

Official Journal

of the European Union

L 56



English edition

Legislation

Volume 57

26 February 2014

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Price: EUR 3

⁽¹⁾ Text with EEA relevance

EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 174/2014

of 25 February 2014

on amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code as regards the identification of persons in the context of AEO Mutual Recognition Agreements

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, and in particular Article 247 thereof,

Whereas:

(1) The Union recognises the trade partnership programmes of certain third countries that have been developed in accordance with the World Customs Organisation Framework of Standards to Secure and Facilitate Global Trade. Consequently, the Union grants facilitations to those economic operators of a third country who hold a membership status under a trade partnership programme of that third country's customs authorities.

(2) Commission Implementing Regulation (EU) No 58/2013 amending Commission Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾ introduced the means to identify in entry summary declarations a consignor's membership status under trade partnership programmes.

(3) It is necessary to extend the obligation to provide an identification number in order to improve risk analysis by identifying the carrier in the coded form in the entry summary declaration.

(4) In order to provide relevant facilitations to persons other than the consignor declared in an entry or exit summary declaration or in a customs declaration replacing it, it is necessary to adapt Annexes 30a, 37 and 38 to Regulation (EEC) No 2454/93 ⁽³⁾ to allow for an indication of those person's third country unique identification number which has been made available to the Union by the third country concerned. That number can be indicated instead of the EORI number of the person concerned.

(5) Clarifications should be made with respect to the use of name and address or code numbers to identify parties in Annex 30a.

(6) Regulation (EEC) No 2454/93 should therefore be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2454/93 is amended as follows:

(1) the following points are added to Article 4l(3):

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 21, 24.1.2013, p. 19.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

- (f) he acts as a carrier as referred to in Article 181b where sea, inland waterway or air transport is concerned unless he is assigned a third country unique identification number which has been made available in the framework of a third country traders' partnership programme which is recognised by the Union; this applies without prejudice to point (b);
- (g) he acts as a carrier who is connected to the customs system and he wishes to receive any of notifications laid down in Article 183(6) and (8) or in Article 184d(2).;

- (2) Annex 30a is amended as set out in Annex I to this Regulation;
- (3) Annex 37 is amended as set out in Annex II to this Regulation;
- (4) Annex 38 is amended as set out in Annex III to this Regulation.

Article 2

This Regulation shall enter into force on 1 December 2014.

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

Done at Brussels, 25 February 2014.

For the Commission
The President
José Manuel BARROSO

ANNEX I

In Annex 30a to Regulation (EEC) No 2454/93, Section 4 entitled '**Data elements explanatory notes.**' is amended as follows:

- (1) the data element explanatory note entitled '*Consignor*' is replaced by the following:

Consignor

Party consigning goods as stipulated in the transport contract by the party ordering transport.

Exit summary declarations:

This information must be provided when it is different from the person lodging the summary declaration. This information takes the form of the consignor EORI number whenever that number is available to the person lodging the summary declaration. If the consignor EORI number is not available, the full name and address of the consignor shall be provided. Where the particulars required for an exit summary declaration are included in a customs declaration in accordance with Article 182b(3) of the Code and with Article 216 of this Regulation, this information corresponds to the "Consignor/Exporter" of that customs declaration.

Where facilitations are granted in the framework of a third country traders' partnership programme which is recognised by the Union, this information may take the form of a third country unique identification number which has been made available to the Union by the third country concerned. That number may be used whenever available to the person lodging the summary declaration.

The structure of the number is as follows:

Field	Content	Field type	Format	Examples
1	Identifier of the third country (ISO alpha 2 country code)	Alphabetic 2	a2	US JP CH
2	Unique identification number in a third country	Alphanumeric up to 15	an..15	1234567890ABCDE AbCd9875F pt20130101aa

Examples: "US1234567890ABCDE" for a consignor in the US (country code: US) whose unique identification number is 1234567890ABCDE. "JPAbCd9875F" for a consignor in Japan (country code: JP) whose unique identification number is AbCd9875F. "CHpt20130101aa" for a consignor in Switzerland (country code: CH) whose unique identification number is pt20130101aa.

