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Price: EUR 4

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(¹) Text with EEA relevance

EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 137/2011

of 16 February 2011

amending Regulation (EC) No 2003/2003 of the European Parliament and of the Council relating to fertilisers for the purposes of adapting Annexes I and IV thereto to technical progress

(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 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers ⁽¹⁾, and in particular Article 31(1) and (3) thereof,

Whereas:

- (1) Article 3 of Regulation (EC) No 2003/2003 provides that a fertiliser belonging to a type of fertiliser listed in Annex I thereto and complying with the conditions laid down in that Regulation may be designated 'EC fertiliser'.
- (2) Calcium formate (CAS 544-17-2) is a secondary nutrient fertiliser that is used as foliar fertiliser for fruit cultivation in one Member State. The substance is harmless for the environment and human health. Therefore to make it more easily available to farmers throughout the Union, calcium formate should be recognised as an 'EC fertiliser' type.
- (3) Provisions on micro-nutrient chelates and micro-nutrient solutions should be adapted to allow the use of more than one chelating agent, to introduce common values for the minimum content of water-soluble micro-nutrient and to ensure that each chelating agent that chelates at least 1 % of the water-soluble micro-nutrient and that is identified and quantified by EN standards is labelled. A

sufficient transitional period is necessary in order to allow economic operators to sell off their stocks of fertilisers.

- (4) Zinc oxide powder (CAS 1314-13-2) is a zinc fertiliser listed in Annex I to Regulation (EC) No 2003/2003. Zinc oxide in powder form presents a potential dust hazard in use. The use of zinc oxide in the form of a stable suspension in water avoids this hazard. Zinc fertiliser suspension should therefore be recognised as an 'EC fertiliser' type to allow a safer use of zinc oxide. To allow flexibility within formulations, the use of zinc salts and one or more types of zinc chelate(s) should also be permitted in any such water-based suspensions.
- (5) Article 23(2) of Regulation (EC) No 2003/2003 contains rules for the composition and labelling of mixed micro-nutrient fertilisers but such mixtures are not yet listed among the fertiliser types of Annex I. Mixed micro-nutrient fertilisers therefore cannot be sold as 'EC fertilisers'. Micro-nutrient fertiliser type designations should therefore be introduced in Annex I for solid and fluid fertilisers.
- (6) Iminodisuccinic acid (hereinafter 'IDHA') is a chelating agent which is authorised for use in two Member States as foliar sprays, for soil application, in hydroponics and in fertigation. IDHA should be added to the list of authorised chelating agents in Annex I to make it more easily available to farmers throughout the Union.
- (7) Article 29(2) of Regulation (EC) No 2003/2003 requires the control of 'EC fertilisers' in accordance with the methods of analysis that are described therein. However, some methods have not been internationally recognised. EN standards have now been developed by the European Committee for Standardisation and should replace those methods.

⁽¹⁾ OJ L 304, 21.11.2003, p. 1.

- (8) Validated methods published as EN standards usually include a ring test (inter-laboratory test) to check the reproducibility and repeatability of the analytical methods between different laboratories. A distinction between validated EN standards and non-validated methods should therefore be made to help to identify the EN standards which have undergone an inter-laboratory test to correctly inform controllers about the statistical reliability of EN standards.
- (9) To simplify legislation and facilitate future revision, it is appropriate to replace the full text of the standards in Annex IV to Regulation (EC) No 2003/2003 with references to the EN standards to be published by the European Committee for Standardisation.
- (10) Regulation (EC) No 2003/2003 should therefore be amended accordingly.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 32 of Regulation (EC) No 2003/2003,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments

1. Annex I to Regulation (EC) No 2003/2003 is amended in accordance with Annex I to this Regulation.
2. Annex IV to Regulation (EC) No 2003/2003 is amended in accordance with Annex II to this Regulation.

Article 2

Transitional provisions

Points (a) to (e) of point (2) of Annex I shall apply from 9 October 2012 to fertilisers that are placed on the market before 9 March 2011.

Article 3

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 16 February 2011.

For the Commission
The President
José Manuel BARROSO

ANNEX I

Annex I to Regulation (EC) No 2003/2003 is amended as follows:

(1) In Section D, the following entries 2.1 and 2.2 are inserted:

2.1	Calcium formate	Chemically obtained product containing calcium formate as essential ingredient	33,6 % CaO Calcium expressed as water-soluble CaO 56 % formate		Calcium oxide Formate
2.2	Calcium formate fluid	Product obtained by dissolution in water of calcium formate	21 % CaO Calcium expressed as water-soluble CaO 35 % formate		Calcium oxide Formate'

(2) Section E.1 is amended as follows:

(a) in Section E.1.2, entries 2b and 2c are replaced by the following:

2b	Cobalt chelate	Water-soluble product containing cobalt chemically combined with authorised chelating agent(s)	5 % of water-soluble cobalt and at least 80 % of the water-soluble cobalt is chelated by authorised chelating agent(s)	Name of each authorised chelating agent that chelates at least 1 % water-soluble cobalt and that can be identified and quantified by a European standard	Water-soluble cobalt (Co) Optional: Total cobalt (Co) chelated by authorised chelating agents Cobalt (Co) chelated by each authorised chelating agent that chelates at least 1 % water-soluble cobalt and that can be identified and quantified by a European standard
2c	Cobalt fertiliser solution	Aqueous solution of types 2a and/or types 2b	2 % water-soluble cobalt	The designation must include: (1) the name(s) of the mineral anion(s) (2) the name of any authorised chelating agent that chelates at least 1 % water-soluble cobalt if present and that can be identified and quantified by a European standard	Water-soluble cobalt (Co) Optional: Total cobalt (Co) chelated by authorised chelating agents Cobalt (Co) chelated by each authorised chelating agent that chelates at least 1 % water-soluble cobalt and that can be identified and quantified by a European standard'

(b) in Section E.1.3, entries 3d and 3f are replaced by the following:

3d	Copper chelate	Water-soluble product containing copper chemically combined with authorised chelating agent(s)	5 % of water-soluble copper and at least 80 % of the water-soluble copper is chelated by authorised chelating agent(s)	Name of each authorised chelating agent that chelates at least 1 % water-soluble copper and that can be identified and quantified by a European standard	Water-soluble copper (Cu) Optional: Total copper (Cu) chelated by authorised chelating agents Copper (Cu) chelated by each authorised chelating agent that chelates at least 1 % water-soluble copper and that can be identified and quantified by a European standard
3f	Copper fertiliser solution	Aqueous solution of types 3a and/or types 3d	2 % water-soluble copper	The designation must include: (1) the name(s) of the mineral anion(s) (2) the name of any authorised chelating agent that chelates at least 1 % water-soluble copper if present and that can be identified and quantified by a European standard	Water-soluble copper (Cu) Optional: Total copper (Cu) chelated by authorised chelating agents Copper (Cu) chelated by each authorised chelating agent that chelates at least 1 % water-soluble copper and that can be identified and quantified by a European standard

(c) in Section E.1.4, entries 4b and 4c are replaced by the following:

4b	Iron chelate	Water-soluble product containing iron chemically combined with authorised chelating agent(s)	5 % of water-soluble iron, of which the chelated fraction is at least 80 % and at least 50 % of the water-soluble iron is chelated by authorised chelating agent(s)	Name of each authorised chelating agent that chelates at least 1 % water-soluble iron and that can be identified and quantified by a European standard	Water-soluble iron (Fe) Optional: Total iron (Fe) chelated by authorised chelating agents Iron (Fe) chelated by each authorised chelating agent that chelates at least 1 % water-soluble iron and that can be identified and quantified by a European standard
4c	Iron fertiliser solution	Aqueous solution of types 4a and/or types 4b	2 % of water soluble iron	The designation must include: (1) the name(s) of the mineral anion(s) (2) the name of any authorised chelating agent that chelates at least 1 % water-soluble iron if present and that can be identified and quantified by a European standard	Water-soluble iron (Fe) Optional: Total iron (Fe) chelated by authorised chelating agents Iron (Fe) chelated by each authorised chelating agent that chelates at least 1 % water-soluble iron and that can be identified and quantified by a European standard

(d) in Section E.1.5, entries 5b and 5e are replaced by the following:

'5b	Manganese chelate	Water-soluble product containing manganese chemically combined with authorised chelating agent(s)	5 % of water-soluble manganese and at least 80 % of the water-soluble manganese is chelated by authorised chelating agent(s)	Name of each authorised chelating agent that chelates at least 1 % water-soluble manganese and that can be identified and quantified by a European standard	Water-soluble manganese (Mn) Optional: Total manganese (Mn) chelated by authorised chelating agents Manganese (Mn) chelated by each authorised chelating agent that chelates at least 1 % water-soluble manganese and that can be identified and quantified by a European standard
5e	Manganese fertiliser solution	Aqueous solution of types 5a and/or types 5b	2 % water-soluble manganese	The designation must include: (1) the name(s) of the mineral anion(s) (2) the name of any authorised chelating agent that chelates at least 1 % water-soluble manganese if present and that can be identified and quantified by a European standard	Water-soluble manganese (Mn) Optional: Total manganese (Mn) chelated by authorised chelating agents Manganese (Mn) chelated by each authorised chelating agent that chelates at least 1 % water-soluble manganese and that can be identified and quantified by a European standard'

(e) in Section E.1.7, entries 7b and 7e are replaced by the following:

'7b	Zinc chelate	Water-soluble product containing zinc chemically combined with authorised chelating agent(s)	5 % of water-soluble zinc and at least 80 % of the water-soluble zinc is chelated by authorised chelating agent(s)	Name of each authorised chelating agent that chelates at least 1 % water-soluble zinc and that can be identified and quantified by a European standard	Water-soluble zinc (Zn) Optional: Total zinc (Zn) chelated by authorised chelating agents Zinc (Zn) chelated by each authorised chelating agent that chelates at least 1 % water-soluble zinc and that can be identified and quantified by a European standard
7e	Zinc fertiliser solution	Aqueous solution of types 7a and/or types 7b	2 % water-soluble zinc	The designation must include: (1) the name(s) of the mineral anion(s) (2) the name of any authorised chelating agent that chelates at least 1 % water-soluble zinc if present and that can be identified and quantified by a European standard	Water-soluble zinc (Zn) Optional: Total zinc (Zn) chelated by authorised chelating agents Zinc (Zn) chelated by each authorised chelating agent that chelates at least 1 % water-soluble zinc and that can be identified and quantified by a European standard'

(f) in Section E.1.7, the following entry 7f is added:

7f	Zinc fertiliser suspension	Product obtained by suspending type 7(a) and/or 7(c) and/or types 7(b) in water	20 % total zinc	The designation must include: (1) the name(s) of the anions (2) the name of any authorised chelating agent that chelates at least 1 % water-soluble zinc if present and that can be identified and quantified by a European standard	Total zinc (Zn) Water-soluble zinc (Zn) if present Zinc (Zn) chelated by each authorised chelating agent that chelates at least 1 % water-soluble zinc and that can be identified and quantified by a European standard'
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(3) Section E.2 is amended as follows:

(a) the title of Section E.2 is replaced by the following:

'E.2. Minimum micro-nutrient content, percentage weight of fertiliser; mixed micro-nutrient fertiliser types';

(b) the title of Section E.2.1 is replaced by the following:

'E.2.1. Minimum micro-nutrient content in solid or fluid mixtures of micro-nutrient fertilisers, percentage weight of fertiliser';

(c) in Section E.2.1, the two sentences below the table are deleted;

(d) the title of Section E.2.2 is replaced by the following:

'E.2.2. Minimum micro-nutrient content in EC fertilisers containing primary and/or secondary nutrient(s) with micro-nutrient(s) applied to the soil, percentage weight of fertiliser';

(e) the title of Section E.2.3 is replaced by the following:

'E.2.3. Minimum micro-nutrient content in EC fertilisers containing primary and/or secondary nutrient(s) with micro-nutrient(s) for leaf sprays, percentage weight of fertiliser';

(f) the following Section E.2.4 is added:

'E.2.4. Solid or fluid mixtures of micro-nutrient fertilisers

No	Type designation	Data on method of production and essential ingredients	Minimum total content of micro-nutrients (percentage by weight) Data on expression of nutrients Other requirements	Other data on the type designation	Nutrient content to be declared Forms and solubilities of the nutrients Other criteria
1	2	3	4	5	6
1	Mixture of micro-nutrients	Product obtained by mixing two or more E.1 type fertilisers	Total of micro-nutrients: 5 % by mass of the fertiliser Individual micro-nutrient according to Section E.2.1	The designation must include: (1) the names of any mineral anions if present (2) the name(s) of any authorised chelating agents if present	Total content of each nutrient Water soluble content of each nutrient if present Micro-nutrient chelated by each authorised chelating agent(s) if present
2	Fluid mixture of micro-nutrients	Product obtained by dissolving and/or suspending two or more E.1 type fertilisers in water	Total of micro-nutrients: 2 % by mass of the fertiliser Individual micro-nutrient according to Section E.2.1	The designation must include: (1) the names of any mineral anions if present (2) the name(s) of any authorised chelating agents if present	Total content of each nutrient Water soluble content of each nutrient if present Micro-nutrient chelated by each authorised chelating agent(s), if present

(4) In Section E.3.1, the following entry is added:

Iminodisuccinic acid IDHA C₈H₁₁O₈N 131669-35-7.

