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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.

The titles of all other acts are printed in bold type and preceded by an asterisk.

EN

([1]) Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) No 986/2012

of 22 October 2012

clarifying the scope of the definitive anti-dumping duties imposed by Regulation (EC) No 383/2009 on imports of certain PSC wires and strands originating in the People's Republic of China

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community [1] ('the basic Regulation'), and in particular Article 11(3) thereof,

Having regard to the proposal submitted by the European Commission ('the Commission'), after consulting the Advisory Committee,

Whereas:

A. PROCEDURE

1. Measures in force

(1) By Regulation (EC) No 383/2009 [2] ('the definitive Regulation'), the Council imposed a definitive anti-dumping duty on imports of PSC wires and strands originating in the People's Republic of China ('the measures in force').

2. Request for an interim review

(2) The Commission received a request from ECN Cable Group SL, a Spanish producer of cables ('the applicant') for a partial interim review pursuant to Article 11(3) of the basic Regulation.

(3) The applicant requested the exclusion of certain wires and strands from the scope of the current anti-dumping measures on imports of certain pre- and post-stressing wires and wire strands of non-alloy steel (PSC wires and strands) originating in the People's Republic of China. The product requested to be excluded is stranded wire consisting of seven wires of non-alloy steel, plated or coated with zinc, containing by weight 0,6 % or more of carbon, with a maximum cross-sectional dimension exceeding 3 mm, and respecting the International Standard IEC 60888 or the European/Cenelec Standard UNE-EN 50189 ('strands used as a steel core for conductors').

(4) The applicant provided prima facie evidence demonstrating that the basic physical and technical characteristics of the product to be excluded differ significantly from those of the product concerned subject to the measures in force.

3. Initiation

(5) Having determined that sufficient evidence existed to justify the initiation of a partial interim review, and after consulting the Advisory Committee, the Commission announced by a notice published on 4 October 2011 in the *Official Journal of the European Union* [3] ('the Notice of Initiation') the initiation of a partial interim review in accordance with the provisions of Article 11(3) of the basic Regulation limited to the examination of the product scope.

4. Review investigation

(6) The Commission officially informed the authorities of the People's Republic of China ('the country concerned') and all other parties known to be concerned, i.e. known exporting producers in the country concerned, users and importers in the Union and producers in the Union, of the initiation of the partial interim review investigation. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the Notice of Initiation.

(7) The Commission sent questionnaires to all parties known to be concerned, and all other parties which made themselves known within the deadlines set out in the Notice of Initiation.

(8) Questionnaire replies were received from the applicant, two Chinese exporting producers, 12 Union producers of PSC wires and strands, two Union producers of conductors for electricity lines, six users and two

[1] OJ L 343, 22.12.2009, p. 51.
[2] OJ L 118, 13.5.2009, p. 1.
[3] OJ C 291, 4.10.2011, p. 6.

Union importers. In view of the scope of the partial review, no investigation period was set for the purpose of this partial review.

(9) The Commission sought and verified all information deemed necessary for the purpose of the assessment as to whether there was a need to amend the scope of the existing anti-dumping measures and carried out verification visits at the premises of the following companies:

— ECN Cable Group SL, Vitoria Gasteiz, Spain

— Tycsa — Trenzas y Cables de Acero PSC, SL, Santander, Spain

— DWK Drahtwerk Köln GmbH, Köln, Germany

— Nedri Spanstaal, BV,Venlo, Netherlands

— Gongyi Hengxing Hardware Co. Ltd, Henan Province, China

— Solidal Condutores Eléctricos SA, Esposende, Portugal

— Tele-fonika Kable Sp. z o.o. SKA, Krakow, Poland.

B. PRODUCT CONCERNED

(10) The product concerned is the same as that defined in Article 1 of the definitive Regulation, i.e. not plated or not coated wire of non-alloy steel, wire of non-alloy steel plated or coated with zinc and stranded wire of non-alloy steel whether or not plated or coated with not more than 18 wires, containing by weight 0,6 % or more of carbon, with a maximum cross-sectional dimension exceeding 3 mm, currently falling within CN codes ex 7217 10 90, ex 7217 20 90, ex 7312 10 61, ex 7312 10 65 and ex 7312 10 69 and originating in the People's Republic of China.

C. RESULTS OF THE REVIEW INVESTIGATION

1. Background

(11) Pre- or post-stressed wires or strands are made of high-carbon steel and are used mostly in the construction industry for concrete reinforcement, suspension elements and stay-cable bridges. PSC wires and strands are manufactured from steel wire rods.

(12) There are two main different types of PSC wires and strands: those used in concrete applications that are not galvanised and those used for stay-cable bridges or suspension bridges that are galvanised. The galvanised strands used for suspension bridges represent only around 1 % of the total Union PSC wires and strands market. Accordingly, the main users of the PSC wires and strands are enterprises in the construction industry.

(13) The applicant is a Spanish producer of conductors for overhead electricity lines. The product type which the applicant is seeking to have excluded from the product definition is a seven-wire galvanised strand used as a steel core for conductors for overhead electricity lines.

2. Methodology

(14) In order to assess whether strands used as a steel core for conductors for overhead electricity lines should be covered by the product definition of Article 1 of the definitive Regulation, it was examined whether strands used as a steel core for conductors and other PSC wires and strands shared the same physical and technical characteristics and end uses. In this regard, the interchangeability between the strands used as a steel core for conductors for overhead electricity lines and other PSC wires and strands subject to the measures concerned in the Union was also assessed.

(15) The applicant proposed to differentiate the two products by the use of standards. According to the applicant, the PSC wires and strands used in the construction industry do not meet the requirements of the International Standard IEC 60888 or the European/Cenelec Standard UNE-EN 50189. Both of these norms apply to zinc-coated steel wires to be used in stranded conductors of electricity.

3. Findings

3.1. *Physical and technical characteristics*

(16) The standards referred to in the request and set out in recital 15 above are only used with regard to conductors for electricity lines. Accordingly, the Union producers of PSC wires and strands for use in the construction industry were not familiar with those norms and consequently their questionnaire replies showed differing opinions as to whether those standards are met with regard to seven-wire galvanised strands used for suspension bridges.

(17) The investigation revealed that most physical characteristics/standard specifications of the two products in question are at least partially comparable, however it also revealed that there is one identifiable particular physical difference — which allows for a clear distinction of the two products — when comparing the norms used for conductors for overhead lines with the norm for pre-stressing steel used in the construction business.

(18) According to standard EN 10337 for pre-stressing steel, which is used in the construction industry, 'the diameter of the central wire shall be at least 3 % greater than the diameter of the outer helical wires' (point 7.1.3 of the norm), whereas, according to the standard for overhead conductors (EN 50182), the wires in a seven-wire galvanised strand used as a steel core for conductors have all the same diameter.

(19) The differences in thickness of the central wire can be verified by using equipment that is able to measure the thickness of the wires. Accordingly, this product type can be distinguished from other product types of the product concerned.

(20) Interested parties were consulted and, in summary, agreed that it is possible to distinguish the two types of products as described above.

3.2. *Basic end-uses and interchangeability*

(21) The investigation also showed that the two product types have different, distinct applications and are used in two different industries. PSC wires and strands are used in the construction industry while the strands requested to be excluded are used as a supporting core in the conductors for overhead electricity lines in the cable industry.

(22) Furthermore, due to the different specifications of each product type there is no possible interchangeability in the applications of the PSC wires and strands and the strands used as a steel core for conductors.

(23) On this basis, it is considered that there are significant basic physical and technical differences between PSC wires and strands and the strands used as a steel core for conductors for overhead electricity lines, which are identifiable.

3.3. *Product investigated in the original investigation*

(24) None of the companies that cooperated in the original investigation (seven Union producers, seven exporting producers in the People's Republic of China, four unrelated importers in the EU and seven users) was involved in manufacturing and/or trading of strands used as a steel core for conductors. It is apparent from the original investigation that the relevant information was at that time not collected with regard to the strands used as a steel core for conductors.

(25) Thus, it seems that although the strands used as a steel core for conductors were not explicitly excluded, the investigation at that time did not intend to include them in the product concerned.

4. **Allegations of possible circumvention of the measures in place**

(26) Some interested parties expressed concerns regarding possible circumvention of the measures if the strands used as a steel core for conductors were to be excluded from the scope of the measures.

(27) However, the seven-wire galvanised strands used in the conductors for overhead electricity lines are sold non-further-coated, whereas the galvanised seven wire strands used in the construction of bridges, suspension elements and wind generators are mostly further coated with polyethylene and waxed or greased for a life-expectancy of 50 or more years.

(28) During the investigation only one application for galvanised PSC wires and strands, which is not further coated — the temporary support of bridges during the building process — was identified. However, this application represents only a small fraction of the already small market of all galvanised PSC wires and strands applications (see recital 12).

(29) Therefore, the different types of strands are in the vast majority of cases easily distinguishable between galvanised and non-galvanised, and within the group of galvanised between further coated and non-further-coated, thereby making control feasible.

(30) In addition, the vast majority of EU Member States require for standard/traditional 'PSC applications' a national homologation for the utilisation of PSC wires and strands in order to ensure product quality. The homologation process is very detailed and it is mandatory to disclose the wire rod quality and supplier, the production facilities, the machinery used, the laboratory tests, etc.

(31) In some cases the national homologation process can — in accordance with procedures in force in most EU Member States — be replaced by a 'quality reception' or a 'project specific homologation'.

(32) However, in both cases, an independent technical expert certifies that the products intended to be used are in line with the PSC standard specifications. These procedures provide additional assurance regarding any possible attempts to circumvent the measures.

(33) Furthermore, the different product types can be distinguished if necessary by using special measuring instruments/equipment in cases where galvanised non-further-coated strands should be cleared through customs for free circulation.

(34) From the above it can be concluded that the risk of circumvention is minimal.

D. **CONCLUSIONS ON THE PRODUCT SCOPE**

(35) The above findings show that the strands used as a steel core for conductors and other PSC wires and strands subject to the measures concerned do not share the same basic physical and technical characteristics and end-uses. The two products have different end-uses, target different markets and are not interchangeable. In addition, the strands used as a steel core for conductors were not investigated in the framework of the original investigation. On this basis, it is concluded that the strands used as a steel core for conductors and other PSC wires and strands are two different products.

(36) In view of the above, and since it could be established that the strands used as a steel core for conductors can be distinguished from the product concerned, they should be excluded from the product scope of the measures in force.

(37) All interested parties were informed of the essential facts and considerations on the basis of which the above conclusions were reached. Parties were granted a period within which they could make representations subsequent to this disclosure. No submissions were received that would result in a different conclusion.

E. **RETROACTIVE APPLICATION**

(38) Since the current proceeding is limited to the clarification of the product scope and since the strands used as a steel core for conductors were not covered in the original investigation and the consequent anti-dumping measures, it is considered appropriate that the findings be applied from the date of the entry into force of the definitive Regulation, including any imports subject to provisional duties between 16 November 2008 and 13 May 2009. The Commission has not found any over-riding reason preventing such retroactive application.

(39) Consequently, for goods not covered by Article 1(1) of Regulation (EC) No 383/2009, as amended by this Regulation, the definitive anti-dumping duty paid or entered in the accounts pursuant to Article 1(1) of Regulation (EC) No 383/2009 and the provisional anti-dumping duties definitively collected pursuant to Article 2 of the same Regulation should be repaid or remitted. Repayment or remission must be requested from national customs authorities in accordance with applicable customs legislation. In cases where the time limits provided for in Article 236(2) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code [1] have expired before or on 26 October 2012, or if they expire within six months after that date, they are hereby extended so as to expire six months after the date of publication of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(1) of Regulation (EC) No 383/2009 is replaced by the following:

'1. A definitive anti-dumping duty is hereby imposed on imports of not plated or not coated wire of non-alloy steel, wire of non-alloy steel plated or coated with zinc and stranded wire of non-alloy steel whether or not plated or coated with not more than 18 wires, containing by weight 0,6 % or more of carbon, with a maximum cross-sectional dimension exceeding 3 mm, currently falling within CN codes ex 7217 10 90, ex 7217 20 90, ex 7312 10 61, ex 7312 10 65 and ex 7312 10 69 (TARIC codes 7217 10 90 10, 7217 20 90 10, 7312 10 61 11, 7312 10 61 91, 7312 10 65 11, 7312 10 65 91, 7312 10 69 11 and 7312 10 69 91) and originating in the People's Republic of China. Galvanised (but not with any further coating material) seven wire strands in which the diameter of the central wire is identical to or less than 3 % greater than the diameter of any of the 6 other wires shall not be covered by the definitive anti-dumping duty.'.

Article 2

For goods not covered by Article 1(1) of Regulation (EC) No 383/2009, as amended by this Regulation, the definitive anti-dumping duty paid or entered in the accounts pursuant to Article 1(1) of Regulation (EC) No 383/2009 in its initial version and the provisional anti-dumping duties definitively collected pursuant to Article 2 of the same Regulation shall be repaid or remitted. Repayment or remission shall be requested from national customs authorities in accordance with applicable customs legislation. In cases where the time limits provided for in Article 236(2) of Regulation (EEC) No 2913/92 have expired before or on 26 October 2012, or if they expire within six months after that date, they are hereby extended so as to expire six months after 26 October 2012.

Article 3

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

It shall apply from 14 May 2009.

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

Done at Luxembourg, 22 October 2012.

For the Council
The President
S. ALETRARIS

[1] OJ L 302, 19.10.1992, p. 1.

COUNCIL IMPLEMENTING REGULATION (EU) No 987/2012

of 22 October 2012

reimposing a definitive anti-dumping duty on imports of ironing boards originating in the People's Republic of China, manufactured by Zhejiang Harmonic Hardware Products Co. Ltd

THE COUNCIL OF THE EUROPEAN UNION,

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 9 thereof,

Having regard to the proposal from the European Commission ('the Commission') after consulting the Advisory Committee,

Whereas:

A. **PROCEDURE**

(1) By Regulation (EC) No 452/2007 of 23 April 2007 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ironing boards originating in the People's Republic of China and Ukraine [2] ('the contested Regulation'), the Council imposed definitive anti-dumping duties ranging from 9,9 % to 38,1 % on imports of ironing boards, whether or not free-standing, with or without a steam soaking and/or heating top and/or blowing top, including sleeve boards, and essential parts thereof, i.e. the legs, the top and the iron rest originating in the People's Republic of China ('China') and Ukraine.

(2) On 19 July 2007, one cooperating Chinese exporting producer, namely Zhejiang Harmonic Hardware Products Co. Ltd ('Harmonic'), lodged an application at the General Court seeking the annulment of the contested Regulation in so far as it applies to the applicant [3].

(3) On 8 November 2011, the General Court in its judgment in Case T-274/07 ('the General Court judgment') found that the failure to comply with the period prescribed by Article 20(5) of the basic Regulation was such as in fact to affect the rights of defence of Harmonic, and that the Commission had also infringed Article 8 of the basic Regulation, which conferred on Harmonic the right to offer undertakings up to the expiry of that period. Therefore, the General Court annulled Articles 1 and 2 of the contested Regulation in so far as they impose a definitive anti-dumping duty and collect definitively the provisional duty on ironing boards manufactured by Harmonic.

(4) According to Article 266 of the Treaty on the Functioning of the European Union ('TFEU'), the Union institutions are obliged to comply with the General Court judgment of 8 November 2011. It is established case-law (Case T-2/95 [4], 'the IPS case') that, in cases where a proceeding consists of several administrative steps, the annulment of one of those steps does not annul the complete proceeding. The anti-dumping proceeding is an example of such a multi-step proceeding. Consequently, the annulment of the contested Regulation in relation to one party does not imply the annulment of the entire procedure prior to the adoption of that Regulation. Moreover, according to the Court's case-law, in order to comply with a judgment annulling a measure and to implement it fully, the institution which took the measure should resume the procedure at the very point at which the illegality occurred and replace that measure [5]. Finally, the implementation of a court ruling also implies the possibility to remedy the aspects of the contested Regulation which led to its annulment, while leaving unchanged the uncontested parts which are not affected by the General Court judgment, as was held in Case C-458/98 P [6]. It should be noted that apart from the finding of an infringement of Article 20(5) and of Article 8 of the basic Regulation, all other findings made in the contested Regulation remain automatically valid to the extent that the General Court dismissed all arguments made in this respect.

(5) Following the General Court judgment of 8 November 2011, a notice [7] was published concerning the partial reopening of the anti-dumping investigation concerning imports of ironing boards originating, inter alia, in China. The reopening was limited in scope to the implementation of the General Court judgment in so far as Harmonic is concerned.

(6) The Commission officially advised the exporting producers, the importers and users known to be concerned, the representatives of the exporting country and the Union industry of the partial reopening of the investigation. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notice.

(7) All parties who so requested within the above time limit, and who demonstrated that there were particular reasons why they should be heard, were granted the opportunity to be heard.

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[1] OJ L 343, 22.12.2009, p. 51.
[2] OJ L 109, 26.4.2007, p. 12.
[3] Case T-274/07 *Zhejiang Harmonic Hardware Products Co. Ltd* v *Council of the European Union*.
[4] Case T-2/95 *Industrie des poudres sphériques (IPS)* v *Council* [1998] ECR II-3939.
[5] Case C-415/96 *Spain* v *Commission* [1998] ECR I-6993, paragraph 31.
[6] Case C-458/98 *P Industrie des poudres sphériques (IPS)* v *Council* [2000] ECR I-08147.
[7] OJ C 63, 2.3.2012, p. 10.

(8) Representations were received from one exporting producer in China (the party directly concerned, i.e. Harmonic) and one unrelated importer.

(9) All parties concerned were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping duties on Harmonic. They were granted a period within which to make representations subsequent to disclosure, but none reacted at that stage.

B. IMPLEMENTATION OF THE GENERAL COURT JUDGMENT

1. Preliminary remark

(10) It is recalled that the reason for the annulment of the contested Regulation was that the Commission had sent its proposal to impose a definitive anti-dumping duty to the Council before the end of the 10-day mandatory deadline for receiving comments following the sending to interested parties of a definitive disclosure document, as provided for in Article 20(5) of the basic Regulation. Furthermore, the Commission had also infringed Article 8 of the basic Regulation, which conferred on Harmonic the right to offer undertakings up to the expiry of that period.

2. Comments of interested parties

(11) Harmonic stated that a breach of the rights of defence of the type identified by the General Court cannot be cured by the reopening of the investigation. The General Court judgment would require no implementing measures.

(12) For Harmonic, the only way for the Commission to comply with the General Court judgment, as required by Article 266 TFEU, would be to withdraw the measures permanently as far as Harmonic was concerned. The violation of Article 8 of the basic Regulation would require the EU institutions to restore Harmonic's right to offer price undertakings back in 2007.

(13) According to Harmonic, the reopening would be illegal because there is no specific provision in the basic Regulation allowing for such an approach, and because such reopening would be in conflict with the 15-month statutory deadline for the completion of an investigation laid down by Article 6(9) of the basic Regulation, and the 18-month deadline as set out by Article 5.10 of the WTO Agreement on Implementation of Article VI of the GATT 1994 ('Anti-dumping Agreement'). It alleged that the EU institutions cannot purport to reimpose measures based on their powers to adopt definitive measures (in particular Article 9 of the basic Regulation) and at the same time deny that these deadlines in the same provision of the basic Regulation apply.

(14) Harmonic submitted that the IPS case could not serve as a precedent because it was based on Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community [1] ('the old basic Regulation'), under which mandatory deadlines did not yet apply.

(15) Harmonic also argued that reissuing a revised disclosure and granting a period to reply in line with Article 20(5) of the basic Regulation could not correct the violation of Harmonic's rights of defence and the unlawful imposition of duties.

(16) According to Harmonic, once the Commission's proposal for definitive measures was submitted to the Council in 2007, the Commission irremediably lost its ability to make a proposal to the Council to impose duties against Harmonic without breaching the company's rights of defence. In Harmonic's view, the Commission would no longer be in a position to receive any comments with the required room for manoeuvre and consider Harmonic's proposal for an undertaking.

(17) Harmonic submits that its right to offer price undertakings within the prescribed period cannot be corrected by procedurally reopening the original investigation. In addition, Harmonic alleges that recital 68 of the contested Regulation apparently included the assessment of a formal price undertaking offered by Harmonic.

(18) Furthermore, Harmonic argued that the Commission could not reopen the case because it would have lost its objectivity and impartiality since the contested Regulation proposed by the Commission was partially annulled by the General Court.

(19) Lastly, Harmonic pointed out that the Commission could not reimpose anti-dumping measures based on information relating to 2005, being more than six years prior to the initiation of the partial reopening of the investigation, as this would not be in line with Article 6(1) of the basic Regulation.