Identifier of the third country: the European Union's alphabetical codes for countries and territories are based on the current ISO alpha 2 codes (a2) in so far as they are compatible with the country codes laid down in accordance with Article 5(2) of Regulation (EC) No 471/2009 of the European Parliament and of the Council (*).

When a consignor EORI number or a consignor third country unique identification number is provided, his name and address shall not be provided.

Entry summary declarations:

This information takes the form of the consignor EORI number whenever that number is available to the person lodging the summary declaration. If the consignor EORI number is not available, the full name and address of the consignor shall be provided.

Where facilitations are granted in the framework of a third country traders' partnership programme which is recognised by the Union, this information may take the form of a third country unique identification number which has been made available to the Union by the third country concerned. That number may be used whenever available to the person lodging the summary declaration. The structure of that number corresponds to the structure as specified in the "Exit summary declarations" part of this data element explanatory note.

When a consignor EORI number or a consignor third country unique identification number is provided, his name and address shall not be provided.

(*) OJ L 152, 16.6.2009, p. 23.;

- (2) in data element explanatory note entitled '*Person lodging the summary declaration*' the first paragraph is replaced by the following:

'This information takes the form of the EORI number of the person lodging the summary declaration; his name and address shall not be provided.';

- (3) the data element explanatory note entitled '*Person requesting the diversion*' is replaced by the following:

'Person requesting the diversion

Diversion request: the person making the request for a diversion at entry. This information takes the form of the EORI number of the person requesting the diversion; his name and address shall not be provided.';

- (4) the data element explanatory note entitled '*Consignee*' is replaced by the following:

'Consignee

Party to whom goods are actually consigned.

Exit summary declarations: In cases referred to in Article 789, this information in the form of the full name and address of the consignee shall be provided where available. Where the goods are carried under a negotiable bill of lading that is "to order blank endorsed", the consignee is unknown, his particulars shall be replaced by the following code in Box 44 of an export declaration:

Legal basis	Subject	Box	Code
Annex 30a	Situations where negotiable bills of lading that are "to order blank endorsed" are concerned, in the case of exit summary declarations, where the consignee particulars are unknown.	44	30600

It takes the form of the consignee EORI number whenever that number is available to the person lodging the summary declaration. If the consignee EORI number is not available, the full name and address of the consignee shall be provided.

Where facilitations are granted in the framework of a third country traders' partnership programme which is recognised by the Union, this information may take the form of a third country unique identification number which has been made available to the Union by the third country concerned. That number may be used whenever available to the person lodging the summary declaration. The structure of that number corresponds to the structure as specified in "Exit summary declarations" part of the data element explanatory note entitled "Consignor".

Where a consignee EORI number or a consignee third country unique identification number is provided, his name and address shall not be provided.

Entry summary declarations: This information must be provided when different from the person lodging the summary declaration. Where the goods are carried under a negotiable bill of lading that is "to order blank endorsed", the consignee is unknown and his particulars shall be replaced by the following code 10600:

Legal basis	Subject		Code
Annex 30a	Situations where negotiable bills of lading that are "to order blank endorsed" are concerned, in the case of entry summary declarations, where the consignee particulars are unknown		10600

Where this information must be provided, it takes the form of the consignee EORI number whenever that number is available to the person lodging the summary declaration. If the consignee EORI number is not available, the full name and address of the consignee shall be provided.

Where facilitations are granted in the framework of a third country traders' partnership programme which is recognised by the Union, this information may take the form of a third country unique identification number which has been made available to the Union by the third country concerned. That number may be used whenever available to the person lodging the summary declaration. The structure of that number corresponds to the structure as specified in the "Exit summary declarations" part of the data element explanatory note entitled "Consignor".

