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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 748/2013

of 2 August 2013

amending Regulation (EU) No 513/2013 imposing a provisional anti-dumping duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells and wafers) originating in or consigned from the People's Republic of China

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the basic Regulation), and in particular Articles 7, 8 and 9 thereof,

After consulting the Advisory Committee,

Whereas:

PROCEDURE

- (1) By Regulation (EU) No 513/2013⁽²⁾, the Commission imposed a provisional anti-dumping duty on imports into the Union of crystalline silicon photovoltaic modules and key components (i.e. cells and wafers) originating in or consigned from the People's Republic of China (PRC).
- (2) By Decision 2013/423/EU⁽³⁾ the Commission accepted the undertaking offer from a group of cooperating exporting producers together with the China Chamber of Commerce for Import and Export of Machinery and Electronic Products (CCCME).
- (3) The acceptance of the undertaking requires technical amendments to Regulation (EU) No 513/2013,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 513/2013 is amended as follows:

- (1) A new heading J and a new recital 282 shall be inserted:

J. CUSTOMS DECLARATION

(282) Statistics of solar panels and their key components are frequently expressed either in number of pieces or

Watt. However, there is no such supplementary unit for solar panels and their key components specified in the Combined Nomenclature laid down in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (*). It is therefore necessary to provide that not only the weight in kg or tonnes but also the number of pieces or Watt for the imports of the product concerned must be entered in the declaration for release for free circulation. Pieces should be indicated for TARIC codes 3818 00 10 11 and 3818 00 10 19 and Watt shall be indicated for TARIC codes 8541 40 90 21, 8541 40 90 29, 8541 40 90 31 and 8541 40 90 39.

(*) OJ L 256, 7.9.1987, p. 1.'

- (2) The table in Article 1 paragraph 2 (ii) shall be replaced by the following table:

'Company	Duty Rate	TARIC additional code
Changzhou Trina Solar Energy Co. Ltd Trina Solar (Changzhou) Science & Technology Co. Ltd Changzhou Youze Technology Co. Ltd	51,5 %	B791
Delsolar (Wujiang) Ltd	67,9 %	B792
Jiangxi LDK Solar Hi-Tech Co. Ltd LDK Solar Hi-Tech (Nanchang) Co. Ltd LDK Solar Hi-Tech (Suzhou) Co. Ltd	55,9 %	B793
LDK Solar Hi-Tech (Hefei) Co. Ltd	55,9 %	B927
JingAo Solar Co. Ltd Shanghai JA Solar Technology Co. Ltd	58,7 %	B794

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 152, 5.6.2013, p. 5.

⁽³⁾ See page 26 of this Official Journal

Company	Duty Rate	TARIC additional code
JA Solar Technology Yangzhou Co. Ltd Hefei JA Solar Technology Co. Ltd Shanghai JA Solar PV Technology Co. Ltd		
Jinzhou Yangguang Energy Co. Ltd Jinzhou Huachang Photovoltaic Technology Co. Ltd Jinzhou Jinmao Photovoltaic Technology Co. Ltd Jinzhou Rixin Silicon Materials Co. Ltd Jinzhou Youhua Silicon Materials Co. Ltd	38,3 %	B795
Wuxi Suntech Power Co. Ltd Suntech Power Co. Ltd Wuxi Sunshine Power Co. Ltd Luoyang Suntech Power Co. Ltd Zhenjiang Rietech New Energy Science Technology Co. Ltd Zhenjiang Ren De New Energy Science Technology Co. Ltd	48,6 %	B796
Yingli Energy (China) Co. Ltd Baoding Tianwei Yingli New Energy Resources Co. Ltd Hainan Yingli New Energy Resources Co. Ltd Hengshui Yingli New Energy Resources Co. Ltd Tianjin Yingli New Energy Resources Co. Ltd Lixian Yingli New Energy Resources Co. Ltd Baoding Jiasheng Photovoltaic Technology Co. Ltd Beijing Tianneng Yingli New Energy Resources Co. Ltd Yingli Energy (Beijing) Co. Ltd	37,3 %	B797
Companies listed in Annex I	47,6 %	
All other companies	67,9 %	B999'

- (3) The following Articles shall be inserted and Article 4 shall be renumbered to Article 8:

'Article 4

Where a declaration for release for free circulation is presented in respect of imports of those solar panels and key components which are currently falling within TARIC codes 3818 00 10 11, 3818 00 10 19, 8541 40 90 21, 8541 40 90 29, 8541 40 90 31 and 8541 40 90 39, those TARIC codes shall be entered in the relevant field of that declaration.

Member States shall, on a monthly basis, inform the Commission of the number of pieces imported under TARIC codes 3818 00 10 11 and 3818 00 10 19 and the number of Watt for TARIC codes 8541 40 90 21, 8541 40 90 29, 8541 40 90 31 and 8541 40 90 39, and of their origin.

Article 5

Where a declaration for release for free circulation is presented in respect of the products mentioned under Articles 1 and 4, the number of pieces under TARIC codes 3818 00 10 11 and 3818 00 10 19 and the number of Watt under TARIC codes 8541 40 90 21, 8541 40 90 29, 8541 40 90 31 and 8541 40 90 39 of the products imported shall be entered in the relevant field of that declaration.

Article 6

1. Imports declared for release into free circulation for products currently falling within CN code ex 3818 00 10 (TARIC codes 3818 00 10 11 and 3818 00 10 19), CN code ex 8541 40 90 (TARIC codes 8541 40 90 21, 8541 40 90 29, 8541 40 90 31 and 8541 40 90 39) which are invoiced by companies from which undertakings are accepted by the Commission and whose names are listed in the Annex of Decision 2013/423/EU, shall be exempt from the anti-dumping duty imposed by Article 1, on condition that:

- (a) a company listed in the Annex of Decision 2013/423/EU manufactured, shipped and invoiced directly the products referred to above or via its related company also listed in the Annex of Decision 2013/423/EU either to their related companies in the Union acting as an importer and clearing the goods for free circulation in the Union or to the first independent customer acting as an importer and clearing the goods for free circulation in the Union; and
- (b) such imports are accompanied by an undertaking invoice which is a commercial invoice containing at least the elements and the declaration stipulated in Annex II of this Regulation; and
- (c) such imports are accompanied by an Export Undertaking Certificate according to Annex III of this Regulation; and
- (d) the goods declared and presented to customs correspond precisely to the description on the undertaking invoice.

2. A customs debt shall be incurred at the time of acceptance of the declaration for release into free circulation:

- (a) whenever it is established, in respect of imports described in paragraph 1, that one or more of the conditions listed in that paragraph are not fulfilled; or

- (b) when the Commission withdraws its acceptance of the undertaking pursuant to Article 8(9) of Regulation (EC) No 1225/2009 in a Regulation or Decision which refers to particular transactions and declares the relevant undertaking invoices as invalid.

Article 7

The companies from which undertakings are accepted by the Commission and whose names are listed in the Annex of Decision 2013/423/EU and subject to certain conditions specified therein, will also issue an invoice for transactions which are not exempted from the anti-dumping duties. This invoice is a commercial invoice containing at least the elements stipulated in Annex IV of this Regulation.'

