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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.

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([1]) Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) No 1342/2013

of 12 December 2013

repealing the anti-dumping measures on imports of certain iron or steel ropes and cables originating in the Russian Federation following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009

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 Articles 9(2) and 11(2) thereof,

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

Whereas:

A. **PROCEDURE**

1. **Measures in force**

(1) By Regulation (EC) No 1601/2001 [2] the Council imposed a definitive anti-dumping duty on imports of certain iron or steel ropes and cables (SWR) originating in the Russian Federation, Turkey, Thailand, and the Czech Republic. Those measures will hereinafter be referred to as 'the original measures' and the investigation that led to those measures will hereinafter be referred to as 'the original investigation'.

(2) The Commission had accepted in August 2001 a price undertaking offer by a Russian producer (JSC Severstal-Metiz). That undertaking agreement was repealed in October 2007 [3] because it was considered unworkable due to difficulties in the proper classification of the large number of product types exported by the company.

(3) By Regulation (EC) No 1279/2007 [4] the Council, following partial interim and expiry reviews, maintained the original measures for the Russian Federation in accordance with Article 11(2) of the basic Regulation. Those measures will hereinafter be referred to as 'the measures in force' and the expiry review investigation will hereinafter be referred to as 'the last investigation'. Regulation (EC) No 1279/2007 also terminated the measures concerning imports of steel ropes and cables originating in Turkey and Thailand.

(4) Currently [5], there are also measures in force against SWR from Ukraine and the People's Republic of China, which were extended to imports of SWR consigned from Morocco, Moldova and the Republic of Korea.

2. **Request for a review**

(5) On 27 October 2012, the Commission announced by a notice published in the *Official Journal of the European Union* the initiation of an expiry review ('notice of initiation') [6] of the anti-dumping measures applicable to imports of SWR originating in the Russian Federation pursuant to Article 11(2) of the basic Regulation.

(6) The review was initiated following a substantiated request lodged by the Liaison Committee of European Union Wire Rope Industries (hereafter referred to as 'EWRIS' or 'the applicant') on behalf of Union producers representing more than 50 % of the total Union production of certain iron or steel ropes and cables. The request was based on the grounds that the expiry of the measures would be likely to result in continuation of dumping and recurrence of injury to the Union Industry ('UI').

3. **Investigation**

3.1. ***Review investigation period and period considered***

(7) The investigation of continuation or recurrence of dumping and injury covered the period from 1 October 2011 to 30 September 2012 (the 'RIP'). The

[1] OJ L 343, 22.12.2009, p. 51.
[2] OJ L 211, 4.8.2001, p. 1.
[3] OJ L 285, 31.10.2007, p. 52.
[4] OJ L 285, 31.10.2007, p. 1.
[5] OJ L 36, 9.2.2012, p. 1.
[6] OJ C 330, 27.10.2012, p. 5.

examination of the trends relevant for the assessment of a likelihood of a continuation or recurrence of injury covered the period from 1 January 2009 until the end of the RIP (period considered).

3.2. *Parties concerned by the proceedings*

(8) The Commission officially advised the exporting producers, Union producers, importers and users known to it, as well as the applicant and the authorities of the exporting country. 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 of initiation.

(9) In view of the potentially large number of exporting producers in the Russian Federation involved in the investigation, sampling was initially envisaged in the notice of initiation in accordance with Article 17 of the basic Regulation. In order to enable the Commission to decide whether sampling would indeed be necessary and, if so, to select a sample, exporting producers from the Russian Federation were requested to make themselves known within 15 days from the initiation of the proceeding and to provide the Commission with the information requested in the notice of initiation.

(10) Given that only two exporting producers in the Russian Federation provided the information requested in the notice of initiation and expressed their willingness to further cooperate with the Commission, it was decided not to apply sampling for exporting producers.

(11) The Commission announced in the notice of initiation that it had provisionally selected a sample of Union producers and invited interested parties to comment thereupon within a deadline provided for in the notice of initiation. The provisional sample consisted of five Union producers that were found to be representative of the Union industry in terms of volume of production and sales of the like product in the Union.

(12) In the absence of any comments, the proposed companies were selected to be included in the final sample and interested parties were accordingly informed. However, one of the finally selected companies subsequently withdrew from the sample. The Commission therefore decided to reduce the sample to the four remaining companies, which were still found to be representative of the Union industry in terms of volume of production (29,3 %) and sales (20,9 %) of the like product in the Union.

(13) Although sampling was envisaged in the notice of initiation of unrelated importers, neither any unrelated importer nor any user came forward. Therefore, sampling was not applied to unrelated importers.

(14) Questionnaires were sent to the four sampled Union producers, the two exporting producers in the Russian Federation, and the related importer.

3.3. *Questionnaire replies*

(15) Replies to the questionnaires were received from the four sampled Union producers, from the related importer and from one exporting producer from the Russian Federation.

(16) Although two exporting producers from the Russian Federation had originally come forward, only one of them provided a reply to the questionnaire and is considered to be cooperating in the investigation. The cooperating exporting producer has a wholly owned subsidiary based in Italy, which also produces SWR and imports the product concerned from the Russian Federation. The other exporting producer provided a submission at the time of the initiation of the investigation and although it was invited to fill in a questionnaire, failed to do so. It is therefore considered that the second exporting producer did not cooperate in the investigation.

3.4. *Verification visits*

(17) The Commission sought and verified all information it deemed necessary for the purpose of determining the likelihood of continuation or recurrence of dumping and resulting injury and of the Union interest. Verification visits were carried out at the premises of the following companies:

(a) Union producers:

— CASAR Drahtseilwerk Saar GmbH, Germany,

— BRIDON International Ltd, United Kingdom,

— TEUFELBERGER Seil GmbH, Austria,

— Manuel Rodrigues de OLIVEIRA Sá & Filhos, S.A., Portugal;

(b) exporting producer in the Russian Federation:

— JSC SEVERSTAL-Metiz, Cherepovets;

(c) related importer:

— REDAELLI Tecna SpA, Italy.

B. **PRODUCT CONCERNED AND LIKE PRODUCT**

1. **Product concerned**

(18) The product concerned is the same as that in the original investigation and in the last investigation, which led to the imposition of measures currently in force, i.e. iron and steel ropes and cables, including locked coil ropes, excluding ropes and cables of stainless steel, with a maximum cross-sectional dimension exceeding 3 mm, with fittings attached or not (in industry terminology often referred to as 'SWR'), currently falling within CN codes ex 7312 10 81, ex 7312 10 83, ex 7312 10 85, ex 7312 10 89 and ex 7312 10 98 (the 'product concerned').

2. **Like product**

(19) The current expiry review investigation confirmed that SWR produced in the Russian Federation and exported to the Union, and SWR produced and sold in the Union by the Union producers have the same basic physical and technical characteristics and end uses and are therefore considered to be like products within the meaning of Article 1(4) of the basic Regulation.

C. **LIKELIHOOD OF A CONTINUATION OR RECURRENCE OF DUMPING**

1. **Preliminary remarks**

(20) In accordance with Article 11(2) of the basic Regulation, it was examined whether dumping was currently taking place and whether the expiry of the existing measures would be likely to lead to a continuation or recurrence of dumping.

(21) As explained above in recital 10, it was not necessary to select a sample of exporting producers in the Russian Federation. The cooperating exporting producer accounted for 99 % of the exports of the product concerned from the Russian Federation to the Union during the RIP. On this basis, it was concluded that cooperation was high.

(22) Since two other known producers in the Russian Federation did not cooperate in the investigation, the findings on the likelihood of continuation or recurrence of dumping set out below had to be based on the best available facts including Eurostat data, the Russian official statistics and limited data obtained from a second producer.

2. **Dumping of imports during the RIP**

(23) According to the request for review, the exports from the Russian Federation into the Union were allegedly dumped at an average margin of 130,8 %. As mentioned in the notice of initiation (paragraph 4.1), the applicant compared the export prices from the Russian Federation to the Union (at ex-works level) with the domestic prices in the Russian Federation.

2.1. ***Normal value***

(24) In accordance with Article 2(2) of the basic Regulation, it was first established for the cooperating exporting producer whether its total domestic sales of the like product to independent customers in the Russian domestic market were representative, i.e. whether the total volume of such sales was equal to at least 5 % of the total volume of the corresponding export sales to the Union. The domestic sales of the like product by the cooperating exporting producer were found to be overall representative.

(25) Subsequently, the Commission identified those types of the like product sold domestically by the exporting producer which were identical or directly comparable to the types sold for export to the Union.

(26) It was further examined whether the domestic sales of the cooperating exporting producer were representative for each product type, i.e. whether domestic sales of each product type constituted at least 5 % of the sales volume of the same product type to the Union. For the product types sold in representative quantities it was then examined whether such sales were made in the ordinary course of trade ('OCOT'), in accordance with Article 2(4) of the basic Regulation.

(27) The examination as to whether the domestic sales of each product type, sold domestically in representative quantities, could be regarded as having been made in the OCOT was made by establishing the proportion of the profitable sales to independent customers of the type in question. In all cases where the domestic sales of the particular product type were made in sufficient quantities and in the OCOT, normal value was based on the actual domestic price, calculated as a weighted average of all the domestic sales of that type made during the RIP.

(28) For the remaining product types where domestic sales were not representative or not sold in the OCOT, normal value was constructed in accordance with Article 2(3) of the basic Regulation. Normal value was constructed by adding to the manufacturing costs of the exported types, adjusted where necessary, a reasonable percentage for selling, general and administrative expenses and a reasonable margin for profit, on the basis of actual data pertaining to the production and sales of the like product in the OCOT, in accordance with the first sentence of Article 2(6) of the basic Regulation.

2.2. ***Export price***

(29) For export sales to the Union market of the cooperating Russian exporting producer made directly to the independent customers, the export price was established on the basis of the prices actually paid or payable for the product concerned in accordance with Article 2(8) of the basic Regulation.

(30) For the export transaction where the export to the Union was made through a related trading company, the export price was established on the basis of the first resale price of the related trader to independent customers in the Union, pursuant to Article 2(9) of the basic Regulation. Adjustments were made to take account of all the costs incurred between the importation and resale, and for profit, to establish a reliable export price. In the absence of information from independent importers concerning the level of profits accrued during the RIP, an average profit margin of 5 % was used.

2.3. ***Comparison***

(31) The comparison between the weighted average normal value and the weighted average export price was made on an ex-works basis and at the same level of trade.

(32) In order to ensure a fair comparison between normal value and the export price, account was taken, in accordance with Article 2(10) of the basic Regulation, of differences in factors which were demonstrated to affect prices and price comparability. For this purpose, due allowance in the form of adjustments was made for differences in transport, insurance, handling, loading and ancillary costs, financial costs, packing costs, commissions and rebates where applicable and justified.

2.4. ***Dumping margin***

(33) As provided for under Article 2(11) of the basic Regulation, the weighted average normal value by type was compared with the weighted average export price of the corresponding type of the product concerned. This comparison showed the existence of dumping which amounted to 4,7 % for the exporting producer.

3. Developments of imports should measures be repealed

3.1. ***Preliminary remarks***

(34) Further to the analysis of the existence of dumping during the RIP, the likelihood of the continuation of dumping should measures be repealed was also investigated. In this respect the following elements were analysed: the volume and prices of dumped imports from the Russian Federation, the attractiveness of the Union market and other third country markets, production capacity and excess capacity for exports in the Russian Federation.

3.2. ***Volume and prices of dumped imports from the Russian Federation***

(35) According to Eurostat, during the period considered, the imports from the Russian Federation increased from 2 005 tonnes in 2009 to 2 343 tonnes in the RIP representing around 1 % of the Union consumption in the RIP and in the period considered. As mentioned above in recital 33, the imports from the cooperating exporting producer were made at dumped prices (4,7 %) despite the anti-dumping duty in force.

3.3. ***Attractiveness of the Union market and other third country markets***

(36) The exports to the Union constituted 3 % of the total sales of the cooperating producer, while the majority of the sales (85 %) were made on the Russian domestic market. The domestic market grew by 38 % in the period considered ([1]) and may further grow should the GDP of the Russian Federation continue to grow, as forecasted by publically available sources specialising on economic analysis. Moreover, the information gathered during the investigation revealed that the cooperating producer does not produce all types of the product concerned and therefore its competitive pressure on the Union producers is limited. This is likely to be the case also for the two other producers in view of no available information on the investments in new machinery, which could for instance allow the production of the product concerned of a bigger diameter. Furthermore, the limited competitive pressure of the exporting producers from the Russian Federation seems also to be confirmed by the presence of the Union producers on the Russian market. According to the official Russian customs statistics the Union producers' exports of the like product to the Russian Federation represented 30 % of all imports of the like product to the Russian market in RIP, making of the Union producers the largest exporter on the Russian market.

(37) In reply to the final disclosure the applicant argued that the projected GDP growth of Russia (in the range of 3 %) is rather moderate and will not allow for further development of the Russian SWR market. Consequently, the Russian market might not be able to absorb additional volumes of the like product. In this respect it is noted that the Russian GDP growth during the period considered, i.e. from 2009 to the end of the IP, was lower than the forecasted growth for the year 2014 and nevertheless allowed for the growth of the SWR market in Russia by 38 %. Therefore the argument has been rejected.

([1]) According to the data obtained from Prommetiz — Russian association of hardware producers.

(38) The same party also pointed to the new types of products that the cooperating exporting producer has recently developed (in cooperation with its subsidiary based in the Union) and claimed that this confirms the investments made by this producer in the period considered. This fact however does not contradict the finding on the cooperating producer's inability to produce all type of ropes (especially SWR in the high end of the market). Therefore the argument has been rejected.

(39) The attractiveness of the Union market should also be seen in the context of some acquisitions of Union producers by the Russians exporting producers. Indeed, two Russian producers currently own subsidiaries based in the Union. The verification visit to the EU based subsidiary of the cooperating exporter revealed that its sales were concluded mainly on the European market and that the related sales between the cooperating producer and this subsidiary remained limited in RIP.

(40) On the basis of the data of the cooperating exporter, it has to be noted that the Russian export volume of the product concerned to third countries exceeded four times the export volume to the Union in RIP. The export prices of the cooperating exporting producer to third countries were found to be on average lower than its domestic sales price in the Russian Federation, but on average at higher levels than the export prices to the Union market. This allows a conclusion that the export sales to third countries' markets are more attractive than the sales to the Union market. In this context, the existence of long established sales channels with the Commonwealth of Independent States' (CIS) markets is also noted.

(41) In reply to the final disclosure the applicant argued that the export prices of the Russian producers to the third markets are in fact lower than the export prices to the Union. A comparison between average export prices to Ukraine and some European countries based allegedly on the Russian customs statistics was evoked. No original data underlying the comparison was submitted. In this respect it is noted that the comparison of the price difference between Russian export prices to the Union and to third markets carried out in the investigation was based on the verified questionnaire data of the cooperating exporting producer. Such price comparison was made at ex-works level taking into account the differences between the product types and the level of trade. The average prices submitted by the applicant do not reflect the complexity of the price components and ranges existing in the SWR market and resulting from a significant number of different products and different level of trade. Therefore the argument has been rejected.

(42) The same party argued that the level of export volume of the Union industry to the Russian Federation is irrelevant in this case and rather pointed to the increased imports from the People's Republic of China to the Russian Federation and the need to take them into consideration in the analysis as they constitute a competitive threat to the presence of the Russian producers on the Russian and CIS markets. In this regard the fact that the Union producers remain the export leaders on the Russian market is relevant as it confirms, inter alia, the fact that the Russian producers are unable to produce all types of SWR for which demand exists on the Russian market. As regards the Chinese exports to the Russian Federation, it is noted that they grew in parallel to the rapid growth of the demand of the Russian market. No information was provided, e.g. regarding Chinese export price levels to the Russian Federation or CIS countries or the characteristics of the imported product under investigation to allow for a further analysis. Finally, it is noted that according to the Russian customs statistics the Russian producers of the product concerned remained the leader on their SWR domestic market in the RIP and the total imports to this market accounted for only about 15 % of the Russian SWR market. Therefore the argument has been rejected.

3.4. *Production capacity and excess capacity available for exports in the Russian Federation*

(43) According to the request for review, the production capacity of all Russian exporting producers was 115 000 tonnes. During the investigation the applicant reassessed the Russian production capacity to be in a range between 220 000 and 250 000 tonnes, which was however not supported by any evidence. On the basis of the verified data of the cooperating exporter, the data submitted by a second known producer and the data contained in the request on the third producer, the production capacity of all Russian producers of the product concerned was established at the level of around 158 000 tonnes. In this context, it is noted that the production capacity of the cooperating exporting producer underwent structural adjustments in the period considered, as a result of which one production workshop was closed.

(44) In reply to the final disclosure one party argued that some machinery from the closed production workshop was transferred to another production site of the cooperating producer. However, no evidence was provided to support this claim. In this respect it is confirmed that the evidence gathered during the investigation confirms that the cooperating producer underwent structural adjustments in the period considered, which included scrapping of some machinery in all three production sites and closure of one production workshop. At the same time it cannot be excluded that

certain machinery from the closed production workshop was transferred to the remaining ones. In any event, this does not change the estimation of the production capacity of this producer and of Russia in total, which the party did not contest. Therefore the argument has been rejected.

(45) Regarding the question of capacity utilisation and excess capacity, further to the data of two producers, in the absence of any precise information on the capacity utilisation of the third producer it was assumed that its capacity utilisation was in the range of the two other producers, i.e. 90 % in RIP. Considering the above, it was concluded that the total spare capacity in the Russian Federation is in the range of 17 000 tonnes. This corresponded to about 8 % of the Union consumption in RIP.

3.5. *Conclusion*

(46) In view of the findings that exports from the Russian Federation are still being dumped during the RIP, there is a likelihood of continuation of dumping on the Union market in case the current anti-dumping measures are removed.

(47) However, the following points should be highlighted. Firstly, there is a limited spare capacity available in the Russian Federation, which may be absorbed by the fast growing demand on the domestic market. Secondly, the Russian producers do not possess capacities to deliver all types of ropes and therefore their competitive pressure on the Union market is limited. Thirdly, two of three known exporting producers have their fully owned subsidiaries in the Union producing the like product. Based on the information received from the subsidiary of the cooperating exporting producer, it can be seen that the like product produced by the subsidiary is sold primarily on the Union market, while the exporting producer produces and sells the like product mostly for the Russian market. In addition, the Russian exporting producers have strong commercial links with the third country markets, in particular the CIS markets, which are more attractive for the Russian exporters because on average the prices charged in those markets are higher than prices charged in the Union. On this basis it was concluded that the imports of the product concerned from the Russian Federation are unlikely to grow substantially should the measures be allowed to lapse.

D. DEFINITION OF THE UNION INDUSTRY

(48) During the RIP, SWR are manufactured by over 30 Union producers. The output of those producers (established on the basis of the information collected from the cooperating producers and for the other Union producers on the data from the applicant) is therefore deemed to constitute the Union production within the meaning of Article 4(1) of the basic Regulation.

(49) As explained in recital 12, due to the large number of Union producers, a sample was selected. For the purpose of the injury analysis, the injury indicators have been established at the following two levels:

— the macroeconomic elements (production, capacity, sales volume, market share, growth, employment, productivity, average unit prices, magnitude of dumping) were assessed, at the level of the whole Union production, on the basis of information collected from the cooperating producers, from Eurostat data and, for the other Union producers, an estimate based on the data from the applicant was used,

— the analysis of microeconomic elements (i.e. stocks, wages, profitability, return on investments, cash flow, ability to raise capital and investments) was carried out for the sampled Union producers on the basis of their information which was verified.

E. SITUATION ON THE UNION MARKET

1. Union Consumption

(50) Union consumption increased by 8 % from 195 426 tonnes to 211 380 tonnes between 2009 and the RIP.

	2009	2010	2011	RIP
Union consumption (in tonnes)	195 426	206 940	213 350	211 380
Index	*100*	*106*	*109*	*108*

2. Current imports from the Russian Federation

2.1. *Volume, market share and prices of imports from the Russian Federation*

(51) According to Eurostat data, the volume of imports of the product concerned originating in the Russian Federation increased from 2 005 tonnes to 2 343 tonnes between 2009 and the RIP. Despite this increase, these volumes are lower than the imports from the Russian Federation during the last investigation, where the imports were 2 908 tonnes for 2005 and 3 323 tonnes for the period 1 July 2005 to 30 June 2006 (last RIP). Moreover, since the end of the RIP, imports from Russia show a decreasing trend (down by 20 %).

(52) The market share of the Russian imports was 1,03 % in 2009 and 1,11 % in the RIP.

(53) As far as import prices are concerned, they have increased steadily by 12 % over the period considered.

	2009	2010	2011	RIP
Import (in tonnes)	2 005	2 197	2 549	2 343
index	*100*	*110*	*127*	*117*
Market share	1,03 %	1,06 %	1,19 %	1,11 %
index	*100*	*103*	*116*	*108*
Price of import	1 054	1 084	1 171	1 178
index	*100*	*103*	*111*	*112*

2.2. *Price undercutting*

(54) Price undercutting was established using the export prices of the cooperating Russian producer, without anti-dumping duty, and was found to range from 54,7 % to 69,0 % depending on the product types with a weighted average undercutting margin of 63,4 %. However, in view of the low import volumes from the Russian Federation and the numerous different types of SWR that exists, the price undercutting could only be established on the basis of very few identical product types with low volumes (19,9 tonnes). Therefore, the undercutting margin may only be considered to be indicative.

3. Imports from other countries

3.1. *Volume, market share and prices of imports from other countries*

(55) Imports from countries other than the Russian Federation have increased by 10,6 % over the period considered, which is higher than the increase in consumption on the Union market (+ 8 %). Despite the gain of Union market share by countries other than the Russian Federation, the respective market shares can be considered as being stable.

(56) The main exporting countries during the RIP were South Korea with 16 % market share followed by the PRC (1,78 %), Thailand with about 1,65 % market share, and the Russian Federation (see above, 1,11 % market share) while the Union industry market share was close to 60 %.

Countries/Imports in tonnes	2009	2010	2011	RIP
South-Korea	32 027	23 926	28 906	34 798
China	5 797	4 067	5 174	3 765
Thailand	3 673	3 815	5 348	3 499
Other countries	34 938	38 974	39 376	42 444
Subtotal (excluding the Russian Federation)	**76 435**	**70 782**	**78 804**	**84 506**
Russia	2 005	2 197	2 548	2 343
Total imports (including the Russian Federation)	**78 440**	**72 979**	**81 352**	**86 849**

3.2. *Price undercutting*

(57) The overall average prices of imports of the like product from other countries remained stable and unchanged during the period considered and undercut Union industry prices on average by 57 %.

4. Situation of the Union Industry

(58) Pursuant to Article 3(5) of the basic Regulation, the Commission examined all relevant economic factors and indices having a bearing on the state of the Union industry.

4.1. *Preliminary remarks*

(59) In view of the fact that sampling was used with regard to the Union industry, the injury was assessed on the basis of information collected at the level of the entire Union industry ('UI') (macroeconomic elements as defined in recital 49) and on the basis of information collected at the level of the sampled Union producers (micro-economic elements as defined in recital 49).

(a) Production

(60) The UI's production increased by 6 % between 2009 and the RIP, i.e. from 214 475 tonnes to 228 368 tonnes. In a context of increased consumption (+ 8 %), as mentioned in recital 52, the Union Industry increased its production volume by 6 %.

UI	2009	2010	2011	RIP
Production volume (in tonnes)	214 475	223 385	224 559	228 368
index	*100*	*104*	*105*	*106*

(b) Capacity and capacity utilisation rates

(61) The increase in Union consumption (+ 8 %) also triggered an increase in production by the Union Industry by 6 %.

UI	2009	2010	2011	RIP
Capacity	348 852	371 187	366 976	369 134
index	*100*	*106*	*105*	*106*
Capacity utilisation	61,5 %	60,2 %	61,2 %	61,9 %
index	*100*	*98*	*100*	*101*

(c) Sales volume

(62) The sales by the UI on the Union market increased by 7 % between 2009 and the RIP.

UI	2009	2010	2011	RIP
Sales to unrelated parties in the Union (in tonnes)	116 902	133 824	131 085	124 524
index	*100*	*114*	*112*	*107*

(d) Market share

(63) The UI managed to keep its market share relatively stable during the period considered, i.e. at 60 % in 2009 and at 59 % during the RIP.

UI	2009	2010	2011	RIP
Market share	60 %	65 %	61 %	59 %
index	*100*	*108*	*102*	*98*

(e) Growth

(64) Between 2009 and the RIP, when the Union consumption increased by 8 %, the sales volume of the UI increased as well by 7 %. The market share of the UI can therefore be considered as being stable, though it slightly lost market share, whereas the imports from the Russian Federation did slightly increase.

(f) Employment

(65) While the sampled Union producers showed an increase of 5 % during the period considered, the estimation by the applicant of the level of employment of the entire UI is different and shows a negative trend, being a decrease by 6 % between 2009 and the RIP.

UI	2009	2010	2011	RIP
Employment	3 763	3 776	3 688	3 544
index	*100*	*100*	*98*	*94*

(g) Magnitude of dumping margin

(66) As concerns the impact on the UI of the magnitude of the actual margins of dumping found (4,7 %), given the low overall volume of the imports from the Russian Federation and the relatively low dumping margin, this impact cannot be considered to be significant.

(h) Stocks

(67) The level of closing stocks of the UI decreased between 2009 and the RIP.

Sampled producers	2009	2010	2011	RIP
Closing stock (in tonnes)	11 723	10 240	9 813	10 489
index	*100*	*87*	*84*	*89*

(i) Sales prices and factors affecting domestic prices

(68) Unit sales prices of the UI increased by 8 % between 2009 and the RIP. This price development is linked to the fact that the UI was able to pass on the increase in the cost of production (by 8 %) onto users. It is also linked to the progressive migration of the UI towards larger diameter SWR and a higher focus on special purpose ropes.

Sampled producers	2009	2010	2011	RIP
Average unit sales price in the EU (EUR/tonne)	3 625	3 658	3 809	3 911
Index	*100*	*101*	*105*	*108*

(j) Wages

(69) Between 2009 and the RIP, the average wage per full time equivalent (FTE) increased by 20 % during the period considered. Following the restructuring of some sampled companies, the proportion of white collar versus blue collar employees increased during the period considered, which is reflected in the increased average salary cost per employee.

Sampled producers	2009	2010	2011	RIP
Wages per FTE (EUR)	42 393	45 174	48 718	51 052
index	*100*	*107*	*115*	*120*

(k) Productivity

(70) Productivity of the UI's workforce, measured as output per FTE employed per year, was volatile over the period considered as it decreased in 2010 before going up again in 2011 and in the RIP.

UI	2009	2010	2011	RIP
Productivity	58	52	53	55
index	*100*	*88*	*90*	*94*

(l) Investments and ability to raise capital

(71) Investments in SWR increased by 271 % over the period considered, were significant and amounted to almost EUR 16 million during the RIP. The sampled producers did not face difficulty to raise capital over the period considered. Moreover, a large proportion of the investments could be financed by own generated cash flows.

Sampled producers	2009	2010	2011	RIP
Investments (EUR 1 000)	5 845	6 025	12 656	15 839
index	*100*	*103*	*217*	*271*

(m) Profitability on the Union market

(72) The sampled producers managed to achieve profits over the whole period considered. The profits achieved from 2009 to the RIP — despite the drop compared to 2009 — were well above the target profit of 5 % set in the original investigation.

Sampled producers	2009	2010	2011	RIP
Profitability on the Union market	14,8 %	10,1 %	10,6 %	10,6 %
index	*100*	*68*	*72*	*72*

(n) Return on investments

(73) The return on investments (ROI), expressed as the total profit generated by the SWR activity in per cent of the net book value of assets directly and indirectly related to the production of SWR, broadly followed the above profitability trends over the whole period considered. Despite the drop, this indicator remains quite high.

Sampled producers	2009	2010	2011	RIP
ROI	37,7 %	23,4 %	25 %	23 %
index	*100*	*62*	*66*	*61*

(o) Cash flow

(74) The cash-flow situation remains overall very positive, despite some deterioration between 2009 and the RIP: it follows to a certain extent the profitability trends over the whole period considered.

Sampled producers	2009	2010	2011	RIP
Cash Flow (EUR 1 000)	57 545	40 640	38 297	43 380
index	*100*	*71*	*67*	*75*

(p) Recovery from the effects of past dumping

(75) The majority of the indicators show that the UI adapted its production equipment to better face the new economic environment and be able to seize opportunities on Union and non-Union markets in segments where high margins can be achieved. The improvement in the economic and financial situation of the UI, further to the imposition of anti-dumping measures in 2001, evidence that the measures are effective and that the UI has recovered from the effects of past dumping practices.

4.2. ***Conclusion***

(76) During the period considered the UI managed more or less to maintain its market share, prices increased by 8 %, stocks remained at a reasonable level while production volume and consumption increased. The UI was profitable throughout the period considered, although profits were at a lower level in the RIP than in 2009. Considering the above, it can be concluded that the UI did not suffer material injury over the period considered.

F. LIKELIHOOD OF RECURRENCE OF INJURY

(77) It has also been examined whether the recurrence of material injury would be likely if the measures were allowed to lapse. It is assessed that this is not likely to happen for the reasons as explained below.

(78) As highlighted in recital 54 prices of imports from the Russian Federation were found to undercut EU prices. However, given the low volumes of matching product types, the present undercutting margin may only be considered to be indicative.

(79) As explained in recital 51, the volume of imports of the product concerned originating in the Russian Federation was 2 005 tonnes in 2009 and 2 343 tonnes during the RIP, representing a market share of respectively 1,03 % and 1,11 %.

(80) As explained in recitals 43 and 45, the total Russian capacity is estimated to be about 158 000 tonnes, whereas during the last investigation this was estimated to be approximately at the level of the total EU consumption, namely 220 000 tonnes. Furthermore, the spare capacities appear currently to be limited.

(81) During the last investigation, the Russian market was assessed as not able to absorb the level of supply. Currently, as explained in recital 36, the domestic consumption of SWR in Russia experienced a considerable growth by 38 % in the period considered. In addition, publicly available economic forecasts estimate a strong GDP growth in the Russian Federation in the coming years. The Russian spare capacity, as mentioned in recital 45, is therefore likely to be absorbed by the growing Russian market as Russian prices are around 11 % higher than export prices to the EU. In addition, Russian export prices to other markets, notably the CIS countries are on average 5,6 % higher than the export prices to the EU. It is therefore unlikely that substantial quantities of either the spare capacity or their current sales on the more beneficial domestic market and/or in CIS country markets will be redirected to the Union market.

(82) In the light of the above, it is concluded that the repeal of the measures on imports originating in the Russian Federation would in all likelihood not result in the recurrence of material injury to the UI as whole.

G. **ANTI-DUMPING MEASURES**

(83) In the light of the above, the anti-dumping measures applicable to imports of SWR from the Russian Federation should be repealed and the present proceeding terminated in accordance with Articles 9(2) and 11(2) of the basic Regulation.

(84) All parties were informed of the essential facts and considerations on the basis of which it is intended to recommend that the existing measures be terminated with regard to imports originating in the Russian Federation. They were also granted a period to make representations subsequent to this disclosure. Comments were received by one interested party which also requested and was granted a hearing in the presence of the hearing officer,

HAS ADOPTED THIS REGULATION:

Article 1

The anti-dumping measures concerning imports of steel ropes and cables including locked coil ropes, excluding ropes and cables of stainless steel, with a maximum cross-sectional dimension exceeding 3 mm, with fittings attached or not, originating in the Russian Federation and currently falling within CN codes ex 7312 10 81, ex 7312 10 83, ex 7312 10 85, ex 7312 10 89 and ex 7312 10 98, are hereby repealed and the proceeding concerning these imports is terminated.

Article 2

The expiry review proceeding of the anti-dumping measures applicable to imports of steel ropes and cables including locked coil ropes, excluding ropes and cables of stainless steel, with a maximum cross-sectional dimension exceeding 3 mm, with fittings attached or not, currently falling within CN codes ex 7312 10 81, ex 7312 10 83, ex 7312 10 85, ex 7312 10 89 and ex 7312 10 98 and originating in the Russian Federation, initiated pursuant to Article 11(2) of Regulation (EC) No 1225/2009, is hereby terminated.

Article 3

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

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

Done at Brussels, 12 December 2013.

For the Council
The President
J. NEVEROVIC

COUNCIL IMPLEMENTING REGULATION (EU) No 1343/2013

of 12 December 2013

imposing a definitive anti-dumping duty on imports of peroxosulphates (persulphates) originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009

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(4) and Article 11(2), (5) and (6) thereof,

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

Whereas:

A. PROCEDURE

1. Measures in force

(1) Council Regulation (EC) No 1184/2007 [2] imposed a definitive anti-dumping duty on imports of persulphates originating in the People's Republic of China ('the PRC'), Taiwan and the United States of America ('the original investigation' and 'the original measures'). The measures with regard to the PRC took the form of an *ad valorem* duty of 71,8 % for all companies except two Chinese exporting producers to whom individual duties were granted.

2. Initiation of an expiry review

(2) On 10 October 2012, the Commission announced by a notice ('Notice of initiation') [3], published in the *Official Journal of the European Union*, the initiation of an expiry review of the anti-dumping measures applicable to imports of persulphates originating in the PRC.

(3) The review was initiated following a substantiated request lodged by two European producers, RheinPerChemie GmbH & Co. KG and United Initiators GmbH & Co. KG ('the applicants'), representing 100 % of the total Union production of persulphates.

(4) The request was based on the grounds that the expiry of the measures would be likely to result in a recurrence of dumping and injury to the Union industry.

3. Investigation

3.1. *Review investigation period and period considered*

(5) The investigation of a continuation or recurrence of dumping covered the period from 1 October 2011 to 30 September 2012 ('the review investigation period' or 'RIP'). The examination of the trends relevant for the assessment of the likelihood of a continuation or recurrence of injury covered the period from 1 January 2009 to the end of the RIP ('the period considered').