ANNEX II

Section B of Annex IV to Regulation (EC) No 2003/2003 is amended as follows:

- (1) Method 2.6.2 is replaced by the following:

'Method 2.6.2

Determination of total nitrogen in fertilisers containing nitrogen only as nitric, ammoniacal and urea nitrogen by two different methods

EN 15750: Fertilizers. Determination of total nitrogen in fertilizers containing nitrogen only as nitric, ammoniacal and urea nitrogen by two different methods.

This method of analysis has been ring-tested.'

- (2) The following method 2.6.3 is added:

'Method 2.6.3

Determination of urea condensates using HPLC — Isobutylenediurea and crotonylidenediurea (method A) and methylen-urea oligomers (method B)

EN 15705: Fertilizers. Determination of urea condensates using high-performance liquid chromatography (HPLC). Isobutylenediurea and crotonylidenediurea (method A) and methylen-urea oligomers (method B)

This method of analysis has been ring-tested.'

- (3) The following title of method 5 is inserted:

'Carbon dioxide'

- (4) The following method 5.1 is inserted:

'Method 5.1

Determination of carbon dioxide — Part I: method for solid fertilisers

EN 14397-1: Fertilizers and liming materials. Determination of carbon dioxide. Part I: method for solid fertilisers

This method of analysis has been ring-tested.'

- (5) Method 8.9 is replaced by the following:

'Method 8.9

Determination of the sulfates content using three different methods

EN 15749: Fertilizers. Determination of sulfates content using three different methods

This method of analysis has been ring-tested.'

COMMISSION REGULATION (EU) No 138/2011

of 16 February 2011

imposing a provisional anti-dumping duty on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the basic Regulation), and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

1. Initiation

- (1) On 20 May 2010, the European Commission (the Commission) announced, by a notice published in the *Official Journal of the European Union*⁽²⁾ (Notice of initiation), the initiation of an anti-dumping proceeding with regard to imports into the Union of certain open mesh fabrics of glass fibres originating in the People's Republic of China ('PRC' or 'the country concerned').
- (2) The anti-dumping proceeding was initiated following a complaint lodged on 6 April 2010 by Saint-Gobain Vertex s.r.o., Tolnatex Fonalfeldolgozo es Muszakiszovetgyarto, Valmieras 'Stikla Skiedra' AS and Vitruvan Technical Textiles GmbH (the complainants), representing a major proportion, in this case more than 25 %, of the total Union production of certain open mesh fabrics. The complaint contained prima facie evidence of dumping of the said product and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding.

2. Parties concerned by the proceeding

- (3) The Commission officially advised the complainants, other known Union producers, the known exporting producers in the PRC, and the representatives of the PRC, known importers and users, of the initiation of the proceeding. The Commission also advised producers in the United States of America (USA), Canada, Croatia, Turkey and Thailand, as these countries were envisaged as a possible analogue country. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the notice of initiation. All interested parties who

so requested and showed that there were particular reasons why they should be heard were granted a hearing.

- (4) In view of the apparent high number of exporting producers in the PRC, unrelated importers and Union producers, sampling was envisaged in the Notice of initiation for the determination of dumping and injury in accordance with Article 17 of the basic Regulation. In order to enable the Commission to decide whether sampling would be necessary and if so, to select a sample, all known exporting producers in the PRC, importers and Union producers, were asked to make themselves known to the Commission and to provide, as specified in the Notice of initiation, basic information on their activities related to the product concerned during the period from 1 April 2009 to 31 March 2010. The authorities of the PRC were also consulted.
- (5) Sixteen replies were received to the sampling exercise from exporting producers in the PRC covering 86 % of imports during the investigation period as defined in the recital below. Therefore, the cooperation is considered to be high.
- (6) In accordance with Article 17(1) of the basic Regulation, the Commission selected a sample of exporting producers based on the largest representative volume of exports of the product concerned to the Union which could reasonably be investigated within the time available. The sample selected consists of two individual exporting producers and one exporting producer group consisting of four related companies, representing 42 % of imports to the Union during the Investigation Period (IP) as defined in recital 13 below. In accordance with Article 17(2) of the basic Regulation, the parties concerned and the PRC authorities were consulted on the selection of sample and raised no objection.
- (7) With regard to Union industry, twelve producers provided the requested information and agreed to be included in the sample. On this basis, the Commission selected a sample composed of the four biggest Union producers in terms of sales and production representing, 70 % of the total sales by Union industry as defined in recital 59 below.
- (8) Only four unrelated importers provided the requested information within the deadlines set out in the Notice of initiation. Therefore, it was decided that sampling with regard to unrelated importers was not necessary.
- (9) In order to allow sampled exporting producers in the PRC to submit a claim for market economy treatment (MET) or individual treatment (IT), if they so wished, the Commission sent claim forms to the sampled exporting producers. All sampled exporting producers requested

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ C 131, 20.5.2010, p. 6.

MET pursuant to Article 2(7) of the basic Regulation or IT should the investigation establish that they did not meet the conditions for MET. In addition, one exporting producer consisting of a group of related companies which was not included in the sample, requested individual examination under Article 17(3) of the basic Regulation.

- (10) The Commission sent questionnaires to the sampled exporting producers, as well as to the non-sampled exporting producer that had requested individual examination, to the four sampled Union producers, the four cooperating unrelated importers and to all known users in the Union. Questionnaires were also sent to producers in the USA which was the proposed analogue country as mentioned in the Notice of initiation, and to producers in other possible analogue countries. Questionnaire replies were received from the sampled exporting producers in the PRC and from the one cooperating producer who requested individual examination, from one producer in the United States of America and one producer in Canada, envisaged analogue country as explained in recital 43 below, from all sampled Union producers and from four unrelated importers. No users supplied the Commission with any information or made themselves known in the course of this investigation.

- (11) The Commission sought and verified all the information deemed necessary for the purpose of analysis of MET/IT and for a provisional determination of dumping, resulting injury and Union interest and carried out verifications at the premises of the following companies:

(a) *Exporting producers in the PRC*

- Yuyao Mingda Fiberglass Co., Ltd
- Ningbo Weishan Duo Bao Building Materials Co., Ltd
- Grand Composite Group composed of:
 - Grand Composite Co. Ltd
 - Ningbo Grand Fiberglass Co. Ltd
 - Ningbo Grand Industrial Co. Ltd

(b) *Union producers*

- Saint Gobain Vertex s.r.o, Czech Republic
- Tolnatex Fonalfeldolgozo es Muszakiszovetgyarto, Hungary
- Vitrulan Technical Textiles GmbH, Germany
- Valmieras Stikla Skiedra AS, Latvia

(c) *Unrelated importers*

- Masterplast, Hungary

- (12) In view of the need to establish a normal value for the exporting producers in the PRC to which MET might not be granted, a verification to establish normal value on the basis of data from Canada as analogue country took place at the premises of the following company:

(d) *Producer in analogue country*

- Saint Gobain Technical Fabrics, Midland, Canada

3. Investigation period

- (13) The investigation of dumping and injury covered the period from 1 April 2009 to 31 March 2010 ('investigation period' or 'IP'). The examination of the trends relevant for the assessment of injury covered the period from 1 January 2006 to the end of the investigation period (period considered).

B. PRODUCT CONCERNED AND LIKE PRODUCT

1. Product concerned

- (14) The product concerned is open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35 g/m² originating in the PRC (the product concerned) and currently falling within CN codes ex 7019 40 00, ex 7019 51 00, ex 7019 59 00, ex 7019 90 91 and ex 7019 90 99.
- (15) Open mesh fabrics are made of glass fibre yarns and can be found in different cell sizes and weight per square meter. They are mostly used as reinforcement material in the construction sector (external thermal insulation, marble/floor reinforcement, wall repair).
- (16) After initiation, an exporting producer in the PRC that manufactures fibreglass discs requested clarification whether that product type is included in the product definition. The Union industry was consulted and was of the opinion that such discs may be considered as downstream product and thus are not necessarily covered by the product definition. Since at this stage of the proceeding information at the Commission's disposal does not yet allow for a definitive conclusion concerning its basic characteristics, it was decided to provisionally treat fibreglass discs as forming part of the product concerned, pending collection of further information and considerations from interested parties in the remainder of the investigation.

2. Like product

- (17) The investigation has shown that open mesh fabrics of glass fibres produced and sold on the domestic market of the PRC and on the domestic market of Canada, which served provisionally as an analogue country, as well as the open mesh fabrics of glass fibres produced and sold in the Union by the Union producers have essentially the

same basic physical, chemical and technical characteristics and the same basic uses. They are therefore provisionally considered to be alike within the meaning of Article 1(4) of the basic Regulation.

C. DUMPING

1. General methodology

- (18) The general methodology set out hereinafter has been applied to the cooperating exporting producers in PRC to establishing whether or not they were practicing dumping.

2. Market Economy Treatment (MET)

- (19) Pursuant to Article 2(7)(b) of the basic Regulation, in anti-dumping investigations concerning imports originating in the PRC, normal value shall be determined in accordance with paragraphs 1 to 6 of the said Article for those producers which were found to meet the criteria laid down in Article 2(7)(c) of the basic Regulation. Briefly and for ease of reference only, these criteria are set out in summarised form below:

1. business decisions are made in response to market signals, without significant State interference, and costs reflect market values;
2. firms have one clear set of basic accounting records, which are independently audited in line with international accounting standards and are applied for all purposes;
3. there are no significant distortions carried over from the former non-market economy system;
4. bankruptcy and property laws guarantee stability and legal certainty; and
5. exchange rate conversions are carried out at market rates.

- (20) In the present investigation, all sampled exporting producers requested MET pursuant to Article 2(7)(b) of the basic Regulation and replied to the MET claim form within the given deadline.

- (21) For all the abovementioned sampled exporting producers, the Commission sought all information deemed necessary and verified the information submitted in the MET claim forms and all other information deemed necessary at the premises of the following companies:

- Yuyao Mingda Fiberglass Co., Ltd
- Ningbo Weishan Duo Bao Building Materials Co., Ltd
- Grand Composite Group, composed of:

- Grand Composite Co. Ltd

- gbo Grand Fiberglass Co. Ltd

- Ningbo Grand Industrial Co. Ltd

- The fourth company of the sampled group of related companies is located in British Virgin Islands and was therefore not part of the MET assessment.

- (22) The investigation initially established that two sampled exporting producers in the PRC fulfilled all the criteria set forth in Article 2(7)(c) of the basic Regulation to be granted MET while the third sampled exporting producer consisting of a group of related companies failed to meet criterion 2 in respect of the international accounting standards. In particular, it was found that certain costs, revenues and accounts did not accurately reflect the true financial situation of the companies in the group. Moreover, the lack of completeness of the accounts was not mentioned in the auditor's report.

- (23) The Commission officially disclosed the results of the MET findings to the exporting producers concerned in the PRC, and the complainants. They were also given an opportunity to make their views known in writing and to request a hearing if there were particular reasons to be heard.

- (24) Following the disclosure of the MET findings, comments were only received from the sampled exporting producer/group which was not granted MET. However, these comments were not such as to change the findings in this regard as they did not rebut the deficiencies but provided general explanations about the fact that only one private person controlled the whole group and that the companies in the group were going through a transitional phase in the process of integrating their business.

- (25) Just prior to the dumping verification visits, the Commission received some allegations supported in the one instance by documentation concerning the two exporting producers in the PRC to which it was initially proposed to grant MET. These allegations were examined during the dumping verification visits.

- (26) For the first exporting producer, the allegation received specifically claimed that it had provided falsified Articles of Association in its MET claim form and during the MET verification visit. The Commission was provided with copies of the allegedly genuine Articles of Association and the corresponding Joint Venture Contract between the company's shareholders. During the dumping verification visit, the exporting producer provided a certified copy of its Articles of Association

registered with the local authority which was the same undated document as that provided by the company in its MET claim form and during the MET on-spot visit.