(20) One unrelated Union importer/producer pointed out the repercussions of the General Court's annulment and of the subsequent partial reopening of the investigation on its business. It did not submit any information and data as to the legal merits of the reinvestigation, but rather referred to the comments submitted in the context of a previous reinvestigation that was concluded by Council Implementing Regulation (EU) No 805/2010 of 13 September 2010 re-imposing a definitive anti-dumping duty on imports of ironing boards originating in the People's Republic of China, manufactured by Foshan Shunde Yongjian Housewares and Hardware Co. Ltd, Foshan [2].

3. Analysis of comments

(21) It is recalled that the General Court has dismissed all the substantive arguments of Harmonic referring to the merits of the case. Thus, the Union institutions' obligation is focused on correcting the part of the administrative procedure in the initial investigation where the irregularity occurred.

[1] OJ L 209, 2.8.1988, p. 1.
[2] OJ L 242, 15.9.2010, p. 1.

(22) The claim that the introduction, pursuant to Article 6(9) of the basic Regulation, of a 15-month deadline to conclude anti-dumping investigations prevents the Commission from following the approach underlying the IPS case was found to be unwarranted. It is considered that this deadline is not relevant for the implementation of a judgment of the General Court. Indeed, such deadline only governs the completion of the original investigation from the date of initiation to the date of definitive action, and does not concern any subsequent action that might have to be taken, for instance as a result of judicial review. Furthermore, it is noted that any other interpretation would mean that, for example, a successful legal action brought by the Union industry would be without any practical effect for that party if the expiry of the time limit to conclude the original investigation would not permit the implementation of a judgment of the General Court. This would be at odds with the principle that all parties should have the right to effective judicial review.

(23) It is also recalled that the General Court in its judgment in Joined Cases T-163/94 and T-165/94 ([1]) has held that even the soft deadline applicable under the old basic Regulation could not be stretched beyond reasonable limits, and that an investigation lasting for more than three years was too long. This contrasts with the IPS case, where the implementation of a previous Court of Justice judgment occurred almost seven years after the initiation of the original investigation, and the Court of Justice judgment contains no indication that deadlines were an issue.

(24) Therefore, it is concluded that Article 6(9) of the basic Regulation only applies to the initiation of proceedings and the conclusion of the investigation initiated pursuant to Article 5(9) of the basic Regulation, and not to a partial reopening of an investigation with a view to implementing a judgment of the General Court.

(25) This conclusion is in line with the approach taken for the implementation of WTO panels and Appellate Body reports, where it is accepted that institutions could amend deficiencies of a regulation imposing anti-dumping duties in order to comply with dispute settlement body reports, including in cases concerning the Union ([2]). In such cases it was felt necessary to adopt special procedures to implement WTO panel and Appellate Body reports because of the lack of direct applicability of such reports in the Union legal order, contrary to the implementation of the judgments of the General Court which are directly applicable.

(26) It is recalled that Article 9 of the basic Regulation does not concern deadlines for conducting anti-dumping investigations. It concerns general issues related to terminations without measures and the imposition of definitive duties.

(27) With respect to the arguments submitted on the application of Article 6(1) of the basic Regulation, it is noted that no infringement of Article 6(1) of the basic Regulation could be established since the Commission has not opened a new proceeding but reopened the original investigation to implement the General Court judgment.

(28) As regards Harmonic's allegation concerning the breach of its right to offer price undertakings, it should be noted that Harmonic's argument is twofold. First, Harmonic alleges that it is not legally, practically or realistically possible for the Commission to retroactively backdate a price undertaking for a period of almost five years. Second, Harmonic claims that on the one hand, recital 68 of the contested Regulation includes the assessment of a formal price undertaking offered by Harmonic, whilst on the other hand, the Commission sustains that any price undertakings that could have been submitted by Harmonic would have been rejected anyway, because they would be impractical to monitor.

(29) Regarding Harmonic's allegation on the reopening of the original investigation in order to remedy the infringement of its right to offer price undertakings within a prescribed period, the reopening is justified given that Harmonic's right to offer undertakings was infringed in the context of the original investigation. In any event, in the absence of a formal price undertaking offered by Harmonic, the discussion of its potential effects is devoid of purpose.

(30) In addition, as to Harmonic's interpretation of recital 68 of the contested Regulation, it should be pointed out that that recital simply reflects the fact that there were discussions about potential price undertakings proposed by some exporting producers, and the reasons why the institutions deemed undertakings in general impractical at that point in time. Harmonic's claim that the recital apparently includes the assessment of a (non-submitted) formal price undertaking offered by Harmonic is thus unfounded.

(31) Moreover, it is noted that the arguments put forward in recital 68 of the contested Regulation do not prejudge offers of formal price undertakings that could be made at

([1]) Joined Cases T-163/94 and 165/94 *NTN Corporation and Koyo Seiko Co. Ltd* v *Council* [1995] ECR II-01381.

([2]) European Communities-Antidumping Duties on Imports of Cotton-Tyle Bed Linen from India: Recourse to Article 21.5 of the DSU by India WT/DS141/AB/RW (8 April 2003), paragraphs 82-86; Council Regulation (EC) No 1515/2001 of 23 July 2001 on the measures that may be taken by the Community following a report adopted by the WTO Dispute Settlement Body concerning anti-dumping and anti-subsidy matters (OJ L 201, 26.7.2001, p. 10); Council Regulation (EC) No 436/2004 of 8 March 2004 amending Regulation (EC) No 1784/2000 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain malleable cast iron tube or pipe fittings originating in Brazil, the Czech Republic, Japan, the People's Republic of China, the Republic of Korea and Thailand (OJ L 72, 11.3.2004, p. 15) following Reports adopted by the Dispute Settlement Body of the WTO.

a later stage, but set out the reasons why the acceptance of price undertakings is unlikely in this case, in particular if the concerns about their practicability are not properly addressed. As provided for in Article 8(3) of the basic Regulation, undertakings offered need not be accepted if their acceptance is considered impractical.

4. **Conclusion**

(32) Account taken of the comments made by the parties and the analysis thereof, it was concluded that the implementation of the General Court judgment should take the form of re-disclosure to Harmonic and all other interested parties of the revised definitive disclosure document of 23 March 2007, on the basis of which it was proposed to reimpose an anti-dumping duty on imports of ironing boards manufactured by Harmonic.

(33) On the basis of the above, it was also concluded that the Commission should give Harmonic and all other interested parties enough time to provide comments on the revised definitive disclosure document of 23 March 2007, and then evaluate such comments in order to determine whether to make a proposal to the Council to reimpose the anti-dumping duty on imports of ironing boards manufactured by Harmonic on the basis of the facts relating to the original investigation period.

C. **DISCLOSURE**

(34) Interested parties were informed of the essential facts and considerations on the basis of which it was intended to implement the General Court judgment.

All interested parties were given an opportunity to comment, applying the 10-day period prescribed in Article 20(5) of the basic Regulation.

(35) Harmonic and all other interested parties received the revised definitive disclosure document dated 23 March 2007 on the basis of which it was proposed to reimpose the anti-dumping duty on imports of ironing boards manufactured by Harmonic on the basis of the facts relating to the original investigation period.

Harmonic and all other interested parties were given an opportunity to comment on the above-mentioned revised definitive disclosure document dated 23 March 2007.

(36) Article 8 of the basic Regulation conferred on Harmonic the right to offer undertakings up to the expiry of the 10-day period prescribed in Article 20(5) of the basic Regulation.

(37) Neither Harmonic nor any other interested party submitted any comment or offered any undertaking within the established deadline.

D. **DURATION OF MEASURES**

(38) This procedure does not affect the date on which the measures imposed by the contested Regulation will expire pursuant to Article 11(2) of the basic Regulation. It is noted in this regard that on 25 April 2012, a notice of initiation of an expiry review of the anti-dumping measures applicable to imports of ironing boards originating in the People's Republic of China and Ukraine [1] was published in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby reimposed on imports of ironing boards, whether or not free-standing, with or without a steam soaking and/or heating top and/or blowing top, including sleeve boards, and essential parts thereof, i.e. the legs, the top and the iron rest originating in the People's Republic of China, currently falling within CN codes ex 3924 90 00, ex 4421 90 98, ex 7323 93 00, ex 7323 99 00, ex 8516 79 70 and ex 8516 90 00 (TARIC codes 3924 90 00 10, 4421 90 98 10, 7323 93 00 10, 7323 99 00 10, 8516 79 70 10 and 8516 90 00 51) and manufactured by Zhejiang Harmonic Hardware Products Co. Ltd, Guzhou (TARIC additional code A786).

2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, shall be 26,5 %.

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

Article 2

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

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

Done at Luxembourg, 22 October 2012.

For the Council
The President
S. ALETRARIS

[1] OJ C 120, 25.4.2012, p. 9.

COMMISSION IMPLEMENTING REGULATION (EU) No 988/2012

of 25 October 2012

amending Implementing Regulation (EU) No 543/2011 as regards the trigger levels for additional duties on mandarins and satsumas, clementines, artichokes, oranges and courgettes

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], and in particular Article 143(b) in conjunction with Article 4 thereof,

Whereas:

(1) Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors [2] provides for the surveillance of the imports of the products listed in Annex XVIII thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code [3].

(2) For the purposes of Article 5(4) of the Agreement on Agriculture [4] concluded during the Uruguay Round of multilateral trade negotiations and in the light of the latest data available for 2009, 2010 and 2011, the trigger levels for additional duties should be adjusted from 1 November 2012 for mandarins and satsumas, clementines, artichokes and oranges and from 1 January 2013 for courgettes.

(3) Implementing Regulation (EU) No 543/2011 should therefore be amended accordingly.

(4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XVIII to Implementing Regulation (EU) No 543/2011 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 25 October 2012.

For the Commission
The President
José Manuel BARROSO

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 157, 15.6.2011, p. 1.
[3] OJ L 253, 11.10.1993, p. 1.
[4] OJ L 336, 23.12.1994, p. 22.

ANNEX

'ANNEX XVIII

ADDITIONAL IMPORT DUTIES: TITLE IV, CHAPTER I, SECTION 2

Without prejudice to the rules governing the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they stand at the time of the adoption of this Regulation.