3.2. *Parties concerned by the investigation*

(6) The Commission officially advised the applicants, exporting producers in the PRC, unrelated importers and users known to be concerned, producers in the potential analogue countries and the representatives of the PRC of the initiation of the expiry review. 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 of initiation.

(7) In view of the potentially large number of exporting producers in the PRC and unrelated importers in the Union involved in the investigation, sampling was envisaged in the Notice of Initiation, in accordance with Article 17 of the basic Regulation. In order to enable the Commission to decide whether sampling would be necessary and, if so, to select a sample, the above parties were invited, under Article 17 of the basic Regulation, to make themselves known within 15 days of the publication of the notice of initiation and to provide the Commission with the information requested in the Notice of initiation.

(8) None of the importers made itself known.

(9) Only one exporting producer from the PRC replied to the questionnaire. Therefore, it was not necessary to select a sample of exporting producers.

[1] OJ L 343, 22.12.2009, p. 51.
[2] OJ L 265, 11.10.2007, p. 1.
[3] OJ C 305, 10.10.2012, p. 15.

(10) The Commission sent questionnaires to all parties known to be concerned and to those who made themselves known within the deadlines set in the Notice of initiation. Replies were received from two Union producers, one exporting producer in the PRC and one producer in Turkey, considered as a potential analogue country.

(11) The Commission sought and verified all the information it deemed necessary for the determination of the likelihood of a continuation or recurrence of dumping and resulting injury and of the Union interest. Verification visits were carried out at the premises of the following companies:

(a) Union producers

— RheinPerChemie GmbH & Co. KG, Germany

— United Initiators GmbH & Co. KG, Germany

(b) Exporting producer in the PRC

United Initiators (Shanghai) Co. Ltd, Shanghai [1]

B. PRODUCT CONCERNED AND LIKE PRODUCT

(12) The product concerned is the same as that covered by the original investigation, namely peroxosulphates (persulphates), including potassium peroxymonosulphate sulphate ('product concerned'), currently falling within CN codes 2833 40 00 and ex 2842 90 80.

(13) The product concerned is used as an initiator or as an oxidising agent in a number of applications. Some examples include its use as polymerisation initiator in the production of polymers, as an etching agent in the production of printed circuit boards, in hair cosmetics, in textile desizing, in paper manufacturing as a denture cleanser and as a disinfectant.

(14) The investigation confirmed that, as in the original investigation, the product concerned and that manufactured and sold on the domestic market of the PRC, as well as that produced and sold by the Union industry on the Union market have the same basic physical and technical characteristics and the same basic uses and are therefore considered to be alike within the meaning of Article 1(4) of the basic Regulation.

C. LIKELIHOOD OF A CONTINUATION OR RECURRENCE OF DUMPING

1. General remarks

(15) In accordance with Article 11(2) of the basic Regulation, it was examined whether dumping was currently taking place and whether dumping was likely to continue or recur upon a possible expiry of the measures in force on certain imports from the PRC.

(16) As explained in recital 9, only one Chinese exporting producer cooperated in the investigation and it did not export the product concerned to the Union during the RIP. As mentioned below in recital 22 and as explained in detail in recitals 51 to 53, the investigation showed that basically all imports from the PRC during the RIP were made by one exporter which was found not to be dumping in the original investigation, and which is not subject to the current review. Hence, no dumping analysis could be done in this case.

2. Development of imports in case the measures are repealed

(17) In order to assess the likelihood of recurrence of dumping, the information provided by the cooperating Chinese exporting producer, the information collected in accordance with Article 18 of the basic Regulation and facts available with regard to the non-cooperating exporting producers were taken into account. The facts available were found in the request for the expiry review, in the information published in the framework of an expiry review initiated in March 2013 by the United States of America (USA) [2], in the statistics available to the Commission, i.e. the monthly data transmitted by Member States under Article 14(6) of the basic Regulation ('the 14.6 database') and in the Eurostat import data.

(a) Prices and volume of imports into the Union from the PRC and other third countries

(18) The data available in the investigation showed that basically all imports from the PRC during the RIP were made by one Chinese exporter which was not found to be dumping in the original investigation [3]. Those imports are thus not subject to anti-dumping measures. The prices of those imports remained below the Union industry prices during that period.

[1] It is recalled that under Regulation (EC) No 1184/2007 which imposed a definitive anti-dumping duty on imports of peroxosulphates originating in the People's Republic of China, Taiwan and the United States, the name of the company United Initiators Shanghai Co., Ltd was Degussa-AJ (Shanghai) Initiators Co., Ltd, Shanghai. The change of name was due to a change of ownership in 2008.

[2] No A-570-847 (Review).

[3] The company referred to in this recital is not re-examined in the current expiry review investigation since the original investigation established zero duty for this company (Council Regulation (EC) No 1184/2007).

(19) Despite the fact that Chinese import prices into the Union increased by 29 % in the period considered, they were still low and were undercutting the price of the Union industry during the RIP. The sales prices of the Union industry in the Union market also increased but at a less pronounced rate of 7 %.

(20) The sole cooperating Chinese exporter which is subject to the current anti-dumping measures was not exporting the product concerned to the Union during the RIP. However, the investigation showed that it was exporting at dumped prices to third country markets and that its prices were even lower than those of the current imports from the PRC in the Union market. This is an indication that exporters in Chinaare continuing to practice dumping and that their prices are low.

(21) The Union market roughly consists of imports from three countries: China, Turkey and the USA, each representing between 8 % and 10 % of market share and two Union producers with a market share of around 65 to 75 %. The investigation showed that the USAcontinued to be present on the Union market and represented around one third of total imports during the RIP. The USimport prices were on average 10 % above the import prices from the PRC. This finding, combined with the observed undercutting of the Union industry's prices, indicates that the Chinese imports continued to exercise a downward pressure on the sales prices in the Union.

(22) As mentioned above in recital 18, Chinese imports during the RIP were made by one exporter which was found not to be dumping in the original investigation. Between 2009 and the RIP, the volume of those imports increased by 24 % and the corresponding market share increased from 8 % to 9,6 % of total Union consumption in the same period.

(23) It is noteworthy to recall that in the years 1995 to 2001 anti-dumping measures were imposed against persulphates from the PRC. As these measures were repealed, import volume from the PRC increased from less than 200 tonnes in 2001 to more than 4 000 tonnes in 2003 and more than doubled to almost 9 000 tonnes in 2006. In other words, Chinese imports took more than 20 % of the Union market in few years. Over the period 2003-2006, whilst consumption increased by 7 %, Chinese market share doubled. This shows that Chinese exporters are able to take considerable market share in the Union market in the absence of anti-dumping measures.

(24) In view of the above facts and considerations, in particular the Chinese reaction to the repeal of the measures in the Union market in 2001, the level of Chinese prices during the RIP and the continued dumping practices in third country markets, it is considered that there is a likelihood that in the short term low-priced Chinese imports would resume in large quantities into the Union market should the current measures be repealed.

(b) Pricing behaviour of Chinese producers on other export markets

(25) As mentioned in recital 16 above, the cooperating Chinese company did not export to the Union during the RIP, and it was not possible to compare its normal values on the domestic market with export prices to the Union. It was however assessed, as mentioned in recital 24 above, whether the company's exports to third countries were made at dumped prices during the RIP. Since the company was granted MET in the original investigation, normal values were established based on its own data.

(26) For the three types of the product concerned for which domestic sales were representative and made in the ordinary course of trade, average normal values were established on the basis of the prices paid by independent customers in the domestic market. For one type, normal value had to be constructed based on the cost of production, in accordance with Article 2(3) of the basic Regulation. The company's cost of manufacturing, selling, general and administrative costs (SG&A) and profit achieved on the domestic sales made in the ordinary course of trade in accordance with Article 2(6) of the basic Regulation were used to establish the normal value of that type.

(27) The comparison between the normal weighted average value and the weighted average export price, on an ex-works basis to third countries established on the basis of the reported and verified data, showed a weighted average dumping margin of 9,4 %.

(28) With regard to pricing behaviour, the existence of the anti-dumping measures in India and in the USAis also a clear indication of dumping practices by Chinese exporting producers on other markets.

(c) Attractiveness of the Union market

(29) The investigation showed that the cooperating Chinese company exported to a wide variety of third countries such as Brazil, Indonesia, Malaysia, South Africa, South Korea, Taiwan, Thailand and the United Arab Emirates. The exports prices of the cooperating Chinese company to third markets were thus compared to the level of

Union industry sales prices and the import price for the PRC during the RIP in the Union market. This comparison showed that the cooperating Chinese exporter was significantly undercutting, up to 40 %, the prices of the Union industry during the RIP.

(30) This analysis shows on the one hand, that prices in the Union market are higher and thus very attractive, and, on the other, that prices offered by other Chinese exporter are lower than the current Chinese import price in the Union market.

(31) It is also noteworthy that the normal values of the cooperating company during the RIP were generally lower than Union industry sales prices. This confirms the attractiveness of the Union market as it would clearly generate higher profits for Chinese producers. The low price level in Chinadoes not seem to be based on any other ground than the abundant capacity and offer of the product concerned.

(32) As mentioned above in recital 28, certain third country markets, such as the USA and India, have become less attractive for Chinese exporters due to the existence of anti-dumping measures. Additionally, in relative terms, the other third country markets were found to operate at lower price levels than in the Union market. With regard to other third country markets, not under measures, they are already supplied by companies that are present in those markets, thus any spare capacity in the PRC would likely be used for exports to the Union market.

(33) Based on the above, it is expected that Chinese imports would resume in larger volumes and exercise more price pressure on the Union market should the current measures be lifted.

(d) Production capacity and excess capacity available for exports

(34) In accordance with Article 18 of the basic Regulation, in the absence of other information available, the analysis of the spare capacity in the PRC was based on the facts available, namely the limited information provided by the cooperating Chinese exporting producer on the market situation in the PRC, by the Union industry and from publicly available information at the level of five main producers identified in the PRC and data collected at initiation stage. The information delivered by these sources was found to be consistent.

(35) Based on this information, it is assumed that more than 100 thousand tonnes of production capacity is available in the PRC, which represents around three times the volume of Union consumption during the RIP.

(36) Based on the capacity utilisation rate of the cooperating producer, it was concluded that there are potentially significant capacities available in the PRC which could be used to increase production and re-directed it to the Union market in case the anti-dumping measures would be allowed to lapse.

(e) Conclusion on the likelihood of recurrence of dumping

(37) In view of the above, it was considered that there is a likelihood that dumping would recur if the current measures were allowed to lapse. In particular the level of the normal values established in China, the dumping behaviour of the cooperating producer in third country markets, the existence of anti-dumping measures against Chinese exporters in India and the USA, the attractiveness of the Union market compared to other markets and the availability of significant production capacity in the PRC point to a likelihood of recurrence of dumping in case the current measures are repealed.

D. SITUATION ON THE UNION MARKET

1. Definition of the Union industry

(38) The current investigation confirmed that persulphates are manufactured only by two producers in the Union. They constitute 100 % of total Union production during the RIP. Both producers supported the review request and cooperated with the investigation.

(39) Those two companies thus constitute the Union industry within the meaning of Articles 4(1) and 5(4) of the basic Regulation, and will hereafter be referred to as the 'Union industry'.

2. Preliminary remark

(40) To protect confidentiality under Article 19 of the basic Regulation the data relating to the two Union producers is presented in indexed form or in ranges.

(41) Information on imports have been analysed at CN code level for the three main types of the like product, ammonium persulphate, sodium persulphate, potassium persulphate, on TARIC code level for the fourth type, potassium peroxymonosulphate. The analysis of imports was supplemented by data collected under Article 14(6) of the basic Regulation.

3. Union Consumption

(42) Union consumption was established on the basis of the sales volume of the Union industry on the Union market, and import data from Eurostat, at CN code and TARIC code level.

(43) Union consumption in the RIP was slightly higher than at the beginning of the period considered. There was an increase of 22 % noted between 2009 and 2010 but further on the consumption steadily decreased by around 18 %.

Table 1

Consumption

	2009	2010	2011	RIP
Consumption (tonnes)	25 000 – 35 000	35 000 – 45 000	35 000 – 45 000	25 000 – 35 000
Index (2009 = 100)	*100*	*122*	*114*	*103*

Source: Questionnaire replies, Eurostat, Article 14(6) database.

4. **Volume, prices and market share of imports from the PRC**

(44) The volumes and market shares of imports from the PRC were analysed on the basis of Eurostat and the data collected in accordance with Article 14(6) of the basic Regulation.

(45) Comparison of the above mentioned databases indicates that all imports from the PRC originate from the one company which was found not to be dumping in the original investigation. As a consequence the market share of the dumped imports from the PRC and its prices evolution cannot be analysed.

(46) Furthermore, since the Chinese exporting producers under anti-dumping measures did not export the product concerned to the Union during the RIP, it was not possible to calculate price undercutting for the PRC.

5. **Imports from other third countries**

(47) The volume of imports and prices and market share from other countries during the period considered is shown in the table below. They were established on the basis of statistical information provided at CN code and TARIC code level. Due to confidentiality as explained in recital 40 above the market share figures are disclosed in an indexed form.

Table 2

Imports from other third countries

	2009	2010	2011	RIP
Turkey				
Volume of imports (tonnes)	2,326	3,002	2,360	3,026
Index (2009 = 100)	*100*	*129*	*101*	*130*
Price EUR/tonne	1,137	1,010	1,130	1,158
Index (2009 = 100)	*100*	*89*	*99*	*102*
Market share *Index*	100	106	89	126
USA				
Volume of imports (tonnes)	3,662	3,951	4,156	2,556
Index (2009 = 100)	*100*	*108*	*114*	*70*
Price EUR/tonne	1,053	1,170	1,201	1,099
Index (2009 = 100)	*100*	*111*	*114*	*104*
Market share *Index*	100	88	100	68
Other third countries				
Volume of imports (tonnes)	1 652	1 605	1 420	1 105
Index (2009 = 100)	*100*	*97*	*86*	*67*
Price EUR/tonne	1 443	1 518	1 605	1 738
Index (2009 = 100)	*100*	*105*	*111*	*120*
Market share *Index*	100	80	76	65
Total third countries				
Volume of imports (tonnes)	7 640	8 558	7 936	6 687

	2009	2010	2011	RIP
Index (2009 = 100)	*100*	*112*	*104*	*88*
Price EUR/tonne	1,163	1,179	1,252	1,231
Index (2009 = 100)	*100*	*101*	*108*	*106*
Market share *Index*	100	92	91	85

Source: Eurostat and Taric

(48) Import volumes from other third countries into the Union market decreased by around 12 % during the period considered, and the average price increased by 6 % over the same period. The market share lost by other third countries was taken over partly by the Chinese imports and the Union industry. During the same period the Union industry increased its prices on average by 7 % as stated in recital 64 below.

6. **Economic situation of the Union industry**

6.1. *Preliminary remarks*

(49) Pursuant to Article 3(5) of the basic Regulation, the Commission examined all economic factors and indices having a bearing on the state of the Union industry.

6.2. *Production, production capacity and capacity utilisation*

(50) The Union industry's production increased significantly during the period considered. This increase was the most pronounced between 2009 and 2010 when production increased by 32 percentage points. It remained stable afterwards, decreasing slightly between 2011 and the RIP.

Table 3

Total Union production

	2009	2010	2011	RIP
Production (tonnes)	20 000 – 30 000	25 000 – 35 000	25 000 – 35 000	25 000 – 35 000
Index (2009 = 100)	*100*	*132*	*135*	*125*

Source: Questionnaire replies

(51) Production capacity remained stable during the period considered. As production increased in the period 2009-2011, capacity utilisation showed an overall increase of 34 %. This trend changed in the RIP because the decrease in production also resulted in a decrease in capacity utilisation by six percentage points as shown below:

Table 4

Production capacity and capacity utilisation

	2009	2010	2011	RIP
Production capacity (tonnes)	35 000 – 45 000	35 000 – 45 000	35 000 – 45 000	35 000 – 45 000
Index (2009 = 100)	*100*	*101*	*101*	*101*
Capacity utilisation	60 %	79 %	81 %	75 %
Index (2009 = 100)	*100*	*131*	*134*	*124*

Source: Questionnaire replies

6.3. *Stocks*

(52) Although the level of closing stocks of the Union industry increased substantially between 2009 and the RIP its level remains relatively low with regard to production level.

Table 5

Closing stock

	2009	2010	2011	RIP
Closing stock (tonnes)	500 – 1 500	1 000 – 2 000	2 000 – 3 000	1 500 – 2 500
Index (2009 = 100)	*100*	*144*	*227*	*184*

Source: Questionnaire replies

6.4. *Sales volume*

(53) The sales volume of the Union industry on the Union market to unrelated customers followed the trend of consumption with a peak in 2010 and then a decreasing trend in the following years, until the end of the RIP. Over the period considered it increased by 6 %.

Table 6

Sales to unrelated customers

	2009	2010	2011	RIP
Volume (tonnes)	15 000 – 25 000	20 000 – 30 000	20 000 – 30 000	15 000 – 25 000
Index (2009 = 100)	*100*	*122*	*113*	*106*

Source: Questionnaire replies

6.5. *Market share*

(54) As sales volumes to the Union followed the trend of consumption, the Union industry market share remained relatively stable in the period considered.

Table 7

Union market share

	2009	2010	2011	RIP
Union industry market share	65 % - 75 %	65 % - 75 %	65 % - 75 %	65 % - 75 %
Index (2009 = 100)	*100*	*100*	*100*	*103*

Source: Questionnaire replies, Eurostat and Taric

6.6. *Growth*

(55) As explained above, the growth in consumption in the Union was limited to 3 percentage points during the period considered. The Union industry managed to slightly increase its sales volumes and market share during the same period.

6.7. *Employment and productivity*

(56) The level of employment of the Union industry remained stable between 2009 and the RIP. However, the productivity per employee, measured as output in tonne per employee, increased visibly in this period in line with production trend. Detailed data is shown below:

Table 8

Total Union employment and productivity

	2009	2010	2011	RIP
Index of employees	100	100	103	101
Index of productivity	100	132	131	124

Source: Questionnaire replies

6.8. *Unit sales prices*

(57) Unit sales prices of the Union industry to unrelated customers in the Union increased by 7 % between 2009 and the RIP. This 7 % increase in the average sales price of the Union industry can be explained by the change in the product mix they were selling during the period considered. This price, even taking into account the potential difference in the product mix, was significantly higher than the price charged by the cooperating Chinese producer for export to third countries.

Table 9

Unit price of Union sales

	2009	2010	2011	RIP
Unit price of Union sales (EUR/tonne)	1 100 – 1 300	1 100 – 1 300	1 200 – 1 400	1 200 – 1 400
Index (2009 = 100)	*100*	*100*	*105*	*107*

Source: Questionnaire replies

6.9. *Profitability*

(58) In 2009, profitability of the Union industry was close to breakeven. Subsequently, in the period 2010 — RIP, profitability remained above 10 %. The sudden jump in the profitability index between 2009 and 2010 thus results from very low base level in 2009 which was a critical year for the Union industry. In 2011 the high profitability resulted from an extraordinary cost saving event, which will not repeat itself in the future. This is already reflected in the decreased profitability in the RIP, which continues to be the trend.

Table 10

Profitability

	2009	2010	2011	RIP
Profitability Union sales *Index (2009 = 100)*	*100*	*2 400*	*3 336*	*1 854*

Source: Questionnaire replies

6.10. *Investment and return on investment*

(59) The investigation showed that the Union industry was able to keep high level of investments in all the period considered.

(60) Return on investment followed closely the profitability trend in 2009 and 2011 being not representative as explained in recital 58 above.

Table 11

Investments and Return on Investment

Index (2009 = 100)	2009	2010	2011	RIP
Investments	*100*	*71*	*110*	*99*
Return on investment	100	3 166	4 647	2 455

Source: Questionnaire replies

6.11. *Cash flow and ability to raise capital*

(61) The cash-flow, which affects the ability of the industry to self-finance its activities, expressed as a percentage of the turnover of the product concerned, followed a trend similar to that of profitability. It significantly improved up to 2011 and decreased during the RIP.

Table 12

Cash flow

	2009	2010	2011	RIP
Cash flow *Index (2009 = 100)*	*100*	*288*	*381*	*172*

Source: Questionnaire replies

6.12. *Wages*

(62) Whilst the number of people employed by the Union industry remained stable, their wages increased by 12 % during the period considered.

6.13. *Magnitude of dumping margin*

(63) As explained above there were no dumped imports from the PRC during the period considered, therefore the magnitude of dumping margin could not be assessed.

6.14. *Recovery from past dumping*

(64) Taking into account the absence of low-priced dumped imports from the PRC, the relatively high capacity utilisation and the gain in market share achieved by the Union industry, its level of profitability and the positive development of certain financial indicators, it is concluded that the Union industry recovered from the effects of past dumping during the period considered. The recovery is however recent and a certain decline in various injury indicators such as profitability, cash flow, return on investment and investment was observed in the Union market during the RIP.

7. **Conclusion on the situation of the Union industry**

(65) The investigation showed that the imports of low-prices dumped products from the PRC ceased on the Union market right after the imposition of the original measures in 2007 and they were not present during the period considered or the RIP. The imports from the PRC present on the Union market originate from the sole Chinese producer found not to be dumping in the original investigation. This allowed the Union industry to achieve high level of production, increase its sales volume, average sales price, market share and profitability and to improve its overall financial situation.

(66) It is therefore concluded that the Union industry did not suffer material injury during the RIP. Given the decline in consumption and the deterioration in certain injury indicators as described above during the RIP, the situation of the Union industry is still vulnerable.

E. **LIKELIHOOD OF RECURRENCE OF INJURY**

1. **Preliminary remarks**

(67) To assess the likelihood of recurrence of injury if the measures were allowed to lapse, the potential impact of the Chinese imports on the Union market and the Union industry was analysed in accordance with Article 11(2) of the basic Regulation.

(68) The analysis focused on the spare capacity in the PRC and the behaviour of the Chinese exporters in the third country markets and in the Union market.

2. **Spare capacity in the PRC**

(69) According to the information collected and verified during the investigation, it is estimated that around 100 thousand tonnes of production capacity for the product concerned is available in China. Furthermore, there are several small producers dispersed in the country which make this figure even higher.

(70) Due to the lack of cooperation from Chinese exporters there is no data available indicating the precise percentage of this capacity which is spare and which could be used for exporting the product concerned to the Union market. However, the investigation showed that the sole Chinese cooperating producer has a spare capacity of around 30 %. Extrapolating this information to all Chinese companies would mean that a spare capacity of more than 30 thousand tonnes currently exists in the PRC.

(71) Based on the above, even if the Chinese companies would not work at their full capacity, 20-25 thousand tonnes of the product concerned would be available for export in the PRC. Given the findings made and the conclusions reached in recitals 22 to 44 above, it is clear that in case the measures would not be extended, the available spare capacity in China will be intended to be exported to the Union market. This potential additional export volume should be seen in the context of a Union consumption of around 25 000-35 000 tonnes in the RIP.

3. **Export From the PRC**

(72) As mentioned in recital 20 above, the investigation showed that Chinese exports to third countries were made at dumped prices. Furthermore, the results of expiry reviews conducted by the relevant authorities in the USA and in Indialed to the recommendation that the anti-dumping measures in force on persulphates from the PRC should be extended. In this situation it is expected that free production capacity of the Chinese exporters will be mainly used to produce for export to the Union market if the measures are allowed to lapse. As explained in recital 32 above, given that the supply to other third country markets, not under measures, is already ensured by companies that are present in those markets, any spare capacity available in the PRC would likely be used to export the product concerned to the Union market.

(73) Taking into account past dumping practice of Chinese exporters that led to the imposition of the measures in force and their current dumping behaviour in third countries, it can be concluded that these volumes of exports to the Union would be made at dumped prices.

(74) Moreover, as mentioned in recital 23 above, it is recalled that in the years 1995 to 2001 anti-dumping measures were imposed against export of persulphates from the PRC. As these measures were not extended, imports from the PRC increased from less than 200 tonnes in 2001 to almost 10 thousand tonnes in 2006, and thus took more than 20 % of the Union market.

4. **Conclusion**

(75) In view of the findings of the investigation, namely the spare capacity available in the PRC, the continuation of Chinese dumping to the third countries, the limited ability of the Chinese exporters to sell in other main third countries markets and their proven ability to redirect export volumes to the Union market, it is considered that the repeal of the measures would weaken the position of the Union industry in their core market and the injury suffered would recur due to likely Chinese imports at dumped prices. There are no reasons to believe that the improvement of the performance of the Union industry due to the measures in force would remain or strengthen if the measures were repealed. On the contrary, there are favourable conditions for a likely shift of the Chinese imports to the Union market at dumped prices and in considerable volumes and that would likely undermine the positive developments in the Union market reached over the period considered. The likely Chinese dumped imports would be able to exercise pressure on the Union industry's sales prices and make it lose market share and as a consequence would negatively impact the Union industry's financial performance which is still vulnerable as explained in recital 66 above.

F. **UNION INTEREST**

1. **Introduction**

(76) In accordance with Article 21 of the basic Regulation, it was examined whether the maintenance of the existing measures would be against the Union interest as a whole. The determination of the Union interest was based on an appreciation of the various interests involved, *i.e.* those of the Union industry, of importers and of users. The interested parties were given the opportunity to make their views known pursuant to Article 21(2) of the basic Regulation.

(77) As this investigation is a review of the existing measures, it allowed for assessment of any undue negative impact of the existing anti-dumping measures on the interested parties.

2. **Interest of the Union industry**

(78) It was concluded in recital 70 above that the Union industry would be likely to experience a serious deterioration of its situation in case the anti-dumping measures were allowed to lapse. Therefore, the continuation of measures would benefit the Union industry because the Union producers should be able to maintain its sales volumes, market share, profitability and its overall positive economic situation. By contrast, the discontinuation of the measures would seriously threaten the viability of the Union industry because there are reasons to expect a shift of the Chinese imports to the Union market at dumped prices and in considerable volumes that would cause recurrence of injury.

3. **Interest of users**

(79) None of the 44 contacted users replied to the questionnaire or cooperated. Users did not cooperate in the original investigation either. In absence of interest from users, it was concluded that measures would not be against the users' interest to maintain them. In addition, the investigation revealed that the impact of the product concerned on the costs of downstream products is rather marginal and the maintenance of the measures would not adversely impact the user industry. The investigation also revealed that due to the nature of the product as well as the several sources of supplies available on the market users can easily switch suppliers.

4. **Interest of importers**

(80) None of the 14 contacted importers replied to the questionnaire or cooperated. Importers did not cooperate in the original investigation either. In absence of interest from importers, it was concluded that it would not be against their interest to maintain measures. The investigation revealed that importers can easily buy from different sources that are currently available on the market, in particular from the Union industry, US exporters and Chinese exporters selling at non-dumped prices.

5. **Conclusion**

(81) In view of the above, it is concluded that there are no compelling reasons of Union interest against the maintenance of the current anti-dumping measures.

G. **ANTI-DUMPING MEASURES**

(82) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend that the existing measures be maintained. They were also granted a period to submit comments subsequent to that disclosure. The submissions and comments were duly taken into consideration where warranted.

(83) It follows from the above that, as provided for by Article 11(2) of the basic Regulation, the anti-dumping measures applicable to imports of certain peroxosulphates (persulphates) originating in the PRC, imposed by Regulation (EC) No 1184/2007 should be maintained.

(84) In order to minimise the risk of circumvention due to the high difference in the duty rates, it is considered that special measures are needed in this case to ensure the proper application of the anti-dumping duties. These special measures, which only apply to companies for which an individual duty rate is introduced, include the following: the presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in the Annex to this Regulation. Imports not accompanied by such an invoice shall be made subject to the residual anti-dumping duty applicable to all other producers,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of peroxosulphates (persulphates), including potassium peroxymonosulphate sulphate, currently falling within CN codes 2833 40 00 and ex 2842 90 80 (TARIC 2842 90 80 20) and originating in the People's Republic of China.

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

Company	Anti-Dumping Duty	TARIC Additional Code
ABC Chemicals (Shanghai) Co., Ltd, Shanghai	0,0 %	A820
United Initiators Shanghai Co., Ltd	24,5 %	A821
All other companies	71,8 %	A999

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

4. 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 Brussels, 12 December 2013.

For the Council
The President
J. NEVEROVIC

ANNEX

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

(1) The name and function of the official of the entity issuing the commercial invoice.

(2) The following declaration: 'I, the undersigned, certify that the (volume) of peroxosulphates sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in the People's Republic of China. I declare that the information provided in this invoice is complete and correct.'

Date and signature

COMMISSION REGULATION (EU) No 1344/2013

of 12 December 2013

establishing a prohibition of fishing for mackerel in area IVa by vessels flying the flag of the United Kingdom

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy [1], and in particular Article 36(2) thereof,

Whereas:

(1) Council Regulation (EU) No 40/2013 of 21 January 2013 fixing for 2013 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements [2], lays down quotas for 2013.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2013.

(3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2013 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

Article 3

Entry into force

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

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

Done at Brussels, 12 December 2013.

For the Commission,
On behalf of the President,
Lowri EVANS
Director-General for Maritime Affairs and Fisheries

[1] OJ L 343, 22.12.2009, p. 1.
[2] OJ L 23, 25.1.2013, p. 54.

ANNEX

No	73/TQ40
Member State	United Kingdom
Stock	MAC/*4A
Species	Mackerel (*Scomber scombrus*)
Zone	IVa
Closing date	27.11.2013

COMMISSION REGULATION (EU) No 1345/2013

of 12 December 2013

establishing a prohibition of fishing for plaice in areas VIIf and VIIg by vessels flying the flag of the United Kingdom

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy [1], and in particular Article 36(2) thereof,

Whereas:

(1) Council Regulation (EU) No 39/2013 of 21 January 2013 fixing for 2013 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements [2], lays down quotas for 2013.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2013.

(3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2013 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

Article 3

Entry into force

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

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

Done at Brussels, 12 December 2013.

For the Commission,
On behalf of the President,
Lowri EVANS
Director-General for Maritime Affairs and Fisheries

[1] OJ L 343, 22.12.2009, p. 1.
[2] OJ L 23, 25.1.2013, p. 1.

ANNEX

No	78/TQ39
Member State	United Kingdom
Stock	PLE/7FG.
Species	Plaice (*Pleuronectes platessa*)
Zone	VIIf and VIIg
Closing date	27.11.2013

COMMISSION REGULATION (EU) No 1346/2013

of 12 December 2013

establishing a prohibition of fishing for blue marlin in the Atlantic Ocean by vessels flying the flag of Spain

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy [1], and in particular Article 36(2) thereof,

Whereas:

(1) Council Regulation (EU) No 40/2013 of 21 January 2013 fixing for 2013 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements [2], lays down quotas for 2013.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2013.

(3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2013 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

Article 3

Entry into force

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

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

Done at Brussels, 12 December 2013.

For the Commission,
On behalf of the President,
Lowri EVANS
Director-General for Maritime Affairs and Fisheries

[1] OJ L 343, 22.12.2009, p. 1.
[2] OJ L 23, 25.1.2013, p. 54.

ANNEX

No	72/TQ40
Member State	Spain
Stock	BUM/ATLANT
Species	Blue Marlin (*Makaira nigricans*)
Zone	Atlantic Ocean
Closing date	21.11.2013

COMMISSION REGULATION (EU) No 1347/2013

of 13 December 2013

establishing a prohibition of fishing for mackerel in areas IIIa and IVbc by vessels flying the flag of the United Kingdom

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy [1], and in particular Article 36(2) thereof,

Whereas:

(1) Council Regulation (EU) No 40/2013 of 21 January 2013 fixing for 2013 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements [2], lays down quotas for 2013.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2013.

(3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2013 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

Article 3

Entry into force

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

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

Done at Brussels, 13 December 2013.

For the Commission,
On behalf of the President,
Lowri EVANS
Director-General for Maritime Affairs and Fisheries

[1] OJ L 343, 22.12.2009, p. 1.
[2] OJ L 23, 25.1.2013, p. 54.

ANNEX

No	74/TQ40
Member State	United Kingdom
Stock	MAC/*3A4BC
Species	Mackerel (*Scomber scombrus*)
Zone	IIIa and IVbc
Closing date	27.11.2013

COMMISSION IMPLEMENTING REGULATION (EU) No 1348/2013

of 16 December 2013

amending Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis

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 113(1)(a) and points (a) and (h) of the first paragraph of Article 121, in conjunction with Article 4 thereof,

Whereas:

(1) Commission Regulation (EEC) No 2568/91 [2] defines the chemical and organoleptic characteristics of olive and olive-pomace oil and lays down methods of assessing those characteristics. Those methods and the limit values for the characteristics of oils should be updated on the basis of the opinion of chemical experts and in line with the work carried out within the International Olive Council (IOC).

(2) To ensure the implementation at Union level of the most recent international standards established by the IOC, certain methods of analysis as well as certain limit values for the characteristics of oils laid down in Regulation (EEC) No 2568/91 should be updated.

(3) Consequently, the limit values for stigmastadienes, waxes, myristic acid and fatty acids alkyl esters should be adapted and some decision trees for verifying whether on olive-oil sample is consistent with the category declared should be amended accordingly. Decision trees for campesterol and delta-7-stigmastenol accompanied by more restrictive parameters should be introduced in order to facilitate trade and guarantee olive oil authenticity, in the interest of consumer protection. The method of analysis relating to the composition and content of sterols and the determination of erythrodiol and uvaol should be replaced by a more reliable method which also covers triterpene dialcohols. It is also appropriate to review the organoleptic assessment of olive oil and to insert a method enabling the detection of extraneous vegetable oils in olive oils.

(4) In the light of the developments relating to the procedures for the conformity checks of oils, the method of sampling of olive oil and olive-pomace oils should be adapted accordingly.

(5) Regulation (EEC) No 2568/91 should therefore be amended accordingly.

(6) In order to allow a period of adjustment to the new rules, to give time for introducing the means of applying them and to avoid disturbance to commercial transactions, the amendments made by this Regulation should apply as from 1 March 2014. For the same reasons, provision should be made for olive oil and olive-pomace oils that are legally manufactured and labelled in the Union or legally imported into the Union and released for free circulation before that date to be marketed until all stocks are used up.