- (27) The comparison of this document with the one received by the Commission as described in recitals 25 and 26 above revealed differences in the dates, in the parties involved and in certain provisions regarding restrictions on labour hiring. Further differences were found regarding sales restrictions when comparing the Joint Venture contract submitted with the company's MET claim form and the one received by the Commission.
- (28) A letter was sent to this exporting producer informing them that this information might give grounds to apply Article 18 of the basic Regulation and asking them to provide comments. The reply of the exporting producer did not provide sufficient explanations on the differences that would lift the doubts on the authenticity of the initial documents and information provided by the exporting producer in its MET Claim form submission.
- (29) For the second exporting producer the allegation received specifically referred to falsified audited accounts. This allegation was examined on spot and discrepancies were identified to the balances carried forward from the 2006 un-audited accounts to the first audited financial statements of 2007. In addition no audit fee charges and payments for the years 2007 and 2008 were booked in the company's records.
- (30) A letter was also sent to this exporting producer informing them about the discrepancies found on spot and asking them to provide comments. They were also informed that these new findings may give grounds to apply Article 18 of the basic Regulation. The reply of the exporting producer did not provide any additional information that would lift the doubts as to the accuracy and completeness of the figures presented in its financial statements. On the contrary, in its reply, the exporting producer admitted the existence of two different sets of accounts with different figures for 2006 and that its accounts for 2007 and 2008 contained errors which were not reported upon by the auditor.
- (31) Based on the above new findings it was considered that the first exporting producer provided misleading information within the course of the investigation. On this basis it was decided to apply Article 18 of the basic Regulation and reverse the original proposal to grant them MET.
- (32) For the second exporting producer it was decided to refuse MET on the grounds that it did not fulfil criterion 2 of the MET assessment.

3. Individual Treatment (IT)

- (33) Pursuant to Article 2(7)(a) of the basic Regulation a countrywide duty, if any, is established for countries

falling under that Article, except in those cases where companies are able to demonstrate that they meet the criteria set out in Article 9(5) of the basic Regulation. Briefly, and for ease of reference only, these criteria are set out below:

- in the case of wholly or partly foreign owned firms or joint ventures, exporters are free to repatriate capital and profits,
- export prices and quantities, and conditions and terms of sale are freely determined,
- the majority of the shares belong to private persons. State officials appearing on the Boards of Directors or holding key management positions shall either be in minority or it must be demonstrated that the company is nonetheless sufficiently independent from State interference,
- exchange rate conversions are carried out at the market rate, and
- State interference is not such as to permit circumvention of measures if individual exporters are given different rates of duty.

- (34) The three sampled exporting producers which requested MET also claimed IT in the event they would not be granted MET. Based on the above findings, Article 18 of the basic Regulation was applied to the first exporting producer and IT was therefore refused. The second exporting producer was found to meet the conditions of Article 9(5) of the basic Regulation and thus could be granted IT.

- (35) For the third exporting producer (group of companies) that was found not to fulfil the MET criteria, it was decided to grant IT as it was found that the company fulfils the conditions of Article 9(5) of the basic Regulation.

- (36) On the basis of the information available, it was provisionally established that the following two exporting producers in the PRC which were included in the sample meet all the requirements for IT as set forth in Article 9(5) of the basic regulation.

- Yuyao Mingda Fiberglass Co., Ltd
- Grand Composite Group, composed of:
 - Grand Composite Co. Ltd
 - Ningbo Grand Fiberglass Co. Ltd
 - Ningbo Grand Industrial Co. Ltd

4. Individual Examination

- (37) The non-sampled group of related companies which requested individual examination also requested MET or IT, should the investigation establish that they did not meet the conditions for MET, and replied to the MET claim form within the given deadline.
- (38) The information submitted in the MET claim form by the company that requested individual examination was not verified. This will be examined subsequently.

5. Normal value

(a) Choice of the analogue country

- (39) According to Article 2(7)(a) of the basic Regulation, normal value for exporting producers not granted MET shall be established on the basis of the domestic prices or constructed normal value in an analogue country.
- (40) In the Notice of initiation, the Commission indicated its intention to use the United States of America as an appropriate analogue country for the purpose of establishing normal value for the PRC and invited interested parties to comment thereon.
- (41) Four cooperating exporting producers stated that the USA would not be an appropriate analogue country, because the glass fibre yarns that they use and which is the main raw material for the production of the product concerned, is of a different glass type than the one used by the Chinese exporting producers, thus more expensive. They also proposed that Turkey and Thailand be used instead as the producers of the product concerned in these two countries use the same glass type fibre yarns as the Chinese exporting producers.
- (42) The Commission examined whether other countries could be a reasonable choice of analogue country and questionnaires were sent to producers of the product concerned in Canada, Croatia, Turkey and Thailand. Only one of the producers of the product concerned in the USA and the sole producer in Canada replied to the questionnaires.
- (43) Both the Canadian and USA markets were examined to determine their suitability to be used as analogue country. In regard to Canada, although there is only one producer of the product concerned, it was found that this country has an open market with no import duty and that competition on the market was ensured by significant imports of the product concerned from several third countries. In addition, it was found that the Canadian producer manufactures all types of the product concerned unlike the US producer who manufactures only one type of the like product, which allows calculations of a normal value for each type of the product concerned. The investigation showed that

Canada could provisionally be considered as an appropriate analogue country for the purpose of establishing normal value.

- (44) The data submitted in the cooperating Canadian producer's reply were verified *in situ* and found to be reliable information on which a normal value could be based.
- (45) It is therefore provisionally concluded that Canada is an appropriate and reasonable analogue country in accordance with Article 2(7) of the basic Regulation.

(b) Determination of normal value

- (46) Pursuant to Article 2(7)(a) of the basic Regulation normal value was established on the basis of verified information received from the producer in the analogue country as set out below.
- (47) The domestic sales of the Canadian producer of the like product were found to be representative in terms of volume compared to the volume of the product concerned exported to the Union by the cooperating exporting producers.
- (48) During the investigation period, sales on the domestic market to unrelated customers were found to be made in the ordinary course of trade for all types of the like product manufactured by the Canadian producer. However, because of differences in quality between the like product produced and sold in Canada and the product concerned from PRC, it was considered more appropriate to construct normal value in order to be able to take into account these differences and ensure fair comparison as described in recital 52.
- (49) Pursuant to Article 2(6)(c) of the basic regulation, the amounts for SG&A and profits were established on the basis of the data of the Canadian producer.

(c) Export prices for the exporting producers granted IT

- (50) As two of the sampled cooperating exporting producers granted IT made export sales to the Union directly to independent customers in the Union, the export prices were based on the prices actually paid or payable for the product concerned, in accordance with Article 2(8) of the basic Regulation.

(d) Comparison

- (51) The normal value and export prices were compared on an ex-works basis.
- (52) For the purpose of ensuring a fair comparison between the normal value and the export price, due allowance in the form of adjustments was made for differences

affecting prices and price comparability in accordance with Article 2(10) of the basic Regulation. Normal value was adjusted for differences in quality of inputs such as chemicals, coating and raw materials (glass type of yarns). Further adjustments were made, where appropriate, in respect indirect taxes, ocean freight, insurance, handling and ancillary costs, packing, credit, bank charges and commissions in all cases where they were found to be reasonable, accurate and supported by verified evidence.

6. Dumping margins

(a) *For the cooperating sampled exporting producers granted IT*

- (53) Pursuant to Article 2(11) and (12) of the basic Regulation, the dumping margins for the two sampled cooperating exporting producers granted IT, were established on the basis of a comparison of a weighted average normal value established for the analogue country with each company's weighted average export price of the product concerned to the Union as established above.
- (54) On this basis, the provisional dumping margins expressed as a percentage of the cif Union frontier price, duty unpaid, are:

Company	Provisional dumping margin
Yuyao Mingda Fiberglass Co. Ltd	62,9 %
Grand Composite Co. Ltd and its related company Ningbo Grand Fiberglass Co. Ltd	48,4 %

(b) *For all other exporting producers*

- (55) The dumping margin for cooperating exporting producers in the PRC, not included in the sample was calculated as an average of the two sampled exporting producers granted IT in accordance with Article 9(6) of the basic Regulation.
- (56) In order to calculate the countrywide dumping margin applicable to all other non-cooperating exporting producers in the PRC as well as to the sampled exporting producer that was subject to Article 18 of the basic Regulation, the level of cooperation was first established by comparing the volume of exports to the Union reported by the cooperating exporting producers with that of Eurostat statistics.
- (57) Given the high level of co-operation in the investigation, the co-operating companies representing around 86 % of all imports from the PRC during the IP, the countrywide dumping margin was established by using the highest of the dumping margins found for the two exporting producers granted IT.
- (58) On this basis the provisional sample weighted average dumping margin and the countrywide level of dumping as a percentage of the cif Union frontier price, duty unpaid are:

Sample Weighted Average for the cooperating exporting producers not included in the sample (see Annex I)	57,7 %
Residual for non-cooperating exporting producers and Ningbo Weishan Duo Bao Building Materials Co. Ltd	62,9 %

D. INJURY

1. Union production

- (59) During the IP, the like product was manufactured by 19 producers in the Union. These producers constitute the total Union industry production within the meaning of Article 4(1) of the basic Regulation. Given that information was collected or available from all the 19 producers which supported the complaint, these producers will be hereafter referred to as the 'Union industry'.
- (60) As indicated in recital 7 above, 12 Union producers provided the requested information and agreed to be included in a sample. A sample of four producers was selected, representing around 70 % of total estimated Union production.

2. Union consumption

- (61) The calculation of Union consumption was based on figures contained in the complaint and supplemented by verified figures obtained from producers and importers cooperating in the investigation. The Union consumption was thus established on the basis of the volume of sales in the Union of the like product produced by the Union industry, and the volume of imports of the product concerned from the PRC and third countries.

- (62) On this basis the Union consumption developed as follows:

	2006	2007	2008	2009	IP
EU Consumption in square meters	534 641 644	644 081 493	673 885 434	584 086 575	597 082 715
<i>Index 2006 = 100</i>	100	120	126	109	112

Source: Complaint supplemented by cooperating companies data and Eurostat figures.

- (63) The consumption of the product concerned and the like product in the Union increased by 12 % over the period considered. It increased by 26 % between 2006 and 2008 and then decreased by 17 % between 2008 and 2009. During the IP consumption again increased slightly. The temporary fall in 2009 can be attributed to a downturn in the construction market.

3. Imports from the country concerned

(a) Volume, price and market share of dumped imports from the country concerned

- (64) The volume of imports of the product concerned from the PRC increased by 48 % through the period considered. Following the trend of consumption and the downturn in the construction sector it slightly dropped in 2009. Nevertheless a long term upward trend of these imports is clear and the increase in import volumes was much sharper than the increase in Union consumption.

	2006	2007	2008	2009	IP
Chinese imports in square meters	206 145 893	290 395 250	318 345 286	294 111 736	304 218 214
<i>Index 2006 = 100</i>	100	141	154	143	148

Source: Eurostat and complaint.

- (65) Increasing volumes of imports of the product concerned from the PRC were accompanied by the decrease in the average import price which dropped by 12 % between 2006 and the IP.

	2006	2007	2008	2009	IP
Prices of Chinese imports in euro	0,19	0,19	0,19	0,17	0,17
<i>Index 2006 = 100</i>	100	99	101	89	88

Source: Eurostat and complaint.

- (66) The market share of the imports from the country concerned increased by 32 % in the period considered, which in that case means a gain of almost 13 percentage points. In the IP the imports from the country concerned represented a market share as high as 51 %.

	2006	2007	2008	2009	IP
Market share of Chinese imports	38,6 %	45,1 %	47,2 %	50,4 %	51,0 %
<i>Index 2006 = 100</i>	100	117	123	131	132

Source: Calculation.

(b) Effect of dumped imports on prices

- (67) For the purpose of analysing price undercutting, the import prices of the cooperating Chinese exporting producers were compared with the sampled Union producers' prices during the IP, on an average to average basis. The sampled Union producers' prices were adjusted to a net ex-works level, and compared with cif import prices. The latter prices were adjusted for the import duty and post importation costs. Furthermore, due to quality differences between the product concerned imported from the PRC and the like product produced by the Union industry, an additional quality adjustment was made to the Chinese import prices. This adjustment reflects differences in parameters such as machine and cross-machine direction, tensile strength and elongation which were not fully covered as parameters in the product control number.
- (68) Taking into account the quality adjustment, the weighted average undercutting margin found, expressed as a percentage of the Union industry's prices was between 29,5 % and 30,2 % during the IP.

4. Situation of the Union industry*(a) Preliminary remarks*

- (69) Pursuant to Article 3(5) of the basic Regulation, the Commission examined all relevant economic factors and indicators having a bearing on the state of the Union industry.
- (70) It is recalled that as mentioned in recital 7 above, the Commission selected a sample composed of the four largest Union producers in terms of sales and production.
- (71) The indicators referring to macroeconomic data, such as production, capacity, sales volume, market share etc, relate to the whole Union industry (tables below refer to macro data as a source). Remaining indicators are based on verified data from the sampled producers. These indicators are referred to as micro data.
- (72) During the investigation it was found that a part of the Union industry's sales was channelled through related companies. The companies claimed that these transactions should be treated as unrelated sales as they claimed that the relations between the companies were not direct and that the sales were made at arms-length. However, it is provisionally decided to exclude these transactions from the injury margin calculations and from the indicators of injury as the Commission will continue further analysis on these specific sales. The exception has been made for the related sales between two of the sampled companies for which the resale mechanism was explained and could be verified.