- (4) The Annex shall be replaced and renamed as Annex I and Annexes II-IV are inserted as follows:

'ANNEX I

Cooperating Chinese exporting producers not sampled:

Name of the Company	TARIC additional code
Jiangsu Aide Solar Energy Technology Co. Ltd	B798
Alternative Energy (AE) Solar Co. Ltd	B799
Anhui Chaoqun Power Co. Ltd	B800
Anhui Schutten Solar Energy Co. Ltd Quanjiao Jingkun Trade Co. Ltd	B801
Anji DaSol Solar Energy Science & Technology Co. Ltd	B802
Arhui Titan PV Co. Ltd	B803
Xi'an SunOasis (Prime) Company Limited TBEA SOLAR CO. LTD XINJIANG SANG'O SOLAR EQUIPMENT	B804
CSI Solar Power (China) Inc. Canadian Solar Manufacturing (Changshu) Inc. Canadian Solar Manufacturing (Luoyang) Inc. CSI Cells Co. Ltd	B805
Changzhou NESL Solartech Co. Ltd	B806
Changzhou Shangyou Lianyi Electronic Co. Ltd	B807
CHINALAND SOLAR ENERGY CO. LTD	B808
China Sunergy (Nanjing) Co. Ltd CEEG Nanjing Renewable Energy Co. Ltd CEEG (Shanghai) Solar Science Technology Co. Ltd China Sunergy (Yangzhou) Co. Ltd China Sunergy (Shanghai) Co. Ltd	B809
Chint Solar (Zhejiang) Co. Ltd	B810
ChangZhou EGing Photovoltaic Technology Co. Ltd	B811

Name of the Company	TARIC additional code
CIXI CITY RIXING ELECTRONICS CO. LTD. ANHUI RINENG ZHONGTIAN SEMICONDUCTOR DEVELOPMENT CO. LTD. HUOSHAN KEBO ENERGY & TECHNOLOGY CO. LTD.	B812
CNPV Dongying Solar Power Co. Ltd	B813
CSG PVtech Co. Ltd	B814
DCWATT POWER Co. Ltd	B815
Dongfang Electric (Yixing) MAGI Solar Power Technology Co. Ltd	B816
EOPLLY New Energy Technology Co. Ltd	B817
Era Solar Co. Ltd	B818
ET Solar Industry Limited ET Energy Co. Ltd	B819
Dotec Electric Co. Ltd	B928
GD Solar Co. Ltd	B820
Greenway Solar-Tech (Shanghai) Co. Ltd	B821
Guodian Jintech Solar Energy Co. Ltd	B822
GS PV Holdings Group	B823
Hangzhou Bluesun Solar Energy Technology Co. Ltd	B824
Hangzhou Zhejiang University Sunny Energy Science and Technology Co. Ltd Zhejiang Jinbest Energy Science and Technology Co. Ltd	B825
Hanwha SolarOne (Qidong) Co. Ltd	B826
Hanwha SolarOne Co. Ltd	B829
Hengdian Group DMEGC Magnetics Co. Ltd	B827
HENGJI PV-TECH ENERGY CO. LTD.	B828
Himin Clean Energy Holdings Co. Ltd	B829
Jetion Solar (China) Co. Ltd	B830
Jiangsu Green Power PV Co. Ltd	B831
Jiangsu Hosun Solar Power Co. Ltd	B832
Jiangsu Jiasheng Photovoltaic Technology Co. Ltd	B833
Jiangsu Runda PV Co. Ltd	B834

Name of the Company	TARIC additional code
Jiangsu Sainty Photovoltaic Systems Co. Ltd Jiangsu Sainty Machinery Imp. And Exp. Corp. Ltd	B835
Jiangsu Seraphim Solar System Co. Ltd	B836
Jiangsu Shunfeng Photovoltaic Technology Co. Ltd Changzhou Shunfeng Photovoltaic Materials Co. Ltd Jiangsu Shunfeng Photovoltaic Electronic Power Co. Ltd	B837
Jiangsu Sinski PV Co. Ltd	B838
Jiangsu Sunlink PV Technology Co. Ltd	B839
Jiangsu Zhongchao Solar Technology Co. Ltd	B840
Jiangxi Risun Solar Energy Co. Ltd	B841
Jiangyin Hareon Power Co. Ltd Hareon Solar Technology Co. Ltd Taicang Hareon Solar Energy Co. Ltd	B842
Jiangyin Shine Science and Technology Co. Ltd	B843
Jinggong P-D Shaoxing Solar Energy Tech Co. Ltd	B844
Jinko Solar Co. Ltd Jinko Solar Import and Export Co. Ltd ZHEJIANG JINKO SOLAR CO. LTD ZHEJIANG JINKO SOLAR TRADING CO. LTD	B845
Juli New Energy Co. Ltd	B846
Jumao Photonic (Xiamen) Co. Ltd	B847
King-PV Technology Co. Ltd	B848
Kinve Solar Power Co. Ltd (Maanshan)	B849
Konca Solar Cell Co. Ltd Suzhou GCL Photovoltaic Technology Co. Ltd Jiangsu GCL Silicon Material Technology Development Co. Ltd	B850
Jiangsu Zhongneng Polysilicon Technology Development Co. Ltd GCL-Poly (Suzhou) Energy Limited GCL-Poly Solar Power System Integration (Taicang) Co. Ltd GCL SOLAR POWER (SUZHOU) LIMITED GCL Solar System (Suzhou) Limited	
Lightway Green New Energy Co. Ltd Lightway Green New Energy (Zhuozhou) Co. Ltd	B851
Motech (Suzhou) Renewable Energy Co. Ltd	B852

Name of the Company	TARIC additional code
Nanjing Daqo New Energy Co. Ltd	B853
NICE SUN PV CO. LTD LEVO SOLAR TECHNOLOGY CO. LTD	B854
Ningbo Best Solar Energy Technology Co. Ltd	B855
Ningbo Huashun Solar Energy Technology Co. Ltd	B856
Ningbo Jinshi Solar Electrical Science & Technology Co. Ltd	B857
Ningbo Komaes Solar Technology Co. Ltd	B858
Ningbo Osda Solar Co. Ltd	B859
Ningbo Qixin Solar Electrical Appliance Co. Ltd	B860
Ningbo South New Energy Technology Co. Ltd	B861
Ningbo Sunbe Electric Ind Co. Ltd	B862
Ningbo Ulica Solar Science & Technology Co. Ltd	B863
Perfectenergy (Shanghai) Co. Ltd	B864
Perlight Solar Co. Ltd	B865
Phono Solar Technology Co. Ltd Sumec Hardware & Tools Co. Ltd	B866
Qingdao Jiao Yang Lamping Co. Ltd	B867
RISEN ENERGY CO. LTD	B868
SHANDONG LINUO PHOTOVOLTAIC HI-TECH CO. LTD	B869
SHANGHAI ALEX SOLAR ENERGY SCIENCE & TECHNOLOGY CO. LTD SHANGHAI ALEX NEW ENERGY CO. LTD	B870
Shanghai BYD Co. Ltd BYD(Shangluo)Industrial Co.Ltd	B871
Shanghai Chaori Solar Energy Science & Technology Co. Ltd Shanghai Chaori International Trading Co. Ltd	B872
Shanghai Propsolar New Energy Co. Ltd Propsolar (Zhejiang) New Energy Technology Co. Ltd	B873
SHANGHAI SHANGHONG ENERGY TECHNOLOGY CO. LTD	B874
SHANGHAI SOLAR ENERGY S&T CO. LTD Shanghai Shenzhou New Energy Development Co. Ltd Lianyungang Shenzhou New Energy Co. Ltd	B875