(7) 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

Regulation (EEC) No 2568/91 is amended as follows:

(1) Article 2 is replaced by the following:

'*Article 2*

1. The characteristics of oils laid down in Annex I shall be determined in accordance with the following methods of analysis:

(a) for the determination of the free fatty acids, expressed as the percentage of oleic acid, the method set out in Annex II;

(b) for the determination of the peroxide index, the method set out in Annex III;

(c) for determination of the wax content, the method set out in Annex IV;

(d) for the determination of the composition and content of sterols and triterpene dialcohols by capillary-column gas chromatography, the method set out in Annex V;

(e) for the determination of the percentage of 2- glyceryl monopalmitate, the method set out in Annex VII;

(f) for spectrophotometric analysis, the method set out in Annex IX;

(g) for the determination of the fatty acid composition, the method set out in Annex X A and X B;

(h) for the determination of the volatile halogenated solvents, the method set out in Annex XI;

[1] OJ L 299, 16.11.2007, p. 1.

[2] Commission Regulation (EEC) No 2568/91 of 11 July 1991 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis (OJ L 248, 5.9.1991, p. 1).

(i) for the evaluation of the organoleptic characteristics of virgin olive oil, the method set out in Annex XII;

(j) for the determination of stigmastadienes, the method set out in Annex XVII;

(k) for determining the content of triglycerides with ECN42, the method set out in Annex XVIII;

(l) for the determination of the aliphatic alcohol content, the method set out in Annex XIX;

(m) for the determination of the content of waxes, fatty acid methyl esters and fatty acid ethyl esters, the method set out in Annex XX.

In order to detect the presence of extraneous vegetable oils in olive oils, the method of analysis set out in Annex XXa shall be applied.

2. Verification by national authorities or their representatives of the organoleptic characteristics of virgin oils shall be effected by tasting panels approved by the Member States.

The organoleptic characteristics of an oil as referred to in the first subparagraph shall be deemed consonant with the category declared if a panel approved by the Member State confirms the grading.

Should the panel not confirm the category declared as regards the organoleptic characteristics, at the interested party's request, the national authorities or their representatives shall have carried out without delay two counter-assessments by other approved panels, at least one by a panel approved by the producer Member State concerned. The characteristics concerned shall be deemed consonant with the characteristics declared if at least two of the counter-assessments confirm the declared grade. If that is not the case, the interested party shall be responsible for the cost of the counter-assessments.

3. When the national authorities or their representatives verify the characteristics of the oil as provided for in paragraph 1, samples shall be taken in accordance with international standards EN ISO 661 on the preparation of test samples and EN ISO 5555 on sampling. However, notwithstanding point 6.8 of standard EN ISO 5555, in case of batches of such oils in immediate packaging, the sample shall be taken in accordance with Annex Ia to this Regulation. In case of bulk oils for which the sampling cannot be performed according to EN ISO 5555, the sampling shall be performed in accordance with instructions provided by the competent authority of the Member State.

Without prejudice to standard EN ISO 5555 and Chapter 6 of standard EN ISO 661, the samples taken shall be put in a dark place away from strong heat as quickly as possible and sent to the laboratory for analysis no later than the fifth working day after they are taken, otherwise the samples shall be kept in such a way that they will not be degraded or damaged during transport or storage before being sent to the laboratory.

4. For the purposes of the verification provided for in paragraph 3, the analyses referred to in Annexes II, III, IX, XII and XX and, where applicable, any counter-analyses required under national law, shall be carried out before the minimum durability date in case of packaged products. In case of sampling of bulk oils, those analyses shall be carried out no later than the sixth month after the month in which the sample was taken.

No time limit shall apply to the other analyses provided for in this Regulation.

Unless the sample was taken less than two months before the minimum durability date, if the results of the analyses do not match the characteristics of the category of olive oil or olive-pomace oil declared, the party concerned shall be notified no later than one month before the end of the period laid down in the first subparagraph.

5. For the purpose of determining the characteristics of olive oils by the methods provided for in the first subparagraph of paragraph 1, the analysis results shall be directly compared with the limits laid down in this Regulation.'

(2) Annex I is replaced by the text set out in Annex I to this Regulation.

(3) Annex Ia is replaced by the text set out in Annex II to this Regulation.

(4) Annex Ib is replaced by the text set out in Annex III to this Regulation.

(5) Annex V is replaced by the text set out in Annex IV to this Regulation.

(6) Annex VI is deleted.

(7) Annex XII is replaced by the text set out in Annex V to this Regulation.

(8) Annex XXa, the text of which is set out in Annex VI to this Regulation, is inserted after Annex XX.

Article 2

Products which have been legally manufactured and labelled in the Union or legally imported into the Union and released for free circulation before 1 March 2014 may be marketed until all stocks are used up.

Article 3

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

It shall apply from 1 March 2014.

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

Done at Brussels, 16 December 2013.

For the Commission
The President
José Manuel BARROSO

ANNEX I

'ANNEX 1

OLIVE OIL CHARACTERISTICS

Category	Fatty acid ethyl esters (FAEEs) mg/kg (*)	Acidity (%) (*)	Peroxide índex mEq O_2/kg (*)	Waxes mg/kg (**)	2-glyceril monopal-mitate (%)	Stigmastadienes mg/kg (1)	Difference: ECN42 (HPLC) and ECN42 (2) (theoretical calculation)	K_{232} (*)	K_{268} or K_{270} (*)	Delta-K (*)	Organoleptic evaluation Median of defect (Md) (*)	Organoleptic evaluation Fruity median (Mf) (*)
1. Extra virgin olive oil	FAEEs ≤ 40 (2013-2014 crop year) (3) FAEEs ≤ 35 (2014-2015 crop year) FAEEs ≤ 30 (after 2015 crop years)	≤ 0,8	≤ 20	$C_{42} + C_{44} + C_{46} \leq 150$	≤ 0,9 if total palmitic acid % ≤ 14 % ≤ 1,0 if total palmitic acid % > 14 %	≤ 0,05	≤ |0,2|	≤ 2,50	≤ 0,22	≤ 0,01	Md = 0	Mf > 0
2. Virgin olive oil	—	≤ 2,0	≤ 20	$C_{42} + C_{44} + C_{46} \leq 150$	≤ 0,9 if total palmitic acid % ≤ 14 % ≤ 1,0 if total palmitic acid % > 14 %	≤ 0,05	≤ |0,2|	≤ 2,60	≤ 0,25	≤ 0,01	Md ≤ 3,5	Mf > 0
3. Lampante olive oil	—	> 2,0	—	$C_{40} + C_{42} + C_{44} + C_{46} \leq 300$ (4)	≤ 0,9 if total palmitic acid % ≤ 14 % ≤ 1,1 if total palmitic acid % > 14 %	≤ 0,50	≤ |0,3|	—	—	—	Md > 3,5 (5)	—
4. Refined olive oil	—	≤ 0,3	≤ 5	$C_{40} + C_{42} + C_{44} + C_{46} \leq 350$	≤ 0,9 if total palmitic acid % ≤ 14 % ≤ 1,1 if total palmitic acid % > 14 %	—	≤ |0,3|	—	≤ 1,10	≤ 0,16	—	—

Category	Fatty acid ethyl esters (FAEEs) mg/kg (*)	Acidity (%) (*)	Peroxide índex mEq O_2/kg (*)	Waxes mg/kg (**)	2-glyceril monopal-mitate (%)	Stigmastadienes mg/kg (1)	Difference: ECN42 (HPLC) and ECN42 (2) (theoretical calculation)	K_{232} (*)	K_{268} or K_{270} (*)	Delta-K (*)	Organoleptic evaluation Median of defect (Md) (*)	Organoleptic evaluation Fruity median (Mf) (*)
5. Olive oil composed of refined and virgin olive oils	—	≤ 1,0	≤ 15	$C_{40} + C_{42} + C_{44} + C_{46} \leq 350$	≤ 0,9 if total palmitic acid % ≤ 14 % ≤ 1,0 if total palmitic acid % > 14 %	—	≤ |0,3|	—	≤ 0,90	≤ 0,15	—	—
6. Crude olive-pomace	—	—	—	$C_{40} + C_{42} + C_{44} + C_{46} > 350$ (6)	≤ 1,4	—	≤ |0,6|	—	—	—	—	—
7. Refined olive-pomace oil	—	≤ 0,3	≤ 5	$C_{40} + C_{42} + C_{44} + C_{46} > 350$	≤ 1,4	—	≤ |0,5|	—	≤ 2,00	≤ 0,20	—	—
8. Olive-pomace oil	—	≤ 1,0	≤ 15	$C_{40} + C_{42} + C_{44} + C_{46} > 350$	≤ 1,2	—	≤ |0,5|	—	≤ 1,70	≤ 0,18	—	—

(1) Total isomers which could (or could not) be separated by capillary column.
(2) The olive oil has to be in conformity with the method set out in Annex XXa.
(3) This limit applies to olive oils produced as from 1st March 2014
(4) Oils with a wax content of between 300 mg/kg and 350 mg/kg are considered to be lampante olive oil if the total aliphatic alcohol content is less than or equal to 350 mg/kg or if the erythrodiol and uvaol content is less than or equal to 3,5 %.
(5) Or where the median of defect is above 3,5 or the median of defect is less than or equal to 3,5 and the fruity median is equal to 0.
(6) Oils with a wax content of between 300 mg/kg and 350 mg/kg are considered to be crude olive-pomace oil if the total aliphatic alcohol content is above 350 mg/kg and if the erythrodiol and uvaol content is greater than 3,5 %.

Category	Fatty acid composition (1)						Total transoleic isomers (%)	Total transli-noleic + transli-nolenic isomers (%)	Sterols composition						Total sterols (mg/kg)	Erythrodiol and uvaol (%) (**)
	Myristic (%)	Linolenic (%)	Arachidic (%)	Eicosenoic (%)	Behenic (%)	Lignoceric (%)			Cholesterol (%)	Brassi-casterol (%)	Campes-terol (2) (%)	Stig-masterol (%)	App β–sitoste-rol (%) (3)	Delta-7-stigmaste-nol (2) (%)		
1. Extra virgin olive oil	≤ 0,03	≤ 1,00	≤ 0,60	≤ 0,40	≤ 0,20	≤ 0,20	≤ 0,05	≤ 0,05	≤ 0,5	≤ 0,1	≤ 4,0	< Camp.	≥ 93,0	≤ 0,5	≥ 1 000	≤ 4,5
2. Virgin olive oil	≤ 0,03	≤ 1,00	≤ 0,60	≤ 0,40	≤ 0,20	≤ 0,20	≤ 0,05	≤ 0,05	≤ 0,5	≤ 0,1	≤ 4,0	< Camp.	≥ 93,0	≤ 0,5	≥ 1 000	≤ 4,5
3. Lampante olive oil	≤ 0,03	≤ 1,00	≤ 0,60	≤ 0,40	≤ 0,20	≤ 0,20	≤ 0,10	≤ 0,10	≤ 0,5	≤ 0,1	≤ 4,0	—	≥ 93,0	≤ 0,5	≥ 1 000	≤ 4,5 (4)
4. Refined olive oil	≤ 0,03	≤ 1,00	≤ 0,60	≤ 0,40	≤ 0,20	≤ 0,20	≤ 0,20	≤ 0,30	≤ 0,5	≤ 0,1	≤ 4,0	< Camp.	≥ 93,0	≤ 0,5	≥ 1 000	≤ 4,5

Category	Fatty acid composition (1)						Total transoleic isomers (%)	Total translinoleic + translinolenic isomers (%)	Sterols composition						Total sterols (mg/kg)	Erythrodiol and uvaol (%) (**)
	Myristic (%)	Linolenic (%)	Arachidic (%)	Eicosenoic (%)	Behenic (%)	Lignoceric (%)			Cholesterol (%)	Brassicasterol (%)	Campesterol (2) (%)	Stigmasterol (%)	App β–sitosterol (%) (3)	Delta-7-stigmastenol (2) (%)		
5. Olive oil composed of refined and virgin olive oils	≤ 0,03	≤ 1,00	≤ 0,60	≤ 0,40	≤ 0,20	≤ 0,20	≤ 0,20	≤ 0,30	≤ 0,5	≤ 0,1	≤ 4,0	< Camp.	≥ 93,0	≤ 0,5	≥ 1 000	≤ 4,5
6. Crude olive-pomace oil	≤ 0,03	≤ 1,00	≤ 0,60	≤ 0,40	≤ 0,30	≤ 0,20	≤ 0,20	≤ 0,10	≤ 0,5	≤ 0,2	≤ 4,0	—	≥ 93,0	≤ 0,5	≥ 2 500	> 4,5 (5)
7. Refined olive-pomace oil	≤ 0,03	≤ 1,00	≤ 0,60	≤ 0,40	≤ 0,30	≤ 0,20	≤ 0,40	≤ 0,35	≤ 0,5	≤ 0,2	≤ 4,0	< Camp.	≥ 93,0	≤ 0,5	≥ 1 800	> 4,5
8. Olive-pomace oil	≤ 0,03	≤ 1,00	≤ 0,60	≤ 0,40	≤ 0,30	≤ 0,20	≤ 0,40	≤ 0,35	≤ 0,5	≤ 0,2	≤ 4,0	< Camp.	≥ 93,0	≤ 0,5	≥ 1 600	> 4,5

(1) Other fatty acids content (%): palmitic: 7,50-20,00; palmitoleic: 0,30-3,50; heptadecanoic: ≤ 0,30; heptadecenoic: ≤ 0,30; stearic: 0,50-5,00; oleic: 55,00-83,00; linoleic: 3,50-21,00.
(2) See the Appendix to this Annex.
(3) App β-sitosterol: Delta-5,23-stigmastadienol+chlerosterol+beta-sitosterol+sitostanol+delta-5-avenasterol+delta-5,24-stigmastadienol.
(4) Oils with a wax content of between 300 mg/kg and 350 mg/kg are considered to be lampante olive oil if the total aliphatic alcohol content is less than or equal to 350 mg/kg or if the erythrodiol and uvaol content is less than or equal to 3,5 %.
(5) Oils with a wax content of between 300 mg/kg and 350 mg/kg are considered to be crude olive-pomace oil if the total aliphatic alcohol content is above 350 mg/kg and if the erythrodiol and uvaol content is greater than 3,5 %.

Notes:

(a) The results of the analyses must be expressed to the same number of decimal places as used for each characteristic. The last digit must be increased by one unit if the following digit is greater than 4.

(b) If just a single characteristic does not match the values stated, the category of an oil can be changed or the oil declared impure for the purposes of this Regulation.

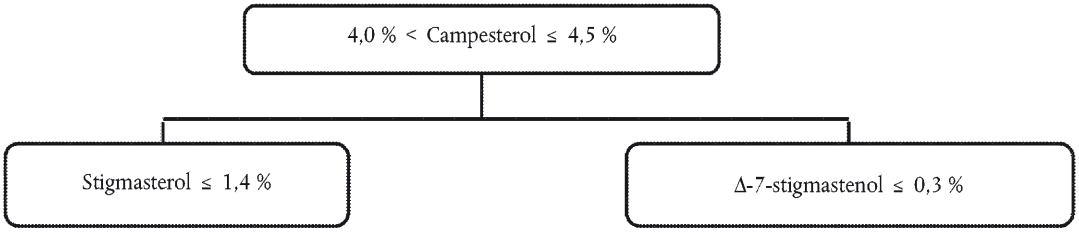
(c) If a characteristic is marked with an asterisk (*), referring to the quality of the oil, this means the following: - for lampante olive oil, it is possible for both the relevant limits to be different from the stated values at the same time, - for virgin olive oils, if at least one of these limits is different from the stated values, the category of the oil will be changed, although they will still be classified in one of the categories of virgin olive oil.

(d) If a characteristic is marked with two asterisks (**), this means that for all types of olive-pomace oil, it is possible for both the relevant limits to be different from the stated values at the same time.

Appendix

Decision tree

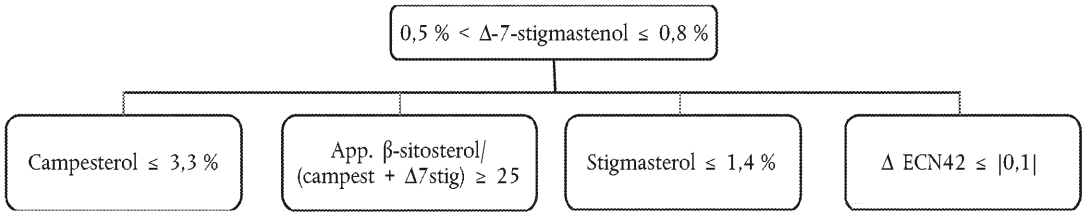
Campesterol decision tree for virgin and extra virgin olive oils:



The other parameters shall comply with the limits fixed in this Regulation.

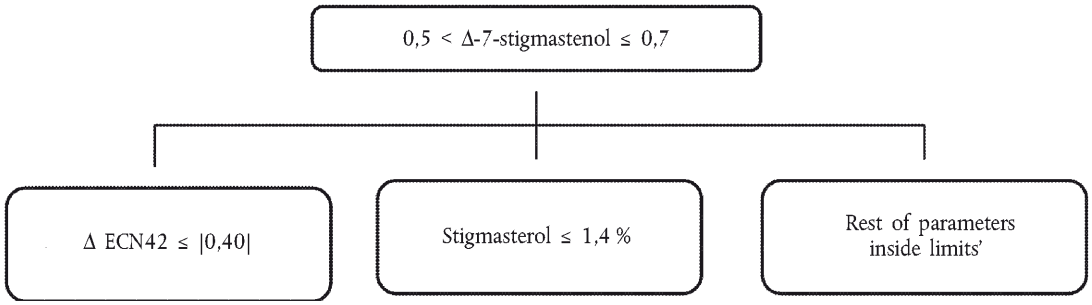
Delta-7-stigmastenol decision tree for:

— Extra virgin and virgin olive oils



The other parameters shall comply with the limits fixed in this Regulation.

— Olive-pomace oils (crude and refined



ANNEX II

'ANNEX Ia

SAMPLING OF OLIVE OIL OR OLIVE-POMACE OIL DELIVERED IN IMMEDIATE PACKAGING

This method of sampling is applied to batches of olive oil or olive-pomace oil put up in immediate packaging. Different sampling methods apply, depending on whether the immediate packaging exceeds 5 litres or not.

"Batch" shall mean a set of sales units which are produced, manufactured and packed in circumstances such that the oil contained in each sales unit is considered to be homogenous in terms of all analytical characteristics. The individuation of a batch must be done in accordance with Directive 2011/91/EU of the European Parliament and of the Council [1].

"Increment" shall mean the quantity of oil contained in an immediate package and taken from a random point of the batch.

1. CONTENT OF PRIMARY SAMPLE

1.1. **Immediate packaging not exceeding 5 litres**

"Primary Sample" for immediate packaging not exceeding 5 litres shall mean the number of increments taken from a batch and in agreement with Table 1.

Table 1

Primary sample minimum size must comprise the following

Where the immediate packaging has a capacity of	The primary sample must comprise the oil from
(a) 1 litre or more	(a) 1 immediate pack;
(b) less than 1 litre	(b) the minimum number of packs with a total capacity of at least 1,0 litre

The number of packs referred to in Table 1, which shall constitute a primary sample, can be increased by each Member State, according to their own needs (for example organoleptic assessment by a different laboratory from that which performed the chemical analyses, counter-analysis, etc.).

1.2. **Immediate packaging exceeding 5 litres**

"Primary Sample" for immediate packaging exceeding 5 litres shall mean a representative part of the total increments, obtained by a process of reduction and in agreement with Table 2. The primary sample must be composed of various examples.

"Example" of a primary sample shall mean each of the packages making up the primary sample.

Table 2

Minimum number of increments to be selected

Number of packages in the lot	Minimum number of increments to be selected
Up to 10	1
From … 11 to 150	2
From … 151 to 500	3
From … 501 to 1 500	4
From … 1 501 to 2 500	5
> 2 500 per 1 000 packages	1 extra increment

[1] Directive 2011/91/EU of the European Parliament and of the Council of 13 December 2011 on indications or marks identifying the lot to which a foodstuff belongs (OJ L 334, 16.12.2011, p. 1).

In order to reduce the volume of the sampling immediate packs, the content of the sampling increments is homogenised for the preparation of the primary sample. The portions of the different increments are poured into a common container for homogenisation by stirring, so that it will be best protected from air.

The content of the primary sample must be poured into a series of packages of the minimum capacity of 1,0 liter, each one of which constitutes an example of the primary sample.

The number of primary samples can be increased by each Member State, according to their own necessity (for example organoleptic assessment by a different laboratory from the one that performed the chemical analyses, counter-analysis, etc).

Each package must be filled in a way to minimise the air layer on top and then suitably closed and sealed to ensure the product is tamper-proof.

These examples must be labeled to ensure correct identification.

2. ANALYSES AND RESULTS

2.1. Each primary sample must be subdivided into laboratory samples, in accordance with point 2.5 of standard EN ISO 5555, and analysed according to the order shown in the decision tree set out in Annex Ib or in any other random order.

2.2. Where all the results of the analyses comply with the characteristics of the category of oil declared, the whole batch is to be declared to comply.

If a single result of the analyses does not comply with the characteristics of the category of oil declared, the whole batch is to be declared non compliant.

3. VERIFICATION OF THE CATEGORY OF BATCH

3.1. In order to verify the batch category, the competent authority may increase the number of primary samples taken at different points of the batch according to the following table:

Table 3

Number of primary samples determined by the size of batch

Size of batch (litres)	Number of primary samples
Less than 7 500	2
From 7 500 to less than 25 000	3
From 25 000 to less than 75 000	4
From 75 000 to less than 125 000	5
Equal to and more than 125 000	6 + 1 each 50 000 litres more

Each increment constituting a primary sample must be taken from a continuous place in the batch; it is necessary to take note of the location of each primary sample and to identify it unambiguously.

The formation of each primary sample must be carried out according to the procedures referred to in points 1.1 and 1.2.

Each primary sample is then subjected to the analyses referred to in Article 2(1).

3.2. When one of the results of the analyses referred to in Article 2(1) of at least one primary sample does not comply with the characteristics of the declared category of oil, the whole sampling batch shall be declared non compliant.'

ANNEX III

'ANNEX Ib

DECISION TREE FOR VERIFYING WHETHER AN OLIVE OIL SAMPLE IS CONSISTENT WITH THE CATEGORY DECLARED

Table 1

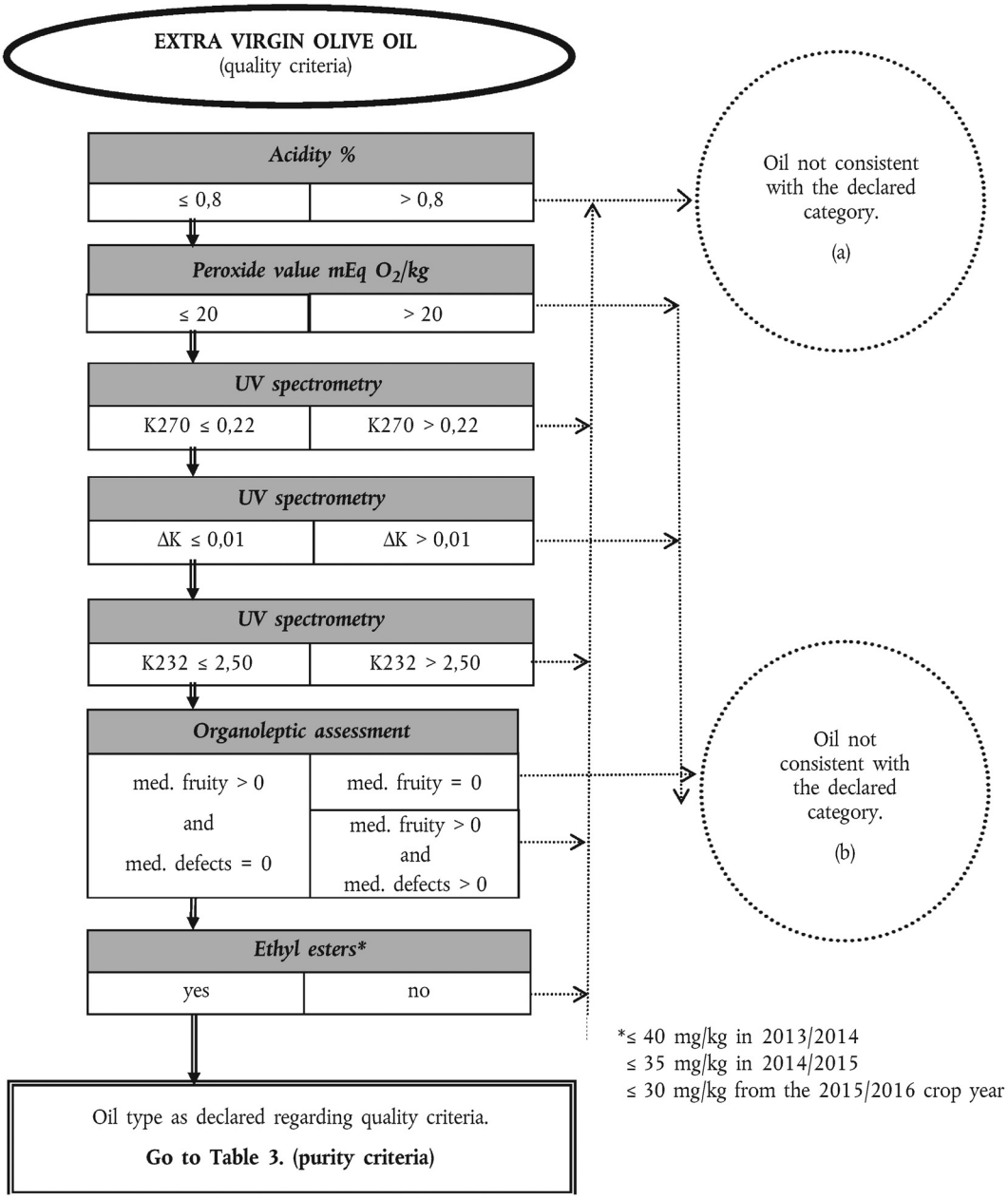


Table 2

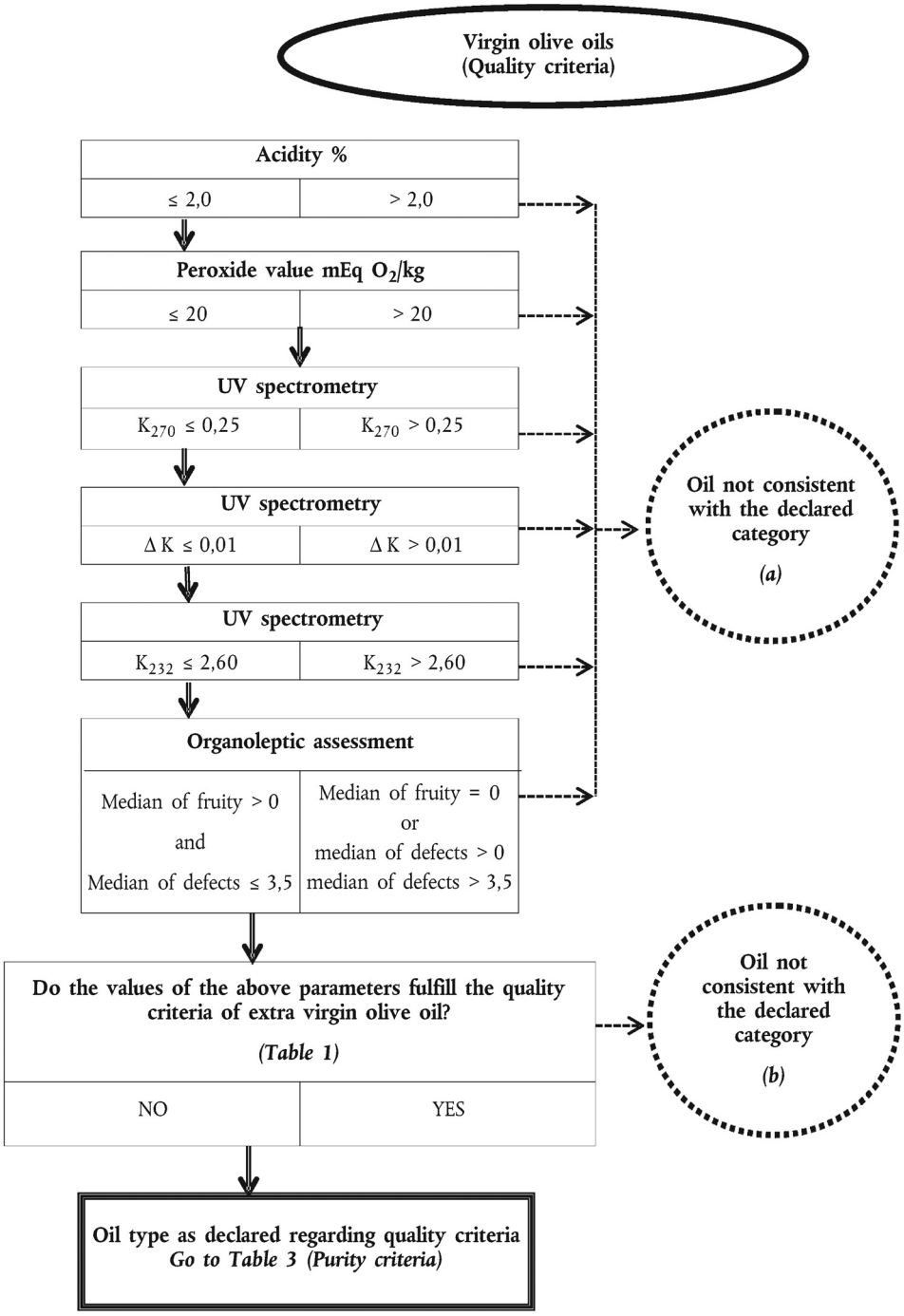
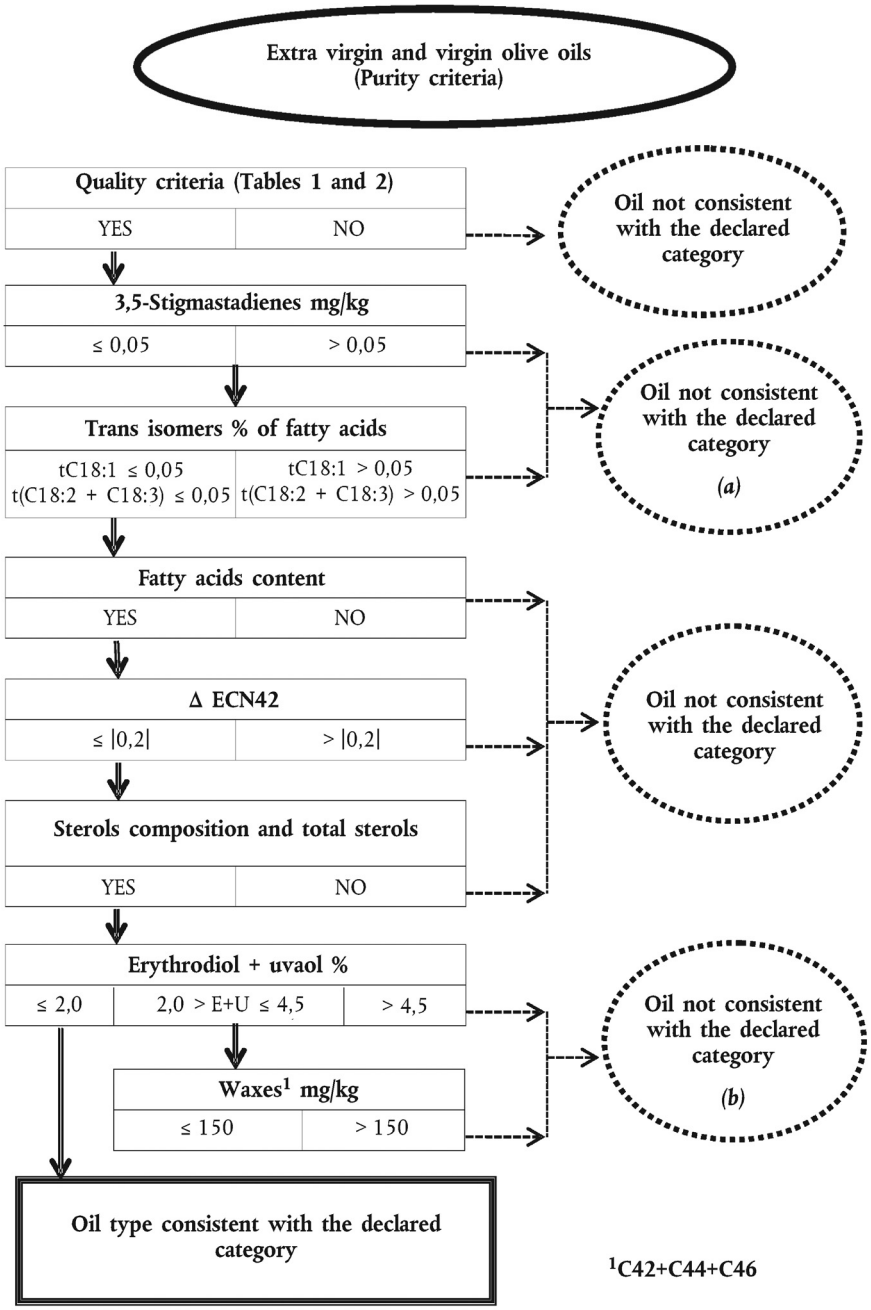

Virgin olive oils
(Quality criteria)
Acidity %
≤ 2,0
> 2,0
Peroxide value mEq O2/kg
≤ 20
> 20
UV spectrometry
K270 ≤ 0,25
K270 > 0,25
UV spectrometry
ΔK ≤ 0,01
ΔK > 0,01
UV spectrometry
K232 ≤ 2,60
K232 > 2,60
Organoleptic assessment
Median of fruity > 0
and
Median of defects ≤ 3,5
Median of fruity = 0
or
median of defects > 0
median of defects > 3,5
Oil not consistent with the declared category
(a)
Do the values of the above parameters fulfill the quality criteria of extra virgin olive oil?
(Table 1)
NO
YES
Oil not consistent with the declared category
(b)
Oil type as declared regarding quality criteria
Go to Table 3 (Purity criteria)

Table 3


Extra virgin and virgin olive oils
(Purity criteria)
Quality criteria (Tables 1 and 2)
YES
NO
Oil not consistent with the declared category
3,5-Stigmastadienes mg/kg
≤ 0,05
> 0,05
Trans isomers % of fatty acids
tC18:1 ≤ 0,05
t(C18:2 + C18:3) ≤ 0,05
tC18:1 > 0,05
t(C18:2 + C18:3) > 0,05
Oil not consistent with the declared category
(a)
Fatty acids content
YES
NO
Δ ECN42
≤ |0,2|
> |0,2|
Oil not consistent with the declared category
Sterols composition and total sterols
YES
NO
Erythrodiol + uvaol %
≤ 2,0
2,0 > E+U ≤ 4,5
> 4,5
Waxes[1] mg/kg
≤ 150
> 150
Oil not consistent with the declared category
(b)
Oil type consistent with the declared category
[1]C42+C44+C46

Appendix 1

Table of equivalence between the Annexes to this Regulation and the analyses specified in the decision tree

— Acidity	Annex II	Determination of free fatty acids, cold method
— Peroxide value	Annex III	Determination of peroxide value
— UV spectrometry	Annex IX	Spectrophotometric analysis
— Organoleptic assessment	Annex XII	Organoleptic assessment of virgin olive oil
— Ethyl esters	Annex XX	Method for the determination of the content of waxes, fatty acid methyl esters and fatty acid ethyl esters by capillary gas chromatography
— 3,5-Stigmastadienes	Annex XVII	Method of determining stigmastadienes in vegetable oils
— Trans isomers of fatty acids	Annex X A and	Analysis by gas chromatography of methyl esters of fatty acids
	Annex X B	Preparation of methyl esters of fatty acids
— Fatty acids content	Annex X A and	Analysis by gas chromatography of methyl esters of fatty acids
	Annex X B	Preparation of methyl esters of fatty acids
— ΔECN42	Annex XVIII	Determination of the composition of triglycerides with ECN42 (difference between the HPLC data and theoretical content)
— Sterols composition and total sterols — Erythrodiol and Uvaol	Annex V	Determination of the composition and content of sterols and triterpene dialcohols by capillary-column gas chromatography
— Waxes	Annex IV	Determination of wax content by capillary-column gas chromatography
— Aliphatic alcohols	Annex XIX	Determination of aliphatic alcohols content by capillary-column gas chromatography
— Saturated fatty acids in position 2	Annex VII	Determination of the percentage of 2-glyceryl monopalmitate'

ANNEX IV

'ANNEX V

DETERMINATION OF THE COMPOSITION AND CONTENT OF STEROLS AND TRITERPENES DIALCOHOLS BY CAPILLARY-COLUMN GAS CHROMATOGRAPHY

1. SCOPE

The method describes a procedure for determining the individual and total sterols and triterpene dialcohols content of olive oils and olive-pomace oils.

2. PRINCIPLE

The oil, with added α-cholestanol as an internal standard, is saponified with potassium hydroxide in ethanolic solution and the unsaponifiable matter is then extracted with ethyl ether.

The sterols and triterpene dialcohols fraction is separated from the unsaponifiable matter by thin-layer chromatography on a basic silica gel plate. The fractions recovered from the silica gel are transformed into trimethylsilyl ethers and then analysed by capillary column gas chromatography.

3. APPARATUS

The usual laboratory equipment and in particular the following:

3.1. 250 ml flask fitted with a reflux condenser with ground-glass joints.

3.2. 500 ml separating funnel.

3.3. 250 ml flasks.

3.4. Complete apparatus for analysis by thin-layer chromatography using 20 x 20 cm glass plates.

3.5. Ultraviolet lamp with a wavelength of 254 or 366 nm.

3.6. 100 µl and 500 µl microsyringes.

3.7. Cylindrical filter funnel with a G3 porous septum (porosity 15-40 µm) of diameter approximately 2 cm and a depth of 5 cm, suitable for filtration under vacuum with male ground-glass joint.

3.8. 50 ml vacuum conical flask with ground-glass female joint, which can be fitted to the filter funnel (point 3.7).

3.9. 10 ml test tube with a tapering bottom and a sealing glass stopper.

3.10. Gas chromatograph suitable for use with a capillary column with split injection system, consisting of:

3.10.1. A thermostatic chamber for columns capable of maintaining the desired temperature with an accuracy of ± 1°C;

3.10.2. A temperature-adjustable injection unit with a persilanised glass vaporising element and split system;

3.10.3. A flame ionisation detector (FID);

3.10.4. Data acquisition system suitable for use with the FID detector (point 3.10.3.), capable of manual integration.

3.11. Fused-silica capillary column of length 20 to 30 m, internal diameter 0,25 to 0,32 mm, coated with 5 % diphenyl - 95 % dimethylpolysiloxane (SE-52 or SE-54 stationary phase or equivalent), to a uniform thickness between 0,10 and 0,30 µm.

3.12. Microsyringe, of 10 ml capacity, for gas chromatography, with cemented needle suitable for split injection.

3.13. Calcium dichloride desiccator

4. REAGENTS

4.1. Potassium hydroxide minimum titre 85 %.

4.2. Potassium hydroxide ethanolic solution, approximately 2 N.

Dissolve 130 g of potassium hydroxide (point 4.1) with cooling in 200 ml of distilled water and then make up to one litre with ethanol (point 4.10). Keep the solution in well-stoppered dark glass bottles and stored maximum two days.

4.3. Ethyl ether, for analysis quality.

4.4. Potassium hydroxide ethanolic solution, approximately 0,2 N.

Dissolve 13 g of potassium hydroxide (point 4.1) in 20 ml of distilled water and make up to one litre with ethanol (point 4.10).

4.5. Anhydrous sodium sulphate, for analysis quality.

4.6. Glass plates (20x20 cm) coated with silica gel, without fluorescence indicator, thickness 0,25 mm (commercially available ready for use).

4.7. Toluene, for chromatography quality.

4.8. Acetone, for chromatography quality.

4.9. n-Hexane, for chromatography quality.

4.10. Ethyl ether, for chromatography quality.

4.11. Ethanol of analytical quality.

4.12. Ethyl acetate of analytical quality.

4.13. Reference solution for thin-layer chromatography: cholesterol or phytosterols, and erythrodiol 5 % solution in ethyl acetate (point 4.11).

4.14. 2,7-dichlorofluorescein, 0,2 % in ethanolic solution. Make slightly basic by adding a few drops of 2 N alcoholic potassium hydroxide solution (point 4.2).

4.15. Anhydrous pyridine, for chromatography quality (see Note 5).

4.16. Hexamethyl disilazane of analytical quality.

4.17. Trimethylchlorosilane of analytical quality.

4.18. Sample solutions of sterol trimethylsilyl ethers.

To be prepared at the time of use from sterols and erythrodiol obtained from oils containing them.

4.19. α-cholestanol, purity more than 99 % (purity must be checked by GC analysis).

4.20. α-cholestanol internal standard solution, 0,2 % solution (m/V) in ethyl acetate (point 4.11).

4.21. Phenolphthalein solution, 10 g/L in ethanol (point 4.10).

4.22. Carrier gas: hydrogen or helium, gas-chromatographic purity.

4.23. Auxiliary gases: hydrogen, helium, nitrogen and air, of gas-chromatographic purity.

4.24. n-Hexane (point 4.9)/ethyl ether (point 4.10) mixture 65:35 (V/V).

4.25. Silylation reagent, consisting of a 9:3:1 (V/V/V) mixture of pyridine/hexamethyl disilazane/trimethylchlorosilane.

5. PROCEDURE

5.1. Preparation of the unsaponifiable matter.

5.1.1. Using a 500 µl microsyringe (point 3.6) introduce into the 250 ml flask (point 3.1) a volume of the α-cholestanol internal standard solution (point 4.20) containing an amount of cholestanol corresponding to approximately 10 % of the sterol content of the sample. For example, for 5 g of olive oil sample add 500 µl of the α-cholestanol solution (point 4.20) and 1 500 µl for olive-pomace oil. Evaporate until dryness with a gentle current of nitrogen in a warm water bath, after cooling the flask, weigh 5 ± 0,01 g of the dry filtered sample into the same flask.

Note 1: Animal or vegetable oils and fats containing appreciable quantities of cholesterol may show a peak having a retention time close to cholestanol. If this occurs, the sterol fraction will have to be analysed in duplicate with and without internal standard.

5.1.2. Add 50 ml of 2 N ethanolic potassium hydroxide solution (point 4.2) and some pumice, fit the reflux condenser and heat to gentle boiling until saponification takes place (the solution becomes clear). Continue heating for a further 20 minutes, then add 50 ml of distilled water from the top of the condenser, detach the condenser and cool the flask to approximately 30 °C.

5.1.3. Transfer the contents of the flask quantitatively into a 500 ml separating funnel (point 3.2) using several portions of distilled water (50 ml). Add approximately 80 ml of ethyl ether (point 4.10), shake vigorously for approximately 60 seconds, periodically releasing the pressure by inverting the separating funnel and opening the stopcock. Allow standing until there is complete separation of the two phases (Note 2).

Then draw off the soap solution as completely as possible into a second separating funnel. Perform two further extractions on the water-alcohol phase in the same way using 60 to 70 ml of ethyl ether (point 4.10).

Note 2: Any emulsion can be destroyed by adding small quantities of ethanol (point 4.11).

5.1.4. Combine the three ether extracts in one separating funnel containing 50 ml of water. Continue to wash with water (50 ml) until the wash water no longer gives a pink colour on the addition of a drop of phenolphthalein solution (point 4.21).

When the wash water has been removed, filter on anhydrous sodium sulphate (point 4.5) into a previously weighed 250 ml flask, washing the funnel and filter with small quantities of ethyl ether (point 4.10).

5.1.5. Evaporate the solvent by distillation on a rotary evaporator at 30 °C under vacuum. Add 5 ml of acetone and remove the volatile solvent completely in a gentle current of air. Dry the residue in the oven at 103±2 °C for 15 min. Cool in desiccators and weigh to the nearest 0,1 mg.

5.2. Separation of the sterol and triterpene dialcohols fraction (erythrodiol + uvaol)

5.2.1. Preparation of the basic thin layer chromatography plates. Immerse the silica gel plates (point 4.6) about 4 cm in the 0,2 N ethanolic potassium hydroxide solution (point 4.5) for 10 seconds, then allow to dry in a fume cupboard for two hours and finally place in an oven at 100 °C for one hour.

Remove from the oven and keep in a calcium chloride desiccator (point 3.13) until required for use (plates treated in this way must be used within 15 days).

Note 3: When basic silica gel plates are used to separate the sterol fraction there is no need to treat the unsaponifiable fraction with alumina. In this way all compounds of an acid nature (fatty acids and others) are retained on the spotting line and the sterols band is clearly separated from the aliphatic and triterpene alcohols band.

5.2.2. Place hexane/ethyl ether mixture (point 4.24) (Note 4) into the development chamber, to a depth of approximately 1 cm. Close the chamber with the appropriate cover and leave thus for at least half an hour, in a cool place, so that liquid-vapour equilibrium is established strips of filter paper dipping into the eluent may be placed on the internal surfaces of the chamber. This reduces developing time by approximately one-third and brings about more uniform and regular elution of the components.

Note 4: The developing mixture needs to be replaced for every test, in order to achieve perfectly reproducible elution conditions, alternative solvent 50:50 (V/V) n-hexane/ethyl ether may be used.

5.2.3. Prepare an approximately 5 % solution of the unsaponifiable (point 5.1.5) in ethyl acetate (point 4.12) and, using the 100 µl microsyringe, depose 0,3 ml of the solution on a narrow and uniform streak on the lower end (2 cm) of the chromatographic plate (point 5.2.1). In line with the streak, place 2 to 3 µl of the material reference solution (point 4.13), so that the sterol and triterpene dialcohols band can be identified after developing.

5.2.4. Place the plate in the developing chamber prepared as specified in point 5.2.2. The ambient temperature should be maintained between 15 and 20 °C (Note 5). Immediately close the chamber with the cover and allow eluting until the solvent front reaches approximately 1 cm from the upper edge of the plate. Remove the plate from the developing chamber and evaporate the solvent in a flow of hot air or by leaving the plate for a short while, under a hood.

Note 5: Higher temperature could worsen the separation.

5.2.5. Spray the plate lightly and uniformly with the 2,7-dichlorofluorescein solution (point 4.14) and then leave to dry. When the plate is observed under ultraviolet light, the sterols and triterpene dialcohols bands can be identified through being aligned with the spots obtained from the reference solution (point 4.13). Mark the limits of the bands along the edges of the fluorescence with a black pencil (see TLC plate figure 3).

5.2.6. By using a metal spatula, scrape off the silica gel of the marked area. Place the finely comminuted material removed into the filter funnel (point 3.7). Add 10 ml of hot ethyl acetate (point 4.12), mix carefully with the metal spatula and filter under vacuum, collecting the filtrate in the conical flask (point 3.8.) attached to the filter funnel.

Wash the residue in the flask three times with ethyl ether (point 4.3) (approximately 10 ml each time), collecting the filtrate in the same flask attached to the funnel, evaporate the filtrate to a volume of 4 to 5 ml, transfer the residual solution to the previously weighed 10 ml test tube (point 3.9), evaporate to dryness by mild heating, in a gentle flow of nitrogen, make up again using a few drops of acetone (point 4.8), evaporate again to dryness,

The residue contained in the test tube must consist of the sterol and triterpene dialchols fractions.

5.3. Preparation of the trimethylsilyl ethers.

5.3.1. Add the silylation reagent (point 4.25) (Note 6), in the ratio of 50 µl for every milligram of sterols and triterpene dialcohols, in the test tube containing the sterol and triterpene fraction, avoiding any uptake of moisture (Note 7).

Note 6: Ready for use solutions are available commercially. Other silylation reagents, such as, for example, bistrimethylsilyl trifluor acetamide + 1 % trimethylchlorosilane, which has to be diluted with an equal volume of anhydrous pyridine, are also available.

Pyridine can be replaced by the same amount of acetonitrile.

5.3.2. Stopper the test tube, shake carefully (without overturning) until the compounds are completely dissolved. Leave to stand for at least 15 minutes at ambient temperature and then centrifuge for a few minutes. The clear solution is ready for gas chromatographic analysis.

Note 7: The slight opalescence, which may form, is normal and does not cause any anomaly. The formation of a white flock or the appearance of a pink colour is indicative of the presence of moisture or deterioration of the reagent. If this occurs, the test must be repeated (only if hexamethyldisilazane/trimethylchlorosilane is used).

5.4. Gas chromatographic analysis.

5.4.1. Preliminary operations, capillary column conditioning.

5.4.1.1. Fit the column (point 3.11) in the gas chromatograph, by attaching the inlet end to the split injector and the outlet end to the detector.

Carry out general checks on the gas chromatograph unit (leaks from the gas circuits, detector efficiency, efficiency of the splitting system and recording system, etc.).

5.4.1.2. If the column is being used for the first time, it is recommended that it be subjected to conditioning: passing a gentle flow of gas through the column itself, then switch on the gas chromatography unit and begin a gradual heating, up to a temperature of at least 20 °C above the operating temperature (Note 8). Hold this temperature for at least two hours, then place the entire unit in operating mode (adjustment of gas flows and splitting, ignition of the flame, connection with the computing system, adjustment of the column, detector and injector temperature, etc.) and then record the signal with a sensitivity at least two times greater than that one intended for the analysis. The course of the base line must be linear, without peaks of any kind, and must not show drift.

A negative straight-line drift indicates leakage from the column connections; a positive drift indicates inadequate conditioning of the column.

Note 8: The conditioning temperature must always be at least 20 °C less than the maximum temperature specified for the stationary phase used.

5.4.2. Choice of operating conditions.

5.4.2.1. The operating conditions are as follows:

— Column temperature: 260 ± 5 °C;

— Injector temperature: 280-300 °C;

— Detector temperature: 280-300 °C;

— Linear velocity of the carrier gas: helium 20 to 35 cm/s; hydrogen 30 to 50 cm/s;

— Splitting ratio: from 1:50 to 1:100;

— Instrument sensitivity: from 4 to 16 times the minimum attenuation;

— Recording sensitivity: 1 to 2 mV full scale;

— Amount of substance injected: 0,5 to 1 µl of TMSE solution.

These conditions may be changed according to the characteristics of the column and gas chromatograph, so as to obtain chromatograms, which meet the following requirements:

— The retention time for the ß-sitosterol peak should be at 20 ± 5 min;

— The campesterol peak should be: for olive oil (mean content 3 %) 20 ± 5 % of full scale; for soybean oil (average content 20 %) 80 ± 10 % of full scale;

— All the present sterols must be separated. In addition to being separated the peaks, they must also be completely resolved, i.e. the peak trace should return to the base line before leaving for the next peak. Incomplete resolution is, however, tolerated, provided that the peak at RRT 1,02 (Sitostanol) can be quantified using the perpendicular.

5.4.3. Analytical procedure

5.4.3.1. By using the 10 µl microsyringe, take 1 µl of hexane, draw in 0,5 µl of air and then 0,5 to 1 µl of the sample solution. Raise the plunger of the syringe further, so the needle is emptied. Push the needle through the membrane of the injector and after one to two seconds, inject rapidly, and then slowly remove the needle after around five seconds.

An automatic injector can be used as well.

5.4.3.2. Carry out the recording until the TMSE of the present triterpene dialcohols are completely eluted. The base line must continue to meet the requirements (point 5.4.1.2).

5.4.4. Peak identification

Identify individual peaks on the basis of retention times and by comparison with the mixture of sterol and triterpene dialcohols TMSE, analysed under the same conditions (see Appendix).

The sterols and triterpene dialcohols are eluted in the following order: cholesterol, brassicasterol, ergosterol, 24-methylen-cholesterol, campesterol, campestanol, stigmasterol, Δ7-campesterol, Δ5,23-stigmastadienol, clerosterol, ß-sistosterol, sitostanol, Δ5-avenasterol, Δ5,24-stigmastadienol, Δ7-stigmastenol, Δ7-avenasterol, erythrodiol and uvaol.

The retention times for ß-sitosterol, for SE-52 and SE-54 columns, are shown in Table 1.

Figures 1 and 2 show typical chromatograms for some oils.

5.4.5. Quantitative evaluation.

5.4.5.1. Calculate the areas of the α-cholestanol and the sterol and triterpene dialcohols peaks by using the computing system. Ignore peaks for any compound which are not included (ergosterol must not be calculated) among those listed in Table 1. The response factor for α-cholestanol should be considered equal to 1.

5.4.5.2. Calculate the concentration of each individual sterol, in mg/kg of fatty material, as follows:

$$\text{sterol x} = \frac{A_x \times m_s \times 1\,000}{A_s \times m}$$

where:

A_x = peak area for sterol x, in computing system counts;

A_s = area of the α-cholestanol peak, in computing system counts;

m_s = mass of added α-cholestanol, in milligrams;

m = mass of the sample used for determination, in grams.

6. EXPRESSION OF THE RESULTS

6.1. Report individual sterol concentrations as mg/kg of fatty material and their sum as "total sterols".

The composition of each of the individual sterols and of the erythrodiol and uvaol should be expressed to one decimal point.

Total sterol composition must be expressed without any decimal point.

6.2. Calculate the percentage of each individual sterol from the ratio of the relevant peak area to the total peak area for sterols and erythrodiol and uvaol:

$$\text{sterol x} = \frac{A_x}{\Sigma A} \times 100$$

where:

A_x = peak area for x;

ΣA = total peak area for sterols;

6.3. Apparent β-sitosterol: Δ5-23-stigmastadienol + clerosterol + β-sitosterol + sitostanol + Δ5-avenasterol + Δ5-24-stigmastadienol.

6.4. Calculate the percentage of erythrodiol and uvaol:

$$\text{Erythrodiol} + \text{Uvaol} = \frac{\text{Er} + \text{Uv}}{\text{Er} + \text{Uv} + \Sigma A} \times 100$$

where

ΣA = sum area for sterol in computing system counts;

Er = area of Erythrodiol in computing system counts;

Uv = area of Uvaol in computing system counts;

Appendix

Determination of the linear speed of the gas

With the gas chromatograph set to normal operating conditions, inject 1 to 3 µl of methane (or propane) and measure the time taken by the gas to pass through the column, from the time of injection to the time at which the peak appears (tM).

The linear speed in cm/s is given by L/tM, where L is the length of the column in centimetres and tM is the measured time, in seconds.

Table 1

Relative retention times for sterols

Peak	Identification		Relative retention time	
			SE 54 column	SE 52 column
1	Cholesterol	Δ-5-cholesten-3*ß*-ol	0,67	0,63
2	Cholestanol	5*α*-cholestan-3*ß*-ol	0,68	0,64
3	Brassicasterol	[24S]-24-methyl-Δ-5,22-cholestadien-3*ß*-ol	0,73	0,71
*	Ergosterol	[24S] 24 methy Δ5-7-22 cholestatrien 3ß-ol	0,78	0,76
4	24-methylene-cholesterol	24-methylene-Δ-5,24-cholestadien-3*ß*-o1	0,82	0,80
5	Campesterol	(24R)-24-methyl-Δ-5-cholesten-3*ß*-ol	0,83	0,81
6	Campestanol	(24R)-24-methyl-cholestan-3*ß*-ol	0,85	0,82
7	Stigmasterol	(24S)-24-ethyl-Δ-5,22-cholestadien-3*ß*-ol	0,88	0,87
8	Δ-7-campesterol	(24R)-24-methyl-Δ-7-cholesten-3*ß*-ol	0,93	0,92
9	Δ-5,23-stigmastadienol	(24R,S)-24-ethyl-Δ-5,23-choIestadien-3*ß*-ol	0,95	0,95
10	Clerosterol	(24S)-24-ethyl-Δ-5,25-cholestadien-3*ß*-ol	0,96	0,96
11	*ß*-sitosterol	(24R)-24-ethyl-Δ-5-cholesten-3*ß*-ol	1,00	1,00
12	Sitostanol	24-ethyl-cholestan-3*ß*-ol	1,02	1,02
13	Δ-5-avenasterol	(24Z)-24-ethylidene-Δ-cholesten-3*ß*-ol	1,03	1,03
14	Δ-5-24-stigmastadienol	(24R,S)-24-ethyl-Δ-5,24-cholestadien-3*ß*-ol	1,08	1,08
15	Δ-7-stigmastenol	(24R,S)-24-ethyl-Δ-7-cholesten-3*ß*-ol	1,12	1,12
16	Δ-7-avenasterol	(24Z)-24-ethylidene-Δ-7-cholesten-3*ß*-ol	1,16	1,16
17	Erythrodiol	5α olean-12en-3ß28 diol	1,41	1,41
18	Uvaol	Δ12-ursen-3ß28 diol	1,52	1,52

Figure 1

Gas chromatogram of the sterol and triterpene dialchols fraction of a lampante olive oil (spiked with internal standard)

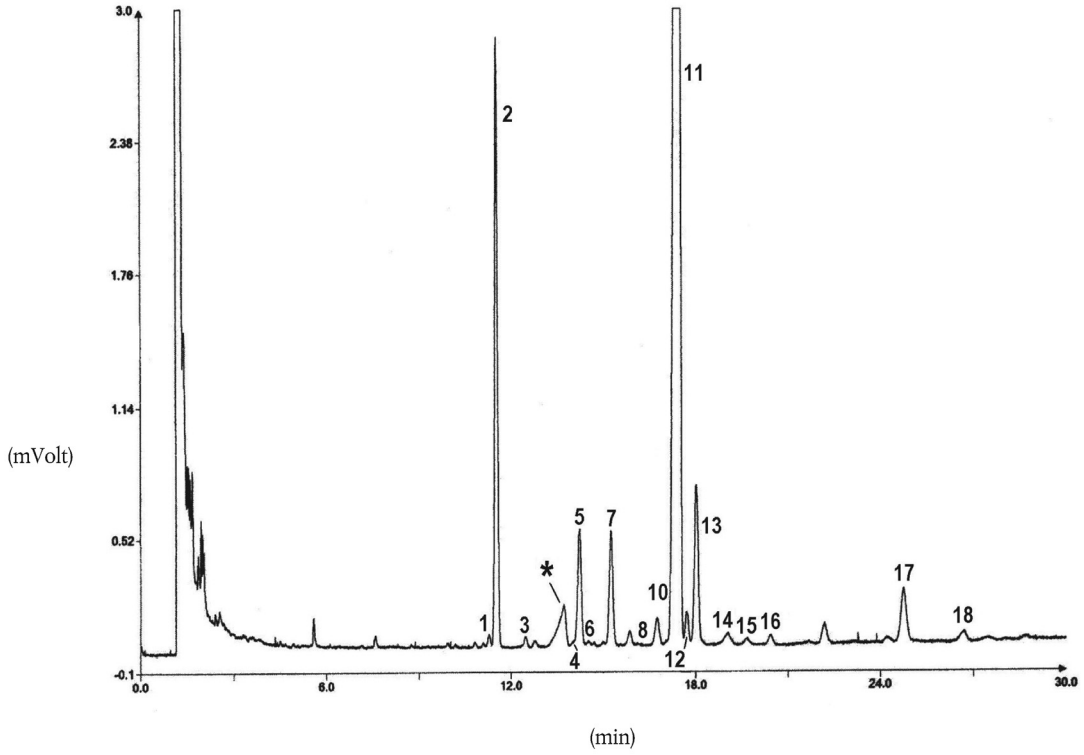


Figure 2

Gas chromatogram of the sterol and triterpene dialchols fraction of a refined olive oil (spiked with internal standard)

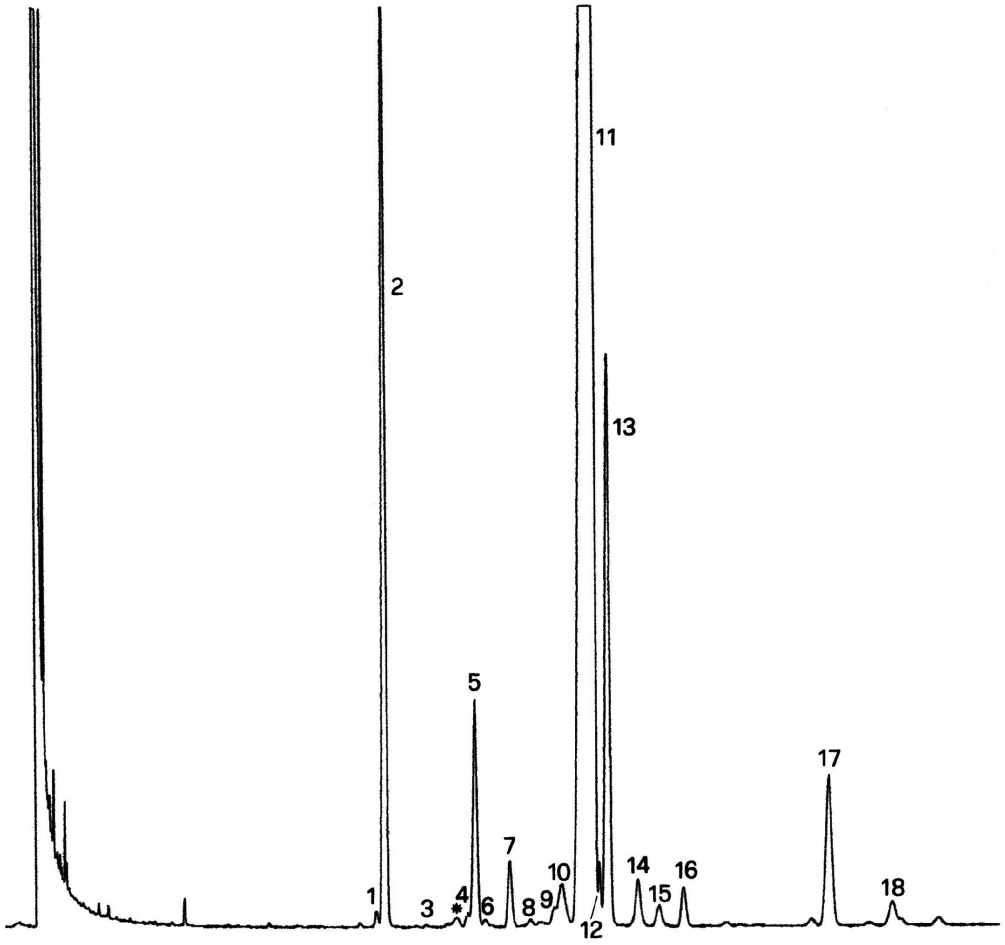
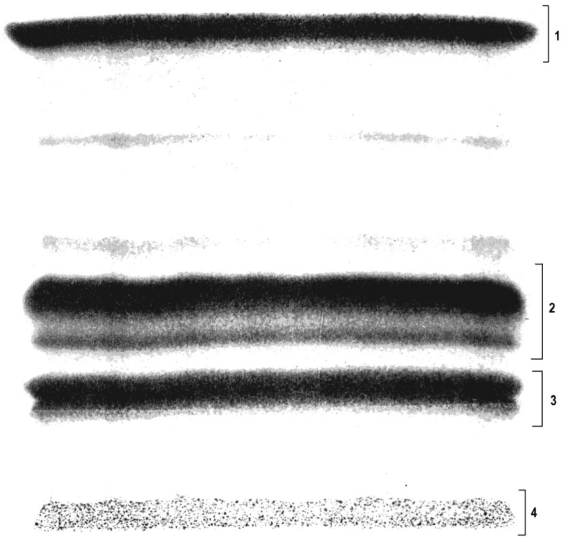


Figure 3

TLC plate olive-pomace oil with the zone that must be scraped for sterols and triterpenic dialcohols determination



1 – Squalene

2 – Triterpene and Aliphatic alcohols

3 – Sterols and Triterpenic dialcohols

4 – Start and free fatty acids'

ANNEX V

'ANNEX XII

THE INTERNATIONAL OLIVE COUNCIL'S METHOD FOR THE ORGANOLEPTIC ASSESSMENT OF VIRGIN OLIVE OIL

1. PURPOSE AND SCOPE

The purpose of this international method is to determine the procedure for assessing the organoleptic characteristics of virgin olive oil within the meaning of point 1 of Annex XVI to Regulation (EC) No 1234/2007 and to establish the method for its classification on the basis of those characteristics. It also provides indications for optional labelling.

The method described is applicable only to virgin olive oil and to the classification or labelling of such oils according to the intensity of the defects perceived and of the fruitiness, as determined by a group of tasters selected, trained and monitored as a panel.

It also provides for indications for optional labelling.

The IOC standards mentioned in this Annex are used in their last available version.

2. GENERAL BASIC VOCABULARY FOR SENSORY ANALYSIS

Refer to the standard IOC/T.20/Doc. No 4 "Sensory Analysis: General Basic Vocabulary"

3. SPECIFIC VOCABULARY

3.1. **Negative attributes**

Fusty/muddy sediment: Characteristic flavour of oil obtained from olives piled or stored in such conditions as to have undergone an advanced stage of anaerobic fermentation, or of oil which has been left in contact with the sediment that settles in underground tanks and vats and which has also undergone a process of anaerobic fermentation.

Musty-humid-earthy: Characteristic flavour of oils obtained from fruit in which large numbers of fungi and yeasts have developed as a result of its being stored in humid conditions for several days or of oil obtained from olives that have been collected with earth or mud on them and which have not been washed.

Winey-vinegary-acid-sour: Characteristic flavour of certain oils reminiscent of wine or vinegar. This flavour is mainly due to a process of aerobic fermentation in the olives or in olive paste left on pressing mats which have not been properly cleaned and leads to the formation of acetic acid, ethyl acetate and ethanol.

Rancid: Flavour of oils which have undergone an intense process of oxidation.

Frostbitten olives (wet wood): Characteristic flavour of oils extracted from olives which have been injured by frost while on the tree.

3.2. **Other negative attributes**

Heated or: Characteristic flavour of oils caused by excessive and/or prolonged

Burnt: Heating during processing, particularly when the paste is thermally mixed, if this is done under unsuitable thermal conditions.

Hay–wood: Characteristic flavour of certain oils produced from olives that have dried out.

Rough: Thick, pasty mouth sensation produced by certain old oils.

Greasy: Flavour of oil reminiscent of that of diesel oil, grease or mineral oil.

Vegetable water: Flavour acquired by the oil as a result of prolonged contact with vegetable water which has undergone fermentation processes.

Brine: Flavour of oil extracted from olives which have been preserved in brine.

Metallic: Flavour that is reminiscent of metals. It is characteristic of oil which has been in prolonged contact with metallic surfaces during crushing, mixing, pressing or storage.

Esparto: Characteristic flavour of oil obtained from olives pressed in new esparto mats. The flavour may differ depending on whether the mats are made of green esparto or dried esparto.

Grubby: Flavour of oil obtained from olives which have been heavily attacked by the grubs of the olive fly (*Bactrocera oleae*).

Cucumber: Flavour produced when an oil is hermetically packed for too long, particularly in tin containers, and which is attributed to the formation of 2,6 nonadienal.

3.3. **Positive attributes**

Fruity: Set of olfactory sensations characteristic of the oil which depends on the variety and comes from sound, fresh olives, either ripe or unripe. It is perceived directly and/or through the back of the nose.

Bitter: Characteristic primary taste of oil obtained from green olives or olives turning colour. It is perceived in the circumvallate papillae on the "V" region of the tongue.

Pungent: Biting tactile sensation characteristic of oils produced at the start of the crop year, primarily from olives that are still unripe. It can be perceived throughout the whole of the mouth cavity, particularly in the throat.

3.4. **Optional terminology for labelling purposes**

Upon request, the panel leader may certify that the oils which have been assessed comply with the definitions and ranges corresponding to the following adjectives according to the intensity and perception of the attributes.