*(b) Injury indicators**Production, capacity and capacity utilisation*

	2006	2007	2008	2009	IP
Production in square meters	382 225 680	428 658 047	457 433 396	374 603 756	367 613 247
<i>Index 2006 = 100</i>	100	112	120	98	96
Capacity in square meters	496 396 987	510 307 199	579 029 615	527 610 924	548 676 487
<i>Index 2006 = 100</i>	100	103	117	106	111
Capacity utilisation	77 %	84 %	79 %	71 %	67 %

Source: Macro data.

- (73) During the period considered, the Union industry's production volume decreased by 4 %. In general, the production output followed the trend in consumption i.e. an increase in the years 2006-2008 followed by a sharp decrease in 2009 and again a slight decrease during the IP. Thus, unlike the consumption, the production of the Union industry did not recover in the IP but rather continued to drop.
- (74) The Union industry's capacity utilisation rate decreased in the period considered by 10 percentage points from 77 % in 2006 to 67 % in the IP. However, it should be noted that it can be partially attributed to the fact that the capacity itself slightly increased as a result of investments of the Union producers.

Stocks

	2006	2007	2008	2009	IP
Closing stocks in square meters	14 084 616	37 105 459	46 426 609	45 326 596	40 164 077
<i>Index 2006 = 100</i>	100	263	330	322	285

Source: Macro data.

- (75) The Union industry's stock level almost tripled during the period considered. This trend coincides with the decreasing volumes of sales and production. Expressed in relation to the production volume the level of stocks increased from less than 4 % in 2006 to above 11 % in the IP.

Sales volume and market share

	2006	2007	2008	2009	IP
Sales volume in square meters	308 323 107	332 203 996	338 119 822	272 575 708	274 270 229
<i>Index 2006 = 100</i>	100	108	110	88	89
Union industry sales market share	58 %	52 %	50 %	47 %	46 %
<i>Index 2006 = 100</i>	100	89	87	81	80

Source: Macro data.

- (76) The sales volume of the Union industry decreased during the period considered by 11 % which resulted in the loss of market share of 12 percentage points from 58 % to 46 % of the total Union consumption.
- (77) Sales prices

	2006	2007	2008	2009	IP
Sales prices in euro	0,39	0,42	0,41	0,39	0,38
<i>Index 2006 = 100</i>	100	106	105	99	97

Source: Micro data.

- (78) The average sales price of the Union industry to unrelated parties in the Union decreased by 3 % over the period considered. The Union industry did not decrease its sales prices significantly in order to compete with the dumped imports. This, however, contributed to a loss of significant market share throughout the period considered.

Profitability

	2006	2007	2008	2009	IP
Average pre-tax profit	6 %	18 %	14 %	10 %	12 %
<i>Index 2006 = 100</i>	100	309	234	166	212

Source: Micro data.

Investments, return on investment, cash flow and the ability to raise capital

	2006	2007	2008	2009	IP
Investments (euro)	1 674 651	4 727 666	4 630 523	4 703 158	5 049 713
Return on net assets	5 %	24 %	16 %	5 %	9 %
Cash flow (euro)	11 176 326	16 454 101	15 469 513	11 883 024	14 031 017

Source: Micro data.

- (79) As explained in recital 68 above, over the period considered there was significant price pressure exerted by Chinese imports on the Union market. Nevertheless, the Union industry managed to maintain good financial condition between 2006 and 2007 when profitability increased from 6 % to 18 %. Thereafter it started to decrease and stood at 12 % in the IP. Other financial indicators, such as return on assets and cash flow also remained positive. In other words, the Union industry did not engage in aggressive price competition with the Chinese imports. Instead they chose to engage into a restructuring process, investing in new production technologies to increase the quality of their product and to reduce costs of production in the long term. However, this was at the expense of decreased sales volume and loss of market share to their Chinese competitors. It should be mentioned that the above profit calculation does not take into account the extraordinary restructuring costs reported by some of the sampled producers. Should these costs be taken into account the profitability of the Union industry would be substantially lower. This would consequently adversely affect the other financial indicators listed above.
- (80) Over the period considered the Union industry was still able to maintain a high level of investment with the aim of reducing costs of manufacturing and developing a more efficient method of production. Investments in the IP more than tripled in comparison to the figure of the year 2006.
- (81) Ability to raise capital was not considered to be an issue by the Union industry during the period considered.
- (82) Employment, productivity and wages

	2006	2007	2008	2009	IP
Employment	1,492	1,431	1,492	1,247	1,180
<i>Index 2006 = 100</i>	100	96	100	84	79
Average labour cost per worker (euro)	14,046	14,761	16,423	15,471	15,360
Productivity per worker (square m.)	237,853	283,882	281,761	277,954	289,066

Source: Micro data except Employment — macro data.

- (83) The number of employees of the Union industry involved with the like product decreased significantly during the period considered by 21 %. Despite the high level of remunerations, starting from 2008 the Union industry additionally reduced average labour costs per worker. As a result productivity, expressed in terms of output per worker, increased over the period considered.

(c) Magnitude of dumping

- (84) Given the volume and the prices of dumped imports from the country concerned the impact on the Union market of the actual margin of dumping cannot be considered to be negligible during the IP.

5. Conclusion on injury

- (85) As it clearly appears from the above injury analysis, during the period considered the Union industry suffered substantial losses in sales and production volume, in capacity utilisation, market share and in the number of employees, which decreased significantly by 21 % following restructuring efforts by the industry. Therefore the Union industry was not able to take advantage of the growth of the market, which was entirely taken over by the Chinese imports. Indeed, the 48 % increase in the import volume during the period considered was much higher than the 12 % increase in the Union consumption.
- (86) It is considered that a continued significant price undercutting by the Chinese dumped imports of the prices of the Union industry will continue to adversely affect the sales volume and thus inevitably the financial economic situation of the Union industry. In the medium term the profitability and other financial indicators of the European companies are expected to deteriorate.
- (87) In the light of the foregoing, it is provisionally established that the Union industry has suffered injury within the meaning of Article 3(5) of the basic Regulation.

E. CAUSATION

1. Introduction

- (88) In accordance with Article 3(6) and (7) of the basic Regulation, the Commission examined whether the dumped imports from the country concerned had caused injury to the Union industry to a degree sufficient to be considered as material. Known factors other than the dumped imports, which could at the same time have injured the Union industry, were also examined in order to ensure that possible injury caused by these other factors was not attributed to the dumped imports.

2. Effects of the dumped imports

- (89) Over the period considered the volume of dumped imports of the product concerned from the PRC increased by nearly 50 % and gained a substantial market share in the Union market. In parallel there was a direct and comparable deterioration of the economic situation of the Union industry being the other significant player on the Union market as imports from other sources are negligible.
- (90) The continuous increase in volume of dumped imports was accompanied by significant undercutting of the prices of the Union industry. Over the period considered the average import price from the PRC derived from Eurostat import statistics was around 50 % lower than the average price of the Union industry. Even after an adjustment for quality differences, the undercutting margins calculated for the Chinese exporting producers granted IT were around 35 % during the IP. It can therefore be reasonably concluded that the dumped imports were responsible for some price depression in 2009 and in the IP but above all, for the significant loss in market share experienced by the Union industry during the period considered.
- (91) In view of the coincidence in time between, on the one hand, the surge of dumped imports at prices undercutting the Union industry's prices and, on the other hand, the Union industry's loss of sales and production volume, decrease in market shares, it is provisionally concluded that the dumped imports are causing material injury to the Union industry.

3. Effects of other factors

(a) Export performance of the Union industry

	2006	2007	2008	2009	IP
Export in square metres	48 288 843	39 478 526	43 447 744	35 884 733	36 003 755
Index 2006 = 100	100	82	90	74	75

Source: Macro data.

- (92) The export volume of the Union industry decreased by 25 % during the period considered but exports represented on average only about 8 % of total sales. Therefore, the impact of decreased exports on the overall performance of the Union industry was rather limited.

(b) Imports from third countries

- (93) Imports from third countries were negligible during the period considered and could not have contributed to the injury suffered by the Union industry.

(c) Impact of crisis in the construction industry

- (94) The impact of the economic crisis in the construction industry can clearly be seen in the consumption data as from 2009. However, the crisis should have affected both the Union industry and the Chinese exporters in a similar way. However, the injury investigation showed that the Chinese imports continued to gain market share at the expense of the Union industry even during the crisis.

- (95) In addition, the impact of the crisis had certain negative effects on the Union market during a relatively short period as there were signs of recovery already in the IP.

- (96) Hence, the impact of the crisis did not break the causal link between the dumped imports and the injury suffered by the Union industry.

4. Conclusion on causation

- (97) Based in the above, it is provisionally concluded that the material injury to the Union industry was caused by the dumped imports concerned.

- (98) A number of factors other than the dumped imports were examined but none of these could explain the serious losses in market share, production and sales volume which occurred in the period considered and in particular during the IP. These losses by the Union industry coincide with the increases in volumes of dumped imports of the product concerned from the PRC.

- (99) Given the above analysis which has properly distinguished and separated the effects of all the known factors on the situation of the Union industry from the injurious effects of the dumped imports, it is provisionally concluded that the imports from the PRC have caused material injury to the Union industry within the meaning of Article 3(6) of the basic Regulation.

F. UNION INTEREST

1. General remarks

- (100) In accordance with Article 21 of the basic Regulation it was examined whether, despite the provisional conclusion on the existence of injurious dumping, compelling reasons existed that could lead to the conclusion that it is not in the Union interest to adopt provisional anti-dumping measures in this particular case. For this purpose, and in accordance with Article 21(1) of the basic Regulation, the impact of possible measures on all parties involved in this proceeding and also the consequences of not taking measures were considered on the basis of all evidence submitted.

2. Interest of the Union industry

- (101) The injury analysis has clearly demonstrated that the Union industry has suffered from the dumped imports. The increased presence of dumped imports in recent years caused a suppression of sales in the Union market and a significant loss of market share of the Union industry.
- (102) The investigation has shown that any increase in the market share of the dumped imports from the country concerned has been gained at the direct expense of the Union industry. It should be underlined that product concerned is an important product in terms of the turnover of the sampled Union producers being up to 40 % of their sales turnover. Without the imposition of measures further deterioration of the Union industry's situation appears very likely in view of the long lasting price pressure exerted by the dumped imports from the PRC on the Union market. Moreover the efforts undertaken by the Union industry to restructure and improve the quality of their product would be fully undermined. The imposition of measures will restore the import price to non-injurious levels, allowing the Union industry to compete under fair trade circumstances.
- (103) It is therefore provisionally concluded that imposing measures would clearly be in the interest of the Union industry.

3. Interest of importers

- (104) The likely impact of measures on importers has been considered in accordance with Article 21(2) of the basic Regulation. In this respect it is noted that four unrelated importers have cooperated in the investigation with total imports of the product concerned accounting for 15 % of imports from the PRC in the IP.
- (105) Based on data verified on spot for the biggest of the cooperating importers the impact of measures on this company should not be significant as the product concerned represents only small part of its turnover.
- (106) The company pointed out, however that the Union industry's total production capacity is lower than the current demand which is allegedly expected to grow. The company pointed out also that there are limited sources of supply from third countries. Therefore, it expects disruptions in supplies should the level of duties be too high. In this regard it should be noted that in view of the significant undercutting the proposed level of measures, which takes into account the quality differences between the product concerned imported from the PRC and like product produced by the Union industry, is not expected to eliminate imports of the product concerned from the PRC to the Union.

4. Interest of users and consumers

- (107) Questionnaires were sent to 13 known users. However, none of them submitted a reply nor decided to cooperate in the procedure. Also no representations were received from consumers' organisations following the publication of the notice of initiation of this proceeding.
- (108) Therefore, in a view of lack of information on the proportion of the product concerned in the cost of production of the downstream products or on the share of sales of downstream products in relation to the total turnover of the users, it is not possible at this stage of the investigation to assess the impact of the measures on these companies. The lack of cooperation, however, can be seen as an indication of a rather limited impact on users.

5. Conclusion on Union interest

- (109) In the light of the above, it was provisionally concluded that overall, based on the information concerning the Union interest, there are no compelling reasons against the imposition of provisional measures on dumped imports of the product concerned from the PRC.

G. PROPOSAL FOR PROVISIONAL ANTI-DUMPING MEASURES

- (110) In view of the conclusions reached above with regard to dumping, resulting injury, causation and Union interest, provisional anti-dumping measures on imports of the product concerned from the PRC should be imposed in order to prevent further injury being caused to the Union industry by the dumped imports.

