_01		ADOXOPHYES ORANA GV STRAIN BV-0001		782
		I05_01_03		BACILLUS THURINGIENSIS SUBSP. IS-RAELENIS (AM65-52)		770

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		I05_01_04		METARHIZIUM ANISOPLIAE VAR. ANISOPLIAE STRAIN BIPESCO 5F/52		784
		I05_01_05		PAECILOMYCES FUMOSOROSEUS STRAIN FE9901		778
		I05_01_08		BACILLUS THURINGIENSIS SUBSP. AI-ZAWAI (ABTS-1857 AND GC-91)		949, 950
		I05_01_09		BACILLUS THURINGIENSIS SUBSP. KURSTAKI (ABTS 351, PB 54, SA 11, SA12 AND EG 2348)		951, 952, 953, 954, 955
		I05_01_10		BACILLUS THURINGIENSIS SUBSP. TENEBRIONIS (NB 176)		956
		I05_01_11		BEAUVERIA BASSIANA (ATCC 74040 AND GHA)		957, 958
		I05_01_12		CYDIA POMONELLA GRANULOSIS VIRUS (CPGV)		959
		I05_01_13		HELICOVERPA ARMIGERA NUCLEO-POLYHEDROVIRUS (HEARNPV)		960
		I05_01_14		LECANICILLIMUM MUSCARIUM (VE6) (FORMERLY VERTICILLIUM LECANII)		961
		I05_01_15		SPODOPTERA LITTORALIS NUCLEO-POLYHEDROVIRUS		962
		I05_01_16		BEAUVERIA BASSIANA STRAIN 147		
		I05_01_17		BEAUVERIA BASSIANA STRAIN NPP11B005		

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		I05_01_18		ISARIA FUMOSOROSEA APOPKA STRAIN 97 (FORMELY PAECILOMYCES FUMOSOROSEUS)		573
		I05_01_19		SPODOPTERA EXIGUA NUCLEAR POLYHEDROSIS VIRUS		592
		I05_02	BOTANICAL INSECTICIDES			
		I05_02_01		ORANGE OIL		902
		I05_02_02		TAGETES OIL		903
		I05_02_03		AZADIRACHTIN	11141-17-6	627
		I05_02_04		PYRETHRINS	8003-34-7	32
		I05_99	OTHER INSECTICIDES OF MICROBIO- LOGICAL OR BOTANICAL ORIGIN			
		I05_99_99		OTHER INSECTICIDES OF MICROBIO- LOGICAL OR BOTANICAL ORIGIN		
	Acaricides	I06				
		I06_01	PYRAZOLE ACARICIDES			
		I06_01_01		FENPYROXIMATE	134098-61-6	695
		I06_02	TETRAZINE ACARICIDES			
		I06_02_01		CLOFENTEZINE	74115-24-5	418
		I06_99	OTHER ACARICIDES			
		I06_99_01		ACEQUINOCYL	57960-19-7	760
		I06_99_02		CYFLUMETOFEN	400882-07-7	821

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		I06_99_99		OTHER ACARICIDES		
	Other insecticides	I99				
		I99_01	INSECTICIDES PRODUCED BY FER- MENTATION			
		I99_01_01		ABAMECTIN	71751-41-2	495
		I99_01_02		MILBEMECTIN	51596-10-2 51596-11-3	660
		I99_01_03		SPINOSAD	168316-95-8	636
		I99_01_04		EMAMECTIN	155569-91-8	791
		I99_01_05		SPINETORAM	187166-40-1	802
		I99_03	BENZOYLUREA INSECTICIDES			
		I99_03_01		DIFLUBENZURON	35367-38-5	339
		I99_03_03		LUFENURON	103055-07-8	704
		I99_03_05		TEFLUBENZURON	83121-18-0	450
		I99_03_06		TRIFLUMURON	64628-44-0	548
		I99_04	CARBAZATE INSECTICIDES			
		I99_04_01		BIFENAZATE	149877-41-8	736
		I99_05	DIAZYLHYDRAZINE INSECTICIDES			
		I99_05_01		METHOXYFENOZIDE	161050-58-4	656
		I99_05_02		TEBUFENOZIDE	112410-23-8	724

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		I99_05_03		CHROMAFENOZIDE	143807-66-3	775
		I99_06	INSECT GROWTH REGULATORS			
		I99_06_01		CYROMAZINE	66215-27-8	420
		I99_06_02		BUPROFEZIN	69327-76-0	681
		I99_06_03		HEXYTHIAZOX	78587-05-0	439
		I99_08	NITROGUANIDINE INSECTICIDES			
		I99_08_01		CLOTHIANIDIN	210880-92-5	738
		I99_08_02		THIAMETHOXAM	153719-23-4	637
		I99_09	ORGANOTIN INSECTICIDES			
		I99_10	OXADIAZINE INSECTICIDES			
		I99_10_01		INDOXACARB	173584-44-6	612
		I99_11	PHENYL-ETHER INSECTICIDES			
		I99_11_01		PYRIPROXYFEN	95737-68-1	715
		I99_12	PYRAZOLE (PHENYL-) INSECTICIDES			
		I99_12_02		FIPRONIL	120068-37-3	581
		I99_12_03		TEBUFENPYRAD	119168-77-3	725
		I99_12_04		CHLORANTRANILIPROLE	500008-45-7	794
		I99_13	PYRIDINE INSECTICIDES			
		I99_13_01		PYMETROZINE	123312-89-0	593

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		I99_13_02		FLONICAMID	158062-67-0	763
		I99_13_03		SULFOXAFLOX	946578-00-3	820
		I99_14	PYRIDYLMETHYLAMINE INSECTICIDES			
		I99_14_01		ACETAMIPRID	135410-20-7	649
		I99_14_02		IMIDACLOPRID	138261-41-3	582
		I99_14_03		THIACLOPRID	111988-49-9	631
		I99_14_04		FLUPYRADIFURONE	951659-40-8	
		I99_15	SULFITE ESTER INSECTICIDES			
		I99_17	TETRONIC ACID INSECTICIDES			
		I99_17_01		SPIRODICLOFEN	148477-71-8	737
		I99_17_02		SPIROMESIFEN	283594-90-1	747
		I99_18	INSECT ATTRACTANTS STRAIGHT CHAIN LEPIDOPTERAN PHEROMONES (SCLPS)			895
		I99_18_01		(E,E)-8,10-DODECADIEN-1-OL	33956-49-9	860
		I99_18_02		(Z)-9-DODECEN-1-YL ACETATE	16974-11-1 112-66-3	422
		I99_18_03		(Z)-8-DODECEN-1-YL ACETATE	28079-04-1	861
		I99_18_04		(2E, 13Z)-OCTADECADIEN-1-YL ACET- ATE	86252-65-5	862
		I99_18_05		(7E, 9E)-DODECADIEN 1-YL ACETATE	54364-63-5	863

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		I99_18_06		(7E, 9Z)-DODECADIEN 1-YL ACETATE	55774-32-8	864
		I99_18_07		(7Z, 11E)-HEXADECADIEN-1-YL ACETATE	51606-94-4	865
		I99_18_08		(7Z, 11Z)-HEXADECADIEN-1-YL ACETATE	53042-79-8 52207-99-5	866
		I99_18_09		(9Z, 12E)-TETRADECADIEN-1-YL ACETATE	31654-77-0	867
		I99_18_10		(E)-11-TETRADECEN-1-YL ACETATE	33189-72-9	868
		I99_18_11		(E)-5-DECEN-1-OL	56578-18-8	869
		I99_18_12		(E)-5-DECEN-1-YL-ACETATE	38421-90-8	870
		I99_18_13		(E)-8-DODECEN-1-YL ACETATE	38363-29-0	871
		I99_18_14		(E/Z)-8-DODECEN-1-YL ACETATE	38363-29-0 28079-04-1	872
		I99_18_15		(Z)-11-HEXADECEN-1-OL	56683-54-6	873
		I99_18_16		(Z)-11-HEXADECEN-1-YL ACETATE	34010-21-4	874
		I99_18_17		(Z)-11-HEXADECENAL	53939-28-9	875
		I99_18_18		(Z)-11-TETRADECEN-1-YL ACETATE	20711-10-8	876
		I99_18_19		(Z)-13-OCTADECENAL	58594-45-9	878
		I99_18_20		(Z)-7-TETRADECENAL	65128-96-3	879
		I99_18_21		(Z)-8-DODECEN-1-OL	40642-40-8	880
		I99_18_22		(Z)-9-HEXADECENAL	56219-04-6	881

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		I99_18_23		(Z)-9-TETRADECEN-1-YL ACETATE	16725-53-4	882
		I99_18_24		DODECYL ACETATE	112-66-3	884
		I99_18_25		TETRADECAN-1-OL	112-72-1	856
		I99_18_26		DODECAN-1-OL	112-53-8	
		I99_18_27		(E/Z)-9-DODECEN-1-YL ACETATE	16974-34-8	
		I99_18_28		(E,Z,Z)-3,8,11-TETRADECATRIEN-1-YL ACETATE		
		I99_18_29		(E,Z)-3,8-TETRADECATRIEN-1-YL ACETATE		
		I99_18_30		N-TETRADECYLACETATE		
		I99_18_31		(Z,E)-9,11-TETRADECADIEN-1-YL ACETATE	50767-79-8	
		I99_18_32		(E,Z)-3,13- OCTADECADIENYL ACETATE	53120-26-6	
		I99_18_33		(Z,Z)-3,13- OCTADECADIENYL ACETATE	53120-26-7	
		I99_19	OTHER INSECT ATTRACTANTS			
		I99_19_01		AMMONIUM ACETATE	631-61-8	842
		I99_19_02		PUTRESCINE (1,4-DIAMINO BUTANE))	110-60-1	854
		I99_19_03		TRIMETHYLAMINE HYDROCHLORIDE	593-81-7	848
		I99_19_04		(Z)-13-HEXADECEN-11YN-1-YL ACETATE	78617-58-0	