Positive attributes (fruity, bitter and pungent): According to the intensity of perception:

— *Intense*, when the median of the attribute is more than 6;

— *Medium*, when the median of the attribute is between 3 and 6;

— *Light*, when the median of the attribute is less than 3.

Fruity: Set of olfactory sensations characteristic of the oil which depends on the variety of olive and comes from sound, fresh olives in which neither green nor ripe fruitiness predominates. It is perceived directly and/or through the back of the nose.

Greenly fruity: Set of olfactory sensations characteristic of the oil which is reminiscent of green fruit, depends on the variety of olive and comes from green, sound, fresh olives. It is perceived directly and/or through the back of the nose.

Ripely fruity: Set of olfactory sensations characteristic of the oil which is reminiscent of ripe fruit, depends on the variety of olive and comes from sound, fresh olives. It is perceived directly and/or through the back of the nose.

Well balanced: Oil which does not display a lack of balance, by which is meant the olfactory–gustatory and tactile sensation where the median of the bitter and/or pungent attributes is two points higher than the median of the fruitiness.

Mild oil: Oil for which the median of the bitter and pungent attributes is 2 or less.

4. GLASS FOR OIL TASTING

Refer to the standard IOC/T.20/Doc. No 5, "Glass for Oil Tasting".

5. TEST ROOM

Refer to the standard IOC/T.20/Doc. No 6, "Guide for the Installation of a Test Room".

6. ACCESSORIES

The following accessories, which are required by tasters to perform their task properly, must be supplied in each booth and must be within easy reach:

— glasses (standardised) containing the samples, code numbered, covered with a watch-glass and kept at 28 °C ± 2 °C;

— profile sheet (see Figure 1) on hard copy, or on soft copy provided that the conditions of the profile sheet are met, together with the instructions for its use if necessary

— pen or indelible ink

— trays with slices of apple and/or water, carbonated water and/or rusks

— glass of water at ambient temperature

— sheet recalling the general rules listed in sections 8.4 and 9.1.1

— spittoons.

7. PANEL LEADER AND TASTERS

7.1. **Panel leader**

The panel leader must be a suitably trained person with an expert knowledge of the kinds of oils which he or she will come across in the course of their work. They are the key figure in the panel and responsible for its organisation and running.

The work of the panel leader calls for basic training in the tools of sensory analysis, sensory skill, meticulousness in the preparation, organisation and performance of the tests and skill and patience to plan and execute the tests in a scientific manner.

They are the sole person responsible for selecting, training and monitoring the tasters in order to ascertain their level of aptitude. They are thus responsible for the appraisal of the tasters, which must always be objective and for which they must develop specific procedures based on tests and solid acceptance and rejection criteria. See standard IOC/T.20/Doc. No 14, "Guide for the selection, training and monitoring of skilled virgin olive oil tasters".

Panel leaders are responsible for the performance of the panel and hence for its evaluation, of which they must give reliable, objective proof. In any case, they must demonstrate at all times that the method and tasters are under control. Periodic calibration of the panel is recommended (IOC/T.20/Doc. No 14, § 5).

They hold ultimate responsibility for keeping the records of the panel. These records must always be traceable. They must comply with the assurance and quality requirements laid down in international sensory analysis standards and ensure the anonymity of the samples at all times.

They shall be responsible for inventorying and ensuring that the apparatus and equipment needed to comply with the specifications of this method is properly cleaned and maintained and shall keep written proof thereof, as well as of the compliance with the test conditions.

They shall be in charge of the reception and storage of the samples upon their arrival at the laboratory as well as of their storage after being tested. When doing so, they shall ensure at all times that the samples remain anonymous and are properly stored, for which purpose they must develop written procedures in order to ensure that the entire process is traceable and affords guarantees.

In addition, they are responsible for preparing, coding and presenting the samples to the tasters according to an appropriate experimental design in line with pre-established protocols, as well as for assembling and statistically processing the data obtained by the tasters.

They shall be in charge of developing and drafting any other procedures that might be necessary to complement this standard and to ensure that the panel functions properly.

They must seek ways of comparing the results of the panel with those obtained by other panels undertaking the analysis of virgin olive oil in order to ascertain whether the panel is working properly.

It is the duty of the panel leader to motivate the panel members by encouraging interest, curiosity and a competitive spirit among them. To do so, they are strongly recommended to ensure a smooth two-way flow of information with the panel members by keeping them informed about all the tasks they carry out and the results obtained. In addition, they shall ensure that their opinion is not known and shall prevent possible leaders from asserting their criteria over the other tasters.

They shall summon the tasters sufficiently in advance and shall answer any queries regarding the performance of the tests, but shall refrain from suggesting any opinion to them on the sample.

7.2. **Tasters**

The people acting as tasters in organoleptic tests carried out on olive oils must do so voluntarily, with all the ensuing consequences of such a voluntary act in terms of obligations and the absence of financial payment. It is therefore advisable for candidates to submit an application in writing. Candidates shall be selected, trained and monitored by the panel leader in accordance with their skills in distinguishing between similar samples; it should be borne in mind that their accuracy will improve with training.

Tasters must act like real sensory observers, setting aside their personal tastes and solely reporting the sensations they perceive. To do so, they must always work in silence, in a relaxed, unhurried manner, paying the fullest possible sensory attention to the sample they are tasting.

Between 8 and 12 tasters are required for each test, although it is wise to keep some extra tasters in reserve to cover possible absences.

8. TEST CONDITIONS

8.1. **Presentation of the sample**

The oil sample for analysis shall be presented in standardised tasting glasses conforming to the standard IOC/T.20/Doc. No 5 'Glass for oil tasting'.

The glass shall contain 14–16 ml of oil, or between 12,8 and 14,6 g if the samples are to be weighed, and shall be covered with a watch-glass.

Each glass shall be marked with a code made up of digits or a combination of letters and digits chosen at random. The code will be marked by means of an odourfree system.

8.2. **Test and sample temperature**

The oil samples intended for tasting shall be kept in the glasses at 28 °C ± 2 °C throughout the test. This temperature has been chosen because it makes it easier to observe organoleptic differences than at ambient temperature and because at lower temperatures the aromatic compounds peculiar to these oils volatilise poorly while higher temperatures lead to the formation of volatile compounds peculiar to heated oils. See the standard IOC/T.20/Doc. No 5 "Glass for Oil Tasting" for the method which has to be used for heating the samples when in the glass.

The test room must be at a temperature between 20 ° and 25 °C (see IOC/T.20/Doc. No 6).

8.3. **Test times**

The morning is the best time for tasting oils. It has been proved that there are optimum perception periods as regards taste and smell during the day. Meals are preceded by a period in which olfactory–gustatory sensitivity increases, whereas afterwards this perception decreases.

However, this criterion should not be taken to the extreme where hunger may distract the tasters, thus decreasing their discriminatory capacity; therefore, it is recommended to hold the tasting sessions between 10.00 in the morning and 12 noon.

8.4. **Tasters: general rules of conduct**

The following recommendations apply to the conduct of the tasters during their work.

When called by the panel leader to participate in an organoleptic test, tasters should be able to attend at the time set beforehand and shall observe the following:

— They shall not smoke or drink coffee at least 30 minutes before the time set for the test.

— They must not have used any fragrance, cosmetic or soap whose smell could linger until the time of the test. They must use an unperfumed soap to wash their hands which they shall then rinse and dry as often as necessary to eliminate any smell.

— They shall fast at least one hour before the tasting is carried out.

— Should they feel physically unwell, and in particular if their sense of smell or taste is affected, or if they are under any psychological effect that prevents them from concentrating on their work, the tasters shall refrain from tasting and shall inform the panel leader accordingly.

— When they have complied with the above, the tasters shall take up their place in the booth allotted to them in an orderly, quiet manner.

— They shall carefully read the instructions given on the profile sheet and shall not begin to examine the sample until fully prepared for the task they have to perform (relaxed and unhurried). If any doubts should arise, they should consult the panel leader in private.

— They must remain silent while performing their tasks.

— They must keep their mobile phone switched off at all times to avoid interfering with the concentration and work of their colleagues.

9. PROCEDURE FOR THE ORGANOLEPTIC ASSESSMENT AND CLASSIFICATION OF VIRGIN OLIVE OIL

9.1. **Tasting technique**

9.1.1. The tasters shall pick up the glass, keeping it covered with the watch-glass, and shall bend it gently; they shall then rotate the glass fully in this position so as to wet the inside as much as possible. Once this stage is completed, they shall remove the watch-glass and smell the sample, taking slow deep breaths to evaluate the oil. Smelling should not exceed 30 seconds. If no conclusion has been reached during this time, they shall take a short rest before trying again.

When the olfactory test has been performed, the tasters shall then evaluate the buccal sensations (overall retronasal olfactory, gustatory and tactile sensations). To do so, they shall take a small sip of approximately 3 ml of oil. It is very important to distribute the oil throughout the whole of the mouth cavity, from the front part of the mouth and tongue along the sides to the back part and to the palate support and throat, since it is a known fact that the perception of tastes and tactile sensations varies in intensity depending on the area of the tongue, palate and throat.

It should be stressed that it is essential for a sufficient amount of the oil to be spread very slowly over the back of the tongue towards the palate support and throat while the taster concentrates on the order in which the bitter and pungent stimuli appear. If this is not done, both of these stimuli may escape notice in some oils or else the bitter stimulus may be obscured by the pungent stimulus.

Taking short, successive breaths, drawing in air through the mouth, enables the taster not only to spread the sample extensively over the whole of the mouth but also to perceive the volatile aromatic compounds via the back of the nose by forcing the use of this channel.

The tactile sensation of pungency should be taken into consideration. For this purpose it is advisable to ingest the oil.

9.1.2. When organoleptically assessing a virgin olive oil, it is recommended that FOUR SAMPLES at the most be evaluated in each session with a maximum of three sessions per day, to avoid the contrast effect that could be produced by immediately tasting other samples.

As successive tastings produce fatigue or loss of sensitivity caused by the preceding samples, it is necessary to use a product that can eliminate the remains of the oil from the preceding tasting from the mouth.

The use of a small slice of apple is recommended which, after being chewed, can be disposed of in the spittoon. Then rinse out the mouth with a little water at ambient temperature. At least 15 minutes shall lapse between the end of one session and the start of the next.

9.2. **Use of the profile sheet by tasters**

The profile sheet intended for use by tasters is detailed in Figure 1 of this Annex.

Each taster on the panel shall smell and then taste [1] the oil under consideration. They shall then enter the intensity with which they perceive each of the negative and positive attributes on the 10-cm scale shown in the profile sheet provided.

Should the tasters perceive any negative attributes not listed in section 4, they shall record them under the "others" heading, using the term or terms that most accurately describes the attributes.

9.3. **Use of the data by the panel leaders**

The panel leader shall collect the profile sheets completed by each taster and shall review the intensities assigned to the different attributes. Should they find any anomaly, they shall invite the taster to revise his or her profile sheet and, if necessary, to repeat the test.

The panel leader shall enter the assessment data of each panel member in a computer program like that provided by the standard IOC/T.20/Doc. No 15) with a view to statistically calculating the results of the analysis, based on the calculation of their median. See sections 9.4 and Appendix to this Annex. The data for a given sample shall be entered with the aid of a matrix comprising 9 columns representing the 9 sensory attributes and n lines representing the n panel members used.

When a defect is perceived and entered under the "others" heading by at least 50 % of the panel, the panel leader shall calculate the median of the defect and shall arrive at the corresponding classification.

The value of the robust coefficient of variation which defines classification (defect with the strongest intensity and fruity attribute) must be no greater than 20 %.

If the opposite is the case, the panel leader must repeat the evaluation of the specific sample in another tasting session.

If this situation arises often, the panel leader is recommended to give the tasters specific additional training (IOC/T.20/Doc. No 14, § 5) and to use the repeatability index and deviation index to check panel performance (IOC/T.20/Doc. No 14, § 6).

9.4. **Classification of the oil**

The oil is graded as follows in line with the median of the defects and the median for the fruity attribute. The median of the defects is defined as the median of the defect perceived with the greatest intensity. The *median* of the defects and the median of the fruity attribute are expressed to one decimal place.

[1] They may refrain from tasting an oil when they notice any extremely intense negative attribute by direct olfactory means, in which case they shall record this exceptional circumstance in the profile sheet.

The oil is graded by comparing the median value of the defects and the median for the fruity attribute with the reference ranges given below. The error of the method has been taken into account when establishing the limits of these ranges, which are therefore considered to be absolute. The software packages allow the grading to be displayed as a table of statistics or a graph.

(a) Extra virgin olive oil: the median of the defects is 0 and the median of the fruity attribute is above 0;

(b) Virgin olive oil: the median of the defects is above 0 but not more than 3,5 and the median of the fruity attribute is above 0;

(c) Lampante olive oil: the median of defect is above 3,5 or the median of the defect is less than or equal to 3,5 and the fruity median is equal to 0.

Note 1:

When the median of the bitter and/or pungent attribute is more than 5,0, the panel leader shall state so on the test certificate.

Figure 1

PROFILE SHEET FOR VIRGIN OLIVE OIL

Intensity of perception of defects		
Fusty/muddy sediment (*)		
Musty/humid/earthy (*)		
Winey/vinegary acid/sour (*)		
Frostbitten olives (wet wood)		
Rancid		
Other negative attributes:		
Descriptor:	Metallic ☐ Hay ☐ Grubby ☐ Rough ☐ Brine ☐ Heated or burnt ☐ Vegetable water ☐ Esparto ☐ Cucumber ☐ Greasy ☐	

(*) *Delete as appropriate*

Intensity of perception of positive attributes		
Fruity		
	Green ☐	Ripe ☐
Bitter		
Pungent		
Name of taster:		Taster code:
Sample code:	Signature:	

Appendix

Method for calculating the median and the confidence intervals

Median

$$Me = [p\ (X < x_m) \leq ½ \wedge p\ (X \leq x_m) \geq ½]$$

The median is defined as the real number X_m characterised by the fact that the probability (*p*) that the distribution values (X) are below this number (X_m), is less than and equal to 0,5 and that simultaneously the probability (*p*) that the distribution values (X) are below or equal to X_m is greater than and equal to 0,5. A more practical definition is that the median is the 50th percentile of a distribution of numbers arranged in increasing order. In simpler terms, it is the midpoint of an ordered set of odd numbers, or the mean of two midpoints of an ordered set of even numbers.

Robust standard deviation

In order to arrive at a reliable estimate of the variability around the mean it is necessary to refer to the robust standard deviation as estimated according to Stuart and Kendall (4). The formula gives the asymptotic robust standard deviation, i.e. the robust estimate of the variability of the data considered where N is the number of observations and IQR is the interquartile range which encompasses exactly 50% of the cases of a given probability distribution:

$$s^* = \frac{1{,}25 \times \mathrm{IQR}}{1{,}35 \times \sqrt{\mathrm{N}}}$$

The interquartile range is calculated by calculating the magnitude of the difference between the 75th and 25th percentile.

$$\mathrm{IQR} = 75\text{th percentile} - 25\text{th percentile}$$

Where the percentile is the value X_{pc} characterised by the fact that the probability (*p*) that the distribution values are less than X_{pc} is less than and equal to a specific hundreth and that simultaneously the probability (*p*) that the distribution values are less than or equal to X_{pc} is greater than and equal to that specific hundredth. The hundredth indicates the distribution fractile chosen. In the case of the median it is equal to 50/100.

$$percentile = [p\ (X < x_{pc}) \leq \frac{n}{100} \wedge p\ (X \leq x_{pc}) \rightleftharpoons \frac{n}{100}]$$

For practical purposes, the percentile is the distribution value corresponding to a specific area subtended from the distribution or density curve. To give an example, the 25th percentile represents the distribution value corresponding to an area equal to 0,25 or 25/100.

In this method percentiles are computed on the basis of the real values which appear in the data matrix (percentiles computing procedure).

Robust coefficient of variation (%)

The *CVr%* represents a pure number which indicates the percentage variability of the set of numbers analysed. For this reason it is very useful for checking the reliability of the panel assessors.

$$CV_r = \frac{s^*}{Me} \times 100$$

Confidence intervals of the median at 95%

The confidence intervals at 95% (value of the error of the first kind equal to 0,05 or 5%) represent the interval within which the value of the median could vary if it were possible to repeat an experiment an infinite number of times. In practice, it indicates the interval of variability of the test in the operating conditions adopted starting from the assumption that it is possible to repeat it many times. As with the *CVr%*, the interval helps to assess the reliability of the test.

$$C.I._{upper} = Me + (c \times s^*)$$

$$C.I._{lower} = Me - (c \times s^*)$$

where C = 1,96 for the confidence interval at the 95% level.

An example of the calculation sheet is presented in Annex I to the standard IOC/T 20/Doc. No 15.

References

(1) Wilkinson, L. 1990. Systat: The system for statistics. Evanston, IL.SYSTAT Inc.

(2) Cicchitelli, G. 1984. Probabilità e Statistica. Maggioli Editore, Rimini.

(3) Massart, D.L.; Vandeginste, B.G.M.; Deming, Y.; Michotte, L. 1988. Chemometrics. A textbook. Elsevier. Amsterdam.

(4) Kendall, M.G.; Stuart, A. 1967. The advanced theory of statistics. Vol. 1. Hafner Publishing Co.

(5) McGill, R.; Tukey, J.W.; Larsen, W.A. 1978. Variation of Box Plots. The American Statistician, 32, (2), 12-16.

(6) IOC/T.28/Doc. No 1 September 2007, Guidelines for the accreditation of sensory testing laboratories with particular reference to virgin olive oil according to standard ISO/IEC 17025:2005.

(7) IOC/T.20/Doc. No 14.

(8) IOC/T.20/Doc. No 15.

(9) ISO/IEC 17025:05.'

ANNEX VI

'ANNEX XXa

METHOD FOR THE DETECTION OF EXTRANEOUS OILS IN OLIVE OILS

1. SCOPE

This method is used to detect the presence of extraneous vegetable oils in olive oils. High linoleic vegetable oils (soybean, rapeseed, sunflower, etc.), and some high oleic vegetable oils - such as hazelnut, high oleic sunflower and olive-pomace oils - can be detected in olive oils. The level detected depends on the type of extraneous oil and the variety of olive. For hazelnut oil, a detection level between 5 and 15 % is common. The method is unable to identify the type of extraneous oil detected, and only indicates if the olive oil is genuine or non-genuine.

2. PRINCIPLE

The oil is purified by solid phase extraction (SPE) on silica gel cartridges. The triacylglycerol (TAG) composition is determined by reverse phase high resolution liquid chromatography using a refractive index detector and propionitrile as the mobile phase. Fatty acid methyl esters (FAMEs) are prepared from purified oil by methylation with a cold solution of KOH in methanol (Annex X B) and then the esters are analysed by capillary gas chromatography using high polar columns (Annex X A). The theoretical triacylglycerol composition is calculated from the fatty acid composition by a computer program assuming a 1,3-random, 2-random distribution of fatty acids in the triacylglycerol, with restrictions for saturated fatty acids in the 2-position. The calculation method is a modification of the procedure described in Annex XVIII. Several mathematical algorithms are calculated from theoretical and experimental (HPLC) triacylglycerol compositions, and the resulting values are compared with those contained in a database built from genuine olive oils.

3. MATERIAL AND REAGENTS

3.1. **Oil purification**

3.1.1. 25-ml conical flasks.

3.1.2. 5-ml screw top glass tubes and caps fitted with PTFE joint.

3.1.3. Silica gel cartridges, 1 g (6 ml), for solid phase extraction (for example, Waters, Massachusetts, USA).

3.1.4. *n*-hexane, analytical grade.

3.1.5. Solvent mixture of hexane/diethyl ether (87:13, v/v).

3.1.6. *N*-heptane, analytical grade.

3.1.7. Acetone, analytical grade.

3.2. **HPLC analysis of triacylglycerols**

3.2.1. Micro syringes (50 µL) and needles for HPLC injection.

3.2.2. Propionitrile, super purity or HPLC grade (for example, ROMIL, Cambridge, United Kingdom), used as mobile phase.

3.2.3. HPLC column (25 cm × 4 mm internal diameter), packed with RP-18 phase (4 µm particle size).

3.3. **Preparation of fatty acid methyl esters**

(See Annex X B)

3.3.1. Methanol containing not more than 0,5 % water.

3.3.2. Heptane, analytical grade.

3.3.3. A 2N solution of potassium hydroxide in methanol. Dissolve 1,1 g of potassium hydroxide in 10 ml of methanol.

3.3.4. 5-ml screw top glass tubes and caps provided with PTFE joint.

3.4. **GC analysis of FAMEs**

(See method for the determination of *trans*-unsaturated fatty acids by capillary column gas chromatography set out in Annex X A).

3.4.1 Micro syringes (5 µL) and needles for GC injection.

3.4.2 Hydrogen or helium as carrier gas.

3.4.3 Hydrogen and oxygen for FID detector.

3.4.4 Nitrogen or helium as auxiliary carrier gas.

3.4.5. Fused silica capillary column (50-60 m × 0,25 – 0,30 mm internal diameter) coated with cyanopropylpolysiloxane or cyanopropylphenylsiloxane phases (SP-2380 or similar) with 0,20-0,25 μm of film thickness.

4. APPARATUS

4.1. Vacuum apparatus for solid phase extraction.

4.2. Rotary evaporator.

4.3. HPLC equipment composed of:

4.3.1. Degasser for the mobile phase.

4.3.2. Rheodyne injector valve with a 10 μL loop.

4.3.3. High pressure pump unit.

4.3.4. Thermostatic oven for the HPLC column capable of maintaining sub-ambient temperatures (15-20 °C), (for example, Peltier type).

4.3.5. Refractive index detector.

4.3.6. Computerised data acquisition system provided with an integration program.

4.4 Capillary gas chromatography equipment described in Annex X A, provided with:

4.4.1. Split injector.

4.4.2. Flame ionisation detector (FID).

4.4.3. Oven with programmable temperature.

4.4.4. Computerised data acquisition system provided with an integration program.

4.5. Computer with Microsoft EXCEL program.

5. ANALYTICAL PROCEDURE

5.1. **Oil purification**

An SPE silica gel cartridge is placed in a vacuum elution apparatus and washed under vacuum with 6 ml of hexane. The vacuum is released to prevent the column from drying and a conical flask is placed under the cartridge. A solution of the oil (0,12 g, approximately) in 0,5 ml of hexane is loaded into the column and the solution is pulled through and then eluted with 10 ml of the solvent mixture (3.1.5) of hexane-diethyl ether (87:13 v/v) under vacuum. The eluted solvent is homogenised and approximately half of the volume is poured into another conical flask. Both solutions are separately evaporated to dryness in a rotary evaporator under reduced pressure at room temperature. For triacylglycerol analysis, one of the residues is dissolved in 1 ml of acetone (See first paragraph of point 5.2) and poured into a 5-ml screw top glass tube. The other residue is dissolved in 1 ml of *n*-heptane and poured into a second 5-ml screw top glass tube for preparing the fatty acid methyl esters.

Note: Oil purification may be done using a silica gel column, as described in IUPAC method 2.507.

5.2. **HPLC analysis of triacylglycerols**

Set up the HPLC system, maintaining the column temperature at 20 °C and using propionitrile as the mobile phase at a flow rate of 0,6 ml/min. When the baseline is stable run a solvent injection; if the base line appears disturbed in the region from 12 to 25 min, use another type of acetone or a mixture of propionitrile/acetone (25:75) to dissolve the sample.

Note: Some types of acetone produce disturbances of the baseline in the above-mentioned region.

Inject a 10 μl aliquot of the solution of purified oil in acetone (5 %). The run takes approximately 60 min. Oven temperature and/or flow rate must be adjusted to achieve a chromatogram similar to that depicted in Figure 1 where trilinolein (peak 1) elutes at 15,5 min and the resolutions between the pairs LLL/OLLn (peaks 1 and 2) and OLL/OOLn (peaks 4 and 5) are good.

The height of peak 2 (OLLn+PoLL) must reach at least 3 % of the full scale.

5.3. **Preparation of fatty acid methyl esters**

Add 0,1 mL of a 2N solution of potassium hydroxide in methanol to the solution of purified oil in 1 mL of *n*-heptane. Cap the tube and screw tight. Shake the tube vigorously for 15 seconds and leave to stratify until the upper layer becomes clear (5 minutes). The *n*-heptane solution is ready to be injected into the gas chromatograph. The solution may be left at room temperature for a maximum of 12 hours.

5.4. **GC analysis of fatty acid methyl esters**

The procedure described in the method for the determination of *trans*-unsaturated fatty acids must be used (see Annex X A).

The GC system is set up at an oven temperature of 165 °C. The recommended oven temperature is isothermal at 165 °C for 10 min, then raising it to 200 °C at 1,5 °C/min. An injector temperature between 220 °C and 250 °C is recommended to minimise the formation of *trans*-fatty acids (see Annex X A). Detector temperature 250 °C. Hydrogen or helium must be used as the carrier gas at a column head pressure of 130 kPa, approximately. Injection volume 1μL in split injection mode.

A GC profile similar to that shown in Figure 2 must be obtained. Special attention must be paid to the resolution between C18:3 and C20:1 (the C18:3 peak must appear before the C20:1). To achieve these conditions, the initial temperature and/or the column head pressure must be optimised. Adjust the injector conditions (temperature, split ratio and volume injection) to minimise the discrimination of palmitic and palmitoleic acid.

The height of the C20:0 peak must be about 20 % of full scale to quantify the *trans* isomers. If the C18:0 peak appears distorted, reduce the sample amount.

6. INTEGRATION OF CHROMATOGRAPHIC PEAKS

6.1. **HPLC chromatogram**

Figure 1 shows a typical HPLC chromatogram of the triacylglycerols of a purified olive oil. For peak integration, three baselines must be traced: the first between the start of peak 1 and the end of peak 3; the second between the start of peak 4 and the valley before peak 8; the third between the valley preceding peak 8 and the end of peak 18.

The total area is the sum of the areas of all the peaks (identified and not identified) from peak 1 to peak 18. The percentage of each peak is given by

$$TAG_x\ (\%) = 100\ (A_x + A_T)$$

The percentages have to be given to two decimal figures.

6.2. **GC chromatogram**

Figure 2 shows a GC chromatogram of fatty acid alkyl esters obtained from a purified olive oil. Percentages of the following fatty acids must be calculated:

Palmitic;	P (C16:0)	=	methyl ester + ethyl ester
Stearic;	S (C18:0)	=	methyl ester
Palmitoleic;	Po (C16:1)	=	sum of methyl esters of the two *cis*-isomers
Oleic;	O (C18:1)	=	sum of methyl esters of the two *cis*-isomers + ethyl ester + *trans*-isomers
Linoleic;	L (C18:2)	=	methyl ester+ ethyl ester + *trans*-isomers
Linolenic;	Ln (C18:3)	=	methyl ester + *trans*-isomers
Arachidic;	A (C20:0)	=	methyl ester
Eicosenoic (gondoic);	G (C20:1)	=	methyl ester

Ethyl and *trans*-isomers esters may be absent in the GC chromatogram.

Total area (AT) is the sum of all the peaks appearing in the chromatogram from C14:0 to C24:0, except that corresponding to squalene. The percentage of each peak is calculated as follows:

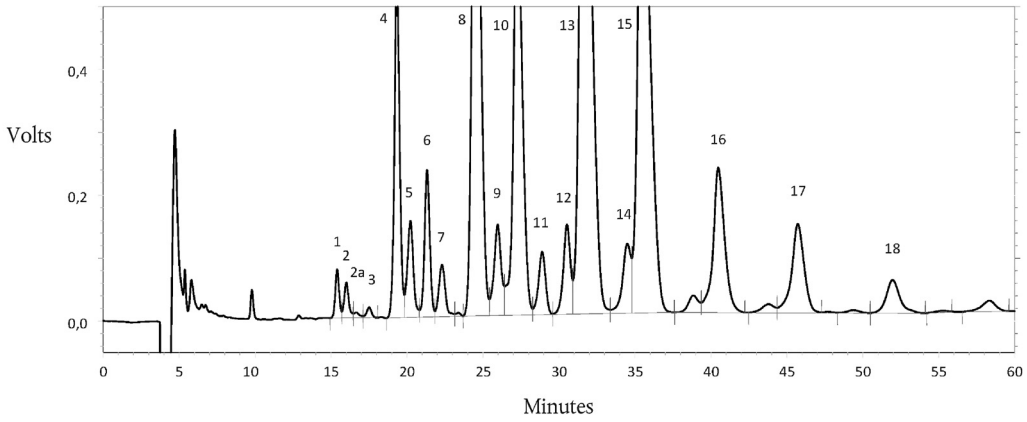
$$FA_x\ (\%) = 100\ (A_x + A_T)$$

The results have to be expressed to two decimal places.

For the calculations of the computer programs, it is not necessary to normalise to 100 because this is done automatically.

Figure 1

HPLC chromatogram of TAGs of a "Chamlali" virgin olive oil. Main components of chromatographic peaks



(1) LLL; (2) OLLn+PoLL; (3) PLLn; (4) OLL; (5) OOLn+PoOL;

(6) PLL+PoPoO; (7) POLn+PPoPo+PPoL; (8) OOL+LnPP; (9) PoOO;

(10) SLL+PLO; (11) PoOP+SPoL+SOLn+SPoPo; (12) PLP;

(13) OOO+PoPP; (14) SOL; (15) POO; (16) POP; (17) SOO;

(18) POS+SLS.

Table 1

Repeatability data of the determination of virgin olive oil TAGs by HPLC at a column temperature of 20 °C and using propionitrile as mobile phase

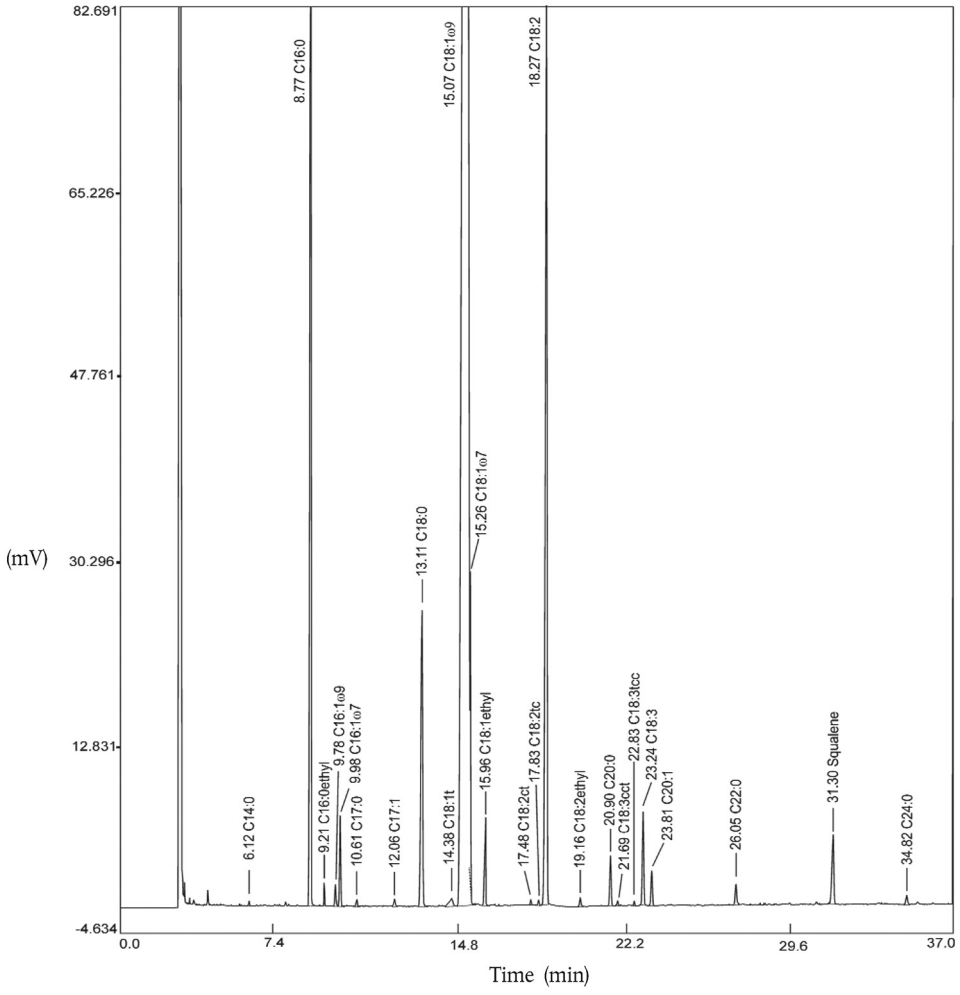
ECN	HPLC peaks	TAGs	Sample 1		Sample 2		Sample 3		Sample 4		Sample 5	
			Mean (%)	RSD_r (%)	Mean (%)	RSD_r (%)	Mean (%)	RSD_r (%)	Mean (%)	RSD_r (%)	Mean (%)	RSD_r (%)
42	**1**	LLL	0,020	7,23	0,066	5,18	0,095	4,10	0,113	0,95	0,34	1,05
	2	OLLn+ PoLL	0,085	7,44	0,24	1,78	0,26	2,25	0,35	2,02	0,50	2,83
	3	PLLn	0,023	15,74	0,039	5,51	0,057	5,62	0,082	4,35	0,12	6,15
44	**4**	OLL	0,47	1,52	1,53	0,42	2,62	0,98	3,35	1,05	4,37	1,13
	5	OOLn+ PoOL	1,07	2,01	1,54	0,46	1,61	0,71	1,72	1,07	1,77	2,40
	6	PLL+ PoPoO	0,11	12,86	0,24	4,37	0,65	1,32	1,35	0,73	2,28	1,24
	7	POLn+ PpoPo+ PpoL	0,42	5,11	0,49	2,89	0,55	2,01	0,85	1,83	1,09	1,96
46	**8**	OOL+ LnPP	6,72	0,63	8,79	0,31	11,21	0,42	13,25	0,33	15,24	0,23
	9	PoOO	1,24	2,86	1,49	0,95	1,63	0,85	2,12	0,45	2,52	0,56
	10	SLL+ PLO	2,70	0,65	4,05	0,70	6,02	0,65	9,86	0,53	11,53	0,31
	11	PoOP+ SpoL+ SOLn+ SpoPo	0,64	4,42	0,69	3,02	0,79	1,23	1,53	0,89	1,70	1,66

ECN	HPLC peaks	TAGs	Sample 1		Sample 2		Sample 3		Sample 4		Sample 5	
			Mean (%)	RSD_r (%)	Mean (%)	RSD_r (%)	Mean (%)	RSD_r (%)	Mean (%)	RSD_r (%)	Mean (%)	RSD_r (%)
48	**12+13**	OOO+ PLP+ PoPP	49,60	0,07	48,15	0,06	42,93	0,06	33,25	0,10	24,16	0,06
	14	SOL	0,82	1,72	0,92	1,56	1,05	1,32	1,25	1,05	1,60	1,77
	15	POO	22,75	0,25	21,80	0,20	21,05	0,30	20,36	0,35	20,17	0,14
50	**16**	POP	3,05	0,46	4,56	0,42	4,98	0,52	5,26	0,41	5,57	0,38
	17	SOO	6,87	0,21	5,56	0,33	4,86	0,43	4,12	0,72	3,09	0,69
	18	POS+ SLS	1,73	1,23	1,65	1,10	1,54	0,99	1,49	1,10	1,41	1,00

n = 3 replicates
RSD_r = Relative Standard Deviation of the repeatability

Figure 2

GC chromatogram of fatty acid alkyl esters obtained from an olive-pomace oil by transesterification with a cold solution of KOH in methanol



7. DETECTION OF EXTRANEOUS OILS IN OLIVE OILS

The calculation method of the detection of extraneous oils in olive oils by means of a comparison of mathematical algorithms with a data base built from genuine olive oils is set out in Annex I to standard IOC/T.20/Doc. No 25.'