Where a consignee EORI number or a consignee third country unique identification number is provided, his name and address shall not be provided.;

- (5) the data element explanatory note entitled '*Carrier*' is replaced by the following:

'Carrier

This information shall not be provided where it is identical with the person lodging the entry summary declaration except where facilitations are granted in the framework of a third country traders' partnership programme which is recognised by the Union. In this case, this information may be provided and will take the form of a third country unique identification number which has been made available to the Union by the third country concerned. The structure of that number corresponds to the structure as specified in the "Exit summary declarations" part of the data element explanatory note entitled "Consignor".

Where this information is different from the person lodging the entry summary declaration, this information takes the form of the full name and address of the carrier.

It takes the form of the carrier EORI number or a carrier third country unique identification number:

- whenever available to the person lodging the summary declaration, and/or
- where sea, inland waterway or air transport is concerned.

It takes the form of the carrier EORI number, if the carrier is connected to the customs system and he wishes to receive any of notifications laid down in Article 183(6) and (8) or in Article 184d(2).

Where a carrier EORI number or a carrier third country unique identification number is provided, his name and address shall not be provided.;

- (6) the first paragraph of the data element explanatory note entitled '*Notify party*' is replaced by the following:

'Party to be notified at entry of the arrival of the goods. This information needs to be provided where applicable. It takes the form of the notify party EORI number whenever this number is available to the person lodging the summary declaration. If the notify party EORI number is not available, the full name and address of the notify party shall be provided.

Where facilitations are granted in the framework of a third country traders' partnership programme which is recognised by the Union, this information may take the form of a third country unique identification number which has been made available to the Union by the third country concerned. That number may be used whenever available to the person lodging the summary declaration. The structure of that number corresponds to the structure as specified in the "Exit summary declarations" part of the data element explanatory note entitled "Consignor".

Where the notify party EORI number or the notify party third country unique identification number is provided, his name and address shall not be provided.;

ANNEX II

In Annex 37 to Regulation (EEC) No 2454/93, Title II, Section A, Box 8: 'Consignee', the following paragraph is inserted after the second paragraph:

'Where an identification number is required and the declaration includes the particulars for an exit summary declaration as set out in Annex 30a and facilitations are granted in the framework of a third country traders' partnership programme which is recognised by the Union, that identification number may take the form of a third country unique identification number which has been made available to the Union by the third country concerned. The structure of that third country unique identification number corresponds to the structure as specified in the "Exit summary declarations" part of the data element explanatory note entitled "Consignor", in Annex 30a.'

ANNEX III

In Annex 38 to Regulation (EEC) No 2454/93, Title II, Box 8: 'Consignee', the following paragraph is added after the first paragraph:

'Where an identification number is required and the declaration includes the particulars for an exit summary declaration as set out in Annex 30a, a third country unique identification number which has been made available to the Union by the third country concerned may be used.'

COMMISSION REGULATION (EU) No 175/2014

of 25 February 2014

refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods ⁽¹⁾, and in particular Article 18(5) thereof,

Whereas:

- (1) Pursuant to Regulation (EC) No 1924/2006 health claims made on foods are prohibited unless they are authorised by the Commission in accordance with that Regulation and included in a list of permitted claims.
- (2) Regulation (EC) No 1924/2006 also provides that applications for authorisations of health claims may be submitted by food business operators to the national competent authority of a Member State. The national competent authority is to forward valid applications to the European Food Safety Authority (EFSA), hereinafter referred to as the Authority, for a scientific assessment, as well as to the Commission and the Member States for information.
- (3) The Authority is to deliver an opinion on the health claim concerned.
- (4) The Commission is to decide on the authorisation of health claims taking into account the opinion delivered by the Authority.
- (5) Following an application from PiLeJe, submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of a combination of *B. longum* LA 101, *L. helveticus* LA 102, *L. lactis* LA 103 and *S. thermophilus* LA 104 and intestinal discomfort (Question No EFSA-Q-2012-00588) ⁽²⁾. The claim proposed by the applicant was worded, inter alia, as follows: 'Improves intestinal comfort'.
- (6) On 12 February 2013, the Commission and the Member States received the scientific opinion from the Authority,

which concluded that on the basis of the data presented, a cause and effect relationship could not be established between the consumption of a combination of *B. longum* LA 101, *L. helveticus* LA 102, *L. lactis* LA 103 and *S. thermophilus* LA 104 and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.