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		I99_19_05		(Z,Z,Z,Z)-7,13,16,19-DOCOSATE- TRAEN-1-YL ISOBUTYRATE	135459-81-3	883
		I99_19_06		RESCALURE	67601-06-3	
		I99_19_07		HYDROLYSED PROTEINS		901
	Unclassified insecticides- acaricides	I99_99	UNCLASSIFIED INSECTICIDES-ACARI- CIDES			
		I99_99_03		ETOXAZOLE	153233-91-1	623
		I99_99_04		FATTY ACIDS C7-C18 AND C18 UN- SATURATED POTASSIUM SALTS (CAS 67701-09-1)	67701-09-1	889
		I99_99_05		FATTY ACIDS C8-C10 METHYL ESTERS (CAS 85566-26-3)	85566-26-3	890
		I99_99_06		FENAZAQUIN	120928-09-8	693
		I99_99_07		KIESELGUR (DIATOMACEOUS EARTH)	61790-53-2	647
		I99_99_08		LAURIC ACID (CAS 143-07-7)	143-07-7	885
		I99_99_09		METAFLUMIZONE	139968-49-3	779
		I99_99_10		METHYL DECANOATE (CAS 110-42-9)	110-42-9	892
		I99_99_11		METHYL OCTANOATE (CAS 111-11-5)	111-11-5	893
		I99_99_12		OLEIC ACID (CAS 112-80-1)	112-80-1	894
		I99_99_13		PARAFFIN OIL (CAS 64742-46-7)	64742-46-7	896
		I99_99_14		PARAFFIN OIL (CAS 72623-86-0)	72623-86-0	897
		I99_99_15		PARAFFIN OIL (CAS 8042-47-5)	8042-47-5	898

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		I99_99_16		PARAFFIN OIL (CAS 97862-82-3)	97862-82-3	899
		I99_99_17		PHOSPHANE	7803-51-2	127
		I99_99_18		PYRIDABEN	96489-71-3	583
		I99_99_19		PYRIDALYL	179101-81-6	792
		I99_99_20		SPIROTETRAMAT	203313-25-1	795
		I99_99_21		SULFURYL FLUORIDE	2699-79-8	757
		I99_99_23		FATTY ACIDS C7 TO C20		891
		I99_99_27		ALUMINIUM PHOSPHIDE	20859-73-8	227
		I99_99_28		MAGNESIUM PHOSPHIDE	12057-74-8	228
		I99_99_29		CARBON DIOXIDE	124-38-9	844
		I99_99_30		MALTODEXTRIN	9050-36-6	801
		I99_99_31		TERPENOID BLEND QRD 460		982
		I99_99_32		FLUBENDIAMIDE	272451-65-7	788
		I99_99_99		OTHER INSECTICIDES-ACARICIDES		
Molluscicides		PES_M				
	Molluscicides	M01				
		M01_01	MOLLUSCICIDES			
		M01_01_01		FERRIC PHOSPHATE	10045-86-0	629
		M01_01_03		METALDEHYDE	108-62-3	62

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		M01_01_99		OTHER MOLLUSCICIDES		
Plant Growth Regulators		PES_PGR				
	Physiological plant growth regulators	PGR01				
		PGR01_01	PHYSIOLOGICAL PLANT GROWTH REGULATORS			
		PGR01_01_01		1-METHYLCYCLOPROPENE	3100-04-7	767
		PGR01_01_02		CHLORMEQUAT	999-81-5	143
		PGR01_01_04		DAMINOZIDE	1596-84-5	330
		PGR01_01_05		ETHEPHON	16672-87-0	373
		PGR01_01_07		ETHYLENE	74-85-1	839
		PGR01_01_08		FORCHLORFENURON	68157-60-8	633
		PGR01_01_09		GIBBERELIC ACID	77-06-5	307
		PGR01_01_10		GIBBERELLIN	468-44-0 510-75-8 8030-53-3	904
		PGR01_01_11		IMAZAQUIN	81335-37-7	699
		PGR01_01_12		MALEIC HYDRAZIDE	123-33-1	310
		PGR01_01_13		MEPIQUAT	24307-26-4	440
		PGR01_01_14		PACLOBUTRAZOL	76738-62-0	445

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		PGR01_01_15		PROHEXADIONE-CALCIUM	127277-53-6	567.02
		PGR01_01_16		SODIUM 5-NITROGUAIACOLATE	67233-85-6	718
		PGR01_01_17		SODIUM O-NITROPHENOLATE	824-39-5	720
		PGR01_01_18		SODIUM P-NITROPHENOLATE	824-78-2	721
		PGR01_01_19		TRINEXAPAC-ETHYL	95266-40-3	732.202
		PGR01_01_22		FLUMETRALIN	62924-70-3	971
		PGR01_99	OTHER PHYSIOLOGICAL PLANT GROWTH REGULATORS			
		PGR01_99_01		1-NAPHTHYLACETIC ACID (1-NAA)	86-87-3	313
		PGR01_99_02		1-DECANOL	112-30-1	831
		PGR01_99_03		1-NAPHTHYLACETAMIDE (1-NAD)	86-86-2	282
		PGR01_99_05		6-BENZYLADENINE	1214-39-7	829
		PGR01_99_07		INDOLYLBUTYRIC ACID	133-32-4	830
		PGR01_99_08		SINTOFEN (AKA CINTOFEN)	130561-48-7	717
		PGR01_99_09		1,4-DIMETHYLNAPHTHALENE		822
		PGR01_99_10		SODIUM SILVER THIOSULFATE		762
		PGR01_99_11		S-ABSCISIC ACID	21293-29-8	
		PGR01_99_99		OTHER PHYSIOLOGICAL PLANT GROWTH REGULATORS		

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
	Anti-sprouting products	PGR02				
		PGR02_02	ANTISPROUTING PRODUCTS			
		PGR02_02_01		CARVONE	99-49-0	602
		PGR02_99	OTHER ANTISPROUTING PRODUCTS			
		PGR02_99_99		OTHER ANTISPROUTING PRODUCTS		
	Other plant growth regulators	PGR03				
		PGR03_99	OTHER PLANT GROWTH REGULA-TORS			
		PGR03_99_01		SEA-ALGAE EXTRACT (FORMERLY SEA-ALGAE EXTRACT AND SEA-WEEDS)		920
		PGR03_99_99		OTHER PGR		
Other Plant Protection Products		PES_ZR				
	Mineral oils	ZR01				
		ZR01_01	MINERAL OILS			
		ZR01_01_01		MINERAL OILS		
	Vegetal oils	ZR02				
		ZR02_01	VEGETAL OILS			
		ZR02_01_01		PLANT OILS/CITRONELLA OIL		905

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		ZR02_01_02		PLANT OILS/CLOVE OIL		906
		ZR02_01_03		PLANT OILS/RAPE SEED OIL		907
		ZR02_01_04		PLANT OILS/SPEARMINT OIL		908
		ZR02_01_99		OTHER VEGETAL OILS		
	Soil sterilants (incl. Nematicides)	ZR03				
		ZR03_02	BIOLOGICAL NEMATICIDES			
		ZR03_02_01		PAECILOMYCES LILACINUS STRAIN 251		753
		ZR03_02_02		BACILLUS FIRMUS I-1582		
		ZR03_02_99	OTHER BIOLOGICAL NEMATICIDES			
		ZR03_03	ORGANOPHOSPHOROUS NEMATI- CIDES			
		ZR03_03_01		FENAMIPHOS	22224-92-6	692
		ZR03_03_02		FOSTHIAZATE	98886-44-3	585
		ZR03_03_99	OTHER ORGANOPHOSPHOROUS NE- MATICIDES			
		ZR03_99	OTHER SOIL STERILANTS			
		ZR03_99_03		DAZOMET	533-74-4	146
		ZR03_99_04		METAM-SODIUM	137-42-8	20

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		ZR03_99_99		OTHER SOIL STERILANTS		
	Rodenticides	ZR04				
		ZR04_01	RODENTICIDES			
		ZR04_01_01		CALCIUM PHOSPHIDE	1305-99-3	505
		ZR04_01_02		DIFENACOUM	56073-07-5	514
		ZR04_01_04		ZINC PHOSPID	1314-84-7	69
		ZR04_01_05		BROMADIOLONE	28772-56-7	371
		ZR04_01_99		OTHER RODENTICIDES		
	All other plant protection products	ZR99				
		ZR99_01	DISINFECTANTS			
		ZR99_01_99		OTHER DISINFECTANTS		
		ZR99_02	REPELLENTS			
		ZR99_02_01		ALUMINIUM AMMONIUM SULFATE	7784-26-1	840
		ZR99_02_02		ALUMINIUM SILICATE (AKA KAOLIN)	1332-58-7	841
		ZR99_02_03		BLOOD MEAL	68911-49-9	909
		ZR99_02_04		CALCIUM CARBIDE	75-20-7	910
		ZR99_02_05		CALCIUM CARBONATE	471-34-1	843
		ZR99_02_06		DENATHONIUM BENZOATE	3734-33-6	845
		ZR99_02_07		LIMESTONE	1317-65-3	852

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		ZR99_02_08		METHYL NONYL KETONE	112-12-9	846
		ZR99_02_09		QUARTZ SAND	14808-60-7	855
		ZR99_02_10		REPELLENTS BY SMELL/TALL OIL CRUDE	8002-26-4	911
		ZR99_02_11		REPELLENTS BY SMELL/TALL OIL PITCH	8016-81-7	912
		ZR99_02_12		SODIUM ALUMINIUM SILICATE	1344-00-9	850
		ZR99_02_13		FAT DISTILLATION RESIDUES		915
		ZR99_02_14		REPELLENTS BY SMELL/FISH OIL		918
		ZR99_02_15		REPELLENTS BY SMELL/SHEEP FAT		919
		ZR99_02_16		GARLIC EXTRACT		916
		ZR99_02_17		PEPPER		917
		ZR99_02_99		OTHER REPELLENTS		
		ZR99_99	OTHER PLANT PROTECTION PRODUCTS			
		ZR99_99_07		CAPRIC ACID	334-48-5	886
		ZR99_99_08		CAPRYLIC ACID	124-07-2	887
		ZR99_99_12		HEPTAMALOXYGLUCAN	870721-81-6	851
		ZR99_99_24		ZUCCHINI YELLOW MOSAIC VIRUS, WEAK STRAIN		618

Major groups	Categories of products	Code	Chemical Class	Substances common names Common nomenclature	CAS ⁽¹⁾	CIPAC ⁽²⁾
		ZR99_99_34		PEPINO MOSAIC VIRUS, CH2 STRAIN, ISOLATE 1906		
		ZR99_99_99		OTHER PLANT PROTECTION PROD- UCTS		

⁽¹⁾ Chemical Abstracts Service registry numbers.

⁽²⁾ Collaborative International Pesticides Analytical Council.'

COMMISSION IMPLEMENTING REGULATION (EU) 2017/270**of 16 February 2017****amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance sulfuryl fluoride****(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 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular the second alternative of Article 21(3) and Article 78(2) thereof,

Whereas:

- (1) Commission Directive 2010/38/EU ⁽²⁾ provides further confirmatory information on estimates of sulfuryl fluoride atmospheric lifetime, the tropospheric concentrations of sulfuryl fluoride and the milling conditions, necessary to ensure that residues of fluoride ion in cereals do not exceed the natural background levels.
- (2) Active substances included in Annex I to Directive 91/414/EEC ⁽³⁾ are deemed to have been approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁴⁾.
- (3) The notifier submitted additional information with a view to confirm the risk assessment for the fate of sulfuryl fluoride in the atmosphere and for the residues of fluoride ion in milling products present in the machinery during the fumigation.
- (4) The United Kingdom assessed the additional information submitted by the notifier. It submitted its assessment, in the form of an addendum to the draft assessment report, to the other Member States, the Commission, and the European Food Safety Authority, hereinafter 'the Authority', on 4 June 2015.
- (5) The Commission considered that according to the additional information provided by the notifier, it could not be excluded that the residue levels in milling products present in the machinery during the fumigation will exceed the natural background concentration for fluoride ion or will not meet the relevant maximum residue levels. Therefore the conditions of approval should be amended to ensure that milling products present in the treated facilities always comply with provisions of Regulation (EC) No 396/2005 of the European Parliament and of the Council ⁽⁵⁾. Furthermore it considered that the information submitted has not demonstrated the steady state of sulfuryl fluoride in troposphere; consequently there is also a need for further monitoring of its tropospheric concentrations until the steady state is fully proven and to submit this information in this regard to the Commission, Member States and the European Food Safety Authority on regular basis, every fifth year.
- (6) Sulfuryl fluoride is also approved as a biocidal active substance according to Commission Directive 2009/84/EC ⁽⁶⁾. Due to the same concerns about the environmental fate of sulfuryl fluoride as for the pesticidal uses, additional information including a monitoring of the tropospheric concentrations has been required. Submission dates of information should be the same, in order to avoid redundant work and rationalize the evaluation process.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Directive 2010/38/EU of 18 June 2010 amending Council Directive 91/414/EEC to include sulfuryl fluoride as active substance (OJ L 154, 19.6.2010, p. 21).

⁽³⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽⁵⁾ 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 (OJ L 70, 16.3.2005, p. 1).

⁽⁶⁾ Commission Directive 2009/84/EC of 28 July 2009 amending Directive 98/8/EC of the European Parliament and of the Council to include sulfuryl fluoride as an active substance in Annex I thereto (OJ L 197, 29.7.2009, p. 67).

- (7) The Annex to Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (8) The applicant was given the possibility to submit comments on the review report.
- (9) Member States should be provided with time to amend or withdraw authorisations for plant protection products containing sulfuryl fluoride which are not complying with the restricted conditions of approval.
- (10) For plant protection products containing sulfuryl fluoride, where Member States grant any grace period in accordance with Article 46 of Regulation (EC) No 1107/2009, this period should expire at the latest 18 months after the entry into force of this Regulation.
- (11) 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

Amendment to Implementing Regulation (EU) No 540/2011

The Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with the Annex to this Regulation.

Article 2

Transitional measures

Member States shall in accordance with Regulation (EC) No 1107/2009, where necessary amend or withdraw existing authorisations for plant protection products containing sulfuryl fluoride as active substance by 9 September 2017.

Article 3

Grace period

Any grace period granted by Member States in accordance with Article 46 of Regulation (EC) No 1107/2009 shall be as short as possible and shall expire 12 months after restriction or withdrawal of the respective authorisation at the latest.

Article 4

Entry into force

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, 16 February 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

The column 'Specific provisions' of row 307, sulfuryl fluoride, in Part A of the Annex to Implementing Regulation (EU) No 540/2011 is replaced by the following:

PART A

Only uses as insecticide/nematicide (fumigant) applied by professional users in sealable structures may be authorised insofar:

- (a) these structures are empty; or
- (b) where food or feed commodities are present in a fumigated facility, the users and the food business operators ensure that only the food or feed commodities compliant with the existing maximum residue levels for sulfuryl fluoride and fluoride ion set by Regulation (EC) No 396/2005 of the European Parliament and of the Council (*) may enter the food and feed chain; to this purpose, the users and the food business operators shall fully implement measures equivalent to the HACCP principles as laid down in Article 5 of Regulation (EC) No 852/2004 of the European Parliament and of the Council (**); in particular, the users shall identify the critical control point at which control is essential to prevent maximum residue levels to be exceeded, and establish and implement effective monitoring procedures at that critical control point.

PART B

For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on sulfuryl fluoride, and in particular Appendices I and II thereof, as finalised in the Standing Committee on Plants, Animals, Food and Feed on 7 December 2016 shall be taken into account.

In this overall assessment, Member States must pay particular attention to:

- the risk posed by inorganic fluoride through contaminated products, such as flour and bran that remained in the mill machinery during fumigation, or grain stored in silos in the mill. Measures are required to ensure that only products complying with the existing MRLs enter the food and feed chain;
- the risk to operators and the risk to workers, such as when re-entering a fumigated structure after aeration. Measures are required to ensure that they wear self-containing breathing apparatus or other appropriate personal protective equipment;
- the risk to bystanders by applying an appropriate exclusion zone around the fumigated structure.

Conditions of authorisation shall include risk mitigation measures, where appropriate.

The notifier shall submit to the Commission, Member States and the Authority monitoring data on tropospheric concentrations of sulfuryl fluoride every fifth year, starting from 30 June 2017. The limit of detection for the analysis shall be at least 0,5 ppt (equivalent to 2,1 ng sulfuryl fluoride/m³ of tropospheric air).

(*) 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 (OJ L 70, 16.3.2005, p. 1).

(**) Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).'

COMMISSION IMPLEMENTING REGULATION (EU) 2017/271**of 16 February 2017****extending the definitive anti-dumping duty imposed by Council Regulation (EC) No 925/2009 on imports of certain aluminium foil originating in the People's Republic of China to imports of slightly modified certain aluminium foil**

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 13(3) thereof,

Whereas:

1. PROCEDURE**1.1. Existing measures**

- (1) By Regulation (EC) No 925/2009 ⁽²⁾ ('the original Regulation'), the Council imposed a definitive anti-dumping duty of 30,0 % on imports of aluminium foil of a thickness of not less than 0,008 mm and not more than 0,018 mm, not backed, not further worked than rolled, in rolls of a width not exceeding 650 mm and of a weight exceeding 10 kg ('the product concerned') from the People's Republic of China ('the PRC' or 'China') for all other companies than the ones mentioned in Article 1(2) of that Regulation.
- (2) In December 2015, the measures on the same product were extended by Commission Implementing Regulation (EU) 2015/2384 ⁽³⁾ ('the expiry review').
- (3) These measures will hereinafter be referred to as 'the measures in force' and the investigation that led to the measures imposed by the original Regulation will be hereinafter referred to as 'the original investigation'.

1.2. Initiation following a request

- (4) On 18 April 2016, the European Commission ('the Commission') received a request indicating that the measures in force on imports of certain aluminium foil are being circumvented by imports of slightly modified products concerned from the PRC.
- (5) The applicant has requested anonymity on the grounds of a threat of commercial retaliation. The Commission considered the request substantiated and agreed to keep the applicant's identity confidential.
- (6) The request provided prima facie evidence that, following the imposition of the measures in force, a significant change in the pattern of trade involving exports from the PRC to the Union occurred, which seemed to have been caused by the imposition of the measures in force. There was allegedly insufficient due cause or justification other than the imposition of the measures in force for such a change.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Council Regulation (EC) No 925/2009 of 24 September 2009 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain aluminium foil originating in Armenia, Brazil and the People's Republic of China (OJ L 262, 6.10.2009, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2015/2384 of 17 December 2015 imposing a definitive anti-dumping duty on imports of certain aluminium foils originating in the People's Republic of China and terminating the proceeding for imports of certain aluminium foils originating in Brazil following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 (OJ L 332, 18.12.2015, p. 63).

- (7) Furthermore, the evidence on file pointed to the fact that the remedial effects of the measures in force were being undermined both in terms of quantity and price. The evidence showed that the increased imports of the slightly modified product were made at prices below the non-injurious price established in the original investigation.
- (8) Finally, there was prima facie evidence that the slightly modified products were dumped in relation to the normal value established for the like product, i.e. the product produced by the Union industry which has the same technical and physical characteristics as the product concerned, during the original investigation.
- (9) After having informed the Member States, the Commission determined that sufficient prima facie evidence existed for the initiation of an investigation pursuant to Article 13 of the basic Regulation. It thus initiated the present investigation by Commission Implementing Regulation (EU) 2016/865 ⁽¹⁾ ('the initiating Regulation'). Pursuant to Articles 13(3) and 14(5) of the basic Regulation, the Commission, by the initiating Regulation, also directed the customs authorities to register imports of slightly modified product concerned from the PRC.