Order number	CN code	Description of products	Period of application	Trigger level (tonnes)
78.0015	0702 00 00	Tomatoes	From 1 October to 31 May	486 943
78.0020			From 1 June to 30 September	34 241
78.0065	0707 00 05	Cucumbers	From 1 May to 31 October	13 402
78.0075			From 1 November to 30 April	18 306
78.0085	0709 91 00	Artichokes	From 1 November to 30 June	37 475
78.0100	0709 93 10	Courgettes	From 1 January to 31 December	85 538
78.0110	0805 10 20	Oranges	From 1 December to 31 May	468 160
78.0120	0805 20 10	Clementines	From 1 November to end of February	86 205
78.0130	0805 20 30 0805 20 50 0805 20 70 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	From 1 November to end of February	93 949
78.0155	0805 50 10	Lemons	From 1 June to 31 December	311 193
78.0160			From 1 January to 31 May	101 513
78.0170	0806 10 10	Table grapes	From 21 July to 20 November	76 299
78.0175	0808 10 80	Apples	From 1 January to 31 August	703 063
78.0180			From 1 September to 31 December	73 884
78.0220	0808 30 90	Pears	From 1 January to 30 April	225 388
78.0235			From 1 July to 31 December	33 797
78.0250	0809 10 00	Apricots	From 1 June to 31 July	4 908
78.0265	0809 29 00	Cherries, other than sour cherries	From 21 May to 10 August	59 061
78.0270	0809 30	Peaches, including nectarines	From 11 June to 30 September	14 577
78.0280	0809 40 05	Plums	From 11 June to 30 September	7 924'

COMMISSION IMPLEMENTING REGULATION (EU) No 989/2012

of 25 October 2012

concerning the authorisation of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (MULC 49755) and endo-1,3(4)-beta-glucanase produced by *Trichoderma reesei* (MULC 49754) as a feed additive for laying hens and minor poultry species for fattening and laying (holder of authorisation Aveve NV)

(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition [1], and in particular Article 9(2) thereof,

Whereas:

(1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.

(2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (MULC 49755) and endo-1,3(4)-beta-glucanase produced by *Trichoderma reesei* (MULC 49754). The application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.

(3) The application concerns the authorisation of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (MULC 49755) and endo-1,3(4)-beta-glucanase produced by *Trichoderma reesei* (MULC 49754) as a feed additive for laying hens and minor poultry species for fattening and laying, to be classified in the additive category 'zootechnical additives'.

(4) The use of those enzymes was authorised for 10 years for chickens for fattening by Commission Regulation (EC) No 1091/2009 [2] and for 10 years for weaned piglets by Commission Implementing Regulation (EU) No 1088/2011 [3].

(5) New data were submitted in support of the application for the authorisation of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (MULC 49755) and endo-1,3(4)-beta-glucanase produced by *Trichoderma reesei* (MULC 49754) for laying hens and minor poultry species for fattening and laying. The European Food Safety Authority ('the Authority') concluded in its opinion of 23 May 2012 [4] that the use of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (MULC 49755) and endo-1,3(4)-beta-glucanase produced by *Trichoderma reesei* (MULC 49754) does not have an adverse effect on animal health, human health or the environment, and that the use of that preparation can significantly increase egg mass and can improve feed to eggs mass ratio in laying hens and minor poultry species for laying and can improve the zootechnical parameters in minor poultry species for fattening. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.

(6) The assessment of that preparation shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of this preparation should be authorised as specified in the Annex to this Regulation.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Endo-1,4-beta-xylanase and endo-1,3(4)-beta-glucanase as specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'digestibility enhancers', are authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

Article 2

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

[1] OJ L 268, 18.10.2003, p. 29.
[2] OJ L 299, 14.11.2009, p. 6.
[3] OJ L 281, 28.10.2011, p. 14.
[4] *EFSA Journal 2012*;10(6):2728.

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

Done at Brussels, 25 October 2012.

For the Commission
The President
José Manuel BARROSO

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method.	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Units of activity/kg of complete feedingstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: digestibility enhancers									
4a9	Aveve NV	Endo-1,4-beta-xylanase EC 3.2.1.8 Endo-1,3(4)-beta-glucanase EC 3.2.1.6	*Additive composition* Preparation of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (MULC 49755) and endo-1,3(4)-beta-glucanase produced by *Trichoderma reesei* (MULC 49754) having a minimum activity of: 40 000 XU [1] and 9 000 BGU [2]/g *Characterisation of the active substance* endo-1,4-beta-xylanase produced by *Trichoderma reesei* (MULC 49755) and endo-1,3(4)-beta-glucanase produced by *Trichoderma reesei* (MULC 49754) *Analytical method* [3] Characterisation of the active substance in the additive: — colorimetric method based on reaction of dinitrosalicylic acid on reducing sugar produced by action of endo-1,4-beta-xylanase on a xylan containing substrate; — colorimetric method based on reaction of dinitrosalicylic acid on reducing sugar produced by action of endo-1,3(4)-beta-glucanase on a β-glucan containing substrate. Characterisation of the active substances in the feed — colorimetric method measuring water soluble dye released by action of endo-1,4-beta-xylanase from dye cross-linked wheat arabin-oxylan substrate;	Laying hens and minor poultry species for laying	—	4 000 XU 900 BGU	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. For use in feed rich in starch and non-starch polysaccharides (mainly beta-glucans and arabin-oxylans). 3. For safety: breathing protection, glasses and gloves shall be used during handling.	15 November 2022
				Minor poultry species for fattening		3 000 XU 675 BGU			

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method.	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Units of activity/kg of complete feedingstuff with a moisture content of 12 %			
			— colorimetric method measuring water soluble dye released by action of endo-1,3(4)-beta-glucanase from dye cross-linked barley betaglucan substrate.						

(1) XU is the amount of enzyme which liberates 1 micromole of reducing sugars (xylose equivalents) per minute from xylan of oat spelt at pH 4.8 and 50 °C.
(2) 1 BGU is the amount of enzyme which liberates 1 micromole of reducing sugars (cellobiose equivalents) per minute from ß-glucan of barley at pH 5.0 and 50 °C.
(3) Details of the analytical methods are available at the following address of the Reference Laboratory: http://irmm.jrc.ec.europa.eu/EURLs/EURL_feed_additives/Pages/index.aspx

COMMISSION IMPLEMENTING REGULATION (EU) No 990/2012

of 25 October 2012

concerning the authorisation of a preparation of *Propionibacterium acidipropionici* (CNCM MA 26/4U) as a feed additive for all animal species

(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition [1], and in particular Article 9(2) thereof,

Whereas:

(1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation. Article 10(7) of Regulation (EC) No 1831/2003 in conjunction with Article 10(1) to (4) thereof sets out specific provisions for the evaluation of products used in the Union as silage additives at the date that Regulation became applicable.

(2) In accordance with Article 10(1) of Regulation (EC) No 1831/2003, a preparation of *Propionibacterium acidipropionici* (CNCM MA 26/4U), hereinafter 'the preparation', was entered in the Community Register of Feed Additives as an existing product belonging to the functional group of silage additives, for all animal species.

(3) In accordance with Article 10(2) of Regulation (EC) No 1831/2003 in conjunction with Article 7 thereof, an application was submitted for the authorisation of the preparation as a feed additive for all animal species, requesting that additive to be classified in the category 'technological additives' and in the functional group 'silage additives'. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.

(4) The European Food Safety Authority (the Authority) concluded in its opinion of 25 April 2012 [2] that, under the proposed conditions of use, the preparation does not have an adverse effect on animal health, human health or the environment, and that the use of the preparation has the potential to improve the aerobic stability of the treated silage. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003.

(5) The assessment of the preparation shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of the preparation should be authorised as specified in the Annex to this Regulation.

(6) Since safety reasons do not require the immediate application of the modifications to the conditions of authorisation, it is appropriate to allow a transitional period for interested parties to prepare themselves to meet the new requirements resulting from the authorisation.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Authorisation

The preparation specified in the Annex belonging to the additive category 'technological additives' and to the functional group 'silage additives', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

Article 2

Transitional measures

The preparation specified in the Annex and feed containing that preparation, which are produced and labelled before 15 May 2013 in accordance with the rules applicable before 15 November 2012 may continue to be placed on the market and used until the existing stocks are exhausted.

Article 3

Entry into force

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

[1] OJ L 268, 18.10.2003, p. 29.
[2] *EFSA Journal* 2012; 10(5):2673.

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

Done at Brussels, 25 October 2012.

For the Commission
The President
José Manuel BARROSO

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/kg of fresh material			
Category of technological additives. Functional group: silage additives									
1k2111	—	*Propionibacterium acidipropionici* (CNCM MA 26/4U)	*Additive composition* Preparation of *Propionibacterium acidipropionici* (CNCM MA 26/4U) containing a minimum of 1 x 10^8 CFU/g additive *Characterisation of the active substance* *Propionibacterium acidipropionici* (CNCM MA 26/4U) *Analytical method* (1) Enumeration in the feed additive: spread plate method (EN 15787) Identification: Pulsed Field Gel Electrophoresis (PFGE).	All animal species	—	—	—	1. In the directions for use of the additive and premixture, indicate the storage temperature and storage life. 2. Minimum dose of the additive when it is not used in combination with other micro-organisms as silage additive: 1 x 10^8 CFU/kg of fresh material. 3. For safety: it is recommended to use breathing protection and gloves during handling.	15 November 2022

(1) Details of the analytical methods are available at the following address of the Reference Laboratory: http://irmm.jrc.ec.europa.eu/EURLs/EURL_feed_additives/Pages/index.aspx

COMMISSION IMPLEMENTING REGULATION (EU) No 991/2012

of 25 October 2012

concerning the authorisation of zinc chloride hydroxide monohydrate as feed additive for all animal species

(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition [1], and in particular Article 9(2) thereof,

Whereas:

(1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.

(2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of zinc chloride hydroxide monohydrate. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.

(3) The application concerns the authorisation of zinc chloride hydroxide monohydrate as a feed additive for all animal species, to be classified in the additive category 'nutritional additives'.

(4) The European Food Safety Authority (the Authority) concluded in its opinion of 26 April 2012 [2] that, under the proposed conditions of use, zinc chloride hydroxide monohydrate does not have an adverse effect on animal health, human health or the environment and that its use may be considered as an effective source of zinc for all animal species. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.

(5) The assessment of zinc chloride hydroxide monohydrate shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of this preparation should be authorised as specified in the Annex to this Regulation.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'nutritional additives' and to the functional group 'compounds of trace elements', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

Article 2

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

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

Done at Brussels, 25 October 2012.

For the Commission
The President
José Manuel BARROSO

[1] OJ L 268, 18.10.2003, p. 29.
[2] *EFSA Journal* 2012; 10(5):2672.