1. Injury elimination level

- (111) The level of the provisional anti-dumping measures should be sufficient to eliminate the injury to the Union industry caused by the dumped imports, without exceeding the dumping margins found.
- (112) When calculating the amount of duty necessary to remove the effects of the injurious dumping, it was considered that any measures should allow the Union industry to cover its costs and obtain a profit before tax that could be reasonably achieved under normal conditions of competition, i.e. in the absence of dumped imports. The pre-tax profit margin used for this calculation was 12 % of turnover. This was the average profit level achieved by the Union industry in the years 2006-2007. Bearing in mind that the profitability for the product concerned was affected by dumped imports it is clear that this level of profit is prudent and not excessive. On the basis mentioned above, a non-injurious price was calculated for the Union industry of the like product. Since the target profit is equal to the actual profit of the Union industry in the IP weighted average ex-works price was taken as a reference.
- (113) The necessary price increase was then determined for each of the cooperating Chinese exporting producer granted IT on the basis of a comparison of the weighted average import price of that company, as established for the undercutting calculations, with the average non-injurious price of products sold by the Union industry on the Union market. The difference resulting from this comparison was then expressed as a percentage of the average import cif value.
- (114) On this basis, the provisional injury margins expressed as a percentage of the cif Union frontier price, duty unpaid, are:

Company	Provisional injury margin
Yuyao Mingda Fiberglass Co. Ltd	69,1 %
Grand Composite Co. Ltd and its related company Ningbo Grand Fiberglass Co. Ltd	66,8 %

- (115) In line with the method used for the dumping margin calculation, injury margin for cooperating exporting producers in the PRC, not included in the sample was calculated as a weighted average of the two sampled exporting producers granted IT.
- (116) Following the method of dumping margin calculation, the countrywide injury margin applicable to all other non-cooperating exporting producers in the PRC as well as to the sampled exporting producer that was subject to Article 18 was established by using the highest of the margins found for the two exporting producers granted IT.
- (117) On this basis the provisional sample weighted average injury margin and the countrywide level of injury margin as a percentage of the cif Union frontier price, duty unpaid are:

Sample weighted average for the cooperating exporting producers not included in the sample	68,2 %
Residual for non-cooperating exporting producers and Ningbo Weishan Duo Bao Building Materials Co. Ltd	69,1 %

2. Provisional measures

- (118) In the light of the foregoing, it is considered that, in accordance with Article 7(2) of the basic Regulation, provisional anti-dumping measures should be imposed in respect of imports originating in the PRC at the level of the lower of the dumping and the injury margins, in accordance with the lesser duty rule.
- (119) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of the present investigation. Therefore, they reflect the situation found during that investigation with respect to these companies. These duty rates (as opposed to the countrywide duty applicable to 'all other companies') are thus exclusively applicable to imports of products originating in the People's Republic of China and produced by the companies and thus by the specific legal entities mentioned. Imported products produced by any other company not specifically mentioned in the operative part of this Regulation including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.
- (120) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission ⁽¹⁾ forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with, for example, that name change or that change in the production and sales entities. If appropriate, the Regulation will accordingly be amended by updating the list of companies benefiting from individual duty rates.
- (121) In order to ensure a proper enforcement of the anti-dumping duty, the residual duty level should not only apply to the non-cooperating exporting producers but also to those producers which did not have any exports to the Union during the IP.
- (122) The dumping and injury margins as well as provisional anti-dumping duties are established as follows:

Company	Dumping margin	Injury margin	Provisional duty
Yuyao Mingda Fiberglass Co. Ltd	62,9 %	69,1 %	62,9 %
Grand Composite Co. Ltd and its related company Ningbo Grand Fiberglass Co. Ltd	48,4 %	66,8 %	48,4 %
Sample Weighted Average for the cooperating exporting producers not included in the sample	57,7 %	68,2 %	57,7 %
Residual for non-cooperating exporting producers and Ningbo Weishan Duo Bao Building Materials Co. Ltd	62,9 %	69,1 %	62,9 %

H. DISCLOSURE

- (123) The above provisional findings will be disclosed to all interested parties which will be invited to make their views known in writing and request a hearing. Their comments will be analysed and taken into consideration where warranted before any definitive determinations are made. Furthermore, it should be stated that the findings concerning the imposition of anti-dumping duties made for the purposes of this Regulation are provisional and may have to be reconsidered for the purposes of any definitive findings,

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35 g/m², currently falling within CN codes ex 7019 40 00, ex 7019 51 00, ex 7019 59 00, ex 7019 90 91 and ex 7019 90 99 (TARIC codes 7019 40 00 11, 7019 40 00 21, 7019 40 00 50, 7019 51 00 10, 7019 59 00 10, 7019 90 91 10 and 7019 90 99 50) and originating in the People's Republic of China.

2. The rate of the provisional anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, of the product described in paragraph 1 and manufactured by the companies below shall be:

Company	Duty (%)	TARIC additional code
Yuyao Mingda Fiberglass Co. Ltd	62,9	B006
Grand Composite Co. Ltd and its related company Ningbo Grand Fiberglass Co. Ltd	48,4	B007
Companies listed in Annex I	57,7	B008
All other companies	62,9	B999

3. The application of the individual duty rates specified for the companies mentioned in paragraph 2 shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in Annex II. If no such invoice is presented, the duty applicable to all other companies shall apply.

4. The release for free circulation in the Union of the product referred to in paragraph 1 shall be subject to the provision of a security equivalent to the amount of the provisional duty.

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

Article 2

1. Without prejudice to Article 20 of Regulation (EC) No 1225/2009, interested parties may request disclosure of the essential facts and considerations on the basis of which this Regulation was adopted, make their views known in writing and apply to be heard orally by the Commission within one month of the date of entry into force of this Regulation.

2. Pursuant to Article 21(4) of Regulation (EC) No 1225/2009, the parties concerned may comment on the application of this Regulation within one month of the date of its entry into force.

Article 3

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

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

Done at Brussels, 16 February 2011.

For the Commission
The President
 José Manuel BARROSO

ANNEX I

Chinese cooperating exporting producers, not sampled (TARIC additional code B008)

- Jiangxi Dahua Fiberglass Group Co., Ltd
- Lanxi Jialu Fiberglass Net Industry Co., Ltd
- Cixi Oulong Fiberglass Co., Ltd
- Yuyao Feitian Fiberglass Co. Ltd
- Jiangsu Tianyu Fibre Co. Ltd
- Jia Xin Jinwei Fiber Glass Products Co., Ltd
- Jiangsu Jiuding New Material Co., Ltd
- Changshu Jiangnan Glass Fiber Co., Ltd
- Shandong Shenghao Fiber Glass Co., Ltd
- Yuyao Yuanda Fiberglass Mesh Co., Ltd
- Ningbo Kingsun Imp & Exp Co. Ltd
- Ningbo Integrated Plasticizing Co., Ltd
- Nankang Luobian Glass Fibre Co., Ltd
- Changshu Dongyu Insulated Compound Materials Co. Ltd

ANNEX II

A declaration signed by an official of the entity issuing the commercial invoice, in the following format, must appear on the valid commercial invoice referred to in Article 1(3):

1. The name and function of the official of the entity issuing the commercial invoice.
2. The following declaration:

I, the undersigned, certify that the (volume) of open mesh fabrics made of glass fibres sold for export to the European Union covered by this invoice was manufactured by (company name and registered seat) (TARIC additional code) in (country concerned). I declare that the information provided in this invoice is complete and correct.

Date and signature'

COMMISSION REGULATION (EU) No 139/2011
of 16 February 2011
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 Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 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 XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 February 2011.

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

Done at Brussels, 16 February 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, 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	120,5
	JO	87,5
	MA	64,8
	TN	102,0
	TR	99,5
	ZZ	94,9
0707 00 05	JO	204,2
	MK	171,4
	TR	181,4
	ZZ	185,7
0709 90 70	MA	46,6
	TR	112,9
	ZZ	79,8
0805 10 20	EG	58,7
	IL	65,6
	MA	56,3
	TN	55,4
	TR	71,0
	ZZ	61,4
0805 20 10	IL	147,7
	MA	87,3
	TR	79,6
	ZZ	104,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	66,4
	IL	118,8
	JM	80,9
	MA	115,0
	TR	59,8
	ZZ	88,2
0805 50 10	EG	62,1
	MA	49,3
	TR	50,8
	ZZ	54,1
0808 10 80	CA	91,1
	CL	54,0
	CM	52,0
	CN	72,6
	MK	51,2
	US	128,0
	ZZ	74,8
0808 20 50	AR	130,7
	CL	60,7
	CN	71,5
	US	113,1
	ZA	104,9
	ZZ	96,2

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EU) No 140/2011**of 16 February 2011****withdrawing the suspension of submission of applications for import licences for sugar products under certain tariff quotas**

THE EUROPEAN COMMISSION,

submission of applications for such licences ⁽³⁾, in accordance with Regulation (EC) No 891/2009.

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products ('Single CMO' Regulation) ⁽¹⁾,

(2) Following notifications on unused and/or partly used licences, quantities became available again for that order number. The suspension of applications should therefore be withdrawn,

Having regard to Commission Regulation (EC) No 891/2009 of 25 September 2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector ⁽²⁾, and in particular Article 5(2) thereof,

HAS ADOPTED THIS REGULATION:

Whereas:

(1) Submission of applications for import licences concerning order number 09.4320 were suspended as from 28 September 2010 by Commission Regulation (EU) No 854/2010 of 27 September 2010 fixing the allocation coefficient for the issuing of import licences applied for from 8 to 14 September 2010 for sugar products under certain tariff quotas and suspending

Article 1
The suspension laid down by Regulation (EU) No 854/2010 of submission of applications for import licences for order number 09.4320 as from 28 September 2010 is withdrawn.

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 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 254, 26.9.2009, p. 82.

⁽³⁾ OJ L 253, 28.9.2010, p. 52.

COMMISSION REGULATION (EU) No 141/2011**of 16 February 2011****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

(1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2010/11 marketing year are fixed by Commission Regulation (EU) No 867/2010 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EU) No 134/2011 ⁽⁴⁾.

(2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EU) No 867/2010 for the 2010/11, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 February 2011.

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

Done at Brussels, 16 February 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 259, 1.10.2010, p. 3.

⁽⁴⁾ OJ L 41, 15.2.2011, p. 6.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 17 February 2011

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	57,94	0,00
1701 11 90 ⁽¹⁾	57,94	0,00
1701 12 10 ⁽¹⁾	57,94	0,00
1701 12 90 ⁽¹⁾	57,94	0,00
1701 91 00 ⁽²⁾	53,69	1,36
1701 99 10 ⁽²⁾	53,69	0,00
1701 99 90 ⁽²⁾	53,69	0,00
1702 90 95 ⁽³⁾	0,54	0,20

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.

⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.

⁽³⁾ Per 1 % sucrose content.

DECISIONS

COUNCIL DECISION 2011/106/CFSP

of 15 February 2011

on adapting and extending the period of application of the measures in Decision 2002/148/EC concluding consultations with Zimbabwe under Article 96 of the ACP-EC Partnership Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 thereof,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾ and revised in Ouagadougou, Burkina Faso, on 23 June 2010 ⁽²⁾ (hereinafter referred to as 'the ACP-EU Partnership Agreement'), and in particular Article 96 thereof,

Having regard to the Internal Agreement between the representatives of the governments of the Member States, meeting within the Council, on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement ⁽³⁾, and in particular Article 3 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 2002/148/EC ⁽⁴⁾, the consultations with the Republic of Zimbabwe under Article 96(2)(c) of the ACP-EU Partnership Agreement were concluded and appropriate measures, as specified in the Annex to that Decision, were taken.
- (2) Pursuant to Council Decision 2010/97/CFSP ⁽⁵⁾, the measures referred to in the Annex to Decision 2002/148/EC were adapted and their period of application was extended for 12 months until 20 February 2011.
- (3) The creation of the Government of National Unity (GNU) in Zimbabwe was recognised as an opportunity to re-establish a constructive relationship between the European Union and Zimbabwe and to support the implementation of Zimbabwe's reform programme.

(4) However, this is being undermined by the lack of progress by the GNU to implement certain essential elements of the ACP-EU Partnership Agreement, to which the GNU had committed itself in the Global Political Agreement (GPA).

(5) The period of application of the measures referred to in Decision 2002/148/EC should therefore be extended. The measures should constantly be reviewed in light of concrete progress on the ground.

HAS ADOPTED THIS DECISION:

Article 1

The measures referred to in the letter annexed to this Decision are hereby extended as appropriate measures within the meaning of Article 96(2)(c) of the ACP-EU Partnership Agreement.

These measures shall apply until 20 February 2012. They shall be kept under constant review.

Article 2

The letter annexed to this Decision shall be addressed to President Mugabe of Zimbabwe and copied to Prime Minister Tsvangirai and Deputy Prime Minister Mutambara.

Article 3

This Decision shall enter into force on the day of its adoption.

Article 4

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 15 February 2011.

For the Council
The President
MATOLCSY Gy.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 287, 4.11.2010, p. 3.

⁽³⁾ OJ L 317, 15.12.2000, p. 376.

⁽⁴⁾ OJ L 50, 21.2.2002, p. 64.