COMMISSION IMPLEMENTING REGULATION (EU) No 1349/2013

of 16 December 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 multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 16 December 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

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	AL	55,3
	IL	200,7
	MA	78,3
	TN	115,1
	TR	97,6
	ZZ	109,4
0707 00 05	AL	106,5
	MA	154,0
	TR	141,2
	ZZ	133,9
0709 93 10	MA	147,4
	TR	145,2
	ZZ	146,3
0805 10 20	AR	26,3
	TR	57,0
	UY	27,9
	ZA	33,1
	ZZ	36,1
0805 20 10	MA	63,8
	ZZ	63,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	108,1
	JM	139,0
	TR	70,6
	ZZ	105,9
0805 50 10	TR	58,8
	ZZ	58,8
0808 10 80	BA	78,8
	CN	77,6
	MK	32,3
	NZ	153,0
	US	114,5
	ZZ	91,2
0808 30 90	TR	120,5
	US	154,6
	ZZ	137,6

(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

COMMISSION IMPLEMENTING DECISION

of 9 December 2013

on an additional financial contribution towards Member States' fisheries control programmes for 2013

(notified under document C(2013) 8576)

(Only the Bulgarian, Croatian, Danish, Dutch, English, Estonian, Finnish, French, Greek, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Spanish and Swedish texts are authentic)

(2013/762/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 861/2006 of 22 May 2006 establishing Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea [1], and in particular Article 21 thereof,

Whereas:

(1) Based upon the requests for Union co-financing that have been submitted by Member States in their fisheries control programmes for 2013, the Commission has adopted Implementing Decision 2013/410/EU of 10 July 2013 on a Union financial contribution towards Member States' fisheries control programmes for 2013 [2], which has left some of the 2013 budget available unused.

(2) That unused part of the 2013 budget should now be allocated by a new Decision.

(3) In conformity with Article 21(2) of Regulation (EC) No 861/2006, Member States have been asked to submit programmes related to additional funding in the priority areas as defined by the Commission in its letter to Member States of 7 June 2013, i.e. projects aiming at adaptation of the Electronic Recording and Reporting Systems (ERS) in Member States in order to cater for the future obligation to land all catches including adaptation of Member States databases, inter-operability of the ERS systems, measurement of engine power, and traceability of fishery products. Requirements to be met by operators and/or Member States carrying out investments in traceability projects were defined by the Commission in its letter to Member States of 14 May 2012.

(4) On that basis and given budgetary constraints, requests in the programmes for Union funding related to actions such as training and initiatives raising awareness on the common fisheries policy rules have been rejected, since they were not dedicated to the priority areas defined above. Within the priority areas indicated by the Commission, not all the projects in the programmes could be retained, due to budgetary restraints. The Commission had to select the projects to be co-financed on the basis of an evaluation of their conformity with the defined priorities.

(5) As to traceability projects, it is important to ensure that they are developed on the basis of internationally recognised standards, as required by Article 67(8) of Commission Implementing Regulation (EU) No 404/2011 [3].

(6) The applications for Union funding have been assessed with regard to their compliance with the rules set out in Commission Regulation (EC) No 391/2007 of 11 April 2007 laying down detailed rules for the implementation of Council Regulation (EC) No 861/2006 as regards the expenditure incurred by Member States in implementing the monitoring and control systems applicable to the Common Fisheries Policy [4].

[1] OJ L 160, 14.6.2006, p. 1.
[2] OJ L 204, 31.7.2013, p. 54.
[3] OJ L 112, 30.4.2011, p. 1.
[4] OJ L 97, 12.4.2007, p. 30.

(7) It is appropriate to fix the maximum amounts and the rate of the Union financial contribution within the limits set by Article 15 of Regulation (EC) No 861/2006 and to lay down the conditions under which such contribution may be granted.

(8) In order to encourage investment in the priority actions defined by the Commission and in view of the negative impact of the financial crisis on Member States' budgets, expenditure related to the above-mentioned priority areas should benefit from a high co-financing rate, within the limits laid down in Article 15 of Regulation (EC) No 861/2006.

(9) In order to qualify for the contribution, projects co-financed on the basis of this decision should comply with all the relevant provision of Union legislation and, in particular with Implementing Regulation (EU) No 404/2011.

(10) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

This Decision provides for an additional Union financial contribution towards expenditure incurred by Member States for 2013 in implementing monitoring and control systems applicable to the common fisheries policy (CFP), as referred to in Article 8(1)(a) of Regulation (EC) No 861/2006. It establishes the amount of the Union financial contribution for each Member State, the rate of the Union financial contribution and the conditions on which such contribution may be granted.

Article 2

Closure of outstanding commitments

All payments in respect of which a reimbursement is claimed shall be made by the Member State concerned by 30 June 2017. Payments made by a Member State after that deadline shall not be eligible for reimbursement. Unused budgetary appropriations related to this Decision shall be de-committed at the latest by 31 December 2018.

Article 3

New technologies and IT networks

1. Expenditure incurred, in respect of projects referred to in Annex I, on the setting up of new technologies and IT networks in order to allow efficient and secure collection and management of data in connection with monitoring, control and surveillance of fisheries activities, shall qualify for a financial contribution of 90 % of the eligible expenditure, within the limits laid down in that Annex.

2. As far as traceability projects are concerned, the EU contribution shall be limited to EUR 1 000 000 in case of investments carried out by Member State authorities, and to EUR 250 000 in case of private investments. The total number of traceability projects carried out by private operators shall be limited to eight per Member State and per financing decision.

3. In order to qualify for the financial contribution referred to in paragraph 2, all projects co-financed according to this decision shall satisfy the applicable requirements laid down in Council Regulation (EC) No 1224/2009 [1] and Implementing Regulation (EU) No 404/2011.

4. Projects BG/13/02 related to Omega gauges, EL/13/10 related to tablets to be used for inspection purposes and PT/13/08 related to weighing equipment, which are referred to in Annex I, shall qualify for a financial contribution of 50 % of the eligible expenditure, within the limits laid down in that Annex.

Article 4

Automatic localisation devices

1. Expenditure incurred, in respect of projects referred to in Annex II, on the purchase and fitting on board of fishing vessels of automatic localisation devices enabling vessels to be monitored at a distance by a fisheries monitoring centre through a vessel monitoring system (VMS) shall qualify for a financial contribution of 90 % of the eligible expenditure, within the limits established in that Annex.

2. In order to qualify for the financial contribution referred to in paragraph 1, automatic localisation devices shall satisfy the requirements laid down in Implementing Regulation (EU) No 404/2011.

Article 5

Electronic recording and reporting systems

Expenditure incurred, in respect of projects referred to in Annex III, on the development, purchase, and installation of, as well as technical assistance for, the components necessary for electronic recording and reporting systems (ERS) in order to allow inter-operability of ERS systems between Member States as well as to enable the implementation of the obligation to land all catches ('discard ban'), shall qualify for a financial contribution of 90 % of the eligible expenditure, within the limits laid down in that Annex.

[1] OJ L 343, 22.12.2009, p. 1.

Article 6

Pilot projects

Expenditure incurred, in respect of projects referred to in Annex V, on pilot projects on new control technologies shall qualify for a financial contribution of 50 % of the eligible expenditure, within the limits laid down in that Annex.

Article 7

Total maximum Union contribution per Member State

The planned expenditure, the eligible share thereof, and the maximum Union contribution per Member State are set as follows:

(EUR)

Member State	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
Belgium	430 000	280 000	252 000
Bulgaria	35 791	35 791	24 031
Denmark	4 195 144	1 251 235	876 285
Estonia	400 000	400 000	360 000
Ireland	200 000	200 000	180 000
Greece	228 500	78 500	50 650
Spain	2 989 879	1 037 300	769 570
France	2 058 585	1 356 145	631 082
Croatia	267 490	267 490	227 400
Italy	1 850 000	422 000	379 800
Cyprus	100 000	100 000	90 000
Latvia	124 038	124 038	111 634
Lithuania	99 919	99 919	89 927
Malta	1 470 510	615 000	553 500
Poland	1 487 812	1 389 812	1 090 831
Portugal	443 954	161 500	143 150
Romania	40 000	0	0
Finland	1 800 000	1 050 000	945 000
Sweden	2 450 000	1 150 000	1 035 000
United Kingdom	31 553	25 710	23 140
Total	**20 703 175**	**10 044 440**	**7 833 000**

Article 8

Addressees

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Kingdom of Denmark, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 9 December 2013.

For the Commission
Maria DAMANAKI
Member of the Commission

ANNEX I

NEW TECHNOLOGIES AND IT NETWORKS

(EUR)

Member State and project code	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
Bulgaria:			
BG/13/02	20 452	20 452	10 226
BG/13/03	15 339	15 339	13 805
Sub-Total	***35 791***	***35 791***	***24 031***
Denmark:			
DK/13/21	469 509	469 509	172 731
DK/13/23	335 363	335 363	301 827
DK/13/24	250 000	0	0
DK/13/25	250 000	0	0
DK/13/26	250 000	0	0
DK/13/27	278 000	0	0
DK/13/28	275 000	0	0
DK/13/29	275 000	0	0
DK/13/30	275 000	0	0
DK/13/31	275 000	111 000	99 900
DK/13/32	300 000	0	0
DK/13/33	403 423	0	0
DK/13/34	221 340	0	0
DK/13/35	2 146	0	0
Sub-Total	***3 859 781***	***915 872***	***574 458***
Ireland:			
IE/13/04	200 000	200 000	180 000
Sub-Total	***200 000***	***200 000***	***180 000***
Greece:			
EL/13/10	50 000	50 000	25 000
EL/13/11	28 500	28 500	25 650
Sub-Total	***78 500***	***78 500***	***50 650***
Spain:			
ES/13/42	718 632	0	0
ES/13/45	454 090	0	0

(EUR)

Member State and project code	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
ES/13/50	365 000	365 000	328 500
ES/13/54	33 900	0	0
ES/13/55	50 000	0	0
ES/13/56	16 000	16 000	14 400
ES/13/57	72 000	0	0
Sub-Total	***1 709 622***	***381 000***	***342 900***
France:			
FR/13/14	498 798	498 798	250 000
FR/13/15	711 700	711 700	250 000
FR/13/16	276 000	0	0
FR/13/17	115 647	115 647	104 082
FR/13/18	176 440	0	0
Sub-total	***1 778 585***	***1 326 145***	***604 082***
Croatia:			
HR/13/08	10 000	10 000	9 000
HR/13/10	247 490	247 490	209 400
Sub-Total	***257 490***	***257 490***	***218 400***
Italy:			
IT/13/10	450 000	422 000	379 800
IT/13/11	1 400 000	0	0
Sub-Total	***1 850 000***	***422 000***	***379 800***
Latvia:			
LV/13/04	124 038	124 038	111 634
Sub-Total	***124 038***	***124 038***	***111 634***
Lithuania:			
LT/13/06	15 929	15 929	14 336
LT/13/05	26 066	26 066	23 459
Sub-Total	***41 995***	***41 995***	***37 795***
Malta:			
MT/13/04	55 510	0	0
MT/13/05	1 400 000	600 000	540 000
MT/13/06	15 000	15 000	13 500
Sub-Total	***1 470 510***	***615 000***	***553 500***
Poland:			
PL/13/16	250 000	152 000	136 800
PL/13/17	147 512	147 512	132 761

(EUR)

Member State and project code	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
PL/13/18	240 300	240 300	216 270
Sub-Total	***637 812***	***539 812***	***485 831***
Portugal:			
PT/13/06	129 200	111 100	99 990
PT/13/08	5 500	5 500	2 750
PT/13/09	264 354	0	0
Sub-Total	***399 054***	***116 600***	***102 740***
Romania:			
RO/13/18	40 000	0	0
Sub-Total	***40 000***	***0***	***0***
Finland:			
FI/13/11	350 000	350 000	315 000
FI/13/14	150 000	150 000	135 000
FI/13/15	750 000	0	0
Sub-Total	***1 250 000***	***500 000***	***450 000***
Sweden:			
SE/13/04	500 000	0	0
SE/13/05	350 000	0	0
SE/13/06	450 000	0	0
SE/13/07	450 000	450 000	405 000
SE/13/08	200 000	200 000	180 000
Sub-Total	***1 950 000***	***650 000***	***585 000***
United Kingdom:			
UK/13/05	9 933	9 933	8 940
UK/13/06	1 753	1 753	1 578
UK/13/07	5 843	0	0
Sub-Total	***17 529***	***11 686***	***10 518***
Total	**15 700 707**	**6 215 929**	**4 711 339**

ANNEX II

AUTOMATIC LOCALISATION DEVICES

(EUR)

Member State and project code	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
France:			
FR/13/12	250 000	0	0
Sub-Total	***250 000***	***0***	***0***
UK:			
UK/13/04	14 024	14 024	12 622
Sub-Total	***14 024***	***14 024***	***12 622***
Total	**264 024**	**14 024**	**12 622**

ANNEX III

ELECTRONIC RECORDING AND REPORTING SYSTEMS

(EUR)

Member State and project code	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
Belgium:			
BE/13/10	40 000	40 000	36 000
BE/13/11	200 000	200 000	180 000
BE/13/12	40 000	40 000	36 000
Sub-Total	***280 000***	***280 000***	***252 000***
Denmark:			
DK/13/22	335 363	335 363	301 827
Sub-Total	***335 363***	***335 363***	***301 827***
Estonia:			
EE/13/04	300 000	300 000	270 000
EE/13/05	100 000	100 000	90 000
Sub-Total	***400 000***	***400 000***	***360 000***
Spain:			
ES/13/43	246 300	246 300	221 670
Sub-Total	***246 300***	***246 300***	***221 670***
France:			
FR/13/13	30 000	30 000	27 000
Sub-Total	***30 000***	***30 000***	***27 000***
Croatia:			
HR/13/09	10 000	10 000	9 000
Sub-Total	***10 000***	***10 000***	***9 000***
Cyprus:			
CY/13/04	100 000	100 000	90 000
Sub-Total	***100 000***	***100 000***	***90 000***
Lithuania:			
LT/13/04	57 924	57 924	52 132
Sub-Total	***57 924***	***57 924***	***52 132***
Poland:			
PL/13/14	350 000	350 000	315 000
PL/13/15	100 000	100 000	90 000
Sub-Total	***450 000***	***450 000***	***405 000***
Portugal:			
PT/13/07	44 900	44 900	40 410
Sub-Total	***44 900***	***44 900***	***40 410***

(EUR)

Member State and project code	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
Finland:			
FI/13/10	350 000	350 000	315 000
FI/13/12	200 000	200 000	180 000
Sub-Total	***550 000***	***550 000***	***495 000***
Sweden:			
SE/13/09	500 000	500 000	450 000
Sub-Total	***500 000***	***500 000***	***450 000***
Total	**3 004 487**	**3 004 487**	**2 704 039**

ANNEX V

PILOT PROJECTS

(EUR)

Type of expenditure	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
Belgium:			
BE/13/13	150 000	0	0
Sub-Total	***150 000***	***0***	***0***
Spain:			
ES/13/44	471 074	0	0
ES/13/46	250 000	250 000	125 000
ES/13/48	160 000	160 000	80 000
ES/13/49	100 000	0	0
ES/13/51	2 000	0	0
Sub-Total	***983 074***	***410 000***	***205 000***
Poland:			
PL/13/13	400 000	400 000	200 000
Sub-Total	***400 000***	***400 000***	***200 000***
Total	**1 533 074**	**810 000**	**405 000**

ANNEX VI

AMOUNTS RELATED TO TRAINING AND EXCHANGE PROGRAMMES AND TO INITIATIVES RAISING AWARENESS OF CFP RULES THAT WERE REJECTED

(EUR)

Member State and project code	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
Greece:			
EL/13/12	150 000	0	0
Sub-Total	***150 000***	***0***	***0***
Spain:			
ES/13/47	40 000	0	0
ES/13/52	8 082	0	0
ES/13/53	2 800	0	0
Sub-Total	***50 882***	***0***	***0***
Total	**200 882**	**0**	**0**

COMMISSION IMPLEMENTING DECISION

of 12 December 2013

on excluding from European Union financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD)

(notified under document C(2013) 8743)

(only the Czech, Dutch, English, French, Finnish, German, Greek, Hungarian, Latvian, Portuguese, Romanian, Spanish, Swedish texts are authentic)

(2013/763/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy [1], and in particular Article 7(4) thereof,

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy [2], and in particular Article 31 thereof,

Having consulted the Committee on the Agricultural Funds,

Whereas:

(1) Under Article 7(4) of Regulation (EC) No 1258/1999, and Article 31 of Regulation (EC) No 1290/2005, the Commission is to carry out the necessary verifications, communicate to the Member States the results of these verifications, take note of the comments of the Member States, initiate a bilateral discussion so that an agreement may be reached with the Member States in question, and formally communicate its conclusions to them.

(2) The Member States have had an opportunity to request the launch of a conciliation procedure. That opportunity has been used in some cases and the reports issued on the outcome have been examined by the Commission.

(3) Under Regulation (EC) No 1258/1999 and Regulation (EC) No 1290/2005, only agricultural expenditure which has been incurred in a way that has not infringed European Union rules may be financed.

(4) In the light of the verifications carried out, the outcome of the bilateral discussions and the conciliation procedures, part of the expenditure declared by the Member States does not fulfil this requirement and cannot, therefore, be financed under the EAGGF Guarantee Section, the EAGF and the EAFRD.

(5) The amounts that are not recognised as being chargeable to the EAGGF Guarantee Section, the EAGF and the EAFRD should be indicated. Those amounts do not relate to expenditure incurred more than twenty-four months before the Commission's written notification of the results of the verifications to the Member States.

(6) As regards the cases covered by this decision, the assessment of the amounts to be excluded on grounds of non-compliance with European Union rules was notified by the Commission to the Member States in a summary report on the subject.

(7) This Decision is without prejudice to any financial conclusions that the Commission may draw from the judgments of the Court of Justice in cases pending on 1 September 2013 and relating to its content,

HAS ADOPTED THIS DECISION:

Article 1

The expenditure itemised in the Annex hereto that has been incurred by the Member States' accredited paying agencies and declared under the EAGGF Guarantee Section, under the EAGF or under the EAFRD shall be excluded from European Union financing because it does not comply with European Union rules.

[1] OJ L 160, 26.6.1999, p. 103.
[2] OJ L 209, 11.8.2005, p. 1.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Latvia, the Grand Duchy of Luxembourg, Hungary, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, Romania, the Republic of Finland, the Kingdom of Sweden.

Done at Brussels, 12 December 2013.

For the Commission

Dacian CIOLOȘ

Member of the Commission

ANNEX

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
BUDGET ITEM: 6 5 0 0									
CZ	Clearance of Accounts - Financial Clearance	2011	administrative errors	ONE-OFF		EUR	– 121 357,89	0,00	– 121 357,89
					TOTAL CZ	**EUR**	**– 121 357,89**	**0,00**	**– 121 357,89**
					6 5 0 0 TOTAL	**EUR**	**– 121 357,89**	**0,00**	**– 121 357,89**
BUDGET ITEM: 6 7 0 1									
AT	Direct Decoupled Aid (single payment scheme - SPS)	2007	Weaknesses in the LPIS-GIS, in administrative cross-checks, in the functioning of on-the-spot checks, in application of sanctions and payments	ONE-OFF		EUR	– 1 542 856,98	0,00	– 1 542 856,98
AT	Direct Decoupled Aid (single payment scheme - SPS)	2008	Weaknesses in the LPIS-GIS, in administrative cross-checks, in the functioning of on-the-spot checks, in application of sanctions and payments	ONE-OFF		EUR	– 362 356,33	0,00	– 362 356,33
AT	Decoupled Direct Aids	2009	Weaknesses in the LPIS-GIS, in administrative cross-checks, in the functioning of on-the-spot checks, in application of sanctions and payments	ONE-OFF		EUR	– 322 005,10	0,00	– 322 005,10
					TOTAL AT	**EUR**	**– 2 227 218,41**	**0,00**	**– 2 227 218,41**
BE	Financial audit - Overshooting	2012	exceeding of ceilings	ONE-OFF		EUR	– 8 448,26	– 8 448,26	0,00
BE	Financial audit - Overshooting	2012	exceeding of ceilings	ONE-OFF		EUR	– 827 309,72	– 827 309,72	0,00
					TOTAL BE	**EUR**	**– 835 757,98**	**– 835 757,98**	**0,00**
DE	Direct Decoupled Aid (single payment scheme - SPS)	2008	Weaknesses in LPIS cross-checks and on-the-spot controls measurement tolerance, claim year 2007	ONE-OFF		EUR	– 51 726,31	0,00	– 51 726,31

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
DE	Decoupled Direct Aids	2009	Weaknesses in LPIS cross-checks and on-the-spot controls measurement tolerance, claim year 2008	ONE-OFF		EUR	– 83 286,41	0,00	– 83 286,41
DE	Financial audit - Late payments and payment deadlines	2012	late payments	ONE-OFF		EUR	– 10 670,90	– 10 670,90	0,00
					TOTAL DE	**EUR**	**– 145 683,62**	**– 10 670,90**	**– 135 012,72**
ES	Fruit and Vegetables - Operational Programmes	2007	Deficient key controls	FLAT RATE	2,00 %	EUR	– 365 658,89	0,00	– 365 658,89
ES	Fruit and Vegetables - Operational Programmes	2007	Deficient key controls	FLAT RATE	5,00 %	EUR	– 737 372,81	0,00	– 737 372,81
ES	Fruit and Vegetables - Pre-recognised Producer Groups	2007	Deficient key controls	FLAT RATE	5,00 %	EUR	– 1 787,28	0,00	– 1 787,28
ES	Fruit and Vegetables - Operational Programmes	2007	Deficient key controls	FLAT RATE	10,00 %	EUR	– 145 740,74	0,00	– 145 740,74
ES	Fruit and Vegetables - Operational Programmes	2007	Specific ineligible expenditure	ONE-OFF		EUR	– 919 365,27	0,00	– 919 365,27
ES	Fruit and Vegetables - Operational Programmes	2008	Deficient key controls	FLAT RATE	2,00 %	EUR	– 538 517,00	0,00	– 538 517,00
ES	Fruit and Vegetables - Operational Programmes	2008	Deficient key controls	FLAT RATE	5,00 %	EUR	– 875 633,57	0,00	– 875 633,57
ES	Fruit and Vegetables - Pre-recognised Producer Groups	2008	Deficient key controls	FLAT RATE	5,00 %	EUR	– 3 135,65	0,00	– 3 135,65
ES	Fruit and Vegetables - Operational Programmes	2008	Deficient key controls	FLAT RATE	10,00 %	EUR	– 65 004,15	0,00	– 65 004,15
ES	Fruit and Vegetables - Operational Programmes	2008	Specific ineligible expenditure	ONE-OFF		EUR	– 1 143 982,20	0,00	– 1 143 982,20

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
ES	Fruit and Vegetables - Operational Programmes	2009	Deficient key controls	FLAT RATE	2,00 %	EUR	– 2 121,76	0,00	– 2 121,76
ES	Fruit and Vegetables - Pre-recognised Producer Groups	2009	Deficient key controls	FLAT RATE	5,00 %	EUR	– 1 807,57	0,00	– 1 807,57
ES	Fruit and Vegetables - Operational Programmes	2009	Deficient key controls	FLAT RATE	5,00 %	EUR	– 984 848,39	0,00	– 984 848,39
ES	Fruit and Vegetables - Operational Programmes	2009	Deficient key controls	FLAT RATE	10,00 %	EUR	– 26 937,72	0,00	– 26 937,72
ES	Fruit and Vegetables - Operational Programmes	2010	Deficient key controls	FLAT RATE	2,00 %	EUR	1 259,51	0,00	1 259,51
ES	Fruit and Vegetables - Pre-recognised Producer Groups	2010	Deficient key controls	FLAT RATE	5,00 %	EUR	– 1 629,62	0,00	– 1 629,62
ES	Fruit and Vegetables - Operational Programmes	2010	Deficient key controls	FLAT RATE	5,00 %	EUR	– 990 175,71	0,00	– 990 175,71
ES	Fruit and Vegetables - Operational Programmes	2010	Deficient key controls	FLAT RATE	10,00 %	EUR	169,58	0,00	169,58
ES	Fruit and Vegetables - Operational Programmes	2011	Deficient key controls	FLAT RATE	5,00 %	EUR	– 979 171,01	0,00	– 979 171,01
ES	Decoupled Direct Aids	2007	Weakness of on the spot check, claim year 2006	FLAT RATE	2,00 %	EUR	– 800 115,89	– 506,88	– 799 609,01
ES	Other Direct Aids	2007	Weakness of on the spot check, claim year 2006	FLAT RATE	5,00 %	EUR	– 1 000 522,12	0,00	– 1 000 522,12
ES	Decoupled Direct Aids	2008	Weakness of on the spot check, claim year 2006	FLAT RATE	2,00 %	EUR	– 5 160,91	– 0,21	– 5 160,70
ES	Other Direct Aids	2008	Weakness of on the spot check, claim year 2007	FLAT RATE	2,00 %	EUR	– 338 164,02	0,00	– 338 164,02
ES	Decoupled Direct Aids	2008	Weakness of on the spot check, claim year 2007	FLAT RATE	2,00 %	EUR	– 771 505,81	– 31,70	– 771 474,11

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
ES	Other Direct Aids	2008	Weakness of on the spot check, claim year 2006	FLAT RATE	5,00 %	EUR	– 14 378,54	0,00	– 14 378,54
ES	Other Direct Aids	2008	Weakness of on the spot check, claim year 2007	FLAT RATE	5,00 %	EUR	– 63 773,71	0,00	– 63 773,71
ES	Decoupled Direct Aids	2009	Weakness of on the spot check, claim year 2006	FLAT RATE	2,00 %	EUR	– 78,16	0,00	– 78,16
ES	Other Direct Aids	2009	Weakness of on the spot check, claim year 2007	FLAT RATE	2,00 %	EUR	– 2 318,23	0,00	– 2 318,23
ES	Decoupled Direct Aids	2009	Weakness of on the spot check, claim year 2007	FLAT RATE	2,00 %	EUR	186,40	0,00	186,40
ES	Other Direct Aids	2009	Weakness of on the spot check, claim year 2006	FLAT RATE	5,00 %	EUR	– 727,03	0,00	– 727,03
ES	Decoupled Direct Aids	2010	Weakness of on the spot check, claim year 2006	FLAT RATE	2,00 %	EUR	– 2 293,81	0,00	– 2 293,81
ES	Other Direct Aids	2010	Weakness of on the spot check, claim year 2007	FLAT RATE	2,00 %	EUR	– 468,08	0,00	– 468,08
ES	Decoupled Direct Aids	2010	Weakness of on the spot check, claim year 2007	FLAT RATE	2,00 %	EUR	233,66	0,00	233,66
ES	Other Direct Aids	2010	Weakness of on the spot check, claim year 2006	FLAT RATE	5,00 %	EUR	– 6 934,44	0,00	– 6 934,44
ES	Other Direct Aids	2010	Weakness of on the spot check, claim year 2007	FLAT RATE	5,00 %	EUR	– 181,82	0,00	– 181,82
ES	Other Direct Aids	2008	Weakness of on the spot check, claim year 2007	FLAT RATE	2,00 %	EUR	– 88 770,49	0,00	– 88 770,49
ES	Decoupled Direct Aids	2008	Weakness of on the spot check, claim year 2007	FLAT RATE	2,00 %	EUR	– 526 475,63	– 73,61	– 526 402,02
ES	Other Direct Aids	2009	Weakness of on the spot check, claim year 2007	FLAT RATE	2,00 %	EUR	– 25,72	0,00	– 25,72
ES	Decoupled Direct Aids	2009	Weakness of on the spot check, claim year 2007	FLAT RATE	2,00 %	EUR	– 493,99	0,00	– 493,99
ES	Other Direct Aids	2009	Weakness of on the spot check, claim year 2008	FLAT RATE	2,00 %	EUR	– 92 270,35	0,00	– 92 270,35
ES	Decoupled Direct Aids	2009	Weakness of on the spot check, claim year 2008	FLAT RATE	2,00 %	EUR	– 525 914,47	0,00	– 525 914,47

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
ES	Other Direct Aids	2010	Weakness of on the spot check, claim year 2007	FLAT RATE	2,00 %	EUR	– 236,54	0,00	– 236,54
ES	Decoupled Direct Aids	2010	Weakness of on the spot check, claim year 2007	FLAT RATE	2,00 %	EUR	– 457,10	0,00	– 457,10
ES	Other Direct Aids	2010	Weakness of on the spot check, claim year 2008	FLAT RATE	2,00 %	EUR	– 210,66	0,00	– 210,66
ES	Decoupled Direct Aids	2010	Weakness of on the spot check, claim year 2008	FLAT RATE	2,00 %	EUR	– 803,64	0,00	– 803,64
ES	Entitlements	2009	Recoveries	ONE-OFF		EUR	– 152,70	– 0,10	– 152,60
ES	Entitlements	2009	Undue allocation of special entitlements	ONE-OFF		EUR	– 1 316 791,79	– 838,16	– 1 315 953,63
ES	Entitlements	2010	Forage are non-inclusion	FLAT RATE	5,00 %	EUR	– 2 796 719,30	0,00	– 2 796 719,30
ES	Entitlements	2010	National reserve olive sector	FLAT RATE	5,00 %	EUR	– 1 467 764,48	0,00	– 1 467 764,48
ES	Entitlements	2010	Force majeure in sugar sector	ONE-OFF		EUR	– 169 495,55	0,00	– 169 495,55
ES	Entitlements	2010	Recoveries	ONE-OFF		EUR	– 259,91	0,00	– 259,91
ES	Entitlements	2010	Special male premium decoupling	ONE-OFF		EUR	– 648 647,61	0,00	– 648 647,61
ES	Entitlements	2010	Undue allocation of special entitlements	ONE-OFF		EUR	– 1 334 718,15	0,00	– 1 334 718,15
ES	Financial audit - Overshooting	2011	exceeding of ceilings	ONE-OFF		EUR	– 474 315,16	– 474 315,16	0,00
ES	Financial audit - Overshooting	2011	exceeding of ceilings	ONE-OFF		EUR	– 116 322,42	– 1 301 665,74	1 185 343,32
ES	Clearance of Accounts - Financial Clearance	2011	ineligible expenditure	ONE-OFF		EUR	– 18 632,33	– 18 632,33	0,00
ES	Financial audit - Late payments and payment deadlines	2011	late payments	ONE-OFF		EUR	– 42 228,78	– 42 228,78	0,00
ES	Financial audit - Late payments and payment deadlines	2011	late payments	ONE-OFF		EUR	– 3 043 215,34	– 3 043 215,34	0,00

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
ES	Milk - Quota	2011	recovery of milk levy	ONE-OFF		EUR	135 786,22	135 786,22	0,00
ES	Financial audit - Overshooting	2012	exceeding of financial ceilings	ONE-OFF		EUR	– 51 193,89	– 51 193,89	0,00
ES	Financial audit - Overshooting	2012	exceeding of financial ceilings	ONE-OFF		EUR	– 12 288,65	– 12 288,65	0,00
ES	Financial audit - Late payments and payment deadlines	2012	late payments	ONE-OFF		EUR	– 226 009,53	– 226 009,53	0,00
					TOTAL ES	**EUR**	**– 23 606 290,72**	**– 5 035 213,86**	**– 18 571 076,86**
FI	Other Direct Aid - Bovines	2009	Non-application of reductions and exclusions (animals not found at on-the-spot controls during the retention period)	ONE-OFF		EUR	– 2 455,57	0,00	– 2 455,57
FI	Other Direct Aid - Article 69 of Reg. (EC) No 1782/2003 - only Ovines and Bovines	2009	Non-application of reductions and exclusions (potentially eligible animals, animals without ear tags)	ONE-OFF		EUR	– 85 467,41	0,00	– 85 467,41
FI	Other Direct Aid - Bovines	2010	Non-application of reductions and exclusions (animals not found at on-the-spot controls during the retention period)	ONE-OFF		EUR	– 4 103,67	0,00	– 4 103,67
FI	Other Direct Aid - Article 69 of Reg. (EC) No 1782/2003 - only Ovines and Bovines	2010	Non-application of reductions and exclusions (potentially eligible animals, animals without ear tags)	ONE-OFF		EUR	– 130 869,20	0,00	– 130 869,20
FI	Other Direct Aid - Article 68-72 of Reg. (EC) No 73/2009	2011	Non-application of reductions and exclusions (potentially eligible animals, animals without ear tags)	ONE-OFF		EUR	– 87 599,21	0,00	– 87 599,21
FI	Financial audit - Overshooting	2012	exceeding of ceilings	ONE-OFF		EUR	– 73 951,98	– 73 951,98	0,00
					TOTAL FI	**EUR**	**– 384 447,04**	**– 73 951,98**	**– 310 495,06**
FR	Fruit and Vegetables - Peaches and Pears Processing	2007	Deficiencies in providing the members of producer organisations with the technical means	FLAT RATE	10,00 %	EUR	– 28 022,33	0,00	– 28 022,33