1.3. Investigation

- (10) The Commission duly informed the authorities of the PRC, the exporting producers and traders in the PRC, the importers in the Union known to be concerned and the Union industry of the initiation of the investigation.
- (11) Exemption forms were sent to the exporting producers in the PRC and to the known importers in the Union.
- (12) 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 initiating Regulation. All parties were informed that non-cooperation might lead to the application of Article 18 of the basic Regulation and to findings being based on facts available.
- (13) Five groups of companies from the PRC and 19 companies from the Union, including the Union industry and unrelated importers, made themselves known.
- (14) Five groups of companies from the PRC and five unrelated importers submitted a questionnaire reply and requested an exemption from the possible extended measures in accordance with Article 13(4) of the basic Regulation.
- (15) The following exporting producers submitted complete replies to the questionnaires and verification visits were subsequently carried out at their premises.

— Dingsheng Aluminium Group

— Jiangsu Zhongji Lamination Materials Co., Ltd

— Luoyang Wanji Aluminium Processing Co., Ltd

— Xiamen Xiashun Aluminium Foil Co., Ltd

— Yantai Donghai Aluminum Foil Co., Ltd

- (16) The following five Union unrelated importers submitted complete replies to the questionnaires:

— Coutinho Caro + Co. International Trading GmbH

— Huhtamaki Flexible Packaging Germany GmbH & Co. KG

⁽¹⁾ Commission Implementing Regulation (EU) 2016/865 of 31 May 2016 initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Implementing Regulation (EU) 2015/2384 on imports of certain aluminium foil originating in the People's Republic of China by imports of slightly modified certain aluminium foil from the People's Republic of China, and making such imports subject to registration (OJ L 144, 1.6.2016, p. 35).

— Now Plastics UK Inc. (Milano Branch)

— Von Aschenbach & Voss GmbH

— Wrap Films Systems Ltd

(17) One of the unrelated importers, the company Wrap Films Systems Ltd, subsequently ceased cooperation.

(18) Verification visits were carried out at the premises of the following unrelated importers.

— Coutinho Caro + Co. International Trading GmbH

— Von Aschenbach & Voss GmbH

(19) The company Cellofix S.L. made submissions and requested a hearing as an interested party.

(20) Hearings took place between the Commission and the applicant, and between the Commission and the following companies: Cellofix S.L., Now Plastics Inc. and Von Aschenbach & Voss GmbH.

(21) Following the disclosure another hearing between the Commission and the applicant took place, after which the Commission redisclosed its intention to extend the measures under the mechanism of end-use procedure in accordance with Article 254 of Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽¹⁾ ('the Union Customs Code').

1.4. Investigation period and reporting period

(22) The investigation period covered the period from 1 April 2012 to 31 March 2016. Data was collected for the investigation period as well as for all years since 2009 (when the measures in force were imposed) to investigate, inter alia, the alleged change in the pattern of trade. For the period 1 April 2015 to 31 March 2016 ('the reporting period') more detailed data were collected in order to examine the possible undermining of the remedial effect of the measures in force and existence of dumping.

2. RESULTS OF THE INVESTIGATION

2.1. General considerations

(23) In accordance with Article 13(1) of the basic Regulation, the Commission analysed successively whether there was a change in the pattern of trade between third countries and the Union; whether this change stemmed from a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the duty; whether there was evidence of injury or that the remedial effects of the duty were being undermined in terms of the prices and/or quantities of the like product; and whether there was evidence of dumping in relation to the normal values previously established for the like product, if necessary in accordance with the provisions of Article 2 of the basic Regulation.

2.2. Product concerned

(24) The product concerned by the possible circumvention is the product subject to the measures in force, as described above in recital 1. It falls within CN code ex 7607 11 19 (TARIC code 7607 11 19 10). As established by the original investigation this particular type of aluminium foil is transformed into a consumer product, household aluminium foil ('AHF') used for packing and other household application.

⁽¹⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

2.3. Product under investigation

- (25) The product under investigation for circumvention has the same essential characteristics as the product concerned. However, it can be annealed or not.
- (26) The product under investigation was defined in the initiation Regulation as follows:
- aluminium foil of a thickness of not less than 0,007 mm and less than 0,008 mm, regardless of the width of the rolls, whether or not annealed, or
 - aluminium foil of a thickness of not less than 0,008 mm and not more than 0,018 mm and in rolls of a width exceeding 650 mm, whether or not annealed, or
 - aluminium foil of a thickness of more than 0,018 mm and less than 0,021 mm, regardless of the width of the rolls, whether or not annealed, or
 - aluminium foil of a thickness of not less than 0,021 mm and not more than 0,045 mm, when presented with at least two layers, regardless of the width of the rolls, whether or not annealed,
- (27) The first three products described above currently fall within CN code ex 7607 11 19 (TARIC codes 7607 11 19 30, 7607 11 19 40 and 7607 11 19 50). The fourth product described above falls within CN code ex 7607 11 90 (TARIC codes 7607 11 90 45 and 7607 11 90 80).
- (28) In the original investigation the Commission had established that aluminium converter foil ('ACF') was not the product concerned ⁽¹⁾. The two products — AHF and ACF — have different use. ACF is used by converter industries that laminate, coat, lacquer and otherwise process and integrate it into products that are used in fields such as packaging for food, medicine, cosmetics, and tobacco or in insulation materials for the construction sector. In December 2014 the Commission initiated an anti-dumping investigation on ACF ⁽²⁾. The request was withdrawn by the applicant and the measures on ACF were not imposed ⁽³⁾. For the above mentioned reasons the Commission found it appropriate to exclude ACF from the scope of this investigation.
- (29) After disclosure, the applicant argued that the ACF and AHF were interchangeable. The Commission considered however that this argument did not put into question the uncontested definition of the product concerned established in the original investigation.
- (30) In the investigation the Commission found however that the definition of the product under investigation comprised not only the slightly modified product concerned but could also include ACF. The five cooperating exporting producers exported ACF to the Union during the reporting period (see recital 74 below). It was thus decided to take account of the end use when designing the measures (see recitals 58 to 69).
- (31) Following the disclosure one of the non-cooperating importers claimed that the Commission should have taken into consideration its suggestion to exclude non-annealed jumbo reels from the scope of the investigation.
- (32) Since the company did not cooperate with the investigation, the Commission was not able to verify this claim. No facts available lead to the conclusion that non-annealed jumbo reels should be excluded from the scope of this investigation. Therefore the Commission rejected this claim

2.4. Degree of cooperation

- (33) There was a low level of cooperation by exporting producers in the PRC; only five groups of Chinese exporting producers came forward and requested an exemption from any possible extension of the measures in force representing around 22 % of the Chinese exports to the Union during the reporting period.

⁽¹⁾ Recital 89 of Commission Regulation (EC) No 287/2009 of 7 April 2009 imposing a provisional anti-dumping duty on imports of certain aluminium foil originating in Armenia, Brazil and the People's Republic of China (OJ L 94, 8.4.2009, p. 17).

⁽²⁾ OJ C 444, 12.12.2014, p. 13.

⁽³⁾ Commission Implementing Decision (EU) 2015/1928 of 23 October 2015 terminating the anti-dumping proceeding concerning imports of certain aluminium foil originating in the People's Republic of China (OJ L 281, 27.10.2015, p. 16).

- (34) The exports of non-cooperating exporters were estimated at around 78 % of the total Chinese exports to the Union during the same period. Hence, for those exports the Commission used best facts available in accordance with Article 18 of the basic Regulation.

2.5. Change in the pattern of trade

- (35) In order to establish the change in the pattern of trade the Commission analysed the volume of imports of the product concerned and the volume of imports of the slightly modified product concerned for the period between the imposition of the original measures (2009) until September 2016.
- (36) The investigation found that 80 % of the total volume of imports of the product under investigation originating in the PRC was the slightly modified product concerned for the reporting period ⁽¹⁾. This ratio was then extrapolated for the years concerned since 2009.
- (37) The volume of imports of the product concerned was established on the basis of Eurostat for the period between 2009 and reporting period.
- (38) The table below compiles the information collected.

Table 1

Imports product concerned and slightly modified product concerned from the PRC into the EU

(Unit: tonnes)

	IP of the original investigation July 2007 to June 2008	2009	2010	2011	2012	2013	2014	RP
Product concerned	30 318	150	1 442	3 094	1 165	1 369	1 553	1 152
Slightly modified product		11 393	17 115	30 960	25 648	30 962	42 578	44 522

Source: Eurostat, Chinese cooperating exporting producers

- (39) The total volume of imports of the product concerned from the PRC fell from 30 318 tonnes during IP of the original investigation (July 2007 to June 2008) to 1 152 tonnes during the reporting period of this investigation. In contrast, imports of the slightly modified product concerned increased from 11 393 tonnes in 2009 to 44 522 tonnes during the reporting period of this investigation.
- (40) The increase of imports of the slightly modified product concerned as well as the parallel disappearance of imports of the product concerned since imposition of measures, constitute a significant change in the pattern of trade, as required by Article 13(1) of the basic Regulation.
- (41) After disclosure one of the non-cooperating importers claimed that the Commission used an erroneous methodology to determine the change in the pattern of trade. More specifically, it questioned the assumption that sales of non-cooperating exporting producers during the reporting period were sales of the slightly modified product.