- (7) Following an application from PiLeJe, submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of a combination of *B. longum* LA 101, *L. helveticus* LA 102, *L. lactis* LA 103 and *S. thermophilus* LA 104 and stool frequency (Question No EFSA-Q-2012-00589) ⁽³⁾. The claim proposed by the applicant was worded, inter alia, as follows: 'Regulates your (intestinal) transit'.
- (8) On 12 February 2013, the Commission and the Member States received the scientific opinion from the Authority, which concluded that on the basis of the data presented, a cause and effect relationship could not be established between the consumption of a combination of *B. longum* LA 101, *L. helveticus* LA 102, *L. lactis* LA 103 and *S. thermophilus* LA 104 and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (9) Following an application from Nutrilinks Sarl, submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of ♀EFAXTM and reduction of menstrual discomfort (Question No EFSA-Q-2012-00591) ⁽⁴⁾. The claim proposed by the applicant was worded, inter alia, as follows: '♀EFAXTM contributes to maintain a normal menstruation cycle'.
- (10) On 12 February 2013, the Commission and the Member States received the scientific opinion from the Authority, which concluded that on the basis of the data presented, a cause and effect relationship had not been established between the consumption of ♀EFAXTM and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.

⁽¹⁾ OJ L 404, 30.12.2006, p. 9.

⁽²⁾ The EFSA Journal 2013; 11(2):3085.

⁽³⁾ The EFSA Journal 2013; 11(2):3086.

⁽⁴⁾ The EFSA Journal 2013; 11(2):3081.

- (11) Following an application from Kemin Foods LC, submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Slendesta® Potato Extract and reduction of body weight (Question No EFSA-Q-2012-00704) ⁽¹⁾. The claim proposed by the applicant was worded as follows: 'Slendesta® contributes to the reduction of body weight in overweight individuals'.
- (12) On 12 February 2013, the Commission and the Member States received the scientific opinion from the Authority, which concluded that on the basis of the data presented, a cause and effect relationship had not been established between the consumption of Slendesta® Potato Extract and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (13) Following an application from Zambon B.V., submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Monurelle® and reduction of bacterial colonisation of the urinary tract (Question No EFSA-Q-2012-00737) ⁽²⁾. The claim proposed by the applicant was worded, *inter alia*, as follows: 'Proanthocyanidins from Monurelle® may help to support defence against bacterial pathogens in the lower urinary tract'.
- (14) On 12 February 2013, the Commission and the Member States received the scientific opinion from the Authority, which concluded that on the basis of the data presented, a cause and effect relationship had not been established between the consumption of Monurelle® and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (15) Following an application from S.A. Vichy Catalan, submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Vichy Catalan carbonated natural mineral water and reduction of post-prandial lipaemic response (Question No EFSA-Q-2012-00872) ⁽³⁾. The claim proposed by the applicant was worded as follows: 'Vichy Catalan, a bicarbonated natural mineral water rich in mineral salts, contributes to reduce blood triglycerides rise during digestion'.
- (16) On 12 February 2013, the Commission and the Member States received the scientific opinion from the Authority, which concluded that on the basis of the data presented, a cause and effect relationship had not been established between the consumption of Vichy Catalan carbonated natural mineral water and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (17) The health claim related to Slendesta® Potato Extract is a health claim as referred to in point (c) of Article 13(1) of Regulation (EC) No 1924/2006 and is therefore subject to the transitional period laid down in Article 28(6) of that Regulation. However, as the application was not made before 19 January 2008, the requirement provided for in point (b) of Article 28(6) of that Regulation is not fulfilled, and therefore this claim may not benefit from the transitional period provided for in that Article.
- (18) The other health claims subject to this Regulation are health claims as referred to in point (a) of Article 13(1) of Regulation (EC) No 1924/2006, which are subject to the transitional period laid down in Article 28(5) of that Regulation until the adoption of the list of permitted health claims provided that they comply with that Regulation.
- (19) The list of permitted health claims has been established by Commission Regulation (EU) No 432/2012 ⁽⁴⁾ and is applicable since 14 December 2012. As regards claims referred to in Article 13(5) of Regulation (EC) No 1924/2006 for which the evaluation by the Authority or consideration by the Commission has not been completed by 14 December 2012 and which by virtue of this Regulation are not included in the list of permitted health claims, it is appropriate to provide for a transitional period during which they may still be used, in order to allow both food business operators and the competent national authorities to adapt to the prohibition of such claims.
- (20) The comments from the applicants and the members of the public received by the Commission pursuant to Article 16(6) of Regulation (EC) No 1924/2006 have been considered when setting the measures provided for in this Regulation.
- (21) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council have opposed them.