Name of the Company	TARIC additional code
Shanghai ST-Solar Co. Ltd Jiangsu ST-Solar Co. Ltd	B876
Shanghai Topsolar Green Energy Co. Ltd	B877
Shenzhen Sacred Industry Co. Ltd	B878
Shenzhen Sungold Solar Co. Ltd	B879
Shenzhen Topray Solar Co. Ltd Shanxi Topray Solar Co. Ltd Leshan Topray Cell Co. Ltd	B880
Sopray Energy Co. Ltd Shanghai Sopray New Energy Co. Ltd	B881
SUN EARTH SOLAR POWER CO. LTD. NINGBO SUN EARTH SOLAR POWER CO. LTD. Ningbo Sun Earth Solar Energy Co. Ltd	B882
SUZHOU SHENGLONG PV-TECH CO. LTD	B883
TDG Holding Co. Ltd	B884
Tianwei New Energy Holdings Co. Ltd Tianwei New Energy (Chengdu) PV Module Co. Ltd	B885
Wenzhou Jingri Electrical and Mechanical Co. Ltd	B886
Winsun New Energy Co. Ltd	B887
Worldwide Energy and Manufacturing USA Co. Ltd	B888
Wuhu Zhongfu PV Co. Ltd	B889
Wuxi Sajing Solar Co. Ltd	B890
Wuxi Shangpin Solar Energy Science and Technology Co. Ltd	B891
Wuxi Solar Innova PV Co. Ltd	B892
Wuxi Taichang Electronic Co. Ltd Wuxi Machinery & Equipment Import & Export Co. Ltd Wuxi Taichen Machinery & Equipment Co. Ltd	B893
Wuxi UT Solar Technology Co. Ltd	B894
Xiamen Sona Energy Co. Ltd	B895
Xi'an Huanghe Photovoltaic Technology Co. Ltd State-run Huanghe Machine-Building Factory Import and Export Corporation Shanghai Huanghe Fengjia Photovoltaic Technology Co. Ltd	B896

Name of the Company	TARIC additional code
Xi'an LONGi Silicon Materials Corp. Wuxi LONGi Silicon Materials Co. Ltd	B897
Years Solar Co. Ltd	B898
Yuhuan BLD Solar Technology Co. Ltd Zhejiang BLD Solar Technology Co. Ltd	B899
Yuhuan Sinosola Science & Technology Co. Ltd	B900
Yunnan Tianda Photovoltaic Co. Ltd	B901
Zhangjiagang City SEG PV Co. Ltd	B902
Zhejiang Fengsheng Electrical Co. Ltd	B903
Zhejiang Global Photovoltaic Technology Co. Ltd	B904
Zhejiang Heda Solar Technology Co. Ltd	B905
Zhejiang Jiutai New Energy Co. Ltd Zhejiang Topoint Photovoltaic Co. Ltd	B906
Zhejiang Yutai Photovoltaic Material Co. Ltd	B930
Zhejiang Kingdom Solar Energy Technic Co. Ltd	B907
Zhejiang Koly Energy Co. Ltd	B908
Zhejiang Longbai Photovoltaic Tech Co. Ltd	B909
Zhejiang Mega Solar Energy Co. Ltd	B910
Zhejiang Shuqimeng Photovoltaic Technology Co. Ltd	B911
Zhejiang Shinew Photoelectronic Technology Co. Ltd	B912
Zhejiang SOCO Technology Co. Ltd	B913
Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company Zhejiang Yauchong Light Energy Science & Technology Co. Ltd	B914
Zhejiang Sunrupu New Energy Co. Ltd	B915
Zhejiang Tianming Solar Technology Co. Ltd	B916
Zhejiang Trunsun Solar Co. Ltd Zhejiang Beyondsun PV Co. Ltd	B917
Zhejiang Wanxiang Solar Co. Ltd	B918
Zhejiang Xiongtai Photovoltaic Technology Co. Ltd	B919
ZHEJIANG YUANZHONG SOLAR CO. LTD	B920

Name of the Company	TARIC additional code
RENESOLA ZHEJIANG LTD RENESOLA JIANGSU LTD	B921
Zhongli Talesun Solar Co. Ltd	B922
ZNSHINE PV-TECH CO. LTD	B923
Zytech Engineering Technology Co. Ltd	B924

ANNEX II

The following elements shall be indicated in the Commercial Invoice accompanying the Company's sales to the European Union of goods which are subject to the Undertaking:

1. The heading 'COMMERCIAL INVOICE ACCOMPANYING GOODS SUBJECT TO AN UNDERTAKING'.
2. The name of the Company issuing the Commercial Invoice.
3. The Commercial Invoice number.
4. The date of issue of the Commercial Invoice.
5. The TARIC additional code under which the goods on the invoice are to be customs-cleared at the European Union frontier.
6. The exact plain language description of the goods and:
 - the product code number (PCN),
 - technical specifications of the PCN,
 - the company product code number (CPC),
 - CN code,
 - quantity (to be given in units expressed in Watt for modules and cells or pieces for wafers),
7. The description of the terms of the sale, including:
 - price per unit (Watt for modules and cells or pieces for wafers),
 - the applicable payment terms,
 - the applicable delivery terms,
 - total discounts and rebates.
8. Name of the Company acting as an importer to which the invoice is issued directly by the Company.
9. The name of the official of the Company that has issued the Commercial Invoice and the following signed declaration:

'I, the undersigned, certify that the sale for direct export to the European Union of the goods covered by this invoice is being made within the scope and under the terms of the Undertaking offered by [COMPANY], and accepted by the European Commission through Decision 2013/423/EU. I declare that the information provided on this invoice is complete and correct.'

ANNEX III

EXPORT UNDERTAKING CERTIFICATE

The following elements shall be indicated in the Export Undertaking Certificate to be issued by CCCME for each Commercial Invoice accompanying the Company's sales to the European Union of goods which are subject to the Undertaking:

1. The name, address, fax and telephone number of the China Chamber of Commerce for Import & Export of Machinery & Electronic Products (CCCME).

2. The name of the company mentioned in the Annex of Decision 2013/423/EU issuing the Commercial Invoice.
3. The Commercial Invoice number.
4. The date of issue of the Commercial Invoice.
5. The TARIC additional code under which the goods on the invoice are to be customs cleared at the European Union frontier.
6. The exact description of the goods, including:
 - the product code number (PCN),
 - the technical specification of the goods, the company product code number (CPC) (if applicable),
 - CN code,
7. The precise quantity in units exported expressed in Watt (for modules and cells or pieces (for wafers).
8. The number and expiry date (three months after issuance) of the certificate.
9. The name of the official of CCCME that has issued the certificate and the following signed declaration:

‘I, the undersigned, certify that this certificate is given for direct exports to the European Union of the goods covered by the Commercial Invoice accompanying sales made subject to the undertaking and that the certificate is issued within the scope and under the terms of the undertaking offered by [company] and accepted by the European Commission through Decision 2013/423/EU. I declare that the information provided in this certificate is correct and that the quantity covered by this certificate is not exceeding the threshold of the undertaking.’
10. Date.
11. The signature and seal of CCCME.

ANNEX IV

The following elements shall be indicated in the Commercial Invoice accompanying the Company's sales to the European Union of goods which are subject to the anti-dumping duties:

1. The heading ‘COMMERCIAL INVOICE ACCOMPANYING GOODS SUBJECT TO ANTI-DUMPING DUTIES’.
2. The name of the Company issuing the Commercial Invoice.
3. The Commercial Invoice number.
4. The date of issue of the Commercial Invoice.
5. The TARIC additional code under which the goods on the invoice are to be customs-cleared at the European Union frontier.
6. The exact plain language description of the goods and:
 - the product code number (PCN),
 - technical specifications of the PCN,
 - the company product code number (CPC),
 - CN code,
 - quantity (to be given in units expressed in Watt for modules and cells) or pieces for wafers).
7. The description of the terms of the sale, including:
 - price per unit (Watt for modules and cells or pieces for wafers),
 - the applicable payment terms,
 - the applicable delivery terms,
 - total discounts and rebates.
8. The name and signature of the official of the Company that has issued the Commercial Invoice.’

Article 2

This Regulation shall enter into force on 6 August 2013.

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

Done at Brussels, 2 August 2013.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 749/2013**of 2 August 2013****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 multi-lateral 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, 2 August 2013.