⁽¹⁾ In order to establish the volume of the slightly modified product concerned within the product under investigation for the reporting period the Commission used the following methodology. Firstly, the Commission established the total volume of exports of the product under investigation from China on the basis of Eurostat. Secondly, from the verified questionnaire replies of the cooperating Chinese exporting producers, the Commission established the volume of the exports of ACF of the five cooperating companies. Thirdly, the Commission deducted the volume of exports of ACF made by the cooperating companies from the total exports from China. Given the very high level of non-cooperation, the Commission considered that it has a sufficient basis to assume that the non-cooperating companies are exporting the slightly modified product. On this basis, the Commission concluded that 80 % of the total exports from China are made of the exports of the slightly modified products and the 20 % are the exports of ACF. The Commission applied this ratio to establish the change of the pattern of trade.

- (42) The Commission reiterated that it based itself on the facts available when establishing the volume of imports of the slightly modified product. Given the very low level of cooperation, in light of the information contained in the request and in absence of any other information to the contrary, the Commission could reasonably conclude that the non-cooperating companies were exporting the slightly modified product. Therefore the methodology used to establish the change in the pattern of trade was confirmed.

2.6. Existence of circumvention practices

- (43) Article 13(1) of the basic Regulation requires that the change in the pattern of trade stems from a practice, process or work for which there is insufficient due cause or economic justification other than the imposition of the duty. The practice, process or work includes, inter alia, the slight modification of the product concerned.
- (44) The activities of the cooperating exporting producers were analysed. This analysis confirmed the existence of the four circumvention practices.
- (45) For the four circumvention practices, evidence took form of emails from the Chinese exporting producers advising customers on how the current measures could be circumvented. The different pieces of evidence also contained information that such practices have been actually put in place by some of the Union importers/users.
- (46) The Commission also found supporting evidence when verifying one of the cooperating Chinese producers, namely Dingsheng Aluminium Group. In the period since the imposition of the duties in 2009, Dingsheng Aluminium Group exported to the Union AHF thinner than the product concerned, i.e. AHF having the thickness less than 0,008 mm and not less than 0,007 mm. The same exporting producer also exported to the Union AHF thicker than the product concerned, i.e. AHF more than 0,018 mm and less than 0,021 mm. Evidence in form of emails from other exporting producers also confirmed that such a practice exists.
- (47) Furthermore, in the same period, Dingsheng Aluminium Group sold to the Union AHF in rolls wider than 650 mm. These rolls were subsequently slit in the Union into smaller rolls. When verifying one of the cooperating importers, the Commission found that this importer, namely the company Von Aschenbach & Voss GmbH, slits in the Union wider rolls into consumer rolls.
- (48) Concerning the imports into the Union of the aluminium foil of a thickness between 0,021 mm and 0,045 mm and presented in double layers, the Commission had evidence in the file in the form of emails exchanged between Chinese exporting producers, including from Dingsheng Aluminium Group, and the Union producers. The Commission also established that some of the Union producers own machines used to de-double the foil to standard thicknesses allowing its use as AHF.
- (49) On the basis of the findings with regard to the cooperating exporting producers and on the basis of the facts available for the non-cooperating exporting producers, the existence of a circumvention practice within the meaning of Article 13(1) of the basic Regulation is established at a country level for 80 % all imports of the product under investigation from the PRC. This circumvention practice takes the form of a slight modification of the product concerned to make it fall under customs codes which are normally not subject to the measures, namely the product under investigation.

2.7. Undermining the remedial effects of the duty in terms of the prices and/or the quantities of the like product

- (50) The increase of imports of the slightly modified product concerned was significant as explained in recital 36 above and represented around 80 % of the total volume of imports of the product under investigation for the period between 2009 and the reporting period.
- (51) The Commission compared the export price of the slightly modified product concerned with the injury elimination level as established in Implementing Regulation (EU) 2015/2384 imposing a definitive duty following an expiry review pursuant to Article 11(2) of the basic Regulation.
- (52) As regards the cooperating exporting producer engaging in circumvention practices, the export price was determined on the basis of the information verified during the investigation. For the non-cooperating exporting producers, the export price was established on the basis of Eurostat data, after deduction of the volume of exports made by the cooperating exporting producers.

- (53) This comparison showed significant price underselling.
- (54) It is therefore considered that the remedial effects of the measures in force are being undermined both in terms of quantities and prices.

2.8. Evidence of dumping in relation to the normal value previously established for the like product

- (55) In accordance with Article 13(1) of the basic Regulation and to establish whether export prices of the product under investigation were dumped, export prices of both the cooperating exporting producer engaging in circumvention practices and of non-cooperating exporting producers were determined as described in recitals 51 and 52 above and compared to the normal value established during the expiry review investigation mentioned in recital 51 and duly adjusted to London Metal Exchange (LME) fluctuations. This adjustment was necessary due to the fact that prices of aluminium products refer to price fluctuations of the basic raw material, primary aluminium. LME prices are considered as the global benchmark for primary aluminium.
- (56) The comparison of normal value and export price shows that AHF is imported at dumped prices to the Union during the reporting period by both the cooperating exporting producer engaging in circumvention practices and the non-cooperating exporting producers.

2.9. Conclusion

- (57) Based on the findings above the Commission concluded that duties on imports of the product concerned as defined in the original investigation were circumvented by imports of slightly modified product concerned originating in the PRC.
- (58) The investigation also showed that there was a change in the pattern of trade between the PRC and the Union, and that there was insufficient due cause or economic justification for this change other than the imposition of the duty.
- (59) The Commission also found that these imports cause injury and that the remedial effects of the duty are being undermined in terms of the prices and/or quantities of the like product. Evidence of dumping in relation to the normal values previously established for the like product was also found.

3. MEASURES

- (60) In view of the findings above, the Commission concluded that the definitive anti-dumping duty imposed on imports of the product concerned originating in the PRC is circumvented by imports of the product under investigation originating in the PRC.
- (61) However, based on the above mentioned findings, it was concluded that aluminium converter foil must be excluded from the scope of the extended measures.
- (62) In order to establish how a distinction can be made between AHF and ACF, the Commission first relied on extra criteria, additional to the thickness of the aluminium foil and the width of the rolls.
- (63) The Commission considered that a cumulative analysis of a set of characteristics can lead to the desired distinction: alloys, wettability and pinholes of the aluminium foil.
- (64) Aluminium alloy is determined by the chemical composition of the product (content of actual aluminium and other chemicals). Based on submissions from interested parties and on information collected during verification visits, the investigation found that ACF is generally produced using aluminium alloys 1235, 8011 and 8079.
- (65) Wettability grade is defined as the degree of dryness (surface cleanliness) of the aluminium foil from the oil that is used during the rolling process. Wettability for ACF is generally of degree A, as any residue of oil in the surface would entail problems in printing and lamination.

- (66) Pinholes appear in the texture of the aluminium foil during the process of rolling down. The number of pinholes in sales of AHF is generally not important and not a part of product specifications. The number of pinholes is important for ACF products because during the lamination process adhesive can penetrate from one side of the foil layer to the other side via the pinholes and thus damage the packaging material. The Commission found that the maximum number of pinholes in ACF generally relates to the thickness of the foil. The maximum number of pinholes per m² in relation to the thickness of the foil is as follows.

Table 2

Maximum number of pinholes per m² in relation to the thickness of the foil

Thickness (Microns)	Number of Pinholes per m ²
7	400
8	300
9	200
10	100
up to 13	40
up to 15	10
up to 19	5
more than 20	None

Source: Chinese cooperating exporting producers, EU unrelated importers.

- (67) These criteria were based on findings of the investigation and submissions by third parties.
- (68) The applicant maintained and reiterated after disclosure that no workable dividing line could be drawn based on the above criteria and hence this would have created a disproportionate risk of circumvention. It argued that aluminium foils were interchangeable and that some AHF might be produced using the same aluminium foils as it was generally used to produce ACF. In particular it pointed to the alloys 8011 and 8079. Regarding the number of pinholes the applicant submitted that these were not a regulated requirement and generally based on an agreement between seller and buyer. Regarding the wettability criterion the applicant also argued that it was not a decisive factor to determine whether an aluminium foil was ACF. During the hearing after disclosure it also argued that even the cumulative application of the three criteria was not workable to establish the desired distinction. Even if all the three criteria for ACF were fulfilled, imports could still be used as household foil and distort competition. In the applicant's opinion the only way to differentiate between AHF and ACF was by its end-use. Following the additional disclosure the applicant submitted that the exporting producers exempted in accordance with Article 13(4) of the basic Regulation should be subject to end-use procedure in accordance with Article 254 of the Union Customs Code in order to prevent any future circumvention of the measures.
- (69) One of the cooperating exporting producers also argued that the criteria proposed by the Commission to distinguish ACF from AHF were not commonly and widely accepted by the aluminium industry. It argued that this would open the door for circumvention of the extended anti-dumping duties and lead to a significant decrease in the average price of ACF, which could lead to another anti-dumping complaint.
- (70) After the additional disclosure an importer maintained its view that a distinction was indeed possible and sufficient based on an additional cumulative analysis of the three characteristics alloys, wettability and pinholes.
- (71) In response to these arguments, the Commission first recalled that anti-circumvention measures may not legally be imposed on the basis of the mere risk of circumvention, but only if the conditions set by Article 13 of the Basic Regulation were met. Therefore the applicant's request to make the exempted exporting producers subject to end-use control was rejected.

- (72) Following the initial and additional disclosure the Commission further assessed its initial approach detailed in recitals 62 and 66 above and the arguments submitted by the importer stated in recital 70. The Commission maintained its conclusion that due to their similar characteristics it cannot be excluded that ACF meeting the technical requirements stated in recitals 61 and 67 would in fact be actually used for household applications. Therefore it concluded that, given the specific circumstances of the case, the most appropriate way to differentiate between the two products for the purpose of extending the original measure is by their end-use. Accordingly, the importers which do not use the imported aluminium foil for household applications will have the possibility to make a declaration subject to end-use procedure in accordance with Article 254 of the Union Customs Code.