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
FR	Fruit and Vegetables - Tomato Processing	2007	Deficiencies in providing the members of producer organisations with the technical means	FLAT RATE	10,00 %	EUR	– 38 019,88	0,00	– 38 019,88
FR	Fruit and Vegetables - Nuts	2007	Deficiencies in providing the members of producer organisations with the technical means	ONE-OFF		EUR	– 14 675,50	0,00	– 14 675,50
FR	Fruit and Vegetables - Operational Programmes	2007	Deficiencies in providing the members of producer organisations with the technical means	ONE-OFF		EUR	– 10 143 429,40	– 4 402 146,54	– 5 741 282,86
FR	Fruit and Vegetables - Withdrawals	2007	Deficiencies in providing the members of producer organisations with the technical means	ONE-OFF		EUR	– 254 741,35	0,00	– 254 741,35
FR	Fruit and Vegetables - Operational Programmes	2008	Deficiencies in providing the members of producer organisations with the technical means	ONE-OFF		EUR	– 7 013 519,75	– 2 358 665,31	– 4 654 854,44
FR	Fruit and Vegetables - Operational Programmes	2009	Deficiencies in providing the members of producer organisations with the technical means	ONE-OFF		EUR	– 93 897,24	0,00	– 93 897,24
FR	Fruit and Vegetables - Operational Programmes	2010	Deficiencies in providing the members of producer organisations with the technical means	ONE-OFF		EUR	– 83 200,09	0,00	– 83 200,09
FR	Fruit and Vegetables - Operational Programmes	2011	Deficiencies in providing the members of producer organisations with the technical means	ONE-OFF		EUR	– 30 320,94	0,00	– 30 320,94
FR	Cross Compliance	2008	2 GAEC not defined, deficient controls of some SMR, accumulation of reductions, claim year 2007	FLAT RATE	5,00 %	EUR	– 40 391 474,89	– 11 821,04	– 40 379 653,85
FR	Cross Compliance	2008	Linient sanctioning system, late notifications, claim year 2007	ONE-OFF		EUR	– 11 039 706,01	– 55 198,55	– 10 984 507,46
FR	Cross Compliance	2009	Deficiencies in controls of some SMR, claim year 2009	FLAT RATE	2,00 %	EUR	– 157 245,53	0,00	– 157 245,53
FR	Cross Compliance	2009	2 GAEC not defined, deficient controls of some SMR, accumulation of reductions, claim year 2007	FLAT RATE	5,00 %	EUR	– 9 493,60	– 0,28	– 9 493,32

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
FR	Cross Compliance	2009	2 GAEC not defined, deficient controls of some SMR, accumulation of reductions, claim year 2008	FLAT RATE	5,00 %	EUR	– 40 818 770,14	– 10 787,66	– 40 807 982,48
FR	Cross Compliance	2009	Linient sanctioning system, late notifications, claim year 2008	ONE-OFF		EUR	– 13 381 038,70	– 66 906,21	– 13 314 132,49
FR	Cross Compliance	2010	Deficiencies in controls of some SMR, claim year 2009	FLAT RATE	2,00 %	EUR	– 26 673,71	0,00	– 26 673,71
FR	Cross Compliance	2010	Deficiencies in controls of some SMR, claim year 2009	FLAT RATE	2,00 %	EUR	– 16 163 000,23	– 2 669,27	– 16 160 330,96
FR	Cross Compliance	2010	2 GAEC not defined, deficient controls of some SMR, accumulation of reductions, claim year 2007	FLAT RATE	5,00 %	EUR	– 1 689,23	0,01	– 1 689,24
FR	Cross Compliance	2010	2 GAEC not defined, deficient controls of some SMR, accumulation of reductions, claim year 2008	FLAT RATE	5,00 %	EUR	– 9 628,52	– 0,56	– 9 627,96
FR	Cross Compliance	2010	Linient sanctioning system, late notifications, accumulation of reductions, claim year 2009	ONE-OFF		EUR	– 15 761 783,07	– 31 523,60	– 15 730 259,47
FR	Cross Compliance	2011	Deficiencies in controls of some SMR, claim year 2009	FLAT RATE	2,00 %	EUR	– 9 551,86	– 276,81	– 9 275,05
FR	Cross Compliance	2011	Deficiencies in controls of some SMR, claim year 2009	FLAT RATE	2,00 %	EUR	1 881,20	0,00	1 881,20
FR	Cross Compliance	2011	2 GAEC not defined, deficient controls of some SMR, accumulation of reductions, claim year 2008	FLAT RATE	5,00 %	EUR	– 8 515,33	0,00	– 8 515,33
FR	Financial audit - Late payments and payment deadlines	2012	late payments	ONE-OFF		EUR	– 361 229,20	– 361 229,20	0,00
FR	Clearance of accounts - Conformity Clearance	2009	Error in budgetary allocation: receipts not declared to the Community budget	ONE-OFF		EUR	– 35 069,07	0,00	– 35 069,07

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
FR	Clearance of accounts - Conformity Clearance	2009	Irregularity or negligence in the recovery procedure	ONE-OFF		EUR	– 21 037,96	0,00	– 21 037,96
					TOTAL FR	**EUR**	**– 155 893 852,33**	**– 7 301 225,02**	**– 148 592 627,31**
GR	Fruit and Vegetables - Tomato Processing	2007	Deficiencies in controls of tally checks, physical checks of the areas, administrative and accounting checks of the producers and finished products, physical and accounting checks on stocks	FLAT RATE	5,00 %	EUR	– 1 241 950,67	0,00	– 1 241 950,67
GR	Fruit and Vegetables - Tomato Processing	2008	Deficiencies in controls of tally checks, physical checks of the areas, administrative and accounting checks of the producers and finished products, physical and accounting checks on stocks	FLAT RATE	10,00 %	EUR	– 2 115 555,01	0,00	– 2 115 555,01
GR	Fruit and Vegetables - Tomato Processing	2009	Deficiencies in controls of tally checks, physical checks of the areas, administrative and accounting checks of the producers and finished products, physical and accounting checks on stocks	FLAT RATE	10,00 %	EUR	– 3 219,00	0,00	– 3 219,00
GR	Other Direct Aid - Article 69 of Reg. (EC) No 1782/2003 - only Ovines and Bovines	2009	Bovine Art.69: Weaknesses in sanctioning system and supervision checks - claim year 2008	FLAT RATE	2,00 %	EUR	– 162 625,79	– 325,25	– 162 300,54
GR	Other Direct Aid - Article 69 of Reg. (EC) No 1782/2003 - only Ovines and Bovines	2009	Ovine Art.69: on-the-spot controls weaknesses - retention of animals not checked - claim year 2008	FLAT RATE	5,00 %	EUR	– 589 848,52	– 1 179,70	– 588 668,82
GR	Other Direct Aid - Article 69 of Reg. (EC) No 1782/2003 - only Ovines and Bovines	2009	Bovine Art.69 - Undue payments to individual applicants - claim year 2009	ONE-OFF		EUR	– 49 324,00	– 986,48	– 48 337,52
GR	Other Direct Aid - Article 69 of Reg. (EC) No 1782/2003 - only Ovines and Bovines	2010	Bovine Art.69: Weaknesses in sanctioning system and supervision checks - claim year 2009	FLAT RATE	2,00 %	EUR	– 159 662,41	– 660,12	– 159 002,29
GR	Other Direct Aid - Article 69 of Reg. (EC) No 1782/2003 - only Ovines and Bovines	2010	Ovine Art.69: on-the-spot controls weaknesses - retention of animals not checked - claim year 2009	FLAT RATE	5,00 %	EUR	– 626 203,65	– 29 339,23	– 596 864,42

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
GR	Other Direct Aid - Article 69 of Reg. (EC) No 1782/2003 - only Ovines and Bovines	2011	Ovine Art.69: on-the-spot controls weaknesses - retention of animals not checked - claim year 2009	FLAT RATE	5,00 %	EUR	2 003,17	0,00	2 003,17
GR	Entitlements	2008	Forage area non inclusion in 2006 - normal entitlements	FLAT RATE	5,00 %	EUR	– 7 020 040,97	– 7 020 040,97	0,00
GR	Entitlements	2008	Forage area non inclusion in 2006 - special entitlements	FLAT RATE	5,00 %	EUR	– 3 982 096,46	0,00	– 3 982 096,46
GR	Entitlements	2008	Deficiencies in the national reserve criteria allocation in 2006	FLAT RATE	10,00 %	EUR	– 9 935 755,68	– 4 967 877,84	– 4 967 877,84
GR	Entitlements	2008	Ineligible beneficiaries of national reserve allocation 2007	ONE-OFF		EUR	– 524 628,25	0,00	– 524 628,25
GR	Entitlements	2008	Miscalculation of regional average of entitlements 2007	ONE-OFF		EUR	– 674 004,06	0,00	– 674 004,06
GR	Entitlements	2008	Miscalculation of the regional average value of entitlements 2006	ONE-OFF		EUR	– 2 786 983,22	0,00	– 2 786 983,22
GR	Entitlements	2008	Partial activation of special entitlements	ONE-OFF		EUR	– 1 482 230,85	0,00	– 1 482 230,85
GR	Entitlements	2008	reimboursement due to the overlap with the correction under enquiry AA/2007/007/GR	ONE-OFF		EUR	0,00	– 199 280,78	199 280,78
GR	Entitlements	2009	Forage area non inclusion in 2006 - normal entitlements	FLAT RATE	5,00 %	EUR	– 7 017 232,96	0,00	– 7 017 232,96
GR	Entitlements	2009	Forage area non inclusion in 2006 - special entitlements	FLAT RATE	5,00 %	EUR	– 3 947 400,93	0,00	– 3 947 400,93
GR	Entitlements	2009	Deficiencies in the national reserve criteria allocation in 2006	FLAT RATE	10,00 %	EUR	– 9 739 243,02	0,00	– 9 739 243,02
GR	Entitlements	2009	Ineligible beneficiaries of national reserve allocation 2007	ONE-OFF		EUR	– 396 672,82	0,00	– 396 672,82

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
GR	Entitlements	2009	Miscalculation of regional average of entitlements 2007	ONE-OFF		EUR	– 599 310,06	0,00	– 599 310,06
GR	Entitlements	2009	Miscalculation of the regional average value of entitlements 2006	ONE-OFF		EUR	– 2 730 858,30	0,00	– 2 730 858,30
GR	Entitlements	2009	Partial activation of special entitlements	ONE-OFF		EUR	– 1 847 858,89	0,00	– 1 847 858,89
GR	Entitlements	2010	Forage area non inclusion in 2006 - normal entitlements	FLAT RATE	5,00 %	EUR	– 7 020 040,97	0,00	– 7 020 040,97
GR	Entitlements	2010	Forage area non inclusion in 2006 - special entitlements	FLAT RATE	5,00 %	EUR	– 3 885 929,66	0,00	– 3 885 929,66
GR	Entitlements	2010	Deficiencies in the national reserve criteria allocation in 2006	FLAT RATE	10,00 %	EUR	– 9 691 976,36	0,00	– 9 691 976,36
GR	Entitlements	2010	Ineligible beneficiaries of national reserve allocation 2007	ONE-OFF		EUR	– 365 638,75	0,00	– 365 638,75
GR	Entitlements	2010	Miscalculation of regional average of entitlements 2007	ONE-OFF		EUR	– 565 616,36	0,00	– 565 616,36
GR	Entitlements	2010	Miscalculation of the regional average value of entitlements 2006	ONE-OFF		EUR	– 2 716 046,60	0,00	– 2 716 046,60
GR	Entitlements	2010	Partial activation of special entitlements	ONE-OFF		EUR	– 1 884 218,70	0,00	– 1 884 218,70
GR	Cross Compliance	2007	Weaknesses in the cross-compliance control system - Claim year 2006	FLAT RATE	5,00 %	EUR	– 5 325 926,19	– 484 087,90	– 4 841 838,29
GR	Cross Compliance	2008	Weaknesses in the cross-compliance control system - Claim year 2006	FLAT RATE	5,00 %	EUR	– 29 319,70	– 46,06	– 29 273,64
GR	Cross Compliance	2008	Weaknesses in the cross-compliance control system - Claim Year 2007	FLAT RATE	5,00 %	EUR	– 11 421 885,77	– 624 482,52	– 10 797 403,25
GR	Cross Compliance	2009	Weaknesses in the cross-compliance control system - Claim Year 2008	FLAT RATE	2,00 %	EUR	– 4 936 572,90	– 55 807,14	– 4 880 765,76

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
GR	Cross Compliance	2009	Weaknesses in the cross-compliance control system - Claim Year 2006	FLAT RATE	5,00 %	EUR	– 20 694,01	– 14 620,62	– 6 073,39
GR	Cross Compliance	2009	Weaknesses in the cross-compliance control system - Claim Year 2007	FLAT RATE	5,00 %	EUR	– 107 029,89	– 14 138,96	– 92 890,93
GR	Cross Compliance	2010	Weaknesses in the cross-compliance control system - Claim Year 2008	FLAT RATE	2,00 %	EUR	– 547,38	– 751,51	204,13
GR	Cross Compliance	2010	Weaknesses in the cross-compliance control system - Claim Year 2007	FLAT RATE	5,00 %	EUR	– 57,69	0,00	– 57,69
GR	Milk - Quota	2008	Correction of milk levy	ONE-OFF		EUR	347,11	347,11	0,00
GR	Financial audit - Overshooting	2008	Exceeding of financial ceilings	ONE-OFF		EUR	– 737 200,95	– 825 060,11	87 859,16
GR	Financial audit - Late payments and payment deadlines	2008	excess of late payments deadlines	ONE-OFF		EUR	– 174 948,49	– 174 948,49	0,00
GR	Financial audit - Late payments and payment deadlines	2008	excess of payment deadlines	ONE-OFF		EUR	– 2 448 650,32	– 2 448 650,32	0,00
					TOTAL GR	**EUR**	**– 108 962 655,93**	**– 16 861 936,89**	**– 92 100 719,04**
HU	Clearance of Accounts - Conformity Clearance	2011	known error	ONE-OFF		EUR	– 336 450,00	0,00	– 336 450,00
HU	Clearance of Accounts - Conformity Clearance	2011	known error	ONE-OFF		EUR	– 781,00	0,00	– 781,00
					TOTAL HU	**EUR**	**– 337 231,00**	**0,00**	**– 337 231,00**
IE	Financial audit - Overshooting	2012	exceeding of financial ceilings	ONE-OFF		EUR	– 41 641,57	– 41 641,57	0,00
					TOTAL IE	**EUR**	**– 41 641,57**	**– 41 641,57**	**0,00**
LU	Decoupled Direct Aids	2009	retroactive recovery/ineligible features/intentionality, claim year 2008	ONE-OFF		EUR	– 161 186,50	0,00	– 161 186,50

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
LU	Decoupled Direct Aids	2010	retroactive recovery/ineligible features/intentionality, claim year 2009	ONE-OFF		EUR	– 12 003,27	0,00	– 12 003,27
LU	Decoupled Direct Aids	2011	retroactive recovery/ineligible features/intentionality, claim year 2010	ONE-OFF		EUR	– 15 096,97	0,00	– 15 096,97
LU	Financial audit - Overshooting	2012	exceeding of ceilings	ONE-OFF		EUR	– 2 597,78	– 2 597,78	0,00
					TOTAL LU	**EUR**	**– 190 884,52**	**– 2 597,78**	**– 188 286,74**
LV	Financial audit - Overshooting	2012	exceeding of ceilings	ONE-OFF		EUR	– 95,96	– 95,96	0,00
					TOTAL LV	**EUR**	**– 95,96**	**– 95,96**	**0,00**
NL	Other Direct Aids	2009	Weaknesses in LPIS cross-checks, in on-the-spot-checks and intentionality, claim year 2008	FLAT RATE	3,00 %	EUR	– 15 979,71	0,00	– 15 979,71
NL	Decoupled Direct Aids	2009	Weaknesses in LPIS cross-checks, in on-the-spot-checks and intentionality, claim year 2008	FLAT RATE	3,00 %	EUR	– 20 461 767,83	– 209,47	– 20 461 558,36
NL	Decoupled Direct Aids	2010	Weaknesses in LPIS cross-checks, in on-the-spot-checks and intentionality, claim year 2008	FLAT RATE	3,00 %	EUR	– 31 702,54	0,00	– 31 702,54
NL	Other Direct Aids	2010	Weaknesses in LPIS cross-checks, in on-the-spot-checks and intentionality, claim year 2008	FLAT RATE	3,00 %	EUR	– 42,24	0,00	– 42,24
NL	Decoupled Direct Aids	2011	Weaknesses in LPIS cross-checks, in on-the-spot-checks and intentionality, claim year 2008	FLAT RATE	3,00 %	EUR	– 1 678,57	0,00	– 1 678,57
NL	Decoupled Direct Aids	2010	Inaccuracy of LPIS-GIS, claim year 2009	ONE-OFF		EUR	– 5 047 207,00	0,00	– 5 047 207,00
NL	Decoupled Direct Aids	2011	Inaccuracy of LPIS-GIS, claim year 2010	ONE-OFF		EUR	– 750 000,00	0,00	– 750 000,00
NL	Financial audit - Late payments and payment deadlines	2012	late payments	ONE-OFF		EUR	– 33 831,72	– 33 831,72	0,00

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
NL	Financial audit - Late payments and payment deadlines	2012	late payments	ONE-OFF		EUR	– 91 159,06	– 91 159,06	0,00
NL	Irregularities	2007	Non-reporting of interest in the Annex III table for financial year 2006	ONE-OFF		EUR	– 4 890 879,11	0,00	– 4 890 879,11
NL	Irregularities	2009	Non-reporting of interest in the Annex III table for financial year 2007	ONE-OFF		EUR	– 5 346,88	0,00	– 5 346,88
NL	Irregularities	2009	Non-reporting of interest in the Annex III table for financial year 2008	ONE-OFF		EUR	– 10 459,54	0,00	– 10 459,54
NL	Irregularities	2010	Non-reporting of interest in the Annex III table for financial year 2009	ONE-OFF		EUR	– 310 112,90	0,00	– 310 112,90
NL	Irregularities	2011	Interest not charged on the amounts recovered in financial years 2006-2009	ONE-OFF		EUR	– 60 779,00	0,00	– 60 779,00
					TOTAL NL	**EUR**	**– 31 710 946,10**	**– 125 200,25**	**– 31 585 745,85**
RO	Financial audit - Late payments and payment deadlines	2012	late payments	ONE-OFF		EUR	– 65 967,69	– 65 967,69	0,00
					TOTAL RO	**EUR**	**– 65 967,69**	**– 65 967,69**	**0,00**
SE	Financial audit - Overshooting	2012	exceeding of ceilings	ONE-OFF		EUR	– 24 704,47	– 24 704,47	0,00
					TOTAL SE	**EUR**	**– 24 704,47**	**– 24 704,47**	**0,00**
					6 7 0 1 TOTAL	**EUR**	**– 324 427 377,34**	**– 30 378 964,35**	**– 294 048 412,99**
BUDGET ITEM: 0 5 0 7 0 1 0 7									
PT	POSEI	2006	reimbursement following judgement in case T-2/11	ONE-OFF		EUR	239 045,63	0,00	239 045,63

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
PT	Other Direct Aid - Plant Products (POSEI)	2007	reimbursement following judgement in case T-2/11	ONE-OFF		EUR	266 137,96	0,00	266 137,96
					TOTAL PT	**EUR**	**505 183,59**	**0,00**	**505 183,59**
					05070107 TOTAL	**EUR**	**505 183,59**	**0,00**	**505 183,59**
BUDGET ITEM: 6711									
AT	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2007	Weaknesses in the LPIS-GIS and in the functioning of on-the-spot checks	ONE-OFF		EUR	– 1 349 639,44	0,00	– 1 349 639,44
AT	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2008	Weaknesses in the LPIS-GIS and in the functioning of on-the-spot checks	ONE-OFF		EUR	– 24 535,35	0,00	– 24 535,35
AT	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2009	Weaknesses in the LPIS-GIS and in the functioning of on-the-spot checks	ONE-OFF		EUR	– 24 349,54	0,00	– 24 349,54
					TOTAL AT	**EUR**	**– 1 398 524,33**	**0,00**	**– 1 398 524,33**
DE	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2008	Weaknesses in LPIS cross-checks and on-the-spot controls measurement tolerance, claim year 2007	ONE-OFF		EUR	– 9 971,25	0,00	– 9 971,25
DE	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2009	Weaknesses in LPIS cross-checks and on-the-spot controls measurement tolerance, claim year 2008	ONE-OFF		EUR	– 6 630,34	0,00	– 6 630,34
DE	Clearance of accounts - Financial Clearance	2009	Most Likely Error	ONE-OFF		EUR	– 138 837,34	0,00	– 138 837,34
					TOTAL DE	**EUR**	**– 155 438,93**	**0,00**	**– 155 438,93**
ES	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2007	Weakness of on the spot check, claim year 2006	FLAT RATE	5,00 %	EUR	– 11 246,42	0,00	– 11 246,42
ES	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2008	Weakness of on the spot check, claim year 2007	FLAT RATE	2,00 %	EUR	– 65 926,15	0,00	– 65 926,15
ES	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2008	Weakness of on the spot check, claim year 2006	FLAT RATE	5,00 %	EUR	– 46 397,27	0,00	– 46 397,27

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
ES	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2009	Weakness of on the spot check, claim year 2007	FLAT RATE	2,00 %	EUR	– 3 290,19	0,00	– 3 290,19
ES	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2009	Weakness of on the spot check, claim year 2006	FLAT RATE	5,00 %	EUR	– 287,56	0,00	– 287,56
ES	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2010	Weakness of on the spot check, claim year 2007	FLAT RATE	2,00 %	EUR	– 303,12	0,00	– 303,12
ES	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2010	Weakness of on the spot check, claim year 2006	FLAT RATE	5,00 %	EUR	18,30	0,00	18,30
ES	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2008	Weakness of on the spot check, claim year 2007	FLAT RATE	2,00 %	EUR	– 12 901,26	0,00	– 12 901,26
ES	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2008	Weakness of on the spot check, claim year 2008	FLAT RATE	2,00 %	EUR	– 1 720,07	0,00	– 1 720,07
ES	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2009	Weakness of on the spot check, claim year 2007	FLAT RATE	2,00 %	EUR	– 3 376,04	0,00	– 3 376,04
ES	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2009	Weakness of on the spot check, claim year 2008	FLAT RATE	2,00 %	EUR	– 18 020,14	0,00	– 18 020,14
ES	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2010	Weakness of on the spot check, claim year 2007	FLAT RATE	2,00 %	EUR	– 222,49	0,00	– 222,49
ES	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2010	Weakness of on the spot check, claim year 2008	FLAT RATE	2,00 %	EUR	– 61,33	0,00	– 61,33
					TOTAL ES	**EUR**	**– 163 733,74**	**0,00**	**– 163 733,74**
FI	Rural Development EAFRD Axis 1+3 - Investment orientated measures (2007-2013)	2009	weaknesses in verifying reasonableness of costs	FLAT RATE	10,00 %	EUR	– 504,30	– 504,30	0,00

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
FI	Rural Development EAFRD Axis 1+3 - Investment orientated measures (2007-2013)	2009	non-compliance with Art.55 of Reg. (EC) No 1974/2006	ONE-OFF		EUR	– 32 799,76	0,00	– 32 799,76
FI	Rural Development EAFRD Axis 1+3 - Investment orientated measures (2007-2013)	2010	weaknesses in verifying reasonableness of costs	FLAT RATE	10,00 %	EUR	– 4 953,65	– 4 953,65	0,00
FI	Rural Development EAFRD Axis 1+3 - Investment orientated measures (2007-2013)	2010	non-compliance with Art.55 of Reg. (EC) No 1974/2006	ONE-OFF		EUR	– 255 575,05	0,00	– 255 575,05
FI	Rural Development EAFRD Axis 1+3 - Investment orientated measures (2007-2013)	2011	weaknesses in verifying reasonableness of costs	FLAT RATE	10,00 %	EUR	– 3 752,32	– 3 752,32	0,00
FI	Rural Development EAFRD Axis 1+3 - Investment orientated measures (2007-2013)	2011	non-compliance with Art.55 of Reg. (EC) No 1974/2006	ONE-OFF		EUR	– 301 891,12	0,00	– 301 891,12
FI	Rural Development EAFRD Axis 1+3 - Investment orientated measures (2007-2013)	2012	weaknesses in verifying reasonableness of costs	FLAT RATE	10,00 %	EUR	– 4 998,04	– 4 998,04	0,00
FI	Rural Development EAFRD Axis 1+3 - Investment orientated measures (2007-2013)	2012	non-compliance with Art.55 of Reg. (EC) No 1974/2006	ONE-OFF		EUR	– 337 561,65	0,00	– 337 561,65
					TOTAL FI	**EUR**	**– 942 035,89**	**– 14 208,31**	**– 927 827,58**
FR	Cross Compliance	2008	2 GAEC not defined, deficient controls of some SMR, accumulation of reductions, claim year 2007	FLAT RATE	5,00 %	EUR	– 900 274,20	– 105 512,31	– 794 761,89
FR	Cross Compliance	2008	2 GAEC not defined, deficient controls of some SMR, accumulation of reductions, claim year 2008	FLAT RATE	5,00 %	EUR	– 1 375 559,77	0,00	– 1 375 559,77
FR	Cross Compliance	2009	Deficiencies in controls of some SMR, claim year 2009	FLAT RATE	2,00 %	EUR	– 597 967,90	0,00	– 597 967,90

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
FR	Cross Compliance	2009	2 GAEC not defined, deficient controls of some SMR, accumulation of reductions, claim year 2007	FLAT RATE	5,00 %	EUR	– 13 298,28	0,00	– 13 298,28
FR	Cross Compliance	2009	2 GAEC not defined, deficient controls of some SMR, accumulation of reductions, claim year 2008	FLAT RATE	5,00 %	EUR	– 840 454,15	– 39 517,83	– 800 936,32
FR	Cross Compliance	2010	Deficiencies in controls of some SMR, claim year 2009	FLAT RATE	2,00 %	EUR	– 293 991,73	0,00	– 293 991,73
FR	Cross Compliance	2010	2 GAEC not defined, deficient controls of some SMR, accumulation of reductions, claim year 2007	FLAT RATE	5,00 %	EUR	– 9 888,16	0,00	– 9 888,16
FR	Cross Compliance	2010	2 GAEC not defined, deficient controls of some SMR, accumulation of reductions, claim year 2008	FLAT RATE	5,00 %	EUR	– 7 095,86	0,00	– 7 095,86
FR	Cross Compliance	2011	Deficiencies in controls of some SMR, claim year 2009	FLAT RATE	2,00 %	EUR	– 1 266,06	0,00	– 1 266,06
FR	Cross Compliance	2011	2 GAEC not defined, deficient controls of some SMR, accumulation of reductions, claim year 2008	FLAT RATE	5,00 %	EUR	– 2 174,86	0,00	– 2 174,86
FR	Clearance of accounts - Conformity Clearance	2009	Irregularity or negligence in the recovery procedure	ONE-OFF		EUR	– 4 751,99	0,00	– 4 751,99
					TOTAL FR	**EUR**	**– 4 046 722,96**	**– 145 030,14**	**– 3 901 692,82**
GR	Cross Compliance	2010	Weaknesses in the cross-compliance control system - Claim year 2008	FLAT RATE	2,00 %	EUR	– 201 962,44	0,00	– 201 962,44
GR	Cross Compliance	2010	Weaknesses in the cross-compliance control system - Claim year 2007	FLAT RATE	5,00 %	EUR	– 186 826,13	0,00	– 186 826,13
					TOTAL GR	**EUR**	**– 388 788,57**	**0,00**	**– 388 788,57**
LU	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2009	retroactive recovery/ineligible features/intentionality, claim year 2008	ONE-OFF		EUR	– 24 894,97	0,00	– 24 894,97

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
LU	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2010	retroactive recovery/ineligible features/intentionality, claim year 2009	ONE-OFF		EUR	– 2 068,61	0,00	– 2 068,61
LU	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2011	retroactive recovery/ineligible features/intentionality, claim year 2010	ONE-OFF		EUR	– 2 293,52	0,00	– 2 293,52
					TOTAL LU	**EUR**	**– 29 257,10**	**0,00**	**– 29 257,10**
NL	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2009	Weaknesses in LPIS cross-checks, in on-the-spot-checks and intentionality, claim year 2008	ONE-OFF		EUR	– 3 816 688,00	– 183 660,73	– 3 633 027,27
					TOTAL NL	**EUR**	**– 3 816 688,00**	**– 183 660,73**	**– 3 633 027,27**
					6 7 1 1 TOTAL	**EUR**	**– 10 941 189,52**	**– 342 899,18**	**– 10 598 290,34**

COMMISSION IMPLEMENTING DECISION

of 13 December 2013

concerning animal health control measures relating to classical swine fever in certain Member States

(notified under document C(2013) 8667)

(Text with EEA relevance)

(2013/764/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ([1]), and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ([2]), and in particular Article 10(4) thereof,

Whereas:

(1) Council Directive 2001/89/EC ([3]) introduces minimum Union measures for the control of classical swine fever, including the measures to be taken in the event of an outbreak of that disease. Those measures include plans by Member States for the eradication of classical swine fever from a feral pig population and the emergency vaccination of feral pigs under certain conditions.

(2) The measures provided for in Directive 2001/89/EC have been implemented by Commission Decision 2008/855/EC ([4]) that was adopted in response to the occurrence of classical swine fever in certain Member States. That Decision establishes disease control measures concerning classical swine fever in areas of those Member States where that disease is present in feral pigs in order to prevent the spread of the disease to other areas of the Union. The Member States or areas thereof concerned by those measures are set out in the Annex to that Decision.

(3) Decision 2008/855/EC has been amended several times in response to the evolving classical swine fever epidemiological situation in the Union. In recent years the disease situation has improved significantly in the Union and now few areas with specific problems related to specific common risks for classical swine fever can be identified.

(4) It is appropriate that one list sets out the areas of the Member States where the epidemiological situation of classical swine fever is generally favourable in pig holdings and the situation is also improving in the feral pig population.

(5) In terms of risk and as a general rule, since the movement of live pigs and their semen, ova and embryos from infected areas or areas with an uncertain epidemiological situation poses higher risks than the movement of fresh pigmeat, and meat preparations and meat products consisting of, or containing meat of pigs, movement of live pigs and their semen, ova and embryos from the listed areas should be prohibited. However, it is appropriate to provide for the conditions under which, by way of derogation, live pigs could be dispatched to slaughterhouses or to holdings located outside the listed areas in the same Member State.

(6) In addition, it is appropriate, in order to prevent the spread of classical swine fever to other areas of the Union, to provide that the dispatch of fresh pigmeat, and meat preparations and meat products consisting of, or containing meat of pigs kept in holdings located in the listed areas is subject to certain conditions. In particular, those pigmeat, meat preparations and products that either do not come from pigs kept in holdings that meet certain additional conditions concerning classical swine fever prevention or are not treated in a way that eliminates the classical swine fever risk in accordance with Article 4 of Council Directive 2002/99/EC ([5]) should be obtained, handled, transported and stored separately, or at different times, from products which do not fulfil the same conditions

([1]) OJ L 395, 30.12.1989, p. 13.
([2]) OJ L 224, 18.8.1990, p. 29.
([3]) Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever (OJ L 316, 1.12.2001, p. 5).
([4]) Commission Decision 2008/855/EC of 3 November 2008 concerning animal health control measures relating to classical swine fever in certain Member States (OJ L 302, 13.11.2008, p. 19).
([5]) Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption (OJ L 18, 23.1.2003, p. 11).

and then marked with special marks which cannot be confused with the identification mark provided for in Regulation (EC) No 853/2004 of the European Parliament and of the Council [1] and the health mark for fresh pigmeat provided for in Regulation (EC) No 854/2004 of the European Parliament and of the Council [2].

(7) In accordance with Article 5 of Directive 2002/99/EC, certain certification requirements should also be laid down for the dispatch of pigmeat, and meat preparations and meat products consisting of, or containing meat of pigs kept in holdings located in the listed areas that were treated in accordance with Article 4 of Directive 2002/99/EC.

(8) Decision 2008/855/EC has been amended several times. Therefore it is appropriate to repeal that Decision and replace it by this Decision.

(9) 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

Subject matter and scope

This Decision lays down certain control measures in relation to classical swine fever to be applied in the Member States or areas thereof as set out in the Annex ('the Member States concerned').

It shall apply without prejudice to the plans for the eradication of classical swine fever and plans for the emergency vaccination against that disease approved by the Commission in accordance with Directive 2001/89/EC.

Article 2

Prohibition on the dispatch of live pigs from the areas listed in the Annex to other Member States

1. The Member State concerned shall ensure that no live pigs from the areas listed in the Annex are dispatched to other Member States or to other areas in the territory of the same Member State outside those listed in the Annex.

2. By way of derogation from paragraph 1, the Member States concerned may authorise the dispatch of live pigs from holdings located within the areas listed in the Annex to other areas in the territory of the same Member State, provided that the overall classical swine fever situation in the areas listed in the Annex is favourable and:

(a) the pigs are moved directly to a slaughterhouse for the purpose of immediate slaughter; or

(b) the pigs were kept in holdings that comply with the conditions laid down in point (a) of Article 4.