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Content of element (Zn) in mg/kg of complete feedingstuff with a moisture content of 12 %			
Category of nutritional additives. Functional group: compounds of trace elements									
3b609	—	zinc chloride hydroxide monohydrate	*Characterisation of the additive* Chemical formula: $Zn_5 (OH)_8 Cl_2 \cdot (H_2O)$ CAS Number: 12167-79-2 Purity: min. 84 % Zinc oxide: max. 9 % Zinc content: min. 54 % Particles < 50 µm: below 1 % *Analytical method* (1) For the identification of zinc chloride hydroxide crystal form in the feed additive: — X-ray diffraction (XRD). For the determination of total zinc in the additive and premixtures: — EN 15510: Inductively Coupled Plasma – Atomic Emission Spectrometry (ICP-AES) or — CEN/TS 15621: Inductively Coupled Plasma – Atomic Emission Spectrometry (ICP-AES) after pressure digestion. For the determination of total zinc in feed materials and compound feed: — Atomic Absorption Spectrometry (AAS) or — EN 15510 or CEN/TS 15621.	All animal species	—	—	Pets: 250 (total) Fish: 200 (total) Other species: 150 (total) Complete and complementary milk replacers: 200 (total)	1. For user safety: breathing protection, safety glasses and gloves should be worn during handling. 2. The additive shall be incorporated into feed in the form of a premixture.	15 November 2022

(1) Details of the analytical methods are available at the following address of the Reference Laboratory: http://irmm.jrc.ec.europa.eu/EURLs/EURL_feed_additives/Pages/index.aspx

COMMISSION IMPLEMENTING REGULATION (EU) No 992/2012

of 25 October 2012

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 Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors [2], and in particular Article 136(1) thereof,

Whereas:

(1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

(2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 25 October 2012.

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 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	AL	31,3
	MA	49,8
	MK	38,5
	ZZ	39,9
0707 00 05	AL	31,8
	MK	30,8
	TR	118,9
	ZZ	60,5
0709 93 10	TR	116,3
	ZZ	116,3
0805 50 10	AR	87,4
	CL	85,7
	TR	102,2
	ZA	91,5
	ZZ	91,7
0806 10 10	BR	278,7
	MK	80,9
	TR	158,6
	ZZ	172,7
0808 10 80	CL	148,8
	MK	29,8
	NZ	117,4
	ZA	125,0
	ZZ	105,3
0808 30 90	CN	60,3
	TR	113,5
	ZZ	86,9

(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 IMPLEMENTING REGULATION (EU) No 993/2012

of 25 October 2012

on the issue of licences for importing rice under the tariff quotas opened for the October 2012 subperiod by Implementing Regulation (EU) No 1273/2011

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 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences [2], and in particular Article 7(2) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) No 1273/2011 of 7 December 2011 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice [3] opened and provided for the administration of certain import tariff quotas for rice and broken rice, broken down by country of origin and split into several subperiods in accordance with Annex I to that Implementing Regulation.

(2) October is the only subperiod for the quota with order number 09.4138 provided for under Article 1(1)(a) of Implementing Regulation (EU) No 1273/2011. This quota comprises the balance of the unused quantities from the quotas with order numbers 09.4127 — 09.4128 — 09.4129 — 09.4130 in the previous subperiod. October is the last subperiod for the quotas provided for under Article 1(1)(b) and (e) of Implementing Regulation (EU) No 1273/2011, which comprise the balance of the unused quantities from the previous subperiod.

(3) The notifications sent in accordance with point (a) of Article 8 of Implementing Regulation (EU) No 1273/2011 show that, for the quota with order number 09.4138, the applications lodged in the first 10 working days of October 2012 under Article 4(1) of that Implementing Regulation cover a quantity greater than that available. The extent to which import licences may be issued should therefore be determined by fixing the allocation coefficient to be applied to the quantity requested under the quota concerned.

(4) The notifications also show that, for the quota with order number 09.4148, the applications lodged in the first 10 working days of October 2012 under Article 4(1) of Implementing Regulation (EU) No 1273/2011 cover a quantity less than that available.

(5) The final percentage take-up for 2012 of each quota provided for by Implementing Regulation (EU) No 1273/2011 should also be made known.

(6) In order to ensure sound management of the procedure of issuing import licences, this Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

Article 1

1. For import licence applications for rice under the quota with order number 09.4138 referred to in Implementing Regulation (EU) No 1273/2011 lodged in the first 10 working days of October 2012, licences shall be issued for the quantity requested, multiplied by the allocation coefficient set out in the Annex to this Regulation.

2. The final percentage take-up for 2012 of each quota provided for by Implementing Regulation (EU) No 1273/2011 is given in the Annex to this Regulation.

Article 2

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

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 238, 1.9.2006, p. 13.
[3] OJ L 325, 8.12.2011, p. 6.

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

Done at Brussels, 25 October 2012.

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

ANNEX

Quantities to be allocated for the October 2012 subperiod under Implementing Regulation (EU) No 1273/2011 and final percentage take-up for 2012

(a) Quota of wholly milled or semi-milled rice covered by CN code 1006 30 as provided for in Article 1(1)(a) of Implementing Regulation (EU) No 1273/2011:

Origin	Order number	Allocation coefficient for October 2012 subperiod	Final percentage take-up of the quota for 2012
United States	09.4127		96,41 %
Thailand	09.4128		98,94 %
Australia	09.4129		64,72 %
Other origins	09.4130		100 %
All countries	09.4138	1,109158 %	100 %

(b) Quota of husked rice covered by CN code 1006 20 as provided for in Article 1(1)(b) of Implementing Regulation (EU) No 1273/2011:

Origin	Order number	Allocation coefficient for October 2012 subperiod	Final percentage take-up of the quota for 2012
All countries	09.4148	— [1]	0 %

[1] No allocation coefficient applied for this subperiod: no licence applications were notified to the Commission.

(c) Quota of broken rice covered by CN code 1006 40 00 as provided for in Article 1(1)(c) of Implementing Regulation (EU) No 1273/2011:

Origin	Order number	Final percentage take-up of the quota for 2012
Thailand	09.4149	23,81 %
Australia	09.4150	0 %
Guyana	09.4152	0 %
United States	09.4153	39,39 %
Other origins	09.4154	100 %

(d) Quota of wholly milled or semi-milled rice covered by CN code 1006 30 as provided for in Article 1(1)(d) of Implementing Regulation (EU) No 1273/2011:

Origin	Order number	Final percentage take-up of the quota for 2012
Thailand	09.4112	100 %
United States	09.4116	100 %
India	09.4117	100 %
Pakistan	09.4118	100 %
Other origins	09.4119	100 %
All countries	09.4166	100 %

(e) Quota of broken rice covered by CN code 1006 40 00 as provided for in Article 1(1)(e) of Implementing Regulation (EU) No 1273/2011:

Origin	Order number	Allocation coefficient for October 2012 subperiod	Final percentage take-up of the quota for 2012
All countries	09.4168	— [1]	100 %

[1] No quantity available for this subperiod.

DIRECTIVES

COMMISSION IMPLEMENTING DIRECTIVE 2012/31/EU

of 25 October 2012

amending Annex IV to Council Directive 2006/88/EC as regards the list of fish species susceptible to Viral haemorrhagic septicaemia and the deletion of the entry for Epizootic ulcerative syndrome

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals [1], and in particular Article 61(2) thereof,

Whereas:

(1) Directive 2006/88/EC lays down, inter alia, certain animal health rules applicable to aquaculture animals and products thereof, including specific provisions concerning the exotic and non-exotic diseases and species susceptible thereto, listed in Part II of Annex IV to that Directive.

(2) Epizootic ulcerative syndrome (EUS) is included in the list of exotic diseases set out in Part II of Annex IV to Directive 2006/88/EC.

(3) Part I of Annex IV to Directive 2006/88/EC sets out the criteria for listing exotic and non-exotic diseases in Part II of that Annex. According to those criteria, exotic diseases are to have the potential for significant economic impact if introduced into the Union, either by production losses in Union aquaculture or by restricting the potential for trade in aquaculture animals and products thereof. Alternatively, they are to have potential for detrimental environmental impact if introduced into the Union, to wild aquatic animal populations of species, which are an asset worth protecting by Union law or international provisions.

(4) On 15 September 2011, the European Food Safety Authority (EFSA) Panel on Animal Health and Welfare adopted a Scientific Opinion on Epizootic Ulcerative Syndrome [2] (the EFSA opinion). In that opinion, the EFSA concludes that the impact of EUS in Union aquaculture would range from no impact to low impact.

(5) In addition, the EFSA opinion states that it is likely that EUS has repeatedly entered into the Union via ornamental fish import from third countries and that such fish may have released into Union waters. Under these circumstances, and considering the fact that no outbreaks of EUS have been reported in the Union, there is no evidence to suggest that EUS has the potential for detrimental environmental impact.

(6) In view of the EFSA conclusions and of the available scientific evidence, EUS does no longer meet the criteria set out in Part I of Annex IV to Directive 2006/88/EC in order to be listed in Part II of that Annex.

(7) It is therefore appropriate to delete the entry for Epizootic ulcerative syndrome from the list of exotic diseases set out in Part II of Annex IV to Directive 2006/88/EC.

(8) In addition, Part II of Annex IV to Directive 2006/88/EC includes a list of species regarded as susceptible to Viral haemorrhagic septicaemia.

(9) Olive flounder (*Paralichthys olivaceus*) is susceptible to the non-exotic fish disease Viral haemorrhagic septicaemia. Clinical outbreaks of that disease were confirmed in certain regions of Asia.

(10) It is therefore appropriate to include Olive flounder (*Paralichthys olivaceus*) in the list of species susceptible to Viral haemorrhagic septicaemia set out in Part II of Annex IV to Directive 2006/88/EC.

(11) Annex IV to Directive 2006/88/EC should therefore be amended accordingly.

(12) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex IV to Directive 2006/88/EC is amended in accordance with the Annex to this Directive.

[1] OJ L 328, 24.11.2006, p. 14.
[2] *EFSA Journal* 2011; 9(10):2387.

Article 2

1. Member States shall adopt and publish, by 1 January 2013 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

2. They shall apply those provisions from 1 January 2013.

3. When Member States adopt those provisions they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

4. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 25 October 2012.