4. REQUESTS FOR EXEMPTION

4.1. Request for exemption by groups of exporting producers

- (73) In accordance with Article 13(4) of the basic Regulation five cooperating groups of exporting producers from the PRC requested to be exempted from the possible extended measures and submitted an exemption request.
- (74) The investigation found that four groups of Chinese exporting producers were exporting only ACF to the Union and not the slightly modified aluminium household foil. Therefore, these groups of Chinese exporting producers were found not to circumvent the current duties. The Commission thus considered that these companies could be granted an exemption from the extended duties under Article 13(4) of the basic Regulation.
- (75) The investigation also revealed that one cooperating producer, the Dingsheng Aluminium Group, was involved in all types of circumvention practices, except for one, namely it did not export to the Union aluminium foil of a thickness of not less than 0,021 mm and not more than 0,045 mm, when presented with at least two layers, regardless of the width of the rolls.
- (76) The conclusion that this company was involved in three circumvention practices was reached on the basis of several factors. First, the Commission identified the slightly modified products that it exported to the Union based on the information provided by the company with regards to its sales of AHF and ACF to its customers. Second, a sample of invoices related to the AHF and ACF customers was verified. This exercise confirmed that the products sold to customers indicated as AHF were indeed either the product concerned or the slight modified AHF. As a result, the Commission found that the circumvented slightly modified AHF constituted 20 % of all exports of the product under investigation, while the rest was genuine ACF for this company. Third, a clear change in pattern of trade was found for this company whereby the exports of the product concerned had been replaced by the slightly modified product. Fourth, no economic justification other than the imposition of the measures for this change in pattern of trade was found. Fifth, both dumping and undermining the remedial effect of the duties were found with respect to the slightly modified products exported by this exporting producer.
- (77) In light of the above, under Article 13(4) of the basic Regulation, an exemption to the Dingsheng Aluminium Group could not be granted.
- (78) Following the disclosure the applicant claimed that no exemption from the scope of extended measures should be granted to Chinese exporting producers.
- (79) It argued that the Commission could not have verified that the exempted Chinese exporting producers actually exported ACF, as this was not mentioned in the questionnaires. Moreover, it stated that the circumvention practice would take place in the Union. Under these circumstances exemption could not be granted to exporters as a matter of law.
- (80) The Commission visited the exporting producers on the spot and verified, inter alia, the technical characteristics and end uses of the product under investigation sold to the Union. Hence, it concluded from the verification visits that the product exported by the four exporting producers was effectively ACF, that is, a product not covered by this investigation. The Commission also observed that the slight modification of the product took place in China, namely at the premises of one of the cooperating producers and — based on the facts available — at the premises of non-cooperating producers. Hence it was possible and indeed necessary to grant an exemption to those who have not engaged in any form of circumvention practices in China and meet the conditions of Article 13(4) of the Basic Regulation. Consequently the claim was rejected.

4.2. Request for exemption by unrelated importers

- (81) When the circumvention practice takes place within the Union, Article 13(4) of the basic Regulation allows importers to be exempted from the extended duties, if they can show that they are not related to producers subject to measures.
- (82) On these grounds, five exemption requests by unrelated importers were received and examined. One of the companies, Wrap Films Systems Ltd, subsequently ceased cooperation.
- (83) The Commission found that, although in some cases the final completion (slitting of the foil into smaller rolls) takes place in the Union, the slight modification of the product concerned as such takes place outside the Union, namely in the PRC. On these grounds the Commission considered that exemptions might not be granted to the unrelated importers.
- (84) For three of the four cooperating companies it was found that they were genuine importers reselling the product under investigation without processing it. Therefore these companies cannot be exempted from the extended duties under Article 13(4) of the basic Regulation. Only one of the companies, the company Von Aschenbach & Voss GmbH, imports from the PRC the product under investigation in the form of aluminium household foil in rolls exceeding 650 mm and further processes it. The foil is slit before it is sold to the company's customers (rewinders).
- (85) Before imposition of the existing measures, the company Von Aschenbach & Voss imported into the Union the product concerned, and a clear change of pattern was found. The Commission's findings do not support the company's view on an existence of a due cause or economic justification, other than imposition of the duties. Therefore even if the Commission were to accept that this justified that the circumvention practice was completed within the Union, an exemption to this company could not be granted.
- (86) Therefore, it was concluded that none of the unrelated importers may be exempted under Article 13(4) of the basic Regulation.

4.3. Conclusion

- (87) Based on the above mentioned findings it was concluded that the four of the five cooperating groups of the Chinese exporting producers could be exempted from the extended duties. It was also found that one of the Chinese exporting producers, the Dingsheng Aluminium Group, cannot be exempted.
- (88) It was also concluded that none of the unrelated importers may be exempted under Article 13(4) of the basic Regulation.

5. CONCLUSION

- (89) In accordance with the first sentence of Article 13(1) of the basic Regulation, the existing anti-dumping measures on imports of the product concerned originating in the PRC should be extended to imports of the product under investigation originating in the PRC.
- (90) Pursuant to Articles 13(3) and 14(5) of the basic Regulation, which provide that any extended measures should apply to imports which entered the Union under registration imposed by the initiating Regulation, the anti-dumping duty should be collected on those imports into the Union of
- aluminium foil of a thickness of not less than 0,007 mm and less than 0,008 mm, regardless of the width of the rolls, whether or not annealed, or
 - aluminium foil of a thickness of not less than 0,008 mm and not more than 0,018 mm and in rolls of a width exceeding 650 mm, whether or not annealed, or
 - aluminium foil of a thickness of more than 0,018 mm and less than 0,021 mm, regardless of the width of the rolls, whether or not annealed, or

- aluminium foil of a thickness of not less than 0,021 mm and not more than 0,045 mm, when presented with at least two layers, regardless of the width of the rolls whether or not annealed,

originating in the PRC.

- (91) The product described in recital 90 should be exempted from the extended anti-dumping duty if it is imported for other uses than the use of household foil. Such an exemption should be subject to the conditions laid down in the relevant customs provisions of the Union on the end-use procedure, in particular Article 254 of the Union Customs Code.

6. DISCLOSURE

- (92) All interested parties were informed of the essential facts and considerations leading to the above conclusions and were invited to comment. Such comments were addressed in this Regulation.
- (93) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive anti-dumping duty applicable to 'all other companies' imposed by Article 1(2) of Regulation (EC) No 925/2009 on imports of certain aluminium foil originating in the People's Republic of China is hereby extended to imports into the Union of:

- aluminium foil of a thickness of not less than 0,007 mm and less than 0,008 mm, regardless of the width of the rolls, whether or not annealed, currently falling within CN code ex 7607 11 19 (TARIC code 7607 11 19 30) or
- aluminium foil of a thickness of not less than 0,008 mm and not more than 0,018 mm and in rolls of a width exceeding 650 mm, whether or not annealed, currently falling within CN code ex 7607 11 19 (TARIC code 7607 11 19 40), or
- aluminium foil of a thickness of more than 0,018 mm and less than 0,021 mm, regardless of the width of the rolls, whether or not annealed, currently falling within CN code ex 7607 11 19 (TARIC code 7607 11 19 50), or
- aluminium foil of a thickness of not less than 0,021 mm and not more than 0,045 mm, when presented with at least two layers, regardless of the width of the rolls, whether or not annealed, currently falling within CN code ex 7607 11 90 (TARIC codes 7607 11 90 45 and 7607 11 90 80).

2. This extension does not apply to imports referred to in paragraph 1 of this Article produced by the companies listed below:

Company name	TARIC additional code
Jiangsu Zhongji Lamination Materials Co., Ltd	C198
Luoyang Wanji Aluminium Processing Co., Ltd	C199
Xiamen Xiashun Aluminium Foil Co., Ltd	C200
Yantai Donghai Aluminum Foil Co., Ltd	C201

3. The application of exemptions granted to the companies specifically mentioned in paragraph 2 of this Article shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice issued by the producer 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. This declaration shall be drafted as follows: 'I, the undersigned, certify that the (volume) of certain aluminium foil sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in (country concerned). I declare that the information provided in this invoice is complete and correct.' If no such invoice is presented, the anti-dumping duty as imposed by paragraph 1 of this Article shall apply.

4. The product described in paragraph 1 shall be exempted from definitive anti-dumping duty if it is imported for other uses than the use of household foil. An exemption shall be subject to the conditions laid down in the relevant customs provisions of the Union on the end-use procedure, in particular Article 254 of the Union Customs Code.

5. The duty extended by paragraph 1 on this Article shall be collected on imports originating in the People's Republic of China, registered in accordance with Article 2 of Implementing Regulation (EU) 2016/865 and with Articles 13(3) and 14(5) of Regulation (EU) 2016/1036, with the exception of those produced by the companies listed in paragraph 2 of this Article and with the exemption of those which can demonstrate that they were used for other uses than household foil in accordance with paragraph 4.

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

Article 2

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

European Commission
Directorate-General for Trade
Directorate H
Office: CHAR 04/039
1049 Brussels
Belgium

2. In accordance with Article 13(4) of Regulation (EU) 2016/1036, the Commission may authorise, by decision, the exemption of imports from companies which do not circumvent the anti-dumping measures imposed by Implementing Regulation (EU) 2015/2384, from the duty extended by Article 1 of this Regulation.

Article 3

Customs authorities are hereby directed to discontinue the registration of imports, established in accordance with Article 2 of Implementing Regulation (EU) 2016/865.

Article 4

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

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

Done at Brussels, 16 February 2017.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/272**of 16 February 2017**

initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Implementing Regulation (EU) No 1331/2011 on imports of certain seamless pipes and tubes of stainless steel originating in the People's Republic of China by imports consigned from India, whether declared as originating in India or not, and making such imports 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⁾ and in particular Articles 13(3) and 14(5) thereof,

After having informed the Member States,

Whereas:

A. REQUEST

- (1) The European Commission ('the Commission') has received a request pursuant to Articles 13(3) and 14(5) of Regulation (EU) 2016/1036 ('the basic Regulation') to investigate the possible circumvention of the anti-dumping measures imposed on certain seamless pipes and tubes of stainless steel originating in the People's Republic of China by imports consigned from India, whether declared as originating in India or not, and to make such imports subject to registration.
- (2) The request was lodged on 3 January 2017 by the Defence Committee of the Seamless Stainless Steel Tubes Industry of the European Union ('the applicant').

B. PRODUCT

- (3) The product concerned by the possible circumvention is certain seamless pipes and tubes of stainless steel ('SSSPT') (excluding such pipes and tubes with attached fittings suitable for conducting gases or liquids for use in civil aircraft). It is currently falling within CN codes 7304 11 00, 7304 22 00, 7304 24 00, ex 7304 41 00, 7304 49 10, ex 7304 49 93, ex 7304 49 95, ex 7304 49 99 and ex 7304 90 00, originating in the People's Republic of China ('the product concerned'). This is the product to which the measures that are currently in force apply.
- (4) The product under investigation is the same as that defined in the previous recital, but consigned from India, whether declared as originating in India or not, currently falling within the same CN codes as the product concerned ('the product under investigation').

C. EXISTING MEASURES

- (5) The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Council Implementing Regulation (EU) No 1331/2011 ⁽²⁾ ('the existing measures').

D. GROUNDS

- (6) The request contains sufficient *prima facie* evidence that the anti-dumping measures imposed on the product concerned are being circumvented by imports of the product under investigation consigned from India.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Council Implementing Regulation (EU) No 1331/2011 of 14 December 2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain seamless pipes and tubes of stainless steel originating in the People's Republic of China (OJ L 336, 20.12.2011, p. 6).

- (7) The evidence submitted is as follows:
- (8) The request shows that a significant change in the pattern of trade involving exports from the People's Republic of China and India to the Union has taken place following the imposition of the measures, without sufficient due cause or economic justification for such a change other than the imposition of the duty.
- (9) This change appears to stem from the consignment of the product concerned via India to the Union, either after having undertaken completion operations or not. The applicant has provided sufficient *prima facie* evidence showing that the value added during the completion operation is lower than 25 % of the manufacturing cost.
- (10) Furthermore, the request contains sufficient *prima facie* evidence that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined both in terms of quantity and price. Significant volumes of imports of the product under investigation appear to have replaced imports of the product concerned. In addition, there is sufficient *prima facie* evidence that imports of the product under investigation are made at prices below the non-injurious price established in the investigation that led to the existing measures.
- (11) Finally, the request contains sufficient *prima facie* evidence that the prices of the product under investigation are dumped in relation to the normal value previously established for the product concerned.
- (12) Should circumvention practices via India covered by Article 13 of the basic Regulation, other than transshipment and assembly operations be identified in the course of the investigation, the investigation may also cover these practices.

E. PROCEDURE

- (13) In light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13(3) of the basic Regulation and to make imports of the products under investigation subject to registration, in accordance with Article 14(5) of the basic Regulation.

(a) Questionnaires

- (14) In order to obtain information it deems necessary for its investigation, the Commission will send questionnaires to the known exporters/producers in India and to the known associations of exporters/producers in the PRC, to the known importers and to the known associations of importers in the Union and to the authorities of India and the PRC. Information, as appropriate, may also be sought from the Union industry.
- (15) In any event, all interested parties should contact the Commission, but not later than the time-limit set in Article 3 of this Regulation, and request a questionnaire within the time-limit set in Article 3(1) of this Regulation, given that the time-limit set in Article 3(2) of this Regulation applies to all interested parties.
- (16) The authorities of India and the PRC will be notified of the initiation of the investigation.

(b) Collection of information and holding of hearings

- (17) 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.

(c) Exemption from registration of imports or measures

- (18) In accordance with Article 13(4) of the basic Regulation, imports of the products under investigation may be exempted from registration or measures if the importation does not constitute circumvention.

- (19) Since the possible circumvention may take place outside the Union, exemptions may be granted, in accordance with Article 13(4) of the basic Regulation, to producers of the products under investigation in India that can show that they are not related ⁽¹⁾ to any producer subject to the measures ⁽²⁾ and that are found not to be engaged in circumvention practices as defined in Article 13(1) and (2) of the basic Regulation. Producers wishing to obtain an exemption should submit a request duly supported by evidence within the time-limit indicated in Article 3(3) of this Regulation.

F. REGISTRATION

- (20) Pursuant to Article 14(5) of the basic Regulation, imports of the products under investigation shall be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties of an appropriate amount can be levied from the date on which registration of such imports was imposed.

G. TIME-LIMITS

- (21) In the interest of sound administration, time-limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,
 - producers in India may request exemption from registration of imports or measures,
 - interested parties may make a written request to be heard by the Commission.
- (22) Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the time-limits laid down in Article 3 of this Regulation.

H. NON-COOPERATION

- (23) In cases in which any interested party refuses access to or does not provide the necessary information within the time-limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (24) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of facts available.
- (25) If an interested party does not cooperate or cooperates only partially and findings are therefore based on the facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.
- (26) Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

⁽¹⁾ In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558), two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they control a third person directly or indirectly; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. In this context 'person' means any natural or legal person.

⁽²⁾ However, even if producers are related in the aforementioned sense to companies subject to the measures in place on imports originating in the People's Republic of China, an exemption may still be granted if there is no evidence that the relationship with the companies subject to the original measures was established or used to circumvent the original measures.

I. SCHEDULE OF THE INVESTIGATION

- (27) The investigation will be concluded, pursuant to Article 13(3) of the basic Regulation, within nine months of the date the date of entry into force of this Regulation.

J. PROCESSING OF PERSONAL DATA

- (28) It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹⁾.

K. HEARING OFFICER

- (29) Interested parties may request the intervention of the Hearing Officer in trade proceedings. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time-limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.
- (30) A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered.
- (31) For further information and contact details interested parties may consult the Hearing Officer's web pages on the Directorate-General for Trade's website: <http://ec.europa.eu/trade/trade-policy-and-you/contacts/hearing-officer/>,

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is initiated pursuant to Article 13(3) of Regulation (EU) 2016/1036, in order to determine if imports into the Union of certain seamless pipes and tubes of stainless steel currently falling within CN codes ex 7304 11 00, ex 7304 22 00, ex 7304 24 00, ex 7304 41 00, ex 7304 49 10, ex 7304 49 93, ex 7304 49 95, ex 7304 49 99 and ex 7304 90 00 consigned from India (TARIC codes: 7304 11 00 11, 7304 11 00 19, 7304 22 00 21, 7304 22 00 29, 7304 24 00 21, 7304 24 00 29, 7304 41 00 91, 7304 49 10 91, 7304 49 93 91, 7304 49 95 91, 7304 49 99 91 and 7304 90 00 91), whether declared as originating in India or not, are circumventing the measures imposed by Implementing Regulation (EU) No 1331/2011.

Article 2

The Customs authorities shall, pursuant to Articles 13(3) and 14(5) of Regulation (EU) 2016/1036, take the appropriate steps to register the imports into the Union identified in Article 1 of this Regulation.

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

The Commission, by regulation, may direct Customs authorities to cease registration in respect of imports into the Union of products manufactured by producers having applied for an exemption from registration and having been found to fulfil the conditions for an exemption to be granted.

Article 3

1. Questionnaires must be requested from the Commission within 15 days from the date of entry into force 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. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit questionnaire replies or any other information within 37 days from the date of entry into force of this Regulation, unless otherwise specified.
3. Producers in India requesting exemption from registration of imports or measures must submit a request duly supported by evidence within the same 37-day time-limit.
4. Interested parties may also apply to be heard by the Commission within the same 37-day time-limit.
5. Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing a) the Commission to use the information and data for the purpose of this trade defence proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their right of defence.
6. All written submissions, including the information requested in this Regulation, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Limited' ⁽¹⁾.
7. Interested parties providing 'Limited' information are required to furnish non- confidential summaries of it pursuant to Article 19(2) of Regulation (EU) 2016/1036, which will be labelled 'For inspection by interested parties'. These summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If an interested party providing confidential information does not furnish a non-confidential summary of it in the requested format and quality, such information may be disregarded.
8. Interested parties are invited to make all submissions and requests by email including scanned powers of attorney and certification sheets, with the exception of voluminous replies which shall be submitted on a CD-ROM or DVD by hand or by registered mail. By using email, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf

The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions by email, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: CHAR 04/039
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
Email: TRADE-R670-SSSPT-CIRC@ec.europa.eu

Article 4

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

⁽¹⁾ A 'Limited' document is a document which is considered confidential pursuant to Article 19 of Regulation (EU) 2016/1036 and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

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

Done at Brussels, 16 February 2017.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/273**of 16 February 2017****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, 16 February 2017.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General
Directorate-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	IL	337,2
	MA	110,8
	TN	194,0
	TR	130,7
	ZZ	193,2
0707 00 05	MA	64,9
	TR	183,3
	ZZ	124,1
0709 91 00	EG	128,6
	ZZ	128,6
0709 93 10	MA	54,7
	TR	180,1
	ZZ	117,4
0805 10 22, 0805 10 24, 0805 10 28	EG	47,0
	IL	74,2
	MA	50,9
	TN	56,6
	TR	76,3
	ZZ	61,0
	EG	93,2
0805 21 10, 0805 21 90, 0805 29 00	IL	123,2
	JM	122,7
	MA	93,3
	TR	85,5
	ZZ	103,6
	IL	112,1
	MA	103,8
0805 22 00	ZZ	108,0
0805 50 10	EG	82,4
	TR	98,6
	ZZ	90,5
0808 10 80	CN	128,2
	US	103,9
	ZZ	116,1
0808 30 90	CL	121,2
	CN	112,8
	ZA	127,0
	ZZ	120,3