HAS ADOPTED THIS REGULATION:

Article 1

1. The health claims listed in the Annex to this Regulation shall not be included in the Union list of permitted claims as provided for in Article 13(3) of Regulation (EC) No 1924/2006.
2. However, the health claims referred to in paragraph 1 used prior to the entry into force of this Regulation, may continue to be used for a maximum period of six months after the entry into force of this Regulation.

⁽¹⁾ The EFSA Journal 2013; 11(2):3083.

⁽²⁾ The EFSA Journal 2013; 11(2):3082.

⁽³⁾ The EFSA Journal 2013; 11(2):3087.

⁽⁴⁾ OJ L 136, 25.5.2012, p. 1.

Article 2

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

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

Done at Brussels, 25 February 2014.

For the Commission
The President
José Manuel BARROSO

ANNEX

Rejected health claims

Application – Relevant provisions of Regulation (EC) No 1924/2006	Nutrient, substance, food or food category	Claim	EFSA opinion reference
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	A combination of <i>B. longum</i> LA 101, <i>L. helveticus</i> LA 102, <i>L. lactis</i> LA 103 and <i>S. thermophilus</i> LA 104	Improves intestinal comfort	Q-2012-00588
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	A combination of <i>B. longum</i> LA 101, <i>L. helveticus</i> LA 102, <i>L. lactis</i> LA 103 and <i>S. thermophilus</i> LA 104	Regulates your (intestinal) transit	Q-2012-00589
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	♀EFAX™	♀EFAX™ contributes to maintain a normal menstruation cycle	Q-2012-00591
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	Slendesta® Potato Extract	Slendesta® contributes to the reduction of body weight in overweight individuals	Q-2012-00704
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	Monurelle®	Proanthocyanidins from Monurelle® may help to support defence against bacterial pathogens in the lower urinary tract	Q-2012-00737
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	Vichy Catalan carbonated natural mineral water	Vichy Catalan, a bicarbonated natural mineral water rich in mineral salts, contributes to reduce blood triglycerides rise during digestion	Q-2012-00872

COMMISSION REGULATION (EU) No 176/2014**of 25 February 2014****amending Regulation (EU) No 1031/2010 in particular to determine the volumes of greenhouse gas emission allowances to be auctioned in 2013-20****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

annual volumes were decided based on the factors determining supply of and demand for allowances at the time of the assessment and assumption of an ongoing economic recovery.

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

Having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC⁽¹⁾, and in particular Articles 3d(3) and 10(4) thereof,

Whereas:

(1) Directive 2003/87/EC provides for determining the timing, administration and other aspects of auctioning to ensure that it is conducted in an open, transparent, harmonised and non-discriminatory manner. It also provides for the Commission to monitor the functioning of the European carbon market.