For the Commission
The President
José Manuel BARROSO

ANNEX

Part II of Annex IV to Directive 2006/88/EC is replaced by the following:

'PART II

Listed diseases

Exotic diseases		
	Disease	Susceptible species
Fish	Epizootic haematopoietic necrosis	Rainbow trout (*Oncorhynchus mykiss*) and redfin perch (*Perca fluviatilis*)
Molluscs	Infection with *Bonamia exitiosa*	Australian mud oyster (*Ostrea angasi*) and Chilean flat oyster (*O. chilensis*)
	Infection with *Perkinsus marinus*	Pacific oyster (*Crassostrea gigas*) and Eastern oyster (*C. virginica*)
	Infection with *Microcytos mackini*	Pacific oyster (*Crassostrea gigas*), Eastern oyster (*C. virginica*), Olympia flat oyster (*Ostrea conchaphila*) and European flat oyster (*O. edulis*)
Crustaceans	Taura syndrome	Gulf white shrimp (*Penaeus setiferus*), Pacific blue shrimp (*P. stylirostris*), and Pacific white shrimp (*P. vannamei*)
	Yellowhead disease	Gulf brown shrimp (*Penaeus aztecus*), Gulf pink shrimp (*P. duorarum*), Kuruma prawn (*P. japonicus*), black tiger shrimp (*P. monodon*), Gulf white shrimp (*P. setiferus*), Pacific blue shrimp (*P. stylirostris*), and Pacific white shrimp (*P. vannamei*)

Non-exotic diseases		
	Diseases	Susceptible species
Fish	Viral haemorrhagic septicaemia (VHS)	Herring (*Clupea* spp.), whitefish (*Coregonus* sp.), pike (*Esox lucius*), haddock (*Gadus aeglefinus*), Pacific cod (*G. macrocephalus*), Atlantic cod (*G. morhua*), Pacific salmon (*Oncorhynchus* spp.) rainbow trout (*O. mykiss*), rockling (*Onos mustelus*), brown trout (*Salmo trutta*), turbot (*Scophthalmus maximus*), sprat (*Sprattus sprattus*), grayling (*Thymallus thymallus*) and olive flounder (*Paralichthys olivaceus*),
	Infectious haematopoietic necrosis (IHN)	Chum salmon (*Oncorhynchus keta*), coho salmon (*O. kisutch*), Masou salmon (*O. masou*), rainbow or steelhead trout (*O. mykiss*), sockeye salmon (*O. ner*ka), pink salmon (*O. rhodurus*) chinook salmon (*O. tshawytscha*), and Atlantic salmon (*Salmo salar*)
	Koi herpes virus (KHV) disease	Common carp and koi carp (*Cyprinus carpio*)
	Infectious salmon anaemia (ISA)	Rainbow trout (*Oncorhynchus mykiss*), Atlantic salmon (*Salmo salar*), and brown and sea trout (*S. trutta*)
Molluscs	Infection with *Marteilia refringens*	Australian mud oyster (*Ostrea angasi*), Chilean flat oyster (*O. chilensis*), European flat oyster (*O. edulis*), Argentinian oyster (*O. puelchana*), blue mussel (*Mytilus edulis*) and Mediterranean mussel (*M. galloprovincialis*)
	Infection with *Bonamia ostreae*	Australian mud oyster (*Ostrea angasi*), Chilean flat oyster (*O. chilensis*), Olympia flat oyster (*O. conchaphila*), Asiatic oyster (*O. denselammellosa*), European flat oyster (*O. edulis*), and Argentinian oyster (*O. puelchana*)
Crustaceans	White spot disease	All decapod crustaceans (*order Decapoda*)'

DECISIONS

COUNCIL DECISION 2012/662/CFSP

of 25 October 2012

in support of activities to reduce the risk of illicit trade in, and excessive accumulation of, Small Arms and Light Weapons in the region covered by the Organisation for Security and Cooperation in Europe (OSCE)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 26(2) thereof,

Whereas:

(1) On 15-16 December 2005, the European Council adopted the EU Strategy to combat the illicit accumulation of and trafficking in small arms and light weapons (SALW) and their ammunition (EU SALW Strategy). That Strategy underlined that, in order to minimise the risk posed by the illicit trade in and excessive accumulation of SALW, particular attention should be paid to the enormous accumulations of SALW stockpiled in Eastern and South-Eastern Europe, and the ways by which they are disseminated in conflict zones.

(2) The EU SALW Strategy identifies among its objectives the fostering of effective multilateralism so as to forge mechanisms, whether international, regional or within the Union and its Member States, for countering the supply and destabilising spread of SALW and their ammunition. In its Action Plan, the Strategy singles out the Organisation for Security and Cooperation in Europe (OSCE) as one of the regional organisations with which cooperation should be developed. In particular it contains dedicated provisions on the support to be provided to the OSCE action to combat the illicit trade in SALW and their ammunition and the destruction of OSCE Participating States' ('Participating States') surplus stocks.

(3) On 24 November 2000, the Participating States adopted the OSCE SALW Document that committed them to establishing and implementing effective national controls on transfers of SALW, including export and brokering controls. That Document also emphasises the destabilising effects that the excessive accumulation of SALW and poor stockpile management and security can have on national, regional and international security. It identifies destruction as the preferred method for the disposal of surplus SALW.

(4) On 26 May 2010, Participating States adopted the OSCE Plan of Action on SALW, where reference is made, inter alia, to the need to establish or reinforce the legal framework of Participating States for lawful brokering activities, to strengthen commitments on the stockpile management and security of SALW, and to strengthen Participating States' commitment to destroy surplus and illicit SALW, and means to improve their capacity for the destruction of surplus and illicit SALW.

(5) On 23 June 2003, the Council adopted Common Position 2003/468/CFSP on the control of arms brokering [1], requiring Member States to take all necessary measures, including a clear legal framework for lawful brokering activities, to control brokering activities taking place within their territory, and encouraging them to consider controlling brokering activities outside of their territory carried out by brokers of their nationality resident or established in their territory.

(6) On 8 December 2008, the Council adopted Common Position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment [2]. Common Position 2008/944/CFSP establishes a set of criteria that guide Member States in the assessment of conventional arms export, re-export and brokering applications. It requires Member States to use their best endeavours to encourage other States, which export military technology or equipment, to apply the criteria of that Common Position,

HAS ADOPTED THIS DECISION:

Article 1

1. For the purpose of promoting peace and security, and effective multilateralism at global and regional levels, the Union shall pursue the following objectives:

[1] OJ L 156, 25.6.2003, p. 79.
[2] OJ L 335, 13.12.2008, p. 99.

— enhancing peace and security in the neighbourhood of the Union, by reducing the threat posed by the illicit trade and excessive accumulation of SALW in the OSCE region,

— supporting effective multilateralism at regional level by encouraging the action of the OSCE to prevent the excessive accumulation of, and the illicit trade in, SALW and their ammunition.

2. In order to achieve the objective referred to in paragraph 1, the Union shall undertake the following projects:

— organising a regional training workshop for relevant Participating States' officials responsible for brokering controls on SALW,

— security upgrades to SALW stockpile storage sites in Belarus and Kyrgyzstan,

— the destruction of surplus SALW in Belarus and Kyrgyzstan to prevent their diversion to illegal trade,

— the introduction of a SALW inventory management application to improve stockpile, record keeping, and tracing of SALW and conventional ammunition in several Participating States.

A detailed description of these projects is set out in the Annex.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy (HR) shall be responsible for the implementation of this Decision.

2. The technical implementation of the projects referred to in Article 1(2) shall be carried out by two implementing agencies:

(a) the OSCE Secretariat shall implement:

— the regional training workshop for relevant Participating States' officials on brokering controls on SALW,

— the security upgrades to stockpile depots of conventional weapons and ammunition in Kyrgyzstan,

— the destruction of surplus SALW in Belarus and Kyrgyzstan to prevent their diversion to illegal trade, and

— the introduction of SALW inventory software to improve stockpile management, record keeping and tracing of weapons;

(b) the United Nations Development Programme Office in Belarus (UNDP Belarus Office) shall implement security upgrades to stockpile depots of conventional weapons and ammunition in Belarus.

3. The OSCE Secretariat and the UNDP Belarus Office shall perform their tasks under the responsibility of the HR. For this purpose, the HR shall enter into the necessary arrangements with the OSCE Secretariat and the UNDP Belarus Office.

Article 3

1. The financial reference amount for the implementation of the projects referred to in Article 1(2) shall be EUR 1 680 000.

2. The expenditure financed by the amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.

3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 1. For this purpose, it shall conclude financing agreements with the OSCE Secretariat and the UNDP Belarus Office. The agreements shall stipulate that the OSCE Secretariat and the UNDP Belarus Office have the obligation to ensure the visibility of the Union contribution, appropriate to its size.

4. The Commission shall endeavour to conclude the financing agreements referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreements.

Article 4

The HR shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by the OSCE Secretariat and the UNDP Belarus Office. These reports shall form the basis for the evaluation carried out by the Council.

The Commission shall provide information on the financial aspects of the implementation of the projects referred to in Article 1(2).

Article 5

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

2. This Decision shall expire 36 months after the date of conclusion of the financing agreements referred to in Article 3(3) or 6 months after the date of its adoption if no financing agreement has been concluded within that period.

Done at Luxembourg, 25 October 2012.

For the Council
The President
E. MAVROU

ANNEX

1. **Objectives**

The overall objective of this Decision is the promotion of peace and security in the neighbourhood of the Union, by reducing the threat posed by the illicit trade in and excessive accumulation of SALW in the OSCE region. This Decision also aims at promoting effective multilateralism at regional level by supporting the action of the OSCE to prevent the excessive accumulation of, and the illicit trade in, SALW and their ammunition. Such activities include the destruction of SALW surpluses in the OSCE region, improvement of security and management of weapons stockpiles, development of appropriate tools for record keeping of weapons, and enhancement of conventional arms transfer controls, in particular brokering.

2. **Description of the projects**

2.1. **Organisation of a regional training workshop for relevant Participating States' officials on brokering controls on SALW**

2.1.1. *Objective of the project*

— To raise awareness and improve implementation by Participating States of existing international and regional commitments in the field of SALW brokering controls;

— To analyse best practices and lessons learnt from other countries/regions and identify their applicability to participants' needs.

2.1.2. *Description of the project*

— Organisation by the OSCE Secretariat of a three-day regional workshop for relevant state officials from up to 15 Participating States.

Representatives of relevant international and regional organisations, and other experts, including experts from the Union, will participate in the event. Up to 70 participants will attend the event. The detailed concept paper and agenda of the event will be developed by the OSCE Secretariat, in coordination with the HR and relevant Council bodies.

2.1.3. *Expected results of the project*

— Improved brokering controls on SALW in Participating States invited to participate in the workshop;

— Reduced risks of illegal brokering activities and illegal trade in SALW, and consequently improved security for populations, groups and individuals adversely affected by the illegal trade in SALW.