Article 3

Prohibition on the dispatch of consignments of porcine semen and ova and embryos of swine from the areas listed in the Annex to other Member States

The Member States concerned shall ensure that no consignments of the following are dispatched from their territory to other Member States:

(a) porcine semen, unless the semen originates from pigs kept at an approved collection centre as referred to in Article 3(a) of Council Directive 90/429/EEC [3] and situated outside the areas listed in the Annex to this Decision;

(b) ova and embryos of swine, unless the ova and embryos originate from swine kept in holdings situated outside the areas listed in the Annex.

Article 4

Dispatch of fresh pigmeat and of certain meat preparations and meat products from areas listed in the Annex

The Member States concerned shall ensure that consignments of fresh pigmeat, meat preparations and meat products consisting of, or containing pigmeat from pigs kept in holdings located in the areas listed in the Annex, are dispatched to other Member States only if:

either

(a) the pigs in question were kept in holdings where:

— no evidence of classical swine fever has been recorded in the previous 12 months in the holding in question and the holding is located outside a protection zone or a surveillance zone established in accordance with Directive 2001/89/EC;

— the pigs have been resident for at least 90 days on the holding and no live pigs have been introduced into the holding during the 30-day period immediately prior to the date of dispatch to the slaughterhouse;

[1] Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).

[2] Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJ L 139, 30.4.2004, p. 206).

[3] Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species (OJ L 224, 18.8.1990, p. 62).

— the holding implements a bio-security plan approved by the competent authority;

— the holding has been subjected at least twice a year to inspections by the competent authority, which must:

(i) follow the guidelines set out in Chapter III of the Annex to Commission Decision 2002/106/EC ([1]);

(ii) include a clinical examination in accordance with the checking and sampling procedures set out in Part A of Chapter IV of the Annex to Decision 2002/106/EC;

(iii) check the effective application of the measures provided for in the second indent and in the fourth to seventh indents of Article 15(2)(b) of Directive 2001/89/EC; and

— the holding is subject to a classical swine fever surveillance plan implemented by the competent authority in accordance with the sampling procedures laid down in point F.2 of Chapter IV of the Annex to Decision 2002/106/EC and laboratory testing with negative results at least three months prior to movement to the slaughterhouse; or

— the holding is subject to a classical swine fever surveillance plan implemented by the competent authority in accordance with the sampling procedures laid down in point F.2 of Chapter IV of the Annex to Decision 2002/106/EC and laboratory testing with negative results at least one year prior to movement to the slaughterhouse and before authorisation was given to dispatch the pigs to a slaughterhouse, a clinical examination for classical swine fever had been carried out by an official veterinarian in accordance with the checking and sampling procedures laid down in points 1 and 3 of Part D of Chapter IV of the Annex to Decision 2002/106/EC;

or

(b) the pigmeat, meat preparations and products in question:

— are produced and processed in accordance with Article 4(1) of Directive 2002/99/EC;

— are subjected to the veterinary certification in accordance with Article 5 of Directive 2002/99/EC;

— are accompanied by the appropriate intra-Union trade health certificate as laid down by Commission Regulation (EC) No 599/2004 ([2]) of which Part II of the certificate shall be completed by the following sentence:

'Product in accordance with Commission Implementing Decision 2013/764/EU of 13 December 2013 concerning animal health control measures relating to classical swine fever in certain Member States.'

Article 5

Special health marks and certification requirements for fresh pigmeat, meat preparations and meat products consisting of, or containing pigmeat other than those in in Article 4

The Member States concerned shall ensure that the fresh pigmeat, meat preparations and meat products consisting of, or containing pigmeat other than those in Article 4 shall be marked with a special health mark that cannot be oval and cannot be confused with:

(a) the identification mark for meat preparations and meat products consisting of, or containing pigmeat, provided for in Section I of Annex II to Regulation (EC) No 853/2004; and

(b) the health mark for fresh pigmeat provided for in Chapter III of Section I of Annex I to Regulation (EC) No 854/2004.

Article 6

Requirements concerning holdings and transport vehicles in the areas listed in the Annex

The Member States concerned shall ensure that:

(a) the provisions laid down in the second and the fourth to seventh indents of Article 15(2)(b) of Directive 2001/89/EC are applied in the pig holdings located within the areas listed in the Annex to this Decision;

(b) vehicles which have been used for the transport of pigs kept in holdings located within the areas listed in the Annex are cleansed and disinfected immediately following each operation and the transporter provides proof of such cleansing and disinfection.

([1]) Commission Decision 2002/106/EC of 1 February 2002 approving a Diagnostic Manual establishing diagnostic procedures, sampling methods and criteria for evaluation of the laboratory tests for the confirmation of classical swine fever (OJ L 39, 9.2.2002, p. 71).

([2]) Commission Regulation (EC) No 599/2004 of 30 March 2004 concerning the adoption of a harmonized model certificate and inspection report linked to intra-Community trade in animals and products of animal origin (OJ L 94, 31.3.2004, p. 44).

Article 7

Information requirements of the Member States concerned

The Member States concerned shall inform the Commission and the Member States, in the framework of the Standing Committee on the Food Chain and Animal Health, of the results of the surveillance for classical swine fever carried out in the areas listed in the Annex, as provided for in the plans for the eradication of classical swine fever or in emergency vaccination plans against that disease approved by the Commission and referred to in the second paragraph of Article 1.

Article 8

Compliance

The Member States shall amend the measures they apply to trade so that they comply with this Decision and they shall give immediate appropriate publicity to the measures adopted.

They shall immediately inform the Commission thereof.

Article 9

Repeal

Decision 2008/855/EC is repealed.

Article 10

Applicability

This Decision shall apply until 31 December 2017.

Article 11

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 13 December 2013.

For the Commission

Tonio BORG

Member of the Commission

ANNEX

1. **Bulgaria**

The whole territory of Bulgaria.

2. **Croatia**

The territory of the counties of Karlovac, Sisak-Moslavina, Slavonski Brod-Posavina and Vukovar-Srijem.

3. **Latvia**

In the novads of Alūksnes the pagasti of Pededzes and Liepnas.

In the novads of Rēzeknes the pagasti of Pušas, Mākoņkalna and Kaunatas.

In the novads of Daugavpils the pagasti of Dubnas, Višķu, Ambeļu, Biķernieku, Maļinovas, Naujenes, Tabores, Vecsalienas, Salienas, Skrudalienas, Demenes and Laucesas.

In the novads of Balvu the pagasti of Vīksnas, Kubuļu, Balvu, Bērzkalnes, Lazdulejas, Briežuciema, Vectilžas, Tilžas, Krišjāņu and Bērzpils.

In the novads of Rugāju the pagasti of Rugāju and Lazdukalna. In the novads of Viļakas the pagasti of Žīguru, Vecumu, Kupravas, Susāju, Medņevas and Šķilbēnu.

In the novads of Baltinavas the pagasts of Baltinavas.

In the novads of Kārsavas the pagasti of Salnavas, Malnavas, Goliševas, Mērdzenes and Mežvidu. In the novads of Ciblas the pagasti of Pušmucovas, Līdumnieku, Ciblas, Zvirgzdenes and Blontu.

In the novads of Ludzas the pagasti of Ņukšu, Briģu, Isnaudas, Nirzas, Pildas, Rundēnu and Istras.

In the novads of Zilupes the pagasti of Zaļesjes, Lauderu and Pasienes.

In the novads of Dagdas the pagasti of Andzeļu, Ezernieku, Šķaunes, Svariņu, Bērziņu, Ķepovas, Asūnes, Dagdas, Konstantinovas and Andrupenes.

In the novads of Aglonas the pagasti of Kastuļinas, Grāveru, Šķeltovas and Aglonas.

In the novads of Krāslavas the pagasti of Aulejas, Kombuļu, Skaistas, Robežnieku, Indras, Piedrujas, Kalniešu, Krāslavas, Kaplavas, Ūdrīšu and Izvaltas.

4. **Romania**

The whole territory of Romania.

COMMISSION IMPLEMENTING DECISION

of 13 December 2013

amending the recognition of Det Norske Veritas pursuant to Regulation (EC) No 391/2009 of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations

(notified under document C(2013) 8876)

(Text with EEA relevance)

(2013/765/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations [1], and in particular Article 4(1) and Article 16 thereof,

Whereas:

(1) Pursuant to Article 16(1) of Regulation (EC) No 391/2009, the Commission is to verify that the holder of the recognition granted in accordance with Article 2(c) and Article 4(3) of that Regulation is the relevant legal entity within the organisation to which the provisions of that Regulation apply. If that is not the case, the Commission is to take a decision amending that recognition.

(2) The recognitions of the two organisations Det Norske Veritas and Germanischer Lloyd ('the Parties') were granted in 1995 under Council Directive 94/57/EC [2].

(3) Pursuant to Article 15(1) of Regulation (EC) No 391/2009, the Parties retained their respective recognitions at the entry into force of that Regulation.

(4) The initial recognition of Det Norske Veritas was granted to the legal entity DNV Classification AS, later on renamed DNV AS, which operated under the non-operational entity DNV Group AS, financially controlled by the non-profit foundation Stiftelsen Det Norske Veritas ('SDNV'), established in Norway.

(5) The initial recognition of Germanischer Lloyd was granted to the legal entity Germanischer Lloyd AG, later on established as Germanischer Lloyd SE ('GL SE'), which operated under the non-operational entity GL Group, financially controlled by the holding Mayfair, established in Germany.

(6) On 10 June 2013, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 [3] by which SDNV acquires, within the meaning of Article 3(1)(b) of that Regulation, sole control of GL SE and combines it with its subsidiary DNV Group AS, thereafter to be renamed DNV GL Group AS.

(7) On 15 July 2013, the Commission adopted a decision pursuant to Article 6(1)(b) of the Merger Regulation to not oppose the concentration, referred to as 'Case COMP/M.6885 — SDNV/Germanischer Lloyd', and to declare it compatible with the internal market.

(8) The non-operational entity DNV GL Group AS, established in Norway, became effective on 12 September 2013. The Parties informed the Commission that, until the start of joint operations, the legacy organisations DNV AS and GL SE continued to exist and to operate independently under the umbrella of DNV GL Group AS in accordance with their respective legacy rules, procedures and systems.

(9) The ownership of GL SE was transferred to DNV AS, thereafter renamed DNV GL AS. From this moment, which marks the commencement of joint operations, DNV GL AS, with its subsidiaries, is responsible for all classification and certification activities falling within the scope of Regulation (EC) No 391/2009. DNV GL AS is therefore the relevant parent entity of all legal entities that constitute the recognised organisation, and to which the recognition should be granted.

(10) Conversely, GL SE is no longer the relevant parent entity of the organisation, to which the provisions of Regulation (EC) No 391/2009 should apply. Therefore, its recognition pursuant to Article 4 of that Regulation should cease.

[1] OJ L 131, 28.5.2009, p. 11.

[2] Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations (OJ L 319, 12.12.1994, p. 20).

[3] Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1).

(11) The information supplied to the Commission by the Parties indicates that, from the start of joint operations and until a common production system is in place, existing ships and ongoing projects should be handled separately, according to the legacy rules, procedures and systems of DNV AS and GL SE respectively. Functions and systems should be gradually integrated to ensure continuous compliance with the obligations and criteria of Regulation (EC) No 391/2009.

(12) The measures provided for in this Decision are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships established by Regulation (EC) No 2099/2002 of the European Parliament and of the Council [1],

HAS ADOPTED THIS DECISION:

Article 1

The holder of the recognition granted to Det Norske Veritas shall be, from the date of entry into force of this Decision, DNV GL AS, which is the parent entity of all legal entities that constitute the recognised organisation for the purpose of Regulation (EC) No 391/2009.

Due to the transfer of ownership of GL SE to DNV GL AS, the recognition of Germanischer Lloyd, initially granted to GL SE, ceases to apply.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 13 December 2013.

For the Commission

Siim KALLAS

Vice-President

[1] Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships (OJ L 324, 29.11.2002, p. 1).

COMMISSION IMPLEMENTING DECISION

of 13 December 2013

approving certain amended programmes for the eradication, control and monitoring of animal diseases and zoonoses for the year 2013, amending Decision 2008/897/EC approving annual and multiannual programmes for 2009 and following years and amending Implementing Decision 2012/761/EU as regards the Union financial contribution for certain programmes approved by that Decision

(notified under document C(2013) 8891)

(2013/766/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field [1], and in particular Article 27(5) and (6) thereof,

Whereas:

(1) Decision 2009/470/EC lays down the procedures governing the Union financial contribution for programmes for the eradication, control and monitoring of animal diseases and zoonoses.

(2) Commission Decision 2008/341/EC [2] provides that in order to be approved under the Union financial measure provided for in Article 27(1) of Decision 2009/470/EC, programmes submitted by the Member States to the Commission for the eradication, control and monitoring of the animal diseases and zoonoses listed in Annex I to that Decision are required to meet at least the criteria set out in the Annex to Decision 2008/341/EC.

(3) Commission Decision 2008/897/EC [3] approved the German programme for the eradication of koi herpes virus disease for the period of 1 January 2009 to 31 December 2013.

(4) Commission Implementing Decision 2012/761/EU [4] approves certain national programmes for the year 2013 and sets out the rate and maximum amount of the Union financial contribution for each programme submitted by the Member States.

(5) Spain and Greece have submitted an amended programme for the control of certain zoonotic salmonella in poultry populations. Germany has submitted an amended programme for the eradication of koi herpes virus disease. Greece has submitted an amended programme for the eradication of ovine and caprine brucellosis. Hungary and Romania has submitted an amended programme for the eradication of rabies.

(6) The Commission has assessed those amended programmes from both a veterinary and a financial point of view. They comply with relevant Union veterinary legislation and in particular with the criteria set out in the Annex to Decision 2008/341/EC. They should therefore be approved.

(7) Furthermore, the Commission has assessed the intermediate technical and financial reports submitted by the Member States in accordance with Article 27(7) of Decision 2009/470/EC on the expenditure they incurred for the financing of those programmes. The results of that assessment show that certain Member States will not utilise their full allocation for the year 2013, while others will spend in excess of the allocated amount.

(8) The Union financial contribution for certain national programmes therefore needs to be adjusted. In order to optimise the use of the earmarked credit, it is appropriate to reallocate funding from national programmes which will not use their full allocation to those that are expected to exceed it due to unforeseen animal health situations in those Member States. The reallocation should be based on the most recent information on the expenditure actually incurred by the Member States concerned.

[1] OJ L 155, 18.6.2009, p. 30.

[2] Commission Decision 2008/341/EC of 25 April 2008 laying down Community criteria for national programmes for the eradication, control and monitoring of certain animal diseases and zoonoses (OJ L 115, 29.4.2008, p. 44).

[3] Commission Decision 2008/897/EC of 28 November 2008 approving annual and multi-annual programmes and the financial contribution from the Community for the eradication, control and monitoring of certain animal diseases and zoonoses presented by the Member States for 2009 and following years (OJ L 322, 2.12.2008, p. 39).

[4] Commission Implementing Decision 2012/761/EU of 30 November 2012 approving annual and multiannual programmes and the financial contribution from the Union for the eradication, control and monitoring of certain animal diseases and zoonoses presented by the Member States for 2013 (OJ L 336, 8.12.2012, p. 83).

(9) That reallocation exercise requires many amendments to be made to certain Union financial contributions provided for by Implementing Decision 2012/761/EU. For reasons of transparency, it is appropriate to specify the whole range of Union financial contributions towards the approved 2013 programmes concerned by those amendments.

(10) Furthermore, recent experience has shown that the execution to the letter of Article 13(3) of Implementing Decision 2012/761/EU could lead to inequitable results. Therefore, that provision should be deleted.

(11) Implementing Decision 2012/761/EU should therefore be amended accordingly.

(12) 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

Approval of the amended programmes for the control of certain zoonotic salmonella submitted by Spain and Greece

The amended programme for the control of certain zoonotic salmonella in poultry populations submitted by Spain on 26 December 2012 is hereby approved for the period from 1 January 2013 to 31 December 2013.

The amended programme for the control of certain zoonotic salmonella in poultry populations submitted by Greece on 24 October 2013 is hereby approved for the period from 1 January 2013 to 31 December 2013.

Article 2

Approval of the amended programme for the eradication of ovine and caprine brucellosis submitted by Greece

The amended programme for the eradication of ovine and caprine brucellosis submitted by Greece on 29 July 2013 is hereby approved for the period from 1 January 2013 to 31 December 2013.

Article 3

Approval of the amended programmes for the eradication of rabies submitted by Hungary and Romania

The amended programmes for the eradication of rabies submitted by Hungary on 1 October 2013 and by Romania on 30 October 2013 are hereby approved for the period from 1 January 2013 to 31 December 2013.

Article 4

Ammendment to Decision 2008/897/EC

Article 16 of Decision 2008/897/EC is replaced by the following:

'Article 16

Diseases in aquaculture animals

The multiannual programme for the eradication of viral haemorrhagic septicaemia (VHS) submitted by Denmark is hereby approved for the period of 1 January 2009 to 31 December 2013.

The multiannual programme for the eradication of koi herpes virus disease (KHV) submitted by Germany is hereby approved for the period of 1 January 2009 to 31 December 2014.'

Article 5

Amendments to Implementing Decision 2012/761/EU

Implementing Decision 2012/761/EU is amended as follows:

(1) in Article 1(2), point (c) is replaced by the following:

'(c) shall not exceed the following:

(i) EUR 3 440 000 for Spain;

(ii) EUR 100 000 for Croatia;

(iii) EUR 2 000 000 for Italy;

(iv) EUR 940 000 for Portugal;

(v) EUR 800 000 for the United Kingdom.';

(2) in Article 2(2)(a), point (i) is replaced by the following:

'(i) EUR 0,5 per domestic animal sampled for Gamma interferon test and suspected positive in the slaughter-house';

(3) in Article 2(2), point (c) is replaced by the following:

'(c) shall not exceed the following:

(i) EUR 12 000 000 for Ireland;

(ii) EUR 13 390 000 for Spain;

(iii) EUR 400 000 for Croatia;

(iv) EUR 4 000 000 for Italy;

(v) EUR 2 230 000 for Portugal;

(vi) EUR 31 900 000 for the United Kingdom.';

(4) in Article 3(2), point (c) is replaced by the following:

'(c) shall not exceed the following:

(i) EUR 8 200 000 for Spain;

(ii) EUR 3 380 000 for Italy;

(iii) EUR 170 000 for Cyprus;

(iv) EUR 1 760 000 for Portugal.';

(5) in Article 3(3) point (b) is replaced by the following:

'(b) shall not exceed EUR 1 740 000';

(6) in Article 4(2), point (b) is replaced by the following:

'(b) shall not exceed the following:

(i) EUR 9 000 for Belgium;

(ii) EUR 11 000 for Bulgaria;

(iii) EUR 5 000 for the Czech Republic;

(iv) EUR 86 000 for Germany;

(v) EUR 10 000 for Ireland;

(vi) EUR 78 000 for Greece;

(vii) EUR 1 200 000 for Spain;

(viii) EUR 650 000 for Italy;

(ix) EUR 10 000 for Latvia;

(x) EUR 10 000 for Lithuania;

(xi) EUR 2 000 for Luxembourg;

(xii) EUR 3 000 for Hungary;

(xiii) EUR 10 000 for Malta;

(xiv) EUR 10 000 for the Netherlands;

(xv) EUR 10 000 for Austria;

(xvi) EUR 50 000 for Poland;

(xvii) EUR 145 000 for Portugal;

(xviii) EUR 130 000 for Romania;

(xix) EUR 18 000 for Slovenia;

(xx) EUR 40 000 for Slovakia;

(xxi) EUR 10 000 for Finland;';

(7) in Article 5(2), point (c) is replaced by the following:

'(c) shall not exceed the following:

(i) EUR 910 000 for Belgium;

(ii) EUR 30 000 for Bulgaria;

(iii) EUR 810 000 for the Czech Republic;

(iv) EUR 90 000 for Denmark;

(v) EUR 790 000 for Germany;

(vi) EUR 10 000 for Estonia;

(vii) EUR 160 000 for Ireland;

(viii) EUR 970 000 for Greece;

(ix) EUR 1 760 000 for Spain;

(x) EUR 1 210 000 for France;

(xi) EUR 200 000 for Croatia;

(xii) EUR 3 520 000 for Italy;

(xiii) EUR 60 000 for Cyprus;

(xiv) EUR 200 000 for Latvia;

(xv) EUR 10 000 for Luxembourg;

(xvi) EUR 950 000 for Hungary;

(xvii) EUR 40 000 for Malta;

(xviii) EUR 2 940 000 for the Netherlands;

(xix) EUR 640 000 for Austria;

(xx) EUR 2 900 000 for Poland;

(xxi) EUR 25 000 for Portugal;

(xxii) EUR 460 000 for Romania;

(xxiii) EUR 10 000 for Slovenia;

(xxiv) EUR 450 000 for Slovakia;

(xxv) EUR 60 000 for the United Kingdom.';

(8) in Article 6(2), point (b) is replaced by the following:

'(b) shall not exceed the following:

(i) EUR 200 000 for Bulgaria;

(ii) EUR 950 000 for Germany;

(iii) EUR 100 000 for Croatia;

(iv) EUR 224 000 for Hungary;

(v) EUR 1 100 000 for Romania;

(vi) EUR 25 000 for Slovenia;

(vii) EUR 400 000 for Slovakia.';

(9) in Article 7(2), point (b) is replaced by the following:

'(b) shall not exceed EUR 1 060 000.';

(10) in Article 8(2), point (b) is replaced by the following:

'(b) shall not exceed EUR 1 400 000.';

(11) in Article 9(2)(a), point (i) is replaced by the following:

'(i) EUR 0,5 per domestic bird sampled';

(12) in Article 9(2), point (c) is replaced by the following:

'(c) shall not exceed the following:

(i) EUR 24 000 for Belgium;

(ii) EUR 9 000 for Bulgaria;

(iii) EUR 14 000 for the Czech Republic;

(iv) EUR 53 000 for Denmark;

(v) EUR 135 000 for Germany;

(vi) EUR 62 000 for Ireland;

(vii) EUR 8 000 for Greece;

(viii) EUR 67 000 for Spain;

(ix) EUR 108 000 for France;

(x) EUR 40 000 for Croatia;

(xi) EUR 1 300 000 for Italy;

(xii) EUR 4 000 for Cyprus;

(xiii) EUR 13 000 for Latvia;

(xiv) EUR 5 000 for Lithuania;

(xv) EUR 6 000 for Luxembourg;

(xvi) EUR 61 000 for Hungary;

(xvii) EUR 8 000 for Malta;

(xviii) EUR 154 000 for the Netherlands;

(xix) EUR 30 000 for Austria;

(xx) EUR 70 000 for Poland;

(xxi) EUR 14 000 for Portugal;

(xxii) EUR 350 000 for Romania;

(xxiii) EUR 29 000 for Slovenia;

(xxiv) EUR 16 000 for Slovakia;

(xxv) EUR 25 000 for Finland;

(xxvi) EUR 30 000 for Sweden;

(xxvii) EUR 100 000 for the United Kingdom.';

(13) in Article 10(2), point (c) is replaced by the following:

'(c) shall not exceed the following:

(i) EUR 290 000 for Belgium;

(ii) EUR 360 000 for Bulgaria;

(iii) EUR 380 000 for the Czech Republic;

(iv) EUR 300 000 for Denmark;

(v) EUR 4 700 000 for Germany;

(vi) EUR 60 000 for Estonia;

(vii) EUR 1 300 000 for Ireland;

(viii) EUR 1 700 000 for Greece;

(ix) EUR 3 000 000 for Spain;

(x) EUR 10 900 000 for France;

(xi) EUR 3 600 000 for Italy;

(xii) EUR 230 000 for Croatia;

(xiii) EUR 950 000 for Cyprus;

(xiv) EUR 80 000 for Latvia;

(xv) EUR 435 000 for Lithuania;

(xvi) EUR 50 000 for Luxembourg;

(xvii) EUR 790 000 for Hungary;

(xviii) EUR 25 000 for Malta;

(xix) EUR 1 000 000 for the Netherlands;

(xx) EUR 500 000 for Austria;

(xxi) EUR 2 600 000 for Poland;

(xxii) EUR 1 000 000 for Portugal;

(xxiii) EUR 1 400 000 for Romania;

(xxiv) EUR 160 000 for Slovenia;

(xxv) EUR 220 000 for Slovakia;

(xxvi) EUR 160 000 for Finland;

(xxvii) EUR 210 000 for Sweden;

(xxviii) EUR 2 520 000 for the United Kingdom.';

(14) in Article 11(2), point (d) is replaced by the following:

'(d) shall not exceed the following:

(i) EUR 1 650 000 for Bulgaria;

(ii) EUR 1 500 000 for Greece;

(iii) EUR 620 000 for Estonia;

(iv) EUR 190 000 for Italy;

(v) EUR 2 200 000 for Lithuania;

(vi) EUR 1 080 000 for Hungary;

(vii) EUR 7 240 000 for Poland;

(viii) EUR 2 300 000 for Romania;

(ix) EUR 810 000 for Slovenia;

(x) EUR 380 000 for Slovakia.';

(15) in Article 12(3), point (c) is replaced by the following:

'(c) shall not exceed the following:

(i) EUR 1 500 000 for Latvia;

(ii) EUR 400 000 for Finland.';

(16) in Article 13, paragraph 3 is deleted.

Article 6

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 13 December 2013.

For the Commission
Tonio BORG
Member of the Commission

COMMISSION DECISION

of 16 December 2013

setting up a framework for civil dialogue in matters covered by the common agricultural policy and repealing Decision 2004/391/EC

(2013/767/EU)

THE EUROPEAN COMMISSION,

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

Whereas:

(1) Article 38 of the Treaty on the Functioning of the European Union provides that the Union is to define and implement a common agriculture policy.

(2) In accordance with Article 11(2) of the Treaty on European Union, the institutions are to maintain an open, transparent and regular dialogue with representative associations and civil society. A dialogue framework dealing with matters covered by the common agricultural policy exists since 1962. Commission Decision 2004/391/EC [1] provides for the framework of the current dialogue.

(3) With a view to increase transparency and provide for a better balancing of represented interests it is necessary to review the dialogue in the advisory groups dealing with agriculture issues and to provide for the framework of a civil dialogue in the field of agriculture and rural development, including the international aspects thereof, and to define their tasks and structure.

(4) The civil dialogue groups should assist the Commission and help to hold a regular dialogue on all matters relating to the common agricultural policy, including rural development, and its implementation, and in particular the measures which the Commission is called on to take in that context, including the international aspects of agriculture, bring about an exchange of experience and good practice, advise on policy, deliver an opinion on specific matters upon request of the Directorate-General for Agriculture and Rural Development or on their own initiative and monitor policy developments.

(5) The civil dialogue groups should be composed of at least European-level non-governmental organisations, including representative associations, socioeconomic interest groups, civil society organisations and trade unions that are registered in the joint European Transparency Register.

(6) In order to facilitate the development of the tasks allocated to the groups, it is necessary to provide for rules on the operation and functioning of the groups.

(7) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council [2].

(8) Decision 2004/391/EC should be repealed,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

This decision constitutes the framework for civil dialogue groups dealing with matters covered by the common agricultural policy, hereinafter referred to as 'groups', set up by the Director-General for Agriculture and Rural Development ('the Director-General') under the framework for Commission expert groups [3].

Article 2

Tasks

The groups' tasks shall be:

(a) to hold a regular dialogue on all matters relating to the common agricultural policy, including rural development, and its implementation, and in particular the measures which the Commission is called on to take in that context, including the international aspects of agriculture;

(b) to bring about an exchange of experience and good practice in the fields referred to in point (a);

(c) to assist the Commission and advise on policy in the fields referred to in point (a);

(d) to deliver an opinion on specific matters either upon request of the Directorate-General for Agriculture and Rural Development ('the Directorate-General') and within the time limits set in that request, or on their own initiative;

(e) to monitor policy developments in the fields referred to in point (a).

[1] Commission Decision 2004/391/EC of 23 April 2004 on the advisory groups dealing with matters covered by the common agricultural policy (OJ L 120, 24.4.2004, p. 50).

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

[3] C(2010) 7649.

Article 3

Consultation

1. The Directorate-General may consult the groups on any matter referred to under Article 2(a).

2. The chairperson of a group, in close cooperation with the vice-chairpersons, may advise the Commission to consult the group on a specific question.

Article 4

Membership appointment

1. The Director-General shall decide on the composition of the groups, on the basis of a call for applications.

2. The groups shall be composed of at least European-level non-governmental organisations, including representative associations, socioeconomic interest groups, civil society organisations and trade unions that are registered in the Transparency Register. Membership of the groups shall be open to those organisations representing any kind of relevant interest

3. Taking into account the interest of the civil society in the common agricultural policy the Director-General shall decide on the number of groups and their size. The list of groups shall be published in the Register of Commission expert groups and other similar entities ('the Register') and on a dedicated website. Director-General shall ensure a balanced representation of all expressed interests referred to in paragraph 2. In particular, he/she shall ensure a balance between economic and non-economic interests.

4. Member organisations shall be appointed by the Director-General from among organisations that have responded to the call for applications. The Director-General may also appoint a member organisation when seats remain or fall vacant.

5. Member organisations are appointed for seven years. A member organisation may be replaced within a group before the end of the seven-year mandate where:

(a) it is no longer able to contribute effectively to a group's deliberations;

(b) it withdraws from the group;

(c) it does not regularly designate experts for the meetings of the group;

(d) it no longer complies with the conditions set out in paragraph 2; or

(e) it does not comply with the non-disclosure requirement relating to information covered by the obligation of professional secrecy laid down in Article 339 of the Treaty.

6. Member organisations shall designate the experts to attend the meetings of the groups according to the items on the agenda and shall inform the Directorate-General of the identity of experts they have designated at least three working days before the meeting.

7. The Directorate-General shall invite the experts designated by the member organisations to attend the meetings of the groups. Where the member organisation has not informed the Directorate-General of the identity of the experts within the deadline set out in paragraph 6, the Directorate-General may refuse to invite those experts to the respective meeting.

8. The names of member organisations shall be published in the Register of Commission expert groups and other similar entities and on a dedicated website.

9. Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

Article 5

Operation

1. Each group shall at its first meeting elect a chairperson and two vice-chairpersons from among its members by a two-thirds majority of the experts present in the case of a first ballot, and by a simple majority of the experts present in the case of subsequent ballots. The vice-chairpersons shall be chosen from among the representatives of other organisations than the one to which the chairperson belongs. The two vice-chairpersons shall originate from two different organisations. The elections shall be held under the authority of a Commission representative by secret ballot, unless all the experts present expressly decide otherwise.

2. The chairperson and the two vice-chairpersons shall serve a term of one year, which shall be renewable. The chairperson shall not serve more than two consecutive terms. When choosing new chairpersons, the group shall ensure that they do not originate from the same organisation as their predecessor.

3. The chairperson, in agreement with the Directorate-General, in close consultation with the vice-chairpersons, and in consultation with the organisations represented in the group, shall determine the items to be included on the agenda for the meetings of the group at least 25 working days before each meeting. The Directorate-General shall send out the agenda to the organisations as a general rule 20 working days before the meeting, preferably by electronic means.

4. Except for the elections provided for in paragraph 1, no vote shall take place at the end of a group's discussion. If a group reaches consensus on the opinion requested by the Directorate-General or an own-initiative resolution, it shall formulate joint conclusions and attach them to the summary report. The Commission shall communicate the outcome of a group's discussions to other European institutions in cases where the group so recommends.

5. The chairperson is responsible for compiling a report containing an accurate summary record of each meeting and transmitting the draft of that report to the Directorate-General within 20 working days after the meeting. The Directorate-General may amend the chairperson's draft report prior to its distribution and subsequent approval by the group.

6. In agreement with the Directorate-General, the group may set up working groups to examine specific questions on the basis of terms of reference adopted by the group. Commission representatives shall chair the meetings of the working groups. Such working groups shall be dissolved as soon as their mandate is fulfilled.

7. The Directorate-General may invite experts from outside the group with specific competences relating to a subject on the agenda to participate in the work of the group or working group on an ad-hoc basis. In addition, the Commission's representative may grant observer status to individuals or organisations as defined in Article 4(2), in so far as they do not threaten the balance of the groups or working groups. They shall have the right to speak, when invited to do so by the chairperson with the consent of the highest-ranking Commission representative present. Individuals or organisations enjoying observer status shall not participate in the elections referred to in paragraph 1.

8. Members of groups and their representatives, as well as invited experts and individuals or organisations enjoying observer status, as provided for in paragraph 7, shall comply with the obligations of professional secrecy laid down in the Treaties and the rules implementing them, as well as with the Commission's rules on security regarding the protection of Union classified information, laid down in the Annex to Commission Decision 2001/844/EC, ECSC, Euratom [1]. Should they fail to comply with those obligations, the Commission may take all appropriate measures.

9. The meetings of the groups and working groups shall in general be held on Commission premises. The Commission shall provide secretariat services. Meetings of the groups and working groups shall be convened by the Directorate-General. Other Commission officials with an interest in the proceedings may attend meetings of the groups and its working groups.

10. The Commission publishes all relevant documents such as agendas, minutes, conclusions, partial conclusions or working documents on the activities carried out by the groups via a link from the Register of Commission expert groups and other similar entities to a dedicated website. Exceptions to systematic publication should be made where disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council [2].

Article 6

Meeting expenses

1. Participants in the activities of the groups and working groups shall not be remunerated for the services they render.

2. Travel and subsistence expenses incurred by experts in the context of the activities of the groups and working groups shall be reimbursed by the Commission in accordance with the provisions in force within the Commission.

3. The expenses referred to in paragraph 2 shall be reimbursed within the limits of the available appropriations allocated under the annual procedure for the allocation of resources.

Article 7

Repeal

Decision 2004/391/EC is repealed with effect from 1 July 2014.

Article 8

Entry into force

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

It shall apply from 1 July 2014.

Done at Brussels, 16 December 2013.

For the Commission
The President
José Manuel BARROSO

[1] Commission Decision 2001/844/EC, ECSC, Euratom of 29 November 2001 amending its internal Rules of Procedure (OJ L 317, 3.12.2001, p. 1).

[2] Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

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