*For the Commission,
On behalf of the President,*

Jerzy PLEWA
*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

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0709 93 10	TR	118,5
	ZZ	118,5
0805 50 10	AR	86,5
	BO	73,4
	CL	73,3
	TR	71,0
	UY	86,3
	ZA	90,8
	ZZ	80,2
0806 10 10	CL	140,3
	EG	185,9
	MA	180,7
	TR	178,1
	ZZ	171,3
0808 10 80	AR	151,0
	BR	85,6
	CL	132,0
	CN	71,5
	NZ	125,9
	US	149,4
	ZA	118,2
	ZZ	119,1
0808 30 90	AR	129,1
	CL	138,2
	NZ	148,9
	TR	158,9
	ZA	107,4
	ZZ	136,5
0809 29 00	CA	303,6
	TR	323,7
	ZZ	313,7
0809 30	TR	149,4
	ZZ	149,4
0809 40 05	BA	50,3
	XS	60,5
	ZZ	55,4

⁽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'.

DECISIONS

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 22 July 2013

amending the Interinstitutional Agreement of 17 May 2006 on budgetary discipline and sound financial management as regards the multiannual financial framework, to take account of the expenditure requirements resulting from the accession of Croatia to the European Union

(2013/419/EU)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Interinstitutional Agreement between the European Parliament, the Council and the Commission of 17 May 2006 on budgetary discipline and sound financial management ⁽¹⁾, and in particular to point 29 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Treaty concerning the accession of the Republic of Croatia to the European Union ⁽²⁾ lays down transitory provisions in budgetary matters.
- (2) The Accession Conference of 30 June 2011 has endorsed the results of the negotiations which have determined expenditure requirements resulting from the accession of Croatia to the European Union on 1 July 2013.
- (3) The accession of Croatia requires an adjustment of the multiannual financial framework 2007-2013 for the year 2013 and the increase of the ceilings for commitment appropriations for the year 2013 by a total amount of EUR 603 million in current prices, composed of EUR 47 million for sub-heading 1a, EUR 450 million for sub-heading 1b, EUR 31 million for sub-heading 3b and EUR 75 million for Heading 6, which will be fully offset by a decrease of the ceiling for commitment appropriations for the year 2013 under heading 5 for the same amount.

- (4) The accession of Croatia also requires an adjustment of the ceiling for payment appropriations for 2013, to be raised by an amount of EUR 374 million in current prices.
- (5) The financial framework for the European Union agreed upon in the Interinstitutional Agreement on budgetary discipline and sound financial management should be adjusted to take account of the accession of Croatia for the period from 1 July to 31 December 2013.
- (6) Annex I to the Interinstitutional Agreement on budgetary discipline and sound financial management should therefore be amended accordingly ⁽³⁾,

HAVE ADOPTED THIS DECISION:

Sole Article

Annex I to the Interinstitutional Agreement on budgetary discipline and sound financial management is replaced by the Annex to this Decision.

Done at Brussels, 22 July 2013.

For the European Parliament
The President
M. SCHULZ

For the Council
The President
L. LINKEVIČIUS

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 112, 24.4.2012, p. 10.

⁽³⁾ For that purpose, the figures resulting from the above agreement are converted into 2004 prices.

ANNEX

FINANCIAL FRAMEWORK 2007-2013

(EUR million — constant 2004 prices)

Commitment appropriations	2007	2008	2009	2010	2011	2012	2013	Total 2007-2013
1. Sustainable growth	50 865	53 262	55 879	56 435	55 693	57 708	59 111	388 953
1a Competitiveness for growth and employment	8 404	9 595	12 018	12 580	11 306	12 677	13 112	79 692
1b Cohesion for growth and employment	42 461	43 667	43 861	43 855	44 387	45 031	45 999	309 261
2. Preservation and management of natural resources	51 962	54 685	51 023	53 238	52 136	51 901	51 284	366 229
of which: market related expenditure and direct payments	43 120	42 697	42 279	41 864	41 453	41 047	40 645	293 105
3. Citizenship, freedom, security and justice	1 199	1 258	1 375	1 503	1 645	1 797	2 014	10 791
3a Freedom, Security and Justice	600	690	785	910	1 050	1 200	1 390	6 625
3b Citizenship	599	568	590	593	595	597	624	4 166
4. EU as a global player	6 199	6 469	6 739	7 009	7 339	7 679	8 029	49 463
5. Administration ⁽¹⁾	6 633	6 818	6 816	6 999	7 044	7 274	7 106	48 690
6. Compensations	419	191	190	0	0	0	63	863
Total commitment appropriations	117 277	122 683	122 022	125 184	123 857	126 359	127 607	864 989
as a percentage of GNI	1,08 %	1,09 %	1,06 %	1,06 %	1,03 %	1,03 %	1,01 %	1,05 %
Total payment appropriations	115 142	119 805	109 091	119 245	116 394	120 649	120 731	821 057
as a percentage of GNI	1,06 %	1,06 %	0,95 %	1,01 %	0,97 %	0,98 %	0,96 %	1,00 %
Margin available	0,18 %	0,18 %	0,29 %	0,22 %	0,26 %	0,25 %	0,27 %	0,23 %
Own resources ceiling as a percentage of GNI	1,24 %	1,24 %	1,24 %	1,23 %	1,23 %	1,23 %	1,23 %	1,23 %

⁽¹⁾ The expenditure on pensions included under the ceiling for this heading is calculated net of the staff contributions to the relevant scheme, within the limit of EUR 500 million at 2004 prices for the period 2007-2013.

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 22 July 2013

on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (EGF/2013/000 TA 2013 — Technical assistance at the initiative of the Commission)

(2013/420/EU)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,

Having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 8(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support to redundant workers who suffer from the consequences of major structural changes in world trade patterns and to assist them with their reintegration into the labour market.
- (2) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.
- (3) Regulation (EC) No 1927/2006 provides that 0,35 % of the annual maximum amount can be made available each

year for technical assistance at the initiative of the Commission. The Commission therefore proposes to mobilise an amount of EUR 750 000.

- (4) The EGF should, therefore, be mobilised in order to provide technical assistance at the initiative of the Commission,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2013, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 750 000 in commitment and payment appropriations.

Article 2

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

Done at Brussels, 22 July 2013.

For the European Parliament
The President
M. SCHULZ

For the Council
The President
L. LINKEVIČIUS

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

COUNCIL DECISION

of 27 June 2013

on the position to be adopted, on behalf of the European Union within the Administrative Committee for the TIR Convention, as regards the proposal to amend the Customs Convention on the International Transport of goods under cover of TIR carnets (TIR Convention 1975)

(2013/421/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Customs Convention on the International Transport of goods under cover of TIR Carnets (TIR Convention) of 14 November 1975 was approved on behalf of the Community by Council Regulation (EEC) No 2112/78 ⁽¹⁾ and entered into force in the Community on 20 June 1983 ⁽²⁾.
- (2) A consolidated version of the TIR Convention was published as an Annex to Council Decision 2009/477/EC ⁽³⁾, according to which the Commission is to publish future amendments to the TIR Convention in the *Official Journal of the European Union* indicating their date of entry into force.
- (3) Following extensive deliberations, in October 2011 the United Nations Economic Commission for Europe (UNECE) Working Party on Customs Questions Affecting Transport decided that some modifications to the TIR Convention are necessary. These modifications concern Article 6 and the introduction of a new Part III in Annex 9 to the TIR Convention, establishing the conditions and requirements to be complied with by an international organisation which is authorised to take on the responsibility for the effective organisation and functioning of an international guarantee system and to print and distribute TIR Carnets.
- (4) The proposed amendments to the TIR Convention introduce a definition of the international organisation and clearly define its authorisation process. The introduction of a new Part III in Annex 9 would complement the purpose of that Annex by defining clearly the roles

and responsibilities of all actors in the TIR system and would increase the transparency of its management. The introduction of these conditions and requirements in the legal text of the TIR Convention would also simplify the text of the written agreement between UNECE and the international organisation in accordance with Explanatory Note 0.6.2 bis 2 to Article 6 paragraph 2 of the TIR Convention.