2.1.4. *Seminar venues*

The OSCE Secretariat will propose potential venues for the regional seminar, which will then be endorsed by the HR, in consultation with the competent Council bodies.

2.1.5. *Project beneficiaries*

— State officials and national authorities of Participating States responsible for SALW transfer controls;

— Populations, groups and individuals adversely affected by the illegal trade in SALW.

2.2. **Security upgrades of stockpile depots of conventional weapons and ammunition in Belarus and Kyrgyzstan**

2.2.1. *Objective of the project*

— To improve security and stockpile management in up to two SALW storage sites in Belarus, and up to three SALW storage sites in Kyrgyzstan;

— To contribute to improved security in Central Asia and Eastern Europe, and to reduce the risk of illicit trade in SALW.

2.2.2. *Description of the project*

— Upgrading of security systems in up to two SALW storage sites in Belarus, in accordance with OSCE Best Practices on SALW, including through the installation and/or refurbishment of necessary electrical installations, primary fire-fighting capability, perimeter fencing and lighting, intruder detection and alarm systems, as well as telecommunications equipment for enhanced security;

— Improvement and/or establishment of up to three SALW storage sites in Kyrgyzstan, in accordance with OSCE Best Practices on SALW, including through installation and/or refurbishment of perimeter fencing and lightning, secure storage building doors and windows, intruder alarm systems, close circuit television cameras (CCTV) and telecommunications equipment.

The OSCE Secretariat and the UNDP Belarus Office will identify in cooperation with relevant Belarusian and Kyrgyz authorities the storage sites in need of security upgrades and will define the exact sites to be upgraded with the support of this Decision, in consultation with the HR and competent Council bodies. All activities except those related to upgrades of SALW storage sites in Belarus will be implemented by the OSCE Secretariat. In Belarus, the activities will be implemented by the UNDP Belarus Office because the OSCE does not have an appropriate representation and legal status in Belarus and also because the implementation of this part of the project by the UNDP Belarus Office is more cost-effective in comparison to a Vienna-based project management by the OSCE. The role of the OSCE in the overall project coordination and implementation oversight related to the selection of storage sites and safety and security measures to be implemented, annual work plans, quality control of completed works and the national contribution of the government of Belarus will remain. The Governments of Belarus and Kyrgyzstan will provide support to the project through financial contribution and/or in-kind contribution, as appropriate.

2.2.3. *Expected results of the project*

— Improved physical security and stockpile management of up to two SALW storage sites in Belarus, and up to three SALW storage sites in Kyrgyzstan;

— Reduction of the risk of illicit trade in SALW and conventional arms, and improvement of security in Eastern Europe and Central Asia.

2.2.4. *Beneficiaries of the project*

— Ministries of Defence in Belarus and Kyrgyzstan;

— Populations, groups and individuals adversely affected by the illegal trade in SALW.

2.3. **Destruction of surplus SALW in Belarus and Kyrgyzstan to prevent their diversion to illegal trade**

2.3.1. *Objective of the project*

— To reduce the risk of illicit trade in SALW by destroying surplus weapons in the possession of relevant national authorities in Belarus and Kyrgyzstan.

2.3.2. *Description of the project*

— Destruction of up to 12 000 surplus pieces of SALW in Belarus;

— Destruction of up to 2 000 surplus pieces of SALW and up to 51 Man-portable air-defence systems (MANPADS) in Kyrgyzstan.

The Governments of Belarus and Kyrgyzstan will provide support to the project through provision of facilities and equipment, and in-kind contribution, as appropriate. All activities except those related to upgrades of SALW storage sites in Belarus will be implemented by the OSCE Secretariat.

In Belarus, the activities related to upgrades of SALW storage sites will be implemented by the UNDP Belarus Office because the OSCE does not have an appropriate representation and legal status in Belarus and also because the implementation of this part of the project by the UNDP Office Belarus is more cost-effective in comparison to a Vienna-based project management by the OSCE. The role of the OSCE in the overall project coordination and implementation oversight related to the selection of storage sites and safety and security measures to be implemented, annual work plans, quality control of completed works and the national contribution of the government of Belarus will remain.

2.3.3. *Expected results of the project*

— Destruction of parts of SALW and MANPADS surpluses in Belarus and Kyrgyzstan;

— Reduction of the risk of illicit trade in SALW and improvement of security in Eastern Europe and Central Asia.

2.3.4. *Beneficiaries of the project*

— Ministries of Defence in Belarus and Kyrgyzstan;

— Populations, groups and individuals adversely affected by the illegal trade in SALW.

2.4. **Introduction of SALW inventory software to improve stockpile management, record keeping, and tracing of weapons**

2.4.1. *Objective of the project*

— To improve SALW and conventional ammunition stockpile management and record keeping in up to eight Participating States, thus reducing the risk of illicit trade in SALW and conventional ammunition.

2.4.2. *Description of the project*

— Presentation of the SALW inventory application to interested Participating States for up to 20 people;

— Expert meetings in up to eight Participating States to evaluate the compatibility of the SALW inventory application to national requirements and follow-up with regard to national procedures and legislation;

— Technical adjustments to the SALW inventory application in up to eight Participating States to provide for compatibility with agreed technical requirements, in cooperation with the UNDP Belarus Office and the Ministry of Defence of Belarus;

— Translation of the SALW inventory application in up to three state languages (in total) as required in the Participating States introducing the SALW inventory application;

— Limited provision of hardware to up to eight Participating States, where necessary;

— Installation of the electronic record-keeping system in up to eight Participating States;

— Developing of a training curriculum for up to eight Participating States (two modules — for staff at military headquarters in the capitals of the selected Participating States, and staff at storage sites);

— Conducting training in up to eight Participating States according to the training curriculum above.

2.4.3. *Expected results of the project*

— Improvement and standardisation of SALW and conventional ammunition stockpile management and record keeping in up to eight Participating States;

— Reduction of the risk of illicit trade in SALW and conventional ammunition in the OSCE region.

2.4.4. *Beneficiaries of the project*

— Ministries of Defence of up to eight Participating States;

— Populations, groups and individuals adversely affected by the illegal trade in SALW.

The OSCE Secretariat will identify in consultation with the HR and competent Council bodies the Participating States which will benefit from the project.

3. **Duration**

The total estimated duration of the projects will be 36 months.

4. **Technical Implementing entity**

The technical implementation of this Decision will be entrusted to the OSCE Secretariat and the UNDP Belarus Office which will perform its task under the responsibility of the HR.

5. **Reporting**

The OSCE Secretariat and the UNDP Belarus Office will prepare regular reports, as well as reports after the completion of each of the activities described. The reports should be submitted to the HR no later than six weeks after the completion of relevant activities.

6. **Estimated total cost of the project and EU financial contribution**

The total cost of the projects is EUR 1 680 000.

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 4/2012 OF THE EU-EFTA JOINT COMMITTEE ON COMMON TRANSIT

of 26 June 2012

amending the Convention of 20 May 1987 on a common transit procedure

(2012/663/EU)

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on a common transit procedure [1], and in particular Article 15(3)(a) thereof,

Whereas:

(1) Turkey expressed its wish to accede to the Convention of 20 May 1987 on a common transit procedure (the Convention) and has been invited following a decision by the Joint Committee on 19 January 2012 set up by virtue of the Convention.

(2) Accordingly, the Turkish language versions of the references used in the Convention should be inserted in the Convention in the appropriate order.

(3) The application of this Decision is linked to the date of accession of Turkey to the Convention.

(4) In order to allow the use of guarantee forms printed in accordance with the criteria in force prior to the date of accession of Turkey to the Convention, a transitional period should be established during which the printed forms, with some adaptations, could continue to be used.

(5) Therefore, the Convention should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Appendix III to the Convention on a common transit procedure is amended as set out in the Annex to this Decision.

Article 2

1. This Decision shall apply from the date Turkey accedes to the Convention.

2. The forms based on the specimen forms in Annexes C1, C2, C3, C4, C5, C6 to Appendix III may continue to be used, subject to the necessary geographical adaptations and the adaptations concerning the address for service or the authorised agent, until the end of the twelfth month following the date of application of this Decision, at the latest.

Done at Brussels, 26 June 2012.

For the Joint Committee
The President
Mirosław ZIELIŃSKI

[1] OJ L 226, 13.8.1987, p. 2.

ANNEX

1. In Annex B1, under Box 51 the following indent is added after Switzerland:

'— Turkey TR',

2. In Annex B6, Title III is amended as follows:

2.1. in the first part of the table 'Limited validity – 99200' the following indent is added after NO:

'— TR Sınırlı Geçerli'

2.2. in the second part of the table 'Waiver – 99201' the following indent is added after NO:

'— TR Vazgeçme'

2.3. in the third part of the table 'Alternative proof – 99202' the following indent is added after NO:

'— TR Alternatif Kanıt'

2.4. in the fourth part of the table 'Differences: office where goods were presented … (name and country) – 99203' the following indent is added after NO:

'— TR Değişiklikler: Eşyanın sunulduğu idare … (adı ve ülkesi)'

2.5. in the fifth part of the table 'Exit from … subject to restrictions or charges under Regulation/Directive/Decision No … – 99204' the following indent is added after NO:

'— TR Eşyanın … 'dan çıkışı … No.lu Tüzük/Direktif/Karar kapsamında kısıtlamalara veya mali yükümlülüklere tabidir'

2.6. in the sixth part of the table 'Prescribed itinerary waived – 99205' the following indent is added after NO:

'— TR Zorunlu Güzergahtan Vazgeçme'

2.7. in the seventh part of the table 'Authorised consignor – 99206', the following indent is added after NO:

'— TR İzinli Gönderici'

2.8. in the eighth part of the table 'Signature waived – 99207', the following indent is added after NO:

'— TR İmzadan Vazgeçme'

2.9. in the ninth part of the table 'Comprehensive guarantee prohibited – 99208' the following indent is added after NO:

'— TR Kapsamlı teminat yasaklanmıştır'

2.10. in the 10th part of the table 'Unrestricted use – 99209', the following indent is added after NO:

'— TR Kısıtlanmamış kullanım'

2.11. in the 11th part of the table 'Issued retroactively – 99210', the following indent is added after NO:

'— TR Sonradan Düzenlenmiştir'

2.12. in the 12th part of the table 'Various – 99211', the following indent is added after NO:

'— TR Çeşitli'

2.13. in the 13th part of the table 'Bulk – 99212', the following indent is added after NO:

'— TR Dökme'

2.14. in the 14th part of the table 'Consignor – 99213' the following indent is added after NO:

'— TR Gönderici'

3. Annex C1 is replaced by the following text:

'ANNEX C1

COMMON/COMMUNITY TRANSIT PROCEDURE

GUARANTEE DOCUMENT

INDIVIDUAL GUARANTEE

I. **Undertaking by the guarantor**

1. The undersigned (1) ..... resident at (2) ..... hereby jointly and severally guarantees, at the office of guarantee of ..... up to a maximum amount of ..... in favour of the European Union (comprising the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland), and the Republic of Croatia, the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation, the Republic of Turkey, the Principality of Andorra and the Republic of San Marino (3), any amount of principal, further liabilities, expenses and incidentals — but not fines — for which the principal (4), ... may be or become liable to the abovementioned countries for debt in the form of duty and other charges applicable to the goods described below placed under the Community or common transit procedure from the office of departure of ..... to the office of destination of .....