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

DECISIONS

DECISION (EU) 2017/274 OF THE EUROPEAN CENTRAL BANK

of 10 February 2017

laying down the principles for providing performance feedback to national competent authority sub-coordinators and repealing Decision (EU) 2016/3 (ECB/2017/6)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

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

Having regard to Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions ⁽¹⁾, and in particular Article 6(1) and (7) thereof,

Whereas:

- (1) Article 6(1) of Regulation (EU) No 1024/2013 stipulates that the European Central Bank (ECB) is responsible for the effective and consistent functioning of the Single Supervisory Mechanism (SSM). Recital 79 of that Regulation states that highly motivated, well-trained and impartial staff is indispensable to effective supervision.
- (2) In accordance with Articles 3 to 6 of Regulation (EU) No 468/2014 of the European Central Bank (ECB/2014/17) ⁽²⁾, the ECB is in charge of the establishment and composition of joint supervisory teams composed of staff members from the ECB and the national competent authorities. A joint supervisory team (JST) coordinator, assisted by one or more national competent authority (NCA) sub-coordinators, ensures the coordination of the work within the JST.
- (3) In view of the NCA sub-coordinators' important role in coordinating the JST members from their NCA, it is necessary and proportionate to introduce a uniform process for the provision of performance feedback on NCA sub-coordinators in JSTs. By assisting with the continuous improvement of the NCA sub-coordinators' performance, this performance feedback might help to ensure the proper functioning of JSTs.
- (4) The NCAs are solely responsible for the appraisal of their staff, and the ECB is solely responsible for the appraisal of its staff. Nevertheless, NCAs may use the performance feedback provided in accordance with this Decision in the management of their staff members, and it may serve as input in the internal appraisal systems of the NCAs, if allowed under the relevant national law.
- (5) Feedback on the performance of NCA sub-coordinators was initially provided during a trial period in accordance with the principles laid down in Decision (EU) 2016/3 of the European Central Bank (ECB/2015/36) ⁽³⁾. As that trial period has concluded, that Decision should be repealed in the interests of legal certainty.
- (6) Experience gained during the trial period indicated that a performance feedback mechanism for NCA sub-coordinators may be useful to ensure the effective functioning of the JSTs. However further assessment is required. The performance feedback mechanism should therefore be continued for a further trial period of one year. A subsequent review should be carried out to assess if it would be useful for the performance feedback mechanism to continue on a more permanent basis.

⁽¹⁾ OJ L 287, 29.10.2013, p. 63.

⁽²⁾ Regulation (EU) No 468/2014 of the European Central Bank of 16 April 2014 establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities (SSM Framework Regulation) (ECB/2014/17) (OJ L 141, 14.5.2014, p. 1).

⁽³⁾ Decision (EU) 2016/3 of the European Central Bank of 18 November 2015 laying down the principles for providing feedback on the performance of national competent authorities' sub-coordinators in the joint supervisory teams of the Single Supervisory Mechanism (ECB/2015/36) (OJ L 1, 5.1.2016, p. 4).

- (7) The findings of the review should be reported to the Supervisory Board. In the light of the review, a proposal to the Governing Council should be made on whether or not the performance feedback mechanism should be continued.
- (8) The European Data Protection Supervisor was consulted in accordance with Article 27 of Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹⁾ and delivered an opinion on 7 April 2015 recognising that performance feedback is necessary for the management of JSTs, and endorsing the performance feedback mechanism, while advising that its precise operation is defined in an appropriate legal instrument,

HAS ADOPTED THIS DECISION:

Article 1

Definitions

For the purposes of this Decision, the definitions contained in Article 2 of Regulation (EU) No 1024/2013 and Article 2 of Regulation (EU) No 468/2014 (ECB/2014/17) shall apply.

Article 2

Performance feedback

1. JST coordinators shall provide performance feedback to NCA sub-coordinators on their and their team's performance in carrying out their tasks and objectives within the JST, in accordance with the principles set out in Annex I and shall take into account the competencies set out in Annex II.
2. JST coordinators shall, after consultation with the NCA sub-coordinator, lay down the NCA sub-coordinator's main tasks and objectives.
3. JST coordinators shall provide performance feedback with regard to the feedback cycle that starts on the day of the entry into force of this Decision and ends 12 months later.

Article 3

Review

After the performance feedback cycle ends, the ECB in collaboration with the NCAs, shall review the operation of the performance feedback mechanism and report its findings to the Supervisory Board. The report shall include a proposal on whether the performance feedback mechanism should be continued.

Article 4

Repeal

Decision (EU) 2016/3 (ECB/2015/36) is hereby repealed.

⁽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).

*Article 5***Entry into force**

This Decision shall enter into force on 15 February 2017.

Done at Frankfurt am Main, 10 February 2017.

For the Governing Council of the ECB

The President of the ECB

Mario DRAGHI

ANNEX I

Principles for providing feedback on the performance of national competent authority sub-coordinators in joint supervisory teams of the Single Supervisory Mechanism*Principle 1***Scope of performance feedback**

National competent authority (NCA) sub-coordinators in a joint supervisory team (JST) of the Single Supervisory Mechanism (SSM) are subject to performance feedback, provided that they work in the JST on the basis of at least 25 % of a full-time position as defined in the employment framework of the relevant NCA.

*Principle 2***Purpose of performance feedback**

To support and improve the functioning of the SSM as a whole, the performance feedback will assess the NCA sub-coordinator's performance when carrying out their tasks, with a view to further developing their understanding of the SSM's objectives and competencies as NCA sub-coordinators, thereby contributing to improving the performance and integration of JSTs.

*Principle 3***Performance feedback process**

1. At the beginning of the performance feedback cycle, the JST coordinator, after consultation with the NCA sub-coordinator, sets out the main tasks and objectives for each NCA sub-coordinator that is subject to performance feedback in accordance with Principle 1. These tasks and objectives are recorded in the SSM feedback form.
2. The JST coordinator provides each NCA sub-coordinator with guidance and informal performance feedback throughout the performance feedback cycle. Once the feedback cycle is completed, the JST coordinator provides each NCA sub-coordinator with end-of-cycle performance feedback, both orally and in writing in the SSM performance feedback form. Before the feedback form is finalised, the sub-coordinator is given the opportunity to formally record their views and comments on the performance feedback provided.
3. The informal and the end-of-cycle performance feedback take into account the NCA sub-coordinator's main tasks and objectives, the SSM competencies set out in Annex II, and their team's contribution to the overall functioning of the JST.

*Principle 4***Access to performance feedback**

1. Upon request by the relevant NCA, the end-of cycle performance feedback will be made accessible to, and may be used by the relevant NCA for the purpose of facilitating its staff management, if permitted by applicable national law.
2. NCAs may choose to use the performance feedback as additional input in their internal appraisal systems, if permitted by applicable national law.
3. Access to the performance feedback, including its transfer, will be granted to NCAs in accordance with Article 8(a) of Regulation (EC) No 45/2001.

*Principle 5***Protection of personal data processed in the context of giving performance feedback**

1. The performance feedback data will be processed by the ECB in accordance with Regulation (EC) No 45/2001.
 2. The performance feedback data may be used only for the purposes described in Principles 2 and 4, and may be stored for a maximum period of five years.
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ANNEX II

List of competencies particularly relevant for staff working in the SSM (SSM competencies)

Professional knowledge: Knowledge of supervisory policies, methodologies and regulations, especially in the SSM context, as well as of financial institutions functioning. Keeps abreast of developments in those fields and applies the knowledge to the relevant areas of work.

Communication: Conveying information clearly and concisely to groups or individuals, either verbally or in writing, to ensure that they understand the information and the message. Listening and responding appropriately to others.

Cooperation and collaboration: Building and maintaining on-going, collaborative, working relationships with co-workers to achieve the European goals of the team. Developing and maintaining effective relationships with others in order to encourage and support teamwork. Proactively sharing data, information and knowledge within the team.

Determination in achieving objectives: Performing tasks with tenacity and perseverance, pursuing successful solutions while adapting own behaviour to find a suitable approach to reach a successful outcome.

Judgement and intrusiveness: Analysing and assessing situations, data and information in order to develop appropriate strategies, plans and policies. Understanding and formulating different and opposing perspectives on an issue, if needed, adapting approaches as the requirements of a situation change, considering problems from new perspectives and expanding on the thinking or solutions proposed by others. Attempting to fully understand issues prior to making a recommendation or reaching a conclusion, while gathering full and exact information as necessary; arriving at a sound judgement by respectfully asking a series of intrusive questions; and continuously scanning for potential issues and various information.

Breadth of awareness and being forward-looking: Looking beyond the own role to establish the wider context in which one operates, by having a full understanding of the different functions/areas, by showing awareness of diverse cultural contexts and points of view, and by assessing the implications of own decisions on others. Looking ahead and anticipating opportunities and threats in the future, taking action to create opportunities or to avert a future issue.

Acting objectively with integrity and independence: Acting independently and objectively, in the interest of the Union as a whole, on the basis of the professional standards of the SSM, verifying circumstances to get a complete and realistic picture of a situation. Striving to reduce or eliminate biases, prejudices, or subjective evaluations by relying on verifiable data and facts.

Managing SSM teams (applicable to managers only): Directing (virtual/remote) teams and guiding them to the team objectives. Coordinating team activities across boundaries, by providing direction and by using their competencies and diversity in the most effective and efficient way. Working to reduce and cope with ambiguity and finding ways to direct and deliver under uncertainty.

CORRIGENDA**Corrigendum to Commission Decision 2014/955/EU of 18 December 2014 amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council**

(Official Journal of the European Union L 370 of 30 December 2014)

On page 44, recital 5:

for: '[...] It is appropriate to refer to Council Regulation (EC) No 440/2008 [...]',

read: '[...] It is appropriate to refer to Commission Regulation (EC) No 440/2008 [...];

on page 44, footnote 7:

for: 'Council Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142 31.5.2008, p. 1).',

read: 'Commission Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142 31.5.2008, p. 1).'.