⁽⁵⁾ OJ L 44, 16.2.2010, p. 20.

ANNEX

LETTER TO THE PRESIDENT OF ZIMBABWE

The European Union attaches the utmost importance to the provisions of Article 9 of the ACP-EU Partnership Agreement. As essential elements of that Agreement, respect for human rights, democratic institutions and the rule of law form the basis of our relations.

By letter dated 19 February 2002, the European Union informed you of its decision to conclude the consultations held under Article 96 of the ACP-EU Partnership Agreement and to take appropriate measures within the meaning of Article 96(2)(c) of that Agreement.

By letter dated 15 February 2010, the European Union informed you of its decision not to revoke the appropriate measures and to extend their period of application until 20 February 2011.

Since the establishment of the Government of National Unity (GNU) in 2009, the progress achieved based on the Global Political Agreement (GPA) has been welcomed by the European Union. The European Union reiterates the great importance it attaches to the political dialogue, provided for in Article 8 of the ACP-EU Partnership Agreement, and officially launched at the request of the Government of Zimbabwe at the EU-Zimbabwe Ministerial Troika on 18-19 June 2009 in Brussels. At the most recent Ministerial Meeting of 2 July 2010, an inclusive Zimbabwean Delegation headed by Minister Mangoma, handed over an updated version of the GPA Commitment Plan. The European Union took note of the progress made so far in the implementation of the GPA and informed the Government of Zimbabwe by letter dated 29 September 2010 of the 10th EDF indicative allocation (EUR 130 million to become available upon lifting of Article 96 and signing of a Country Strategy Paper). The European Union remains committed to further intensifying the Article 8 political dialogue.

The European Union supports the ongoing efforts of the GNU to implement the GPA, and welcomes the achievements made in stabilising the economy and restoring basic social services. However, the European Union regrets the lack of progress on key political agreements of the GPA.

The European Union encourages all parties forming the GNU to remain committed to the implementation of the democratic reforms as set out in the GPA. The European Union considers progress in this area, such as an understanding between all parties to the GNU on concrete steps towards creating an environment for peaceful and credible elections, to be of great importance.

In this context, the European Union welcomes intensified regional diplomacy and the efforts of the Southern African Development Community (SADC) and its Member States to create an environment conducive to elections.

In light of the above, the European Union has decided to extend until 20 February 2012 the period of application of the appropriate measures set out in Council Decision 2002/148/EC and adapted in Council Decision 2010/97/CFSP. The European Union would like to assure Zimbabwe of its continued willingness to engage itself and to review at any time the restrictions on development cooperation. We would hope that concrete progress on the ground could be made to allow for full cooperation to resume. In this context, the European Union will closely follow the steps made by the Government of Zimbabwe towards ensuring credible elections.

Yours faithfully,

For the European Union

COMMISSION DECISION
of 10 February 2011
amending Decision 2007/756/EC adopting a common specification of the national vehicle register

(notified under document C(2011) 665)

(Text with EEA relevance)

(2011/107/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community ⁽¹⁾, and in particular Article 33 thereof,

Whereas:

(1) Section 2.2 of the Annex to Commission Decision 2007/756/EC of 9 November 2007 adopting a common specification of the national vehicle register provided for pursuant to Article 14(4) and (5) of Directives 96/48/EC and 2001/16/EC ⁽²⁾ describes the implementation of the European global architecture for national vehicle registers (NVRs) and provides for an update of the Decision, if appropriate, following the evaluation of a pilot project by the European Railway Agency. Moreover, it provides for a decision to connect national vehicle registers to the central Virtual Vehicle Register (VVR). The European Railway Agency has implemented and evaluated the pilot project. On 26 March 2010, it delivered to the Commission recommendation ERA/REC/01-2010/INT proposing an update of the Annex to Decision 2007/756/EC. Decision 2007/756/EC should therefore be amended.

(2) Article 33(2) of Directive 2008/57/EC provides that the NVR is to contain, among other compulsory information, the identification of the owner of the vehicle and the entity in charge of maintenance. A transition period is therefore needed for adapting non-standard NVRs to contain Field 9.2 'registered business number' and updating the information on the owner and entity in charge of maintenance for vehicles already registered in the NVR.

(3) The transition periods for existing vehicles described in Section 4.3 of the Annex to Decision 2007/756/EC have expired or are expiring. The former registration entity responsible for vehicle registration should have made all required information available under an agreement between itself and the registration entity designated

according to Article 4 of Decision 2007/756/EC. This information should have been transferred by 9 November 2008. The registration entity of each Member State should have entered vehicles used in international traffic in its NVR by 9 November 2009. The registration entity of each Member State should have entered vehicles used in domestic traffic in its NVR by 9 November 2010.

(4) The measures provided for in this Decision are in accordance with the opinion of the Committee established in accordance with Article 29(1) of Directive 2008/57/EC,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2007/756/EC is replaced by the Annex to this Decision.

Article 2

1. The European Railway Agency shall adapt the installation files and documents to be used for setting up the standard national vehicle register (sNVR), the translation engine and the virtual vehicle register to add information on authorisations for placing in service granted in other Member States (items 2, 6, 12 and 13) by 30 June 2011.

2. The European Railway Agency shall publish a guide on the application of the EU global NVR architecture by 30 June 2011.

Article 3

1. Member States shall adapt their national vehicle register to include information on authorisations for placing in service granted in other Member States (items 2, 6, 12 and 13 specified in the Annex) and, if they use non-standard national vehicle register, to include Field 9.2 'registered business number' specified in the Annex in accordance with the installation files referred to in Article 2 by 31 December 2011.

2. Member States shall ensure that, for the vehicles registered before the entry into force of this Decision, the registered business number of the entity in charge of maintenance is recorded in the national vehicle register by 31 December 2011.

⁽¹⁾ OJ L 191, 18.7.2008, p. 1.

⁽²⁾ OJ L 305, 23.11.2007, p. 30.

Article 4

Member States shall ensure that their national vehicle register is connected to the virtual vehicle register by 31 December 2011.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 10 February 2011.

For the Commission

Siim KALLAS

Vice-President

ANNEX

'ANNEX

1. DATA

The data format of the national vehicle register (hereinafter referred to as "NVR") is as follows.

The item numbering follows the logic of the proposed standard registration form in Appendix 4.

In addition, field(s) may be added such as comments, identification of vehicles under investigation (see Section 3.4), etc.

1.	European Vehicle Number	Compulsory
Content	Numeric identification code as defined in Annex P to the Technical Specification for Interoperability (TSI) on "operation and traffic management" (hereinafter referred to as "OPE TSI") (!)	
Format	1.1. Number	12 digits
	1.2. Previous number (if applicable, for renumbered vehicle)	
2.	Member State and NSA	Compulsory
Content	Identification of the Member State where the vehicle has been registered and NSA that authorised its placing in service	
Format	2.1. Member State numeric code as defined in Annex P to OPE TSI	Two-digit code
	2.2. Name of NSA	Text
3.	Manufacturing year	Compulsory
Content	Year in which the vehicle left the factory	
Format	3. Manufacturing year	YYYY
4.	EC reference	Compulsory (when available)
Content	References to the "EC" declaration of verification and the issuing body (the applicant)	
Format	4.1. Date of declaration	Date
	4.2. EC reference	Text
	4.3. Name of issuing body (applicant)	Text
	4.4. Registered business number	Text
	4.5. Address of organisation, street and number	Text
	4.6. Town	Text
	4.7. Country code	ISO (see Appendix 2)
	4.8. Post code	Alphanumeric code

5.	Reference to the European Register of Authorised Types of Vehicles (ERATV)	Compulsory (?)
Content	Reference allowing retrieval of the relevant technical data from ERATV ⁽³⁾ ; the reference is compulsory if the type is defined in ERATV	
Format	5. Reference allowing retrieval of the relevant technical data from ERATV	Alphanumeric code(s)
5bis	Series	Optional
Content	Identification of a series, if the vehicle is part of a series	
	5bis Series	Text
6.	Restrictions	Compulsory
Content	Any restrictions on how the vehicle may be used	
Format	6.1. Coded restrictions (see Appendix 1)	Code
	6.2. Non-coded restrictions	Text
7.	Owner	Compulsory
Content	Identification of the owner of the vehicle	
Format	7.1. Name of organisation	Text
	7.2. Registered business number	Text
	7.3. Address of organisation, street and number	Text
	7.4. Town	Text
	7.5. Country code	ISO (see Appendix 2)
	7.6. Post code	Alphanumeric code
8.	Keeper	Compulsory
Content	Identification of the keeper of the vehicle	
Format	8.1. Name of organisation	Text
	8.2. Registered business number	Text
	8.3. Address of organisation, street and number	Text
	8.4. Town	Text
	8.5. Country code	ISO (see Appendix 2)
	8.6. Post code	Alphanumeric code
	8.7. VKM (if available)	Alphanumeric code
9.	Entity in charge of maintenance	Compulsory
Content	Reference to the entity in charge of maintenance	
Format	9.1. Entity in charge of maintenance	Text
	9.2. Registered business number	Text
	9.3. Address of entity, street and number	Text

9.	Entity in charge of maintenance	Compulsory
	9.4. Town	Text
	9.5. Country code	ISO
	9.6. Post code	Alphanumeric code
	9.7. E-mail address	E-mail
10.	Withdrawal	Compulsory when applicable
Content	Date of official scrapping and/or other disposal arrangement and the code for withdrawal mode	
Format	10.1. Mode of disposal (see Appendix 3)	Two-digit code
	10.2. Withdrawal date	Date
11.	Member States where the vehicle is authorised	Compulsory
Content	List of Member States where the vehicle is authorised	
Format	11. Member State numeric code as defined in Annex P.4 to OPE TSI	List
12.	Authorisation number	Compulsory
Content	Harmonised authorisation number for placing in service, generated by NSA	
Format	12. Authorisation number	For existing vehicles: text For new vehicles: alphanumeric code based on EIN, see Appendix 2
13.	Authorisation of placing in service	Compulsory
Content	Date of authorisation for placing the vehicle in service ⁽⁴⁾ and its validity	
Format	13.1. Date of authorisation	Date (YYYYMMDD)
	13.2. Authorisation valid until (if specified)	Date (YYYYMMDD)
	13.3. Suspension of authorisation	Yes/No

⁽¹⁾ Under Commission Decisions 2006/920/EC and 2008/231/EC, as amended by Decision 2009/107/EC, the same numbering system is used for both high-speed and conventional vehicles.

⁽²⁾ For vehicle types authorised in accordance with Article 26 of Directive 2008/57/EC.

⁽³⁾ The register provided for in Article 34 of Directive 2008/57/EC.

⁽⁴⁾ Authorisation delivered in accordance with Chapter V of Directive 2008/57/EC or authorisation delivered in accordance with the authorisation regimes existing before transposition of Directive 2008/57/EC.

2. ARCHITECTURE

2.1. Links with other registers

Several registers are being set up partly as a consequence of the new EU regulatory regime. The table below summarises which registers and databases might have links with the NVR when they are implemented.

Register or database	Entity responsible	Other entities having access
NVR (Interoperability Directive)	Registration Entity (RE) ⁽¹⁾ /NSA	Other NSA/RE/RU/IM/IB/RB/Keeper/ Owner/ERA/OTIF
ERATV (Interoperability Directive)	ERA	Public
RSRD (TAF TSI & SEDP)	Keeper	RU/IM/NSA/ERA/Keeper/Workshops
WIMO (TAF TSI & SEDP)	Not yet decided	RU/IM/NSA/ERA/Keeper/Workshops/ User
Railway rolling stock registry ⁽²⁾ (Cape Town Convention)	Registrar	Public
OTIF register (COTIF 99 — ATMF)	OTIF	Competent Authorities/RU/IM/IB/RB/ Keeper/Owner/ERA/OTIF Sec.

⁽¹⁾ The Registration Entity ("RE") is the entity designated by each Member State, in accordance with Article 33(1)(b) of Directive 2008/57/EC, for keeping and updating the NVR.

⁽²⁾ As provided for in the Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on matters specific to railway rolling stock, signed in Luxembourg on 23 February 2007.

It is not possible to wait for all registers to be ready before implementing the NVR. Therefore, the specification of the NVR must allow for later interfacing with these other registers. To this end:

- ERATV: reference is made to this in the NVR, by providing a reference to the vehicle type. The key for linking both registers is item No 5,
- RSRD: this includes some "administrative" items of the NVR. Under specification within the TAF TSI SEDP. The SEDP will take account of the NVR specification,
- WIMO: this includes data from RSRD and maintenance data. No link with the NVR is envisaged,
- VKMR: this register is managed by ERA and OTIF in cooperation (ERA for the EU and OTIF for all non-EU OTIF Member States). The keeper is recorded in the NVR. The TSI OPE specifies other global central registers (such as vehicle type codes, interoperability codes, country codes, etc.) to be managed by a "central body" resulting from cooperation between ERA and OTIF,
- railway rolling stock registry (Cape Town Convention/Luxembourg Protocol): this is a register of financial information related to mobile equipment. It has not yet been developed. There is a possible link because the UNIDROIT register needs information on the vehicle number and owner. The key for linking both registers is the first EVN assigned to the vehicle,
- OTIF registers: OTIF registers are being developed taking account of the EU vehicle registers.