(2) Commission Regulation (EU) No 1031/2010⁽²⁾ provides the volumes of allowances to be auctioned each year, after deducting the allocation given free of charge from the Union-wide quantity of allowances issued in the same year. A deviation from this time profile has also been decided in Commission Regulation (EU) No 1210/2011⁽³⁾ to determine a volume of allowances to be auctioned early, prior to 2013, with corresponding reductions in the 2013 and 2014 auction volumes, with the foremost objective to ensure a smooth transition from the second to the third trading period, taking due account of the hedging needs for compliance in the early years of the third trading period. These

(3) Account should be taken of exceptional changes in drivers determining the balance between the demand for and supply of allowances, notably the renewed economic slowdown, as well as temporary elements directly related to the transition to phase 3, including increasing unused volume of allowances valid for the second trading period for compliance in the said period, increasing volumes of certified emission reductions and emission reduction units from emission reduction projects under the Clean Development Mechanism or under Joint Implementation provisions for surrendering by operators covered by the scheme, the monetisation of allowances from the new entrants reserve for the third trading period for support of demonstration projects of carbon capture and sequestration and innovative renewable energy technologies ('NER300') pursuant to Commission Decision 2010/670/EU⁽⁴⁾ and release of allowances not needed in the new entrants reserves for the second trading period. Although all these factors are subject to different degrees of uncertainty, it is important to determine appropriate corrections to the annual volumes to be auctioned in 2014-20 in a timely manner.

(4) Reducing the risk of carbon leakage (an increase in greenhouse gas emissions in third countries where industry would not be subject to comparable carbon constraints) and avoiding putting certain energy-intensive sectors and subsectors in the EU which are subject to international competition at an economic disadvantage, is an important consideration in EU climate policy. Accordingly, the Commission analysed the impacts on the competitive situation of energy-intensive industries to be expected from the review of the auction time profile⁽⁵⁾, using assumptions that

⁽¹⁾ OJ L 275, 25.10.2003, p. 32.

⁽²⁾ Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community (OJ L 302, 18.11.2010, p. 1).

⁽³⁾ Commission Regulation (EU) No 1210/2011 of 23 November 2011 amending Regulation (EU) No 1031/2010 in particular to determine the volume of greenhouse gas emission allowances to be auctioned prior to 2013 (OJ L 308, 24.11.2011, p. 2).

⁽⁴⁾ Commission Decision 2010/670/EU of 3 November 2010 laying down criteria and measures for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO₂ as well as demonstration projects of innovative renewable energy technologies under the scheme for greenhouse gas emission allowance trading within the Community established by Directive 2003/87/EC of the European Parliament and of the Council (OJ L 290, 6.11.2010, p. 39).

⁽⁵⁾ Proportionate impact assessment accompanying the document Commission Regulation (EU) No 176/2014 of 25 February 2014 amending Regulation (EU) No 1031/2010, in particular to determine the volumes of greenhouse gas emission allowances to be auctioned in 2013-20 available at: http://ec.europa.eu/clima/policies/ets/cap/auctioning/docs/swd_2012_xx2_en.pdf

remain valid as of January 2014. The impact assessment noted that Directive 2003/87/EC has put in place measures, including the continued free allocation of emission allowances and the adoption of a list of industries deemed to be at risk of carbon leakage, to address the risk of carbon leakage for energy-intensive industrial sectors. Reviewing the timing of the auctions does not affect the level of free allocation issued each year or the total quantity of allowances (the cap) for the period starting in 2013. While potential effects on carbon costs may be distributed differently over time, the impact assessment showed that they are expected to remain within the average carbon price levels projected by the Commission's impact assessment accompanying the package of implementation measures for the Union's objectives on climate change and renewable energy for 2020 ⁽¹⁾ and subsequent analysis ⁽²⁾.