- (5) Delegates of all Member States expressed their positive opinion as regards the amendment proposal within the Customs Legislation Committee (Coordination Geneva).
- (6) In its 53rd session in February 2012, the Administrative Committee for the TIR Convention adopted the proposed amendments to the TIR Convention, subject to the completion of the internal procedures of the Union.
- (7) On 5 July 2012, the Administrative Committee transmitted to the Secretary-General, in accordance with the Article 59(1) and (2) of the TIR Convention, proposals for amendments to Article 6.2 bis and Annex 9 to the text of the TIR Convention, adopted at its 53rd session held in Geneva on 9 February 2012. On 10 July 2012, the Secretary-General issued the Depository Notification C.N.358.2012.TREATIES, communicating that if, by 10 July 2013, none of the Contracting Parties had notified any objections to the amendment proposals, they would enter into force on 10 October 2013.
- (8) The position to be adopted on behalf of the Union concerning the proposed amendments should therefore be determined,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the European Union within the Administrative Committee for the TIR Convention shall be based on the draft Annex by the Administrative Committee attached to this Decision.

The amendments to the Convention shall be published by the Commission in the *Official Journal of the European Union* indicating their date of entry into force.

⁽¹⁾ OJ L 252, 14.9.1978, p. 1.

⁽²⁾ OJ L 31, 2.2.1983, p. 13.

⁽³⁾ OJ L 165, 26.6.2009, p. 1.

Article 2

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

Done at Brussels, 27 June 2013.

For the Council
The President
E. GILMORE

ANNEX

In Article 6, a new paragraph is introduced as follows:

Article 6, paragraph 2 bis

Modify paragraph 2 bis to read:

2 bis An international organization shall be authorized by the Administrative Committee to take on responsibility for the effective organization and functioning of an international guarantee system. The authorization shall be granted as long as the organization fulfils the conditions and requirements laid down in Annex 9, Part III. The Administrative Committee may revoke the authorization if these conditions and requirements are no longer fulfilled.

In Annex 9, a new Part III is introduced as follows:

Annex 9, new Part III

Insert a new Part III to read:

Authorization of an international organization, as referred to in Article 6, to take on the responsibility for the effective organization and functioning of an international guarantee system and to print and distribute TIR Carnets

Conditions and requirements

1. The conditions and requirements to be complied with by an international organization in order to be authorized, in accordance with Article 6.2 bis of the Convention, by the Administrative Committee to take on the responsibility for the effective organization and functioning of an international guarantee system and to print and distribute TIR Carnets are:
 - (a) Proof of sound professional competence and financial standing for the effective organization and functioning of an international guarantee system and the organizational capabilities to fulfil its obligations under the Convention by means of annual submissions of consolidated financial statements duly audited by internationally recognized independent auditors;
 - (b) Absence of serious or repeated offences against Customs or tax legislation.
2. Pursuant to the authorization, the international organization shall:
 - (a) provide the Contracting Parties of the TIR Convention via the national associations affiliated to the international organization with certified copies of the global guarantee contract and proof of guarantee coverage;
 - (b) provide the competent bodies of the TIR Convention with information on the rules and procedures set out for the issue of TIR Carnets by national associations;
 - (c) provide the competent bodies of the TIR Convention, on a yearly basis, with data on claims lodged, pending, paid or settled without payment;
 - (d) provide the competent bodies of the TIR Convention with full and complete information on the functioning of the TIR system, in particular, but not limited to, timely and well founded information on trends in the number of non-terminated TIR operations, claims lodged, pending, paid or settled without payment that might give rise to concerns with regard to the proper functioning of the TIR system or that could lead to difficulties for the continued operation of its international guarantee system;
 - (e) provide the competent bodies of the TIR Convention with statistical data on the number of TIR Carnets distributed to each Contracting Party, broken down by type;
 - (f) provide the TIR Executive Board with details of the distribution price by the international organization of each type of TIR Carnet;
 - (g) take all possible steps to reduce the risk of counterfeiting TIR Carnets;
 - (h) take the appropriate corrective action in cases where faults or deficiencies with the TIR Carnet have been detected and report these to the TIR Executive Board;
 - (j) fully participate in cases where the TIR Executive Board is called upon to facilitate the settlement of disputes;

- (k) ensure that any problem involving fraudulent activities or other difficulties with regard to the application of the TIR Convention is immediately brought to the attention of the TIR Executive Board;
 - (l) manage the control system for TIR Carnets, provided for in Annex 10 of the Convention, together with national guaranteeing associations affiliated to the international organization and the Customs authorities and inform the Contracting Parties and the competent bodies of the Convention of problems encountered in the system;
 - (m) provide the competent bodies of the TIR Convention with statistics and data on the performance of Contracting Parties with regard to the control system provided for in Annex 10;
 - (n) conclude, not less than two months before the provisional date of entry into force or renewal of the authorization granted in accordance with Article 6.2 bis of the Convention, a written agreement with the United Nations Economic Commission for Europe secretariat, mandated by and acting on behalf of the Administrative Committee, which shall include the acceptance by the international organization of its duties set out in this paragraph.
3. When the international organization is informed by a guaranteeing association of a claim for payment, it shall, within a period of three (3) months inform the guaranteeing association of its position concerning the claim.
 4. All information acquired, directly or indirectly, by the international organization under the Convention, which is by nature confidential or which is provided on a confidential basis, shall be covered by the obligation of professional secrecy and shall not be used or processed neither for any commercial purpose nor for any other purpose than for which it has been provided or disclosed to any third party without the express permission of the person or authority that provided it. Such information may, however, be disclosed without permission to competent authorities of Contracting Parties to this Convention, where there is an authorization or obligation to do so pursuant to provisions of national or international law or in connection with legal proceedings. The disclosure or communication of information shall take place in full compliance with data-protection provisions in force.
 5. The Administrative Committee shall have the right to revoke the authorization granted in accordance with Article 6.2 bis in case of non-compliance with the above conditions and requirements. Should the Administrative Committee decide to revoke the authorization, the decision will become effective at the earliest six (6) months after the date of revocation.
 6. The authorization of an international organization under the terms set out above shall be without prejudice to that organization's responsibilities and liabilities under the Convention.
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COMMISSION IMPLEMENTING DECISION

of 1 August 2013

amending Decision 2011/163/EU on the approval of plans submitted by third countries in accordance with Article 29 of Council Directive 96/23/EC

(notified under document C(2013) 4880)

(Text with EEA relevance)

(2013/422/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC ⁽¹⁾, and in particular the fourth subparagraph of Article 29(1) and Article 29(2) thereof,

Whereas:

- (1) Directive 96/23/EC lays down measures to monitor the substances and groups of residues listed in Annex I thereto. That Directive requires that third countries from which Member States are authorised to import animals and animal products covered by that Directive submit a residue monitoring plan providing required guarantees. That plan should at least include the groups of residues and substances listed in that Annex I.
- (2) Commission Decision 2011/163/EU ⁽²⁾ approves the plans provided for in Article 29 of Directive 96/23/EC ('the plans') submitted by certain third countries listed in the Annex thereto for the animals and animal products indicated in that list.
- (3) In the light of the recent plans submitted by certain third countries and additional information obtained by the Commission, it is necessary to update the list of third countries from which Member States are authorised to import certain animals and animal products, as provided for in Directive 96/23/EC and currently listed in the Annex to Decision 2011/163/EU ('the list').
- (4) Armenia has submitted a plan for honey to the Commission. That plan provides sufficient guarantees and should be approved. Therefore, an entry for Armenia for honey should be included in the list.
- (5) In accordance with European Council Decision 2012/419/EU of 11 July 2012 amending the status of Mayotte with regard to the European Union ⁽³⁾, Mayotte

shall cease to be an overseas country or territory and become an outermost region of the Union according to Article 349 of the Treaty on the Functioning of the European Union from 1 January 2014. The entry for Mayotte should be deleted at this date.

- (6) San Marino is currently included in the list for bovines and honey. That third country has informed the Commission that it is interested to export porcine meat to the Union. San Marino provided the guarantees requested for porcine in the list with the footnote indicating that third countries using only raw material either from Member States or from other third countries approved for imports of such raw material to the Union. An entry for San Marino for porcines with the appropriate footnote reference should therefore be included in the list.
- (7) Decision 2011/163/EU should therefore be amended accordingly.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2011/163/EU is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 1 August 2013.

For the Commission

Tonio BORG

Member of the Commission

⁽¹⁾ OJ L 125, 23.5.1996, p. 10.

⁽²⁾ OJ L 70, 17.3.2011, p. 40.

⁽³⁾ OJ L 204, 31.7.2012, p. 131.

ANNEX

ANNEX

Code ISO2	Country	Bovine	Ovine/caprine	Porcine	Equine	Poultry	Aqua-culture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
AD	Andorra	X	X		X								
AE	United Arab Emirates						X	X ⁽¹⁾					
AL	Albania		X				X		X				
AM	Armenia												X
AR	Argentina	X	X		X	X	X	X	X	X	X	X	X
AU	Australia	X	X		X		X	X			X	X	X
BA	Bosnia and Herzegovina					X	X	X	X				X
BD	Bangladesh						X						
BN	Brunei						X						
BR	Brazil	X			X	X	X						X
BW	Botswana	X			X							X	
BY	Belarus				X ⁽²⁾		X	X	X				
BZ	Belize						X						
CA	Canada	X	X	X	X	X	X	X	X	X	X	X	X
CH	Switzerland	X	X	X	X	X	X	X	X	X	X	X	X
CL	Chile	X	X	X		X	X	X			X		X
CM	Cameroon												X
CN	China					X	X		X	X			X
CO	Colombia						X						
CR	Costa Rica						X						

Code ISO2	Country	Bovine	Ovine/caprine	Porcine	Equine	Poultry	Aqua-culture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
CU	Cuba						X						X
EC	Ecuador						X						
ET	Ethiopia												X
FK	Falklands Islands	X	X										
FO	Faeroe Islands						X						
GH	Ghana												X
GM	Gambia						X						
GL	Greenland		X								X	X	
GT	Guatemala						X						X
HN	Honduras						X						
ID	Indonesia						X						
IL	Israel					X	X	X	X			X	X
IN	India						X		X				X
IR	Iran						X						
JM	Jamaica												X
JP	Japan	X					X						
KE	Kenya							X ⁽¹⁾					
KG	Kyrgyzstan												X
KR	South Korea						X						
LB	Lebanon												X
LK	Sri Lanka						X						

Code ISO2	Country	Bovine	Ovine/caprine	Porcine	Equine	Poultry	Aqua-culture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
MA	Morocco						X						
MD	Moldova					X	X		X				X
ME	Montenegro	X	X	X		X	X		X				X
MG	Madagascar						X						X
MK	former Yugoslav Republic of Macedonia ⁽⁴⁾	X	X	X		X	X	X	X		X		X
MU	Mauritius						X						
MX	Mexico				X		X		X				X
MY	Malaysia					X ⁽³⁾	X						
MZ	Mozambique						X						
NA	Namibia	X	X								X		
NC	New Caledonia	X ⁽³⁾					X				X	X	X
NI	Nicaragua						X						X
NZ	New Zealand	X	X		X		X	X			X	X	X
PA	Panama						X						
PE	Peru					X	X						
PF	French Polynesia												X
PH	Philippines						X						
PY	Paraguay	X											
RS	Serbia ⁽⁵⁾	X	X	X	X ⁽²⁾	X	X	X	X		X		X
RU	Russia	X	X	X		X		X	X			X ⁽⁶⁾	X
SA	Saudi Arabia						X						

Code ISO2	Country	Bovine	Ovine/caprine	Porcine	Equine	Poultry	Aqua-culture	Milk	Eggs	Rabbit	Wild game	Farmed game	Honey
SG	Singapore	X ⁽³⁾	X ⁽³⁾	X ⁽³⁾		X ⁽³⁾	X	X ⁽³⁾					
SM	San Marino	X		X ⁽³⁾									X
SR	Suriname						X						
SV	El Salvador												X
SZ	Swaziland	X											
TH	Thailand					X	X						X
TN	Tunisia					X	X				X		
TR	Turkey					X	X	X	X				X
TW	Taiwan						X						X
TZ	Tanzania						X						X
UA	Ukraine					X	X	X	X				X
UG	Uganda						X						X
US	United States	X	X	X		X	X	X	X	X	X	X	X
UY	Uruguay	X	X		X		X	X			X		X
VE	Venezuela						X						
VN	Vietnam						X						X
YT ⁽⁷⁾	Mayotte						X						
ZA	South Africa										X	X	
ZM	Zambia												X
ZW	Zimbabwe						X					X	

⁽¹⁾ Camel milk only.

⁽²⁾ Export to the Union of live equidae for slaughter (food producing animals only).

⁽³⁾ Third countries using only raw material either from Member States or from other third countries approved for imports of such raw material to the Union, in accordance with Article 2.

⁽⁴⁾ The former Yugoslav Republic of Macedonia; the definitive nomenclature for this country will be agreed following current negotiations at UN level.

⁽⁵⁾ Not including Kosovo (this designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence).

⁽⁶⁾ Only for reindeer from the Murmansk and Yamalo-Nenets regions.

⁽⁷⁾ Entry deleted on 1 January 2014.

COMMISSION DECISION

of 2 August 2013

accepting an undertaking offered in connection with the anti-dumping proceeding concerning imports of crystalline silicon photovoltaic modules and key components (i.e. cells and wafers) originating in or consigned from the People's Republic of China

(2013/423/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation'), and in particular Articles 7, 8 and 9 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

(1) By Regulation (EU) No 513/2013 ⁽²⁾, the Commission imposed a provisional anti-dumping duty on imports into the Union of crystalline silicon photovoltaic modules and key components (i.e. cells and wafers) originating in or consigned from the People's Republic of China (PRC).

B. UNDERTAKING

1. Undertaking offer

(2) Subsequent to the adoption of the provisional anti-dumping measures, a group of cooperating exporting producers, including their related companies in the PRC and in the European Union, and together with the China Chamber of Commerce for Import and Export of Machinery and Electronic Products (hereinafter: 'CCCME') offered a joint price undertaking in accordance with Article 8(1) of the basic Regulation. The undertaking offer was also supported by the Chinese authorities.

2. Evaluation of undertaking offer

(3) The undertaking offer has been examined against the background of changed market circumstances between the moment of the submission of the undertaking offer and the investigation period in the investigation that led to the imposition of provisional measures. Observed changes relate to a drop of both price levels and

consumption on the Union market and are linked to several factors established and analysed in the investigation that led to the imposition of provisional measures.

(4) Changes in price levels can sometimes be addressed in an undertaking by an indexation method which links minimum import prices to prices of raw materials as quoted in recognized and publicly available sources. However, no correlation between prices of raw materials and those of final products that would allow for a reliable indexation method could be established in the present case. In order to address an established change in price levels, an alternative method had to be established and price reports by representative and publicly available databases (Bloomberg ⁽³⁾ and pvXchange ⁽⁴⁾) specialised in the sector concerned have been used as a reference.

(5) In order to ensure that the undertaking is practicable, the Chinese exporters presented a joint undertaking offer with one minimum import price for photovoltaic modules and one for each of their key components (i.e. cells and wafers).

(6) Further, in order to reduce the risk of company channelling, and make it feasible and practical to monitor the number of participating exporters, the Chinese exporters offered to ensure that the volume of imports made under the undertaking would be at annual levels corresponding roughly to their current market performance.