.....

Goods description:

.....

2. The undersigned undertakes to pay upon the first application in writing by the competent authorities of the countries referred to in paragraph 1 and without being able to defer payment beyond a period of 30 days from the date of application the sums requested unless he or she or any other person concerned establishes before the expiry of that period, to the satisfaction of the competent authorities, that the operation has ended.

At the request of the undersigned and for any reasons recognised as valid, the competent authorities may defer beyond a period of 30 days from the date of application for payment the period within which he or she is obliged to pay the requested sums. The expenses incurred as a result of granting this additional period, in particular any interest, must be so calculated that the amount is equivalent to what would be charged under similar circumstances on the money market or financial market in the country concerned.

3. This undertaking shall be valid from the day of its acceptance by the office of guarantee. The undersigned shall remain liable for payment of any debt arising during the Community or common transit operation covered by this undertaking and commenced before any revocation or cancellation of the guarantee took effect, even if the demand for payment is made after that date.

4. For the purpose of this undertaking the undersigned gives his or her address for service (5) in each of the other countries referred to in paragraph 1 as:

Country	Surname and forenames, or name of firm, and full address
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

The undersigned acknowledges that all correspondence and notices and any formalities or procedures relating to this undertaking addressed to or effected in writing at one of his or her addresses for service shall be accepted as duly delivered to him or her.

The undersigned acknowledges the jurisdiction of the courts of the places where he or she has an address for service.

The undersigned undertakes not to change his or her addresses for service or, if he or she has to change one or more of those addresses, to inform the office of guarantee in advance.

Done at ....., on .....

.....

(*Signature*) ([6])

II. **Acceptance by the office of guarantee**

Office of guarantee .....

Guarantor's undertaking accepted on ..... to cover the Community/common transit operation effected under transit declaration No ..... of ..... ([7])

.....

(*Stamp and signature*)

_____

([1]) Surname and forenames, or name of firm.
([2]) Full address.
([3]) Delete the name of the Contracting Party or Parties or States (Andorra or San Marino) whose territory is not transited. The references to the Principality of Andorra and the Republic of San Marino shall apply solely to Community transit operations.
([4]) Surname and forename, or name of firm and full address of the principal.
([5]) If, in the law of the country, there is no provision for address for service the guarantor shall appoint, in this country, an agent authorised to receive any communications addressed to him and the acknowledgement in the second subparagraph and the undertaking in the fourth subparagraph of paragraph 4 must be made to correspond. The courts of the places in which the addresses for service of the guarantor or of his agents are situated shall have jurisdiction in disputes concerning this guarantee.
([6]) The person signing the document must enter the following by hand before his or her signature: "Guarantee for the amount of .....", the amount being written out in letters.
([7]) To be completed by the office of departure.'

4. Annex C2 is replaced by the following text:

'ANNEX C2

COMMON/COMMUNITY TRANSIT PROCEDURE

GUARANTEE DOCUMENT

INDIVIDUAL GUARANTEE IN THE FORM OF VOUCHERS

I. **Undertaking by the guarantor**

1. The undersigned ([1]) ..... resident at ([2]) ..... hereby jointly and severally guarantees, at the office of guarantee of ..... in favour of the European Union (comprising the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland), and the Republic of Croatia, the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation, the Republic of Turkey, the Principality of Andorra and the Republic of San Marino ([3]), any amount of principal, further liabilities, expenses and incidentals — but not fines — for which a principal may be or become liable to the abovementioned States for debt in the form of duty and other charges applicable to the goods placed under the Community or common transit procedure, in respect of which the undersigned has undertaken to issue individual guarantee vouchers up to a maximum of EUR 7 000 per voucher.

2. The undersigned undertakes to pay upon the first application in writing by the competent authorities of the countries referred to in paragraph 1 and without being able to defer payment beyond a period of 30 days from the

date of application the sums requested, up to EUR 7 000 per individual guarantee voucher, unless he or she or any other person concerned establishes before the expiry of that period, to the satisfaction of the competent authorities, that the operation has ended.

At the request of the undersigned and for any reasons recognised as valid, the competent authorities may defer beyond a period of 30 days from the date of application for payment the period within which he or she is obliged to pay the requested sums. The expenses incurred as a result of granting this additional period, in particular any interest, must be so calculated that the amount is equivalent to what would be charged under similar circumstances on the money market or financial market in the country concerned.

3. This undertaking shall be valid from the day of its acceptance by the office of guarantee. The undersigned shall remain liable for payment of any debt arising during any Community or common transit operations covered by this undertaking and commenced before any revocation or cancellation of the guarantee took effect, even if the demand for payment is made after that date.

4. For the purpose of this undertaking the undersigned gives his or her address for service [4] in each of the other countries referred to in paragraph 1 as:

Country	Surname and forenames, or name of firm, and full address
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

The undersigned acknowledges that all correspondence and notices and any formalities or procedures relating to this undertaking addressed to or effected in writing at one of his or her addresses for service shall be accepted as duly delivered to him or her.

The undersigned acknowledges the jurisdiction of the courts of the places where he or she has an address for service.

The undersigned undertakes not to change his or her addresses for service or, if he or she has to change one or more of those addresses, to inform the office of guarantee in advance.

Done at ....., on .....

.....

(*Signature*) [5]

II. **Acceptance by the office of guarantee**

Office of guarantee

.....

Guarantor's undertaking accepted on

.....

.....

(*Stamp and signature*)

---

(1) Surname and forenames, or name of firm.
(2) Full address.
(3) Only for Community transit operations.
(4) If, in the law of the country, there is no provision for address for service the guarantor shall appoint, in this country, an agent authorised to receive any communications addressed to him and the acknowledgement in the second subparagraph and the undertaking in the fourth subparagraph of paragraph 4 must be made to correspond. The courts of the places in which the addresses for service of the guarantor or of his agents are situated shall have jurisdiction in disputes concerning this guarantee.
(5) The signature must be preceded by the following in the signatory's own handwriting: "Guarantee".'

5. Annex C4 is replaced by the following text:

'ANNEX C 4

COMMON/COMMUNITY TRANSIT PROCEDURE

GUARANTEE DOCUMENT

COMPREHENSIVE GUARANTEE

I. **Undertaking by the guarantor**

1. The undersigned (1) ..... resident at (2) ..... hereby jointly and severally guarantees, at the office of guarantee of ..... up to a maximum amount of ..... being 100/50/30 % (3) of the reference amount, in favour of the European Union (comprising the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland), and the Republic of Croatia, the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation, the Republic of Turkey, the Principality of Andorra and the Republic of San Marino (4), any amount of principal, further liabilities, expenses and incidentals — but not fines — for which the principal (5), ..., may be or become liable to the abovementioned countries for debt in the form of duty and other charges applicable to the goods placed under the Community or common transit procedure.

2. The undersigned undertakes to pay upon the first application in writing by the competent authorities of the countries referred to in paragraph 1 and without being able to defer payment beyond a period of 30 days from the date of application the sums requested up to the limit of the abovementioned maximum amount, unless he or she or any other person concerned establishes before the expiry of that period, to the satisfaction of the competent authorities, that the operation has ended.

At the request of the undersigned and for any reasons recognised as valid, the competent authorities may defer beyond a period of 30 days from the date of application for payment the period within which he or she is obliged to pay the requested sums. The expenses incurred as a result of granting this additional period, in particular any interest, must be so calculated that the amount is equivalent to what would be charged under similar circumstances on the money market or financial market in the country concerned.

This amount may not be reduced by any sums already paid under the terms of this undertaking unless the undersigned is called upon to pay a debt arising during a Community or common transit operation commenced before the preceding demand for payment was received or within 30 days thereafter.

3. This undertaking shall be valid from the day of its acceptance by the office of guarantee. The undersigned shall remain liable for payment of any debt arising during any Community or common transit operations covered by this undertaking and commenced before any revocation or cancellation of the guarantee took effect, even if the demand for payment is made after that date.

4. For the purpose of this undertaking the undersigned gives his or her address for service (6) in each of the other countries referred to in paragraph 1 as:

Country	Surname and forenames, or name of firm, and full address
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

The undersigned acknowledges that all correspondence and notices and any formalities or procedures relating to this undertaking addressed to or effected in writing at one of his or her addresses for service shall be accepted as duly delivered to him or her.

The undersigned acknowledges the jurisdiction of the courts of the places where he or she has an address for service.

The undersigned undertakes not to change his or her addresses for service or, if he or she has to change one or more of those addresses, to inform the office of guarantee in advance.

Done at ....., on .....

.....

(*Signature*) (7)

II. **Acceptance by the office of guarantee**

Office of guarantee

.....

Guarantor's undertaking accepted on

.....

.....

(*Stamp and signature*)

(1) Surname and forenames, or name of firm.
(2) Full address.
(3) Delete what does not apply.
(4) Delete the name of the Contracting Party or Parties or States (Andorra or San Marino) whose territory is not transited. The references to the Principality of Andorra and the Republic of San Marino shall apply solely to Community transit operations.
(5) Surname and forename, or name of firm and full address of the principal.
(6) If, in the law of the country, there is no provision for address for service the guarantor shall appoint, in this country, an agent authorised to receive any communications addressed to him and the acknowledgement in the second subparagraph and the undertaking in the fourth subparagraph of paragraph 4 must be made to correspond. The courts of the places in which the addresses for service of the guarantor or of his agents are situated shall have jurisdiction in disputes concerning this guarantee.
(7) The signature must be preceded by the following in the signatory's own handwriting: "Guarantee for the amount of …" with the amount written out in full.'

6. In Box 7 of Annex C5, the word 'Turkey' is inserted between the words 'Switzerland' and 'Andorra'.

7. In Box 6 of Annex C6, the word 'Turkey' is inserted between the words 'Switzerland' and 'Andorra'.

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