- (5) As the volume to be auctioned in each year of the period 2014-16 is reduced, the thresholds for the auction volume per individual auctions on an auction platform appointed by a Member State not participating in the joint action should be reduced accordingly.
- (6) Regulation (EU) No 1031/2010 should therefore be amended accordingly.
- (7) In order to apply to auctions taking place from 2014 onwards, and to ensure orderly functioning of the carbon market and predictable auctions, this Regulation should enter into force without delay.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Climate Change Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 1031/2010 is amended as follows:

- (1) after the second subparagraph of Article 10(2), the following subparagraphs are added:

⁽¹⁾ http://ec.europa.eu/energy/climate_actions/doc/2008_res_ia_en.pdf

⁽²⁾ Communication 'Analysis of options to move beyond 20 % greenhouse gas emission reductions and assessing the risk of carbon leakage' (COM(2010) 265 final).

'The volume of allowances to be auctioned in a given year determined pursuant to the first or second subparagraphs of this paragraph in 2014-16 shall be reduced by the quantity of allowances for the respective year set out in the second column of the table in Annex IV to this Regulation.

Where in 2014 the volume of reduction set out in Annex IV cannot be spread over a period of more than 9 months it shall be decreased by 100 million allowances and thereafter by the same amount for each quarter of the year. In that case, the volumes of reduction for 2015 and 2016 shall be adjusted in equal instalments accordingly.

The volume of allowances to be auctioned in a given year determined pursuant to the first or second subparagraphs of this paragraph in 2019-20 shall be increased by the quantity of allowances for the respective year set out in the third column of the table in Annex IV to this Regulation.

In respect of Member States applying Article 10c of the Directive and without prejudice to the first sentence of Article 10c(2) of the Directive, the total quantity of allowances to be auctioned in a given year following the adjustment set out in the second column of the table in Annex IV to this Regulation shall not be lower than the quantity of allowances to be transitionally allocated free of charge to installations for electricity production in that same year.

If necessary, the total quantity of allowances to be auctioned in a given year in the period 2014-16 by a Member State applying Article 10c of the Directive shall be increased accordingly. To the extent that the total quantity of allowances to be auctioned is increased in accordance with the previous sentence, it shall subsequently be reduced to ensure that the distribution pursuant to the first subparagraph of this paragraph is complied with. The volumes of allowances to be auctioned referred to in the second and third column of the table in Annex IV to this Regulation shall be adjusted to reflect any such increase and reduction.;

- (2) the last sentence of Article 32(1) shall be replaced by the following:

'However, the volume of allowances covered by Chapter III of Directive 2003/87/EC auctioned in an individual auction conducted by those auction platforms in 2014 to 2016 shall be no less than 2 million allowances.;

(3) an annex is added after Annex III as follows:

‘ANNEX IV

Adjustments to the volumes of allowances (in million) to be auctioned in 2013-20 referred to in Article 10(2)

Year	Volume of reduction	Volume of increase
2013		
2014	400	
2015	300	
2016	200	
2017		
2018		
2019		300
2020		600

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, 25 February 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 177/2014**of 25 February 2014****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multi-lateral trade negotiations, the criteria whereby the

Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 25 February 2014.

*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	MA	54,8
	TN	89,3
	TR	94,9
	ZZ	79,7
0707 00 05	EG	182,1
	MA	114,7
	TR	156,9
	ZZ	151,2
0709 91 00	EG	72,9
	ZZ	72,9
0709 93 10	MA	30,9
	TR	103,5
	ZZ	67,2
0805 10 20	EG	42,7
	IL	66,1
	MA	47,6
	TN	49,7
	TR	67,5
	ZA	63,5
	ZZ	56,2
0805 20 10	IL	123,3
	MA	99,2
	TR	110,6
	ZZ	111,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	EG	29,2
	IL	139,2
	JM	106,9
	MA	114,3
	TR	67,4
	US	120,6
	ZZ	96,3
0805 50 10	EG	57,3
	TR	67,2
	ZZ	62,3
0808 10 80	CN	113,4
	MK	30,8
	US	176,8
	ZZ	107,0
0808 30 90	AR	137,3
	CL	199,6
	CN	66,7
	TR	136,4
	US	120,7
	ZA	109,8
	ZZ	128,4

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

DECISIONS

COMMISSION IMPLEMENTING DECISION

of 24 February 2014

amending Decision 2004/3/EC as regards the applicable Union grades

(notified under document C(2014) 1081)

(Text with EEA relevance)

(2014/105/EU)

THE EUROPEAN COMMISSION,

(3) Decision 2004/3/EC should therefore be amended accordingly.