(7) The exporters have offered a price undertaking. In order to assess whether that price undertaking removes the injurious effect of dumping, the Commission has analysed, inter alia, the current export prices and the level of provisional duty. On that basis, it was concluded that the price undertaking removes the injurious effect of dumping.

(8) The elimination of the injurious effect of dumping is therefore achieved by a price undertaking covering imports within an associated annual level and in addition an *ad valorem* provisional duty levied on imports above the annual level as referred to in recital 6 above.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 152, 5.6.2013, p. 5.

⁽³⁾ Paid information available to Bloomberg Professional Service subscribers only.

⁽⁴⁾ <http://www.pvxchange.com/>

- (9) The CCCME will also provide the Commission with regular and detailed information concerning the sales to the Union of the companies presenting the joint undertaking offer, allowing for the undertaking to be monitored effectively by the Commission. With a view to CCCME's active role, the support given by the Chinese authorities and the safety net in the form of annual level referred to in recital 6, the Commission considers the risk of circumvention limited and outweighed by considerations linked to the need to ensure security of supplies on the Union market.

C. COMMENT OF PARTIES AND ACCEPTANCE OF THE UNDERTAKING

1. Comments of parties

- (10) The undertaking offer has been made available to interested parties. No comments against its acceptance have been received so far.
- (11) In the view of the above, the undertaking offered by the exporting producers is acceptable. The companies concerned and the CCCME have been informed of the essential facts, considerations and obligations upon which the acceptance is based.
- (12) Further, to enable the Commission to monitor effectively compliance with the undertaking, when the request for release for free circulation is presented to the relevant customs authority, exemption from the anti-dumping duty will be conditional on:
- (a) the presentation of a commercial invoice by the company listed in the Annex to this Decision and a certificate issued by the CCCME containing at least the elements listed in Annex II and Annex III of Regulation (EU) No 513/2013 respectively;
 - (b) the fact that the imported goods are manufactured, shipped and invoiced directly by the companies listed in the Annex to this Decision either to their related companies in the Union acting as an importer and clearing the goods for free circulation in the Union as mentioned in the Annex to this Decision or to the first independent customer acting as an importer and clearing the goods for free circulation in the Union;
 - (c) the fact that the goods declared and presented to customs correspond precisely to the description of the commercial invoice.
- (13) Where no such invoice and certificate are presented or when they do not correspond to the product presented to customs or a commercial invoice containing at least the elements of Annex IV of Regulation (EU) No

513/2013 is presented, the appropriate rate of anti-dumping duty shall instead be payable.

- (14) Whenever, pursuant to Article 8(9) of the basic Regulation, the Commission withdraws its acceptance of an undertaking following a breach by referring to particular transactions and declares the relevant undertaking invoices to be invalid, a customs debt shall be incurred at the time of acceptance of the declaration for release into free circulation.
- (15) Importers should be aware that a customs debt may be incurred, as a normal trade risk, at the time of acceptance of the declaration for release into free circulation as described in recitals 11 and 12 even if an undertaking offered by the manufacturer from whom they were buying, directly or indirectly, had been accepted by the Commission.
- (16) Pursuant to Article 14(7) of the basic Regulation, customs authorities should inform the Commission immediately whenever indications of a violation of the undertaking are found.
- (17) In the event of a breach or withdrawal of the undertaking or in case of withdrawal of acceptance of the undertaking by the Commission, the provisional anti-dumping duty imposed in accordance with Article 7 of the basic Regulation shall automatically apply by means of Article 8(9) of the basic Regulation.

HAS ADOPTED THIS DECISION:

Article 1

The undertaking offered by the exporting producers listed in the Annex of this Decision together with the China Chamber of Commerce for Import and Export of Machinery and Electronic Products (CCCME), in connection with the anti-dumping proceeding concerning imports of crystalline silicon photovoltaic modules and key components (i.e. cells and wafers) originating in or consigned from the People's Republic of China, is hereby accepted.

Article 2

This Decision shall enter into force on 6 August 2013.

Done at Brussels, 2 August 2013.

For the Commission
The President

José Manuel BARROSO

ANNEX

List of companies:

Name of the company	Taric additional code
Jiangsu Aide Solar Energy Technology Co. Ltd	B798
Anji DaSol Solar Energy Science & Technology Co. Ltd	B802
Anhui Schutten Solar Energy Co. Ltd Quanjiao Jingkun Trade Co. Ltd	B801
Xi'an SunOasis (Prime) Company Limited TBEA SOLAR CO. LTD XINJIANG SANG'O SOLAR EQUIPMENT	B804
CSI Solar Power (China) Inc. Canadian Solar Manufacturing (Changshu) Inc. Canadian Solar Manufacturing (Luoyang) Inc. CSI Cells Co. Ltd	B805
Changzhou NESL Solartech Co. Ltd	B806
Changzhou Trina Solar Energy Co. Ltd Trina Solar (Changzhou) Science & Technology Co. Ltd Changzhou Youze Technology Co. Ltd	B791
CHINALAND SOLAR ENERGY CO. LTD	B808
ChangZhou EGing Photovoltaic Technology Co. Ltd	B811
CIXI CITY RIXING ELECTRONICS CO. LTD. ANHUI RINENG ZHONGTIAN SEMICONDUCTOR DEVELOPMENT CO. LTD. HUOSHAN KEBO ENERGY & TECHNOLOGY CO. LTD.	B812
CNPV Dongying Solar Power Co. Ltd	B813
China Sunergy (Nanjing) Co. Ltd CEEG Nanjing Renewable Energy Co. Ltd CEEG (Shanghai) Solar Science Technology Co. Ltd China Sunergy (Yangzhou) Co. Ltd China Sunergy (Shanghai) Co. Ltd	B809
Chint Solar (Zhejiang) Co. Ltd	B810
Delsolar (Wujiang) Ltd	B792
Dongfang Electric (Yixing) MAGI Solar Power Technology Co. Ltd	B816
Era Solar Co. Ltd	B818
ET Solar Industry Limited ET Energy Co. Ltd	B819
GD Solar Co. Ltd	B820
Konca Solar Cell Co. Ltd Suzhou GCL Photovoltaic Technology Co. Ltd Jiangsu GCL Silicon Material Technology Development Co. Ltd Jiangsu Zhongneng Polysilicon Technology Development Co. Ltd GCL-Poly (Suzhou) Energy Limited GCL-Poly Solar Power System Integration (Taicang) Co. Ltd GCL SOLAR POWER (SUZHOU) LIMITED GCL Solar System (Suzhou) Limited	B850