The architecture of the whole system, as well as the links between the NVR and other registers, will be defined in such a way as to allow retrieval of the requested information when necessary.

2.2. The EU global NVR architecture

The NVR registers will be implemented by means of a decentralised solution. The objective is to implement a search engine for distributed data, using a common software application, to allow users to retrieve data from all the Local Registers (LR) in the Member States.

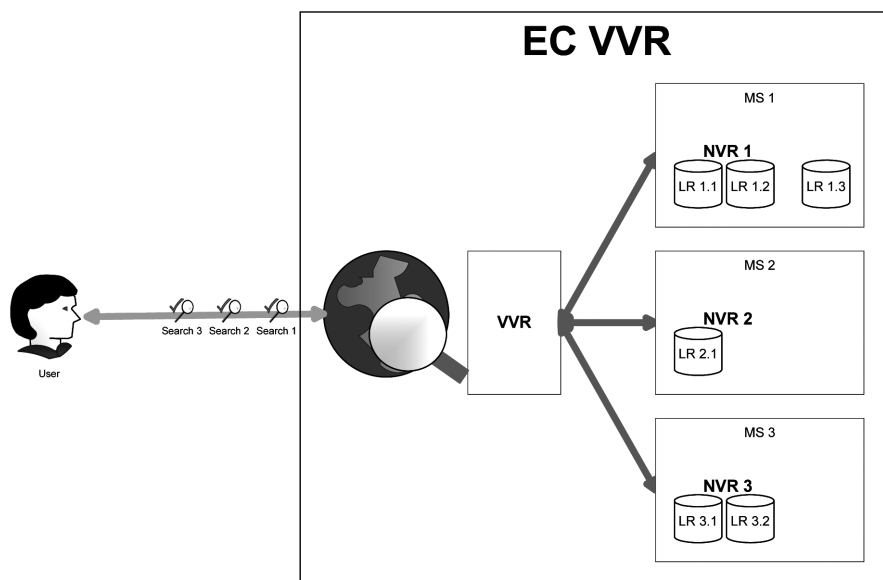
NVR data will be stored at national level and will be accessible using a web-based application (with its own web address).

The European Centralised Virtual Vehicle Register (EC VVR) will be composed of two sub-systems:

- the Virtual Vehicle Register (VVR), which is the central search engine in ERA,

- the National Vehicle Register(s) (NVR), which are the LR in the Member States. The Member States can use the standard NVR (sNVR) developed by the Agency or develop their own applications in conformity with this specification. In the latter case, for communication by the NVR with the VVR the Member States will use a Translation Engine (TE) developed by the Agency.

Figure 1

EC-VVR architecture

This architecture is based on two complementary sub-systems to enable searches on data stored locally in all Member States. It will:

- establish computerised registers at national level and open them to cross-consultation,
- replace paper registers by computerised records, to allow the Member States to manage and share information with other Member States,
- allow connections between the NVRs and the VVR, using common standards and terminology.

The main principles of this architecture are as follows:

- all NVRs will be part of the computer based network system,
- all Member States will view the common data when accessing the system,
- double registration of data and possible related errors will be avoided once the VVR has been established,
- up-to-date data.

The Agency will make available to the REs the following installation files and documents to be used for setting up the sNVR and TE and for connecting them to the central VVR:

- installation files:
 - sNVR_Installation_Files,
 - TE_Installation_Files,
- documents:
 - Administrator_Guide_sNVR,
 - CSV_export,
 - CSV_import,
 - sNVR_Deployment_Guide,

- User_Guide_sNVR,
- NVR-TE_Deployment_Guide,
- NVR-TE_Integration_Guide,
- User_Guide_VVR.

3. OPERATING MODE

3.1. Use of the NVR

The NVR is to be used for the following purposes:

- recording authorisation,
- recording the EVN allocated to vehicles,
- looking for brief, European-wide information on a particular vehicle,
- following up legal aspects such as obligations and legal information,
- retrieving information for inspections mainly related to safety and maintenance,
- enabling contact with the owner and keeper,
- cross-checking some safety requirements before issuing Safety Certificates,
- following up a particular vehicle.

3.2. Application forms

3.2.1. Application for registration

The form to be used is in Appendix 4.

The entity applying for vehicle registration ticks the “New registration” box. It then fills in the first part of the form with all the necessary information from item 2 to item 9 and item 11 and then forwards it to the:

- RE of the Member State where registration is sought,
- RE of the first Member State where it intends to operate, for a vehicle coming from a third country.

3.2.2. Registering a vehicle and issuing a European Vehicle Number.

In the case of first registration, the RE concerned issues the European Vehicle number.

It is possible to have a separate registration form per vehicle or a single form for a whole set of vehicles of the same series or order with a list of the vehicle numbers attached.

The RE must take reasonable steps to ensure the accuracy of the data it enters in the NVR. To this end the RE can request information from other REs, in particular when the entity applying for registration in a Member State is not established in that Member State.

3.2.3. Changing one or more registration item(s)

The entity applying for a change to its vehicle registration item(s):

- ticks the “Modification” box,
- fills in the current EVN (item No 0),
- ticks the box(es) before the modified item(s),
- enters the new content of the modified item(s), and then forwards the form to the REs of all the Member States where the vehicle is registered.

The use of the standard form might not be sufficient for certain cases. If necessary, the RE concerned may therefore submit additional documents in either paper or electronic form.

Unless otherwise specified in the registration documents, the keeper of the vehicle is considered to be the "registration holder" in the meaning of Article 33(3) of Directive 2008/57/EC.

Should a keeper change, it is the responsibility of the currently registered keeper to notify the RE and the RE has to notify the new keeper of the change of registration. The former keeper is removed from the NVR and relieved of its responsibilities only when the new keeper has acknowledged its acceptance of keeper status. If on the date of de-registration of the currently registered keeper no new keeper has accepted the keeper status, the registration of the vehicle is suspended.

In cases where, in accordance with the OPE TSI, due to technical changes, the vehicle has to be given a new EVN, the registration holder shall inform of these changes and, if applicable, of the new authorisation for placing in service the RE of the Member State where the vehicle is registered. This RE shall assign to the vehicle a new EVN.

3.2.4. *Withdrawal of registration*

The entity applying for withdrawal of registration ticks the "Withdrawal" box. It then fills in item No 10 and forwards the form to the REs of all the Member States where the vehicle is registered.

The RE delivers the withdrawal registration by filling in the date of withdrawal and acknowledging the withdrawal to the entity.

3.2.5. *Authorisation in several Member States*

1. When a vehicle equipped with a driving cab already authorised and registered in one Member State is authorised in another Member State, it must be registered in the NVR of the latter Member State. In this case, however, only data relating to items 1, 2, 6, 11, 12 and 13 and, where relevant, data relating to the fields added to the NVR by the latter Member State are to be recorded, as only these data relate to the latter Member State.

This provision is applicable as long as the VVR and the links with all relevant NVRs are not fully operational and, during this period, the REs concerned will exchange information in order to ensure that data relating to the same vehicle are consistent.

2. Vehicles not equipped with a driving cab, such as freight wagons, passenger cars and some special vehicles, are registered only in the NVR of the Member State where they are first placed in service.

3. For any vehicle, the NVR where it is firstly registered contains the data relating to items 2, 6, 12 and 13 for each of the Member States where an authorisation for placing in service has been granted to this vehicle.

3.3. **Access rights**

The access rights to data of an NVR from a given Member State "XX" are listed in the table below, in which the access codes are defined as follows:

Access code	Type of access
0.	No access
1.	Restricted consultation (conditions in "Read rights" column)
2.	Unrestricted consultation
3.	Restricted consultation and updating
4.	Unrestricted consultation and updating

Entity	Definition	Read rights	Update rights	Item No 7	All other items
RE/NSA"XX"	RE/NSA in Member State "XX"	All data	All data	4	4
Other NSA/REs	Other NSAs and/or other REs	All data	None	2	2
ERA	European Railway Agency	All data	None	2	2
Keepers	Vehicle Keeper	All data on vehicles of which it is keeper	None	1	1
Fleet managers	Manager of vehicles as appointed by the keeper	Vehicles for which they have been appointed manager by the keeper	None	1	1
Owners	Owner of the vehicle	All data on vehicles of which they are the owners	None	1	1
RUs	Train Operator	All data based on vehicle number	None	0	1
IMs	Infrastructure Manager	All data based on vehicle number	None	0	1
IBs and RBs	Checking and auditing bodies notified by Member States	All data on vehicles being checked or audited	None	2	2
Other legitimate users	All casual users recognised by NSA or ERA	To be defined as appropriate, duration possibly limited	None	0	1

3.4. Historical records

All data in the NVR must be retained for 10 years from the date of withdrawal of a vehicle registration. As a minimum, data must be available online for the first 3 years. After 3 years, data may be kept either electronically, in paper form or in any other archiving system. If at any time during the 10-year period an investigation involving a vehicle or vehicles is started, data relating to these vehicles must be retained beyond the 10-year period if so required.

After withdrawal of a vehicle registration, any of the registration numbers assigned to the vehicle must not be assigned to any other vehicle for 100 years from the date the vehicle is withdrawn.

Any changes in the NVR should be recorded. The management of historical changes could be addressed by IT solutions.

4. EXISTING VEHICLES

4.1. Data content

The 13 data items retained are listed below, with an indication as to which are compulsory and which are not.

4.1.1. Item No 1 — European Vehicle Number (Compulsory)

(a) Vehicles already possessing a 12-digit number

Countries where there is a unique country code:

These vehicles should keep their current number. The 12-digit number should be registered as such without any modification.

Countries where there is both a main country code and a previously allocated specific code:

- Germany, with the main country code 80 and the specific code 68 for AAE (Ahaus Alstätter Eisenbahn),
- Switzerland, with the main country code 85 and the specific code 63 for BLS (Bern–Lötschberg–Simplon Eisenbahn),
- Italy, with the main country code 83 and the specific code 64 for FNME (Ferrovie Nord Milano Esercizio),
- Hungary, with the main country code 55 and the specific code 43 for GySEV/ROeEE (Győr-Sopron-Ebenfurti Vasút Részvénytársaság/Raab-Ödenburg-Ebenfurter Eisenbahn).

These vehicles should keep their current number. The 12-digit number should be registered as such without any modification ⁽¹⁾.

The IT system has to consider both codes (main country code and specific code) as relating to the same country.

(b) Vehicles without a 12-digit number

A two-step procedure applies.

- A 12-digit number (according to OPE TSI) defined in accordance with the vehicle's characteristics is allocated in the NVR. The IT system should link this registered number to the current vehicle number.
- For vehicles used in international traffic, except those reserved for historical use: the 12-digit number is physically applied to the vehicle itself within a period of 6 years after allocation in the NVR. For vehicles used in domestic traffic and for those reserved for historical use: the physical application of the 12-digit number is voluntary.

4.1.2. *Item No 2 — Member State and NSA (Compulsory)*

The item "Member State" must always refer to the Member State where the vehicle is registered in its NVR. For vehicles from third countries, this item refers to the first Member State that authorised the vehicle to be placed in service on the European Union rail network. The item "NSA" refers to the entity that delivered the authorisation for placing the vehicle in service.

4.1.3. *Item No 3 — Manufacturing Year*

Where the manufacturing year is not known precisely, the approximate year should be entered.

4.1.4. *Item No 4 — EC Reference*

Normally such a reference does not exist for existing vehicles except for a handful of HS RS. To be recorded only if available.

4.1.5. *Item No 5 — Reference to the ERATV*

To be recorded only if available.

Until ERATV is set up, reference may be made to the Rolling Stock Register (Article 22a of Council Directive 96/48/EC ⁽²⁾ and Article 24 of Directive 2001/16/EC of the European Parliament and of the Council ⁽³⁾).

4.1.6. *Item No 6 — Restrictions*

To be recorded only if available.

4.1.7. *Item No 7 — Owner (Compulsory)*

Compulsory and normally available.

4.1.8. *Item No 8 — Keeper (Compulsory)*

Compulsory and normally available. The VKM (unique code as indicated in the VKM register) must be entered if the keeper has it.

⁽¹⁾ However, any new vehicles placed in service for AAE, BLS, FNME and GySEV/ROeEE are to be given the standard country code.

⁽²⁾ OJ L 235, 17.9.1996, p. 6.

⁽³⁾ OJ L 110, 20.4.2001, p. 1.

4.1.9. *Item No 9 — Entity in charge of maintenance (Compulsory)*

This item is compulsory.

4.1.10. *Item No 10 — Withdrawal*

Applicable as appropriate.

4.1.11. *Item No 11 — Member States where the vehicle is authorised*

Normally, RIV wagons, RIC coaches and vehicles under bilateral or multilateral agreements are registered as such. If this information is available it should be recorded accordingly.

4.1.12. *Item No 12 — Authorisation number*

To be recorded only if available

4.1.13. *Item No 13 — Placing in service (Compulsory)*

Where the date of placing into service is not known precisely, the approximate year should be entered.

4.2. **Procedure**

The entity previously responsible for vehicle registration is to make all information available to the NSA or RE of the country where it is located.

Existing freight wagons and passenger cars are to be registered only in the NVR of the Member State where the former registration entity was located.

If an existing vehicle had been authorised in several Member States, the RE that registers this vehicle sends the relevant data to the REs of the other Member States concerned.

The NSA or RE includes the information in its NVR.

The NSA or RE informs all the parties involved when the information transfer is completed. At least the following entities are to be informed:

- the entity previously responsible for vehicle registration,
 - the keeper,
 - ERA.
-

Appendix 1

RESTRICTION CODING

1. PRINCIPLES

Restrictions (technical characteristics) already recorded in other registers to which NSAs have access do not need to be repeated in the NVR.

Acceptance in cross-border traffic is based on:

- the information coded in the vehicle number,
- the alphabetical coding, and
- the vehicle marking.

Therefore, such information does not need to be repeated in the NVR.

2. STRUCTURE

The codes are structured in three levels:

- 1st level: Category of restriction,
- 2nd level: Type of restriction,
- 3rd level: Value or specification.

Restriction Coding

Cat	Type	Value	Name
1			Technical restriction related to construction
	1	Numeric (3)	Minimum curve radius in metres
	2	—	Track circuit restrictions
	3	Numeric (3)	Speed restrictions in km/h (marked on wagons and coaches but not marked on locomotives)
2			Geographical restriction
	1	Alphanumeric (3)	Kinematic gauge (coding WAG TSI Annex C)
	2	Coded list	Wheel set gauge
		1	Variable gauge 1435/1520
		2	Variable gauge 1435/1668
	3	—	No CCS on board
	4	—	ERTMS A on board
	5	Numeric (3)	B system on board (*)
3			Environmental restrictions
	1	Coded list	Climatic zone EN50125/1999
		1	T1
		2	T2
		3	T3
4			Restrictions on use included in the authorisation certificate
	1	—	Time-based
	2	—	Condition-based (distance travelled, wear, etc.)

(*) If the vehicle is equipped with more than one B system, an individual code for each system must be indicated.

The numeric code is composed of three characters where:

- 1xx is used for a vehicle equipped with a signalling system,
- 2xx is used for a vehicle equipped with radio.

Xx corresponds to the numerical coding in Annex B to the CCS TSI.

Appendix 2

STRUCTURE AND CONTENT OF THE EIN

Code for the harmonised numbering system, called European Identification Number (EIN), for Safety Certificates and other documents

Example:

I	T	5	1	2	0	0	6	0	0	0	5
Country code (two letters)		Type of document (two digits)		Issue year (four digits)				Counter (four digits)			
Field 1		Field 2		Field 3				Field 4			

FIELD 1 — COUNTRY CODE (TWO LETTERS)

The codes are those officially published and updated on the website of the Publications Office of the European Union in the *Interinstitutional style guide* (<http://publications.eu.int/code/en/en-5000600.htm>)

State	Code	State	Code	State	Code
Austria	AT	Hungary	HU	Poland	PL
Belgium	BE	Iceland	IS	Portugal	PT
Bulgaria	BG	Ireland	IE	Romania	RO
Cyprus	CY	Italy	IT	Slovakia	SK
Czech Republic	CZ	Latvia	LV	Slovenia	SI
Denmark	DK	Liechtenstein	LI	Spain	ES
Estonia	EE	Lithuania	LT	Sweden	SE
Finland	FI	Luxembourg	LU	Switzerland	CH
France	FR	Norway	NO	United Kingdom	UK
Germany	DE	Malta	MT		
Greece	EL	Netherlands	NL		

The code for multinational safety authorities should be composed in the same way. Currently there is only one authority: the Channel Tunnel Safety Authority. The following code is to be used:

Multinational safety authority	Code
Channel Tunnel Intergovernmental Commission	CT

FIELD 2 — TYPE OF DOCUMENT (TWO-DIGIT NUMBER)

Two digits allow the type of document to be identified:

- the first digit identifies the general classification of the document,
- the second digit specifies the document subtype.

This numbering system can be extended when other codes are needed. The following list is a proposed list of known, possible combinations of two-digit numbers plus combinations for authorisation of the placing in service of vehicles:

Number combination for Field 2	Document type	Document subtype
[0 1]	Licences	Licences for RUs
[0 x]	Licences	Others
[1 1]	Safety Certificate	Part A
[1 2]	Safety Certificate	Part B
[1 x]	Reserved	Reserved
[2 1]	Safety Authorisation	
[2 2]	Reserved	Reserved
[2 x]	Reserved	Reserved
[3 x]	Reserved, e.g. maintenance for rolling stock, for infrastructure or other	
[4 x]	Reserved for Notified Bodies	E.g. different kinds of Notified Bodies
[5 1] and [5 5] (*)	Authorisation for placing in service	Tractive vehicles
[5 2] and [5 6] (*)	Authorisation for placing in service	Hauled passenger vehicles
[5 3] and [5 7] (*)	Authorisation for placing in service	Wagons
[5 4] and [5 8] (*)	Authorisation for placing in service	Special vehicles
[5 9] (**)	Authorisation of type of vehicle	
[6 0]	Authorisation for placing in service	Infrastructure, Energy and Control Command Signalling track-side assembly Subsystems
[6 1]	Authorisation for placing in service	Infrastructure Subsystem
[6 2]	Authorisation for placing in service	Energy Subsystem
[6 3]	Authorisation for placing in service	Control Command Signalling track-side assembly Subsystem
[7 1]	Train driving licence	Counter up to and including 9 999
[7 2]	Train driving licence	Counter between 10 000 up to and including 19 000
[7 3]	Train driving licence	Counter between 20 000 up to and including 29 000
[8 x] ... [9 x]	Reserved (two document types)	Reserved (10 subtypes each)

(*) If the four digits reserved for Field 4 "Counter" are fully used within a year, the first two digits of Field 2 will change respectively from:
 — [5 1] to [5 5] for tractive vehicles,
 — [5 2] to [5 6] for hauled passenger vehicles,
 — [5 3] to [5 7] for wagons,
 — [5 4] to [5 8] for special vehicles.

(**) The digits allocated in Field 4 are:
 — from 1 000 to 1 999 for traction vehicles,
 — from 2 000 to 2 999 for hauled passenger vehicles,
 — from 3 000 to 3 999 for wagons,
 — from 4 000 to 4 999 for special vehicles.

FIELD 3 — ISSUE YEAR (FOUR-DIGIT NUMBER)

This Field indicates the year (in the specified format yyyy, i.e. four digits) in which the authorisation was issued.

FIELD 4 — COUNTER

The counter is a progressive number incremented by one unit each time a document is issued, regardless if it is a new, renewed or updated/amended authorisation. Even where a certificate is revoked or an authorisation is suspended, its number cannot be used again.

Every year the counter restarts from zero.

Appendix 3

WITHDRAWAL CODING

Code	Withdrawal mode	Description
00	None	The vehicle has a valid registration.
10	Registration suspended No reason specified	The vehicle's registration is suspended at the request of the owner or keeper or by a decision of the NSA or RE.
11	Registration suspended	The vehicle is destined for storage in working order as an inactive or strategic reserve.
20	Registration transferred	The vehicle is known to be reregistered under a different number or by a different NVR, for continued use on (all or part of) the European railway network.
30	Withdrawal No reason specified	The vehicle's registration for operating on the European railway network has ended without known reregistration.
31	Withdrawal	The vehicle is destined for continued use as a rail vehicle outside the European railway network.
32	Withdrawal	The vehicle is destined for the recovery of major interoperable constituents/modules/spares or major rebuilding.
33	Withdrawal	The vehicle is destined for scrapping and disposal of materials (including major spares) for recycling.
34	Withdrawal	The vehicle is destined to be "historic preserved rolling stock" for operation on a segregated network, or for static display, outside the European railway network.

Use of codes

- If the reason for withdrawal is not specified, codes 10, 20 and 30 are to be used to indicate the change of registration status.
- If the reason for withdrawal is available, codes 11, 31, 32, 33 and 34 are options available within the NVR database. These codes are based solely on information provided by the keeper or owner to the RE.

Registration issues

- A vehicle that has its registration suspended or withdrawn may not operate on the European railway network under the recorded registration.
- A reactivation of a registration after suspension will require the verification by the registration entity of the conditions which caused the suspension.
- A transfer of registration under the conditions set out in Article 1b of Commission Decision 2006/920/EC ⁽¹⁾ and Article 1b of Commission Decision 2008/231/EC ⁽²⁾, as amended by Decision 2010/640/EU ⁽³⁾, consists of a new registration of the vehicle and subsequent withdrawal of the old registration.

⁽¹⁾ OJ L 359, 18.12.2006, p. 1.

⁽²⁾ OJ L 84, 26.3.2008, p. 1.

⁽³⁾ OJ L 280, 26.10.2010, p. 29.

Appendix 4

STANDARD FORM FOR REGISTRATION

Standard form for registration of authorised vehicles ⁽¹⁾

in conformity with Directive 2008/57/EC and applicable national legislation

 Application for: New registration Modification ⁽²⁾ Withdrawal

INFORMATION ABOUT THE VEHICLE

1. **Number**1.1. European Vehicle Number ⁽³⁾ _ _ _ _ _ - _ _1.2. Number previously assigned to the vehicle ⁽⁴⁾2. **Member State where registration is sought and NSA that authorised the vehicle**

2.1. Member State: _ _

2.2. Name of NSA:

3. **Manufacturing year:** _ _ _ _4. **EC reference**

4.1. Date of declaration: _ _ _ _ _

4.2. EC reference:

4.3. Name of issuing body:

4.4. Registered business number:

Address of organisation

4.5. Street and number:

4.6. Town:

4.7. Country code: 4.8. Post code:.....

5. **Reference to the European register of authorised types of vehicles:**5bis. **Series**

⁽¹⁾ This form may also be produced electronically.
⁽²⁾ The box before each modified item also has to be ticked.⁽³⁾ Not applicable for first registration.⁽⁴⁾ Not applicable for first registration.

Identification of the entity applying for registration:

Date: _ _ _ _ _

Name and signature of responsible officer:

SAFETY AUTHORITY REFERENCES

1.1. Allocated European Vehicle Number ⁽¹⁾ _ _ _ _ _ - _ _

12. Authorisation number _ _ _ _ _

13. Placing in service

13.1. Date of authorisation: _ _ _ _ _

13.2. Authorisation valid until: _ _ _ _ _

Date application received: _ _ _ _ _

Date of withdrawal: _ _ _ _ _

⁽¹⁾ It is possible to attach a list for several vehicles of the same series or order.

Appendix 5

GLOSSARY

Abbreviation	Definition
CCS	Control Command System
CIS	Commonwealth of Independent States
COTIF	Convention concerning International Carriage by Rail
CR	Conventional Rail (System)
DB	Database
EC	European Commission
EC VVR	European Centralised Virtual Vehicle Register
EIN	European Identification Number
EN	European Standard (Euro Norm)
EVN	European Vehicle Number
ERA	European Railway Agency, also referred to as "the Agency"
ERATV	European Register of Authorised Types of Vehicles
ERTMS	European Rail Traffic Management System
EU	European Union
HS	High Speed (System)
IB	Investigating Body
ISO	International Organisation for Standardisation
IM	Infrastructure Manager
INF	Infrastructure
IT	Information Technology
LR	Local Register
NoBo	Notified Body
NSA	National Safety Authority
NVR	National Vehicle Register
OPE (TSI)	Operation and Traffic management (TSI)
OTIF	Intergovernmental Organisation for International Carriage by Rail
RE	Registration Entity, i.e. the body responsible for keeping and updating the NVR

Abbreviation	Definition
RB	Regulatory Body
RIC	Regulations governing the reciprocal use of carriages and brake vans in international traffic
RIV	Regulations concerning the reciprocal use of wagons in international traffic
RS or RST	Rolling Stock
RSRD (TAF)	Rolling Stock Reference Database (TAF)
RU	Railway Undertaking
SEDP (TAF)	Strategic European Deployment Plan (TAF)
TAF (TSI)	Telematic Applications for Freight (TSI)
TSI	Technical Specification for Interoperability
VKM	Vehicle Keeper Marking
VKMR	Vehicle Keeper Marking Register
VVR	Virtual Vehicle Register
WAG (TSI)	Wagon (TSI)
WIMO (TAF)	Wagon and Intermodal Operational Database (TAF)

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