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

(4) It is appropriate that this Decision applies from the same date as Implementing Directive 2014/20/EU will apply.

Having regard to Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes ⁽¹⁾, and in particular Article 17(2) thereof,

(5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

Whereas:

HAS ADOPTED THIS DECISION:

(1) Commission Decision 2004/3/EC ⁽²⁾ refers to the grades of basic seed potatoes determined by Commission Directive 93/17/EEC ⁽³⁾. Directive 93/17/EEC was replaced by Commission Implementing Directive 2014/20/EU ⁽⁴⁾. That Directive sets out requirements as regards harmful organisms, as well as other requirements.

Article 1

Article 1 of Decision 2004/3/EC is replaced by the following:

(2) In view of that replacement, it is necessary to accordingly replace the references to grades in Decision 2004/3/EC. The new references should correspond to the requirements as regards harmful organisms only.

'Article 1

The Member States listed in column 1 of Annex I are authorised, in respect of the marketing of seed potatoes in the regions listed against their names in column 2 of Annex I, to restrict the marketing of seed potatoes to basic seed potatoes as follows:

(a) for seed potato production, to any of the following:

(i) basic seed potatoes that fulfil the conditions for "Union grade S" set out in point 1(a)(ii)-(v) and point 1(b)(i)-(iv) of Annex I to Commission Implementing Directive 2014/20/EU ^(*), or

⁽¹⁾ OJ L 193, 20.7.2002, p. 60.

⁽²⁾ Commission Decision 2004/3/EC of 19 December 2003 authorising, in respect of the marketing of seed potatoes in all or part of the territory of certain Member States, more stringent measures against certain diseases than are provided for in Annexes I and II to Council Directive 2002/56/EC (OJ L 2, 6.1.2004, p. 47).

⁽³⁾ Commission Directive 93/17/EEC of 30 March 1993 determining Community grades of basic seed potatoes, together with the conditions and designations applicable to such grades (OJ L 106, 30.4.1993, p. 7).

⁽⁴⁾ Commission Implementing Directive 2014/20/EU of 6 February 2014 determining Union grades of basic and certified seed potatoes, and the conditions and designations applicable to such grades (OJ L 38, 7.2.2014, p. 32).

- (ii) basic seed potatoes that fulfil the conditions for “Union grade SE” set out in point 2(a)(ii)-(v) and point 2(b)(i)-(iv) of Annex I to Implementing Directive 2014/20/EU;
- (b) for potato production, to any of the following:
- (i) basic seed potatoes that fulfil the conditions of “Union grade S” set out in point 1(a)(ii)-(v) and point 1(b)(i)-(iv) of Annex I to Implementing Directive 2014/20/EU,
 - (ii) basic seed potatoes that fulfil the conditions for “Union grade SE” set out in point 2(a)(ii)-(v) and point 2(b)(i)-(iv) of Annex I to Implementing Directive 2014/20/EU, or
 - (iii) basic seed potatoes that fulfil the conditions for “Union grade E” set out in point 3(a)(ii)-(v) and point 3(b)(i)-(iv) of Annex I to Implementing Directive 2014/20/EU.

(*) Commission Implementing Directive 2014/20/EU of 6 February 2014 determining Union grades of basic and certified seed potatoes, and the conditions and designations applicable to such grades (OJ L 38, 7.2.2014, p. 32).'

Article 2

This Decision shall apply from 1 January 2016.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 24 February 2014.

For the Commission
Tonio BORG
Member of the Commission

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