Name of the company	Taric additional code
Guodian Jintech Solar Energy Co. Ltd	B822
Hangzhou Bluesun Solar Energy Technology Co. Ltd	B824
Hangzhou Zhejiang University Sunny Energy Science and Technology Co. Ltd Zhejiang Jinbest Energy Science and Technology Co. Ltd	B825
Hanwha SolarOne (Qidong) Co. Ltd	B826
Hengdian Group DMEGC Magnetics Co. Ltd	B827
HENGJI PV-TECH ENERGY CO. LTD.	B828
Jiangsu Green Power PV Co. Ltd	B831
Jiangsu Hosun Solar Power Co. Ltd	B832
Jiangsu Jiasheng Photovoltaic Technology Co. Ltd	B833
Jiangsu Runda PV Co. Ltd	B834
Jiangsu Sainty Photovoltaic Systems Co. Ltd	B835
Jiangsu Sainty Machinery Imp. And Exp. Corp. Ltd	B835
Jiangsu Seraphim Solar System Co. Ltd	B836
Jiangsu Shunfeng Photovoltaic Technology Co. Ltd Changzhou Shunfeng Photovoltaic Materials Co. Ltd Jiangsu Shunfeng Photovoltaic Electronic Power Co. Ltd	B837
Jiangsu Sinski PV Co. Ltd	B838
Jiangsu Sunlink PV Technology Co. Ltd	B839
Jiangsu Zhongchao Solar Technology Co. Ltd	B840
Jiangxi LDK Solar Hi-Tech Co. Ltd LDK Solar Hi-Tech (Nanchang) Co. Ltd LDK Solar Hi-Tech (Suzhou) Co. Ltd	B793
Jiangyin Hareon Power Co. Ltd Hareon Solar Technology Co. Ltd Taicang Hareon Solar Energy Co. Ltd	B842
Jiangyin Shine Science and Technology Co. Ltd	B843
JingAo Solar Co. Ltd Shanghai JA Solar Technology Co. Ltd JA Solar Technology Yangzhou Co. Ltd Hefei JA Solar Technology Co. Ltd Shanghai JA Solar PV Technology Co. Ltd	B794
Jinko Solar Co. Ltd Jinko Solar Import and Export Co. Ltd ZHEJIANG JINKO SOLAR CO. LTD ZHEJIANG JINKO SOLAR TRADING CO. LTD	B845
Jinzhou Yangguang Energy Co. Ltd Jinzhou Huachang Photovoltaic Technology Co. Ltd Jinzhou Jinmao Photovoltaic Technology Co. Ltd Jinzhou Rixin Silicon Materials Co. Ltd Jinzhou Youhua Silicon Materials Co. Ltd	B795

Name of the company	Taric additional code
Juli New Energy Co. Ltd	B846
Jumao Photonic (Xiamen) Co. Ltd	B847
Kinve Solar Power Co.Ltd (Maanshan)	B849
Lightway Green New Energy Co. Ltd Lightway Green New Energy(Zhuozhou) Co. Ltd	B851
MOTECH (SUZHOU) RENEWABLE ENERGY CO. LTD	B852
NICE SUN PV CO. LTD LEVO SOLAR TECHNOLOGY CO. LTD	B854
Ningbo Huashun Solar Energy Technology Co. Ltd	B856
Ningbo Jinshi Solar Electrical Science & Technology Co. Ltd	B857
Ningbo Komaes Solar Technology Co. Ltd	B858
Ningbo Osda Solar Co. Ltd	B859
Ningbo Qixin Solar Electrical Appliance Co. Ltd	B860
Ningbo Sunbe Electric Ind Co. Ltd	B862
Ningbo Ulica Solar Science & Technology Co. Ltd	B863
Perlight Solar Co. Ltd	B865
Phono Solar Technology Co. Ltd Sumec Hardware & Tools Co. Ltd	B866
RISEN ENERGY CO. LTD	B868
SHANDONG LINUO PHOTOVOLTAIC HI-TECH CO. LTD	B869
SHANGHAI ALEX SOLAR ENERGY SCIENCE & TECHNOLOGY CO. LTD	B870
SHANGHAI ALEX NEW ENERGY CO. LTD	B870
Shanghai BYD Co. Ltd BYD(Shangluo)Industrial Co.Ltd	B871
Shanghai Chaori Solar Energy Science & Technology Co. Ltd Shanghai Chaori International Trading Co. Ltd	B872
SHANGHAI SHANGHONG ENERGY TECHNOLOGY CO. LTD	B874
SHANGHAI SOLAR ENERGY S&T CO. LTD Shanghai Shenzhou New Energy Development Co. Ltd Lianyungang Shenzhou New Energy Co. Ltd	B875
Shenzhen Sacred Industry Co.Ltd	B878
Shenzhen Topray Solar Co. Ltd Shanxi Topray Solar Co. Ltd Leshan Topray Cell Co. Ltd	B880

Name of the company	Taric additional code
Sopray Energy Co. Ltd Shanghai Sopray New Energy Co. Ltd	B881
SUN EARTH SOLAR POWER CO. LTD. NINGBO SUN EARTH SOLAR POWER CO. LTD. Ningbo Sun Earth Solar Energy Co. Ltd	B882
SUZHOU SHENGLONG PV-TECH CO. LTD	B883
Wenzhou Jingri Electrical and Mechanical Co. Ltd	B886
Wuhu Zhongfu PV Co. Ltd	B889
Wuxi Saijing Solar Co. Ltd	B890
Wuxi Shangpin Solar Energy Science and Technology Co. Ltd	B891
Wuxi Solar Innova PV Co. Ltd	B892
Wuxi Suntech Power Co. Ltd Suntech Power Co. Ltd Wuxi Sunshine Power Co. Ltd Luoyang Suntech Power Co. Ltd Zhenjiang Rietech New Energy Science Technology Co. Ltd Zhenjiang Ren De New Energy Science Technology Co. Ltd	B796
Wuxi Taichang Electronic Co. Ltd Wuxi Machinery & Equipment Import & Export Co. Ltd Wuxi Taichen Machinery & Equipment Co. Ltd	B893
Xi'an Huanghe Photovoltaic Technology Co. Ltd State-run Huanghe Machine-Building Factory Import and Export Corporation	B896
Shanghai Huanghe Fengjia Photovoltaic Technology Co. Ltd	B896
Xi'an LONGi Silicon Materials Corp. Wuxi LONGi Silicon Materials Co. Ltd	B897
Years Solar Co. Ltd	B898
Yingli Energy (China) Co. Ltd Baoding Tianwei Yingli New Energy Resources Co. Ltd Hainan Yingli New Energy Resources Co. Ltd Hengshui Yingli New Energy Resources Co. Ltd Tianjin Yingli New Energy Resources Co. Ltd Lixian Yingli New Energy Resources Co. Ltd Baoding Jiasheng Photovoltaic Technology Co. Ltd Beijing Tianneng Yingli New Energy Resources Co. Ltd Yingli Energy (Beijing) Co. Ltd	B797
Yuhuan BLD Solar Technology Co. Ltd Zhejiang BLD Solar Technology Co. Ltd	B899
Yuhuan Sinosola Science & Technology Co. Ltd	B900
Zhangjiagang City SEG PV Co. Ltd	B902
Zhejiang Fengsheng Electrical Co. Ltd	B903
Zhejiang Global Photovoltaic Technology Co. Ltd	B904
Zhejiang Jiutai New Energy Co. Ltd Zhejiang Topoint Photovoltaic Co. Ltd	B906

Name of the company	Taric additional code
Zhejiang Kingdom Solar Energy Technic Co. Ltd	B907
Zhejiang Shuqimeng Photovoltaic Technology Co. Ltd	B911
Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company Zhejiang Yauchong Light Energy Science & Technology Co. Ltd	B914
Zhejiang Trunsun Solar Co. Ltd Zhejiang Beyondsun PV Co. Ltd	B917
Zhejiang Xiongtai Photovoltaic Technology Co. Ltd	B919
ZHEJIANG YUANZHONG SOLAR CO. LTD	B920
RENESOLA ZHEJIANG LTD RENESOLA JIANGSU LTD	B921
Zhongli Talesun Solar Co. Ltd	B922
ZNSHINE PV-TECH CO. LTD	B923

NOTICE TO READERS

Council Regulation (EU) No 216/2013 of 7 March 2013 on the electronic publication of the *Official Journal of the European Union*

In accordance with Council Regulation (EU) No 216/2013 of 7 March 2013 on the electronic publication of the *Official Journal of the European Union* (OJ L 69, 13.3.2013, p. 1), as of 1 July 2013, only the electronic edition of the Official Journal shall be considered authentic and shall have legal effect.

Where it is not possible to publish the electronic edition of the Official Journal due to unforeseen and exceptional circumstances, the printed edition shall be authentic and shall have legal effect in accordance with the terms and conditions set out in Article 3 of Regulation (EU) No 216/2013.

NOTE TO READERS — WAY OF REFERRING TO ACTS

As of 1 July 2013 the way of referring to acts has changed.

During a transitional period this new practice will coexist with the previous one.

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