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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.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) No 492/2014

of 7 March 2014

supplementing Regulation (EU) No 528/2012 of the European Parliament and of the Council as regards the rules for the renewal of authorisations of biocidal products subject to mutual recognition

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular the first paragraph of Article 40 thereof,

Whereas:

- (1) It is appropriate to lay down supplementary rules for the renewal of national authorisations having been subject to mutual recognition in accordance with Article 4 of Directive 98/8/EC of the European Parliament and of the Council ⁽²⁾ or with Articles 33 and 34 of Regulation (EU) No 528/2012, both in the Member States where the first authorisations were granted and in those Member States having granted authorisations through mutual recognition of the first authorisations.
- (2) In order to avoid unnecessary duplication of work and to ensure consistency, renewal of authorisations having been subject to mutual recognition should in the first place be managed by the competent authority of one single reference Member State. In order to provide flexibility to applicants and competent authorities, the applicant should have the opportunity to choose the reference Member State subject to the latter's agreement.
- (3) In order to facilitate the smooth running of the procedure and the tasks to be carried out by the competent authorities, the scope of this Regulation should be limited to those authorisations having, apart from limited exceptions, the same terms and conditions in all the Member States at the time of the application for renewal. For other national authorisations, an application for renewal should be submitted to the Member State in question in accordance with Article 31 of Regulation (EU) No 528/2012.
- (4) The content of an application for renewal of a national authorisation is specified under Article 31 of Regulation (EU) No 528/2012. However, for applications for renewal of national authorisations granted on the basis of mutual recognition, the content of the application should be further specified, in particular to facilitate the work of the Member States involved in the renewal of these authorisations.
- (5) To take into account the workload associated with the evaluation, the time allowed for processing an application should depend on whether or not a full evaluation needs to be performed.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).

- (6) In order to provide the same level of protection when an authorisation is renewed as when it is first granted, the maximum validity of the renewed authorisations should not exceed that of the initial authorisations. In addition, phasing-out provisions for the existing products on the market of Member States should be set for those authorisations for which an application for renewal is not submitted or is rejected.
- (7) It is appropriate to refer any disagreement in the evaluation of renewal applications to the coordination group established under Regulation (EU) No 528/2012 for the purpose of examining disagreements relating to product authorisation, and to allow derogations from mutual recognition based on the general grounds for such derogations laid down in Article 37 of that Regulation.
- (8) In order to bring further predictability, guidelines on the details related to the handling of renewals should be developed by the Agency and regularly updated on the basis of experience and scientific or technical progress,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation lays down rules for the renewal of a national authorisation of a biocidal product or a biocidal product family that has been subject to mutual recognition in accordance with Article 4 of Directive 98/8/EC or with Articles 33 and 34 of Regulation (EU) No 528/2012, or of a national authorisation granted through such mutual recognition (hereinafter referred to as an 'authorisation').
2. This Regulation shall apply to authorisations having the same terms and conditions at the time of the application for renewal in all the Member States where the renewal is sought.
3. This Regulation shall also apply to authorisations having different terms and conditions on one or more of the following aspects:
 - (a) concerning merely information which can be the subject of an administrative change in accordance with Commission Implementing Regulation (EU) No 354/2013 ⁽¹⁾;
 - (b) derived from an adjustment of the initial authorisation based on the second and third subparagraphs of Article 4(1) of Directive 98/8/EC;
 - (c) established by a Commission Decision adopted either in accordance with Article 4(4) of Directive 98/8/EC or in accordance with Article 37(2)(b) of Regulation (EU) No 528/2012;
 - (d) derived from an agreement with the applicant under the first subparagraph of Article 37(2) of Regulation (EU) No 528/2012, or from equivalent agreements reached when implementing the provisions of Article 4 of Directive 98/8/EC.

Article 2

Content of the application

1. An application for renewal of an authorisation shall be made by using the application form available from the Register for Biocidal Products and shall contain the following:
 - (a) the name of the Member State which evaluated the initial application for authorisation or, where relevant, the Member State having been chosen by the applicant together with written confirmation that the Member State agrees to be responsible for the evaluation of the application for renewal (hereinafter referred to as the 'reference Member State');
 - (b) a list of all other Member States where the renewal of an authorisation is sought (hereinafter the 'Member States concerned'), which shall also include the numbers of the authorisations granted by the reference Member State and the Member States concerned;

⁽¹⁾ Commission Implementing Regulation (EU) No 354/2013 of 18 April 2013 on changes of biocidal products authorised in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 109, 19.4.2013, p. 4).

- (c) confirmation from the applicant that those authorisations fall within the scope of this Regulation as provided for by Article 1(2) and (3);
 - (d) all relevant data required under Article 31(3)(a) of Regulation (EU) No 528/2012 that the applicant has generated since the initial authorisation or, as appropriate, previous renewal, unless those data have already been submitted to the Agency in the required format;
 - (e) a draft summary of the biocidal product characteristics containing the information required under Article 22(2) of Regulation (EU) No 528/2012, in the official languages of the reference Member State and of the Member States concerned which, where relevant, may differ between Member States in accordance with Article 1(3) of this Regulation;
 - (f) the applicant's assessment of whether the conclusions of the initial or previous assessment of the biocidal product or biocidal product family remain valid, including a critical review of any information notified in accordance with Article 47 of Regulation (EU) No 528/2012, including any supporting information to that assessment where it is not already available on the Register for Biocidal Products.
2. For the purposes of paragraph 1(d), where applicable, the application for renewal of an authorisation shall also contain:
- (a) a list of the actions to be completed by the authorisation holder according to the conditions for the validity of the authorisation in any Member State and confirmation that these actions have been completed;
 - (b) a list of the decisions on changes agreed by any Member State before 1 September 2013;
 - (c) a list of the decisions on changes agreed by any Member State in accordance with Implementing Regulation (EU) No 354/2013;
 - (d) a list of the notifications or applications for changes submitted to any Member State in accordance with Implementing Regulation (EU) No 354/2013, which are pending at the time of the submission of the application for renewal.

The competent authority of the reference Member State may, for the purposes of the evaluation of the application, request the submission of a copy of the decisions referred to in points (b) and (c).

Article 3

Submission and validation of the application

1. An applicant wishing to seek the renewal of an authorisation by or on behalf of an authorisation holder (hereinafter 'the applicant') shall submit an application to the competent authority of the reference Member State at least 550 days before the expiry date of the authorisation.
2. The applicant shall, at the same time when submitting the application to the reference Member State, submit to the competent authorities of the Member States concerned an application for renewal of the authorisations granted in those Member States.
3. The competent authorities of the reference Member State and of the Member States concerned shall inform the applicant of the fees payable under Article 80 of Regulation (EU) No 528/2012 and shall reject the application if the applicant fails to pay the fees within 30 days. They shall inform the applicant and the other competent authorities accordingly.
4. Upon receipt of those fees, the competent authorities of the reference Member State and of the Member States concerned shall accept the application and inform the applicant indicating the dates of acceptance.
5. Within 30 days of the acceptance in the reference Member State, that Member State shall validate the application if it contains all the relevant information referred to in Article 2. The reference Member State shall inform the applicant and the Member States concerned accordingly.

When validating the application, the reference Member State shall not make an assessment of the quality or adequacy of the data or justifications submitted.

6. Within 30 days of acceptance by a Member State concerned, that Member State shall verify whether the authorisation falls within the scope of this Regulation as provided for by Article 1(2) and (3).

Where the authorisation does not fall within the scope of this Regulation, the competent authority in the Member State concerned shall process the application as an application submitted in accordance with Article 31(1) of Regulation (EU) No 528/2012 and it shall inform the applicant and the competent authorities in other Member States accordingly.

7. Where the competent authority of the reference Member State considers that the application is incomplete, it shall require additional information for the validation of the application from the applicant and shall set a reasonable time limit for the submission of that information. The time limit shall not normally exceed 90 days.

The competent authority of the reference Member State shall, within 30 days of receipt of the additional information, validate the application if the additional information is sufficient for the application to comply with the requirements laid down in Article 2.

The competent authority of the reference Member State shall reject the application if the applicant fails to submit the required information within the deadline and shall inform the applicant and the Member States concerned accordingly.

Article 4

Evaluation of the application

1. On the basis of an assessment of the available information and in the light of current scientific knowledge, the competent authority of the reference Member State shall, within 90 days of validating the application, decide whether a full evaluation of the application for renewal is necessary.

2. Where a full evaluation is necessary, the competent authority of the reference Member State shall draft an assessment report, following the procedure and timelines set out in Article 30 of Regulation (EU) No 528/2012. The assessment report shall conclude on whether the conditions for granting the authorisation set out in Article 19 of that Regulation are still satisfied, and take into account the results of the comparative assessment carried out in accordance with Article 23 of that Regulation, where appropriate.

Without prejudice to the first subparagraph of Article 30(2) of Regulation (EU) No 528/2012, the assessment report and the draft summary of biocidal product characteristics shall be sent to the Member States concerned and to the applicant within 365 days of validating the application.

3. Where a full evaluation is not necessary, the reference Member State shall draft an assessment report, following the procedure laid down in points (a), (b) and (c) of Article 30(3) of Regulation (EU) No 528/2012. This report shall conclude on whether the conditions for granting the authorisation set out in Article 19 of that Regulation are met, and take into account the results of the comparative assessment carried out in accordance with Article 23 of that Regulation, where appropriate.

The assessment report and the draft summary of biocidal product characteristics shall be sent to the Member States concerned and to the applicant within 180 days of validating the application.

Article 5

Decision on renewal

1. Within 90 days of receipt of the assessment report and the draft summary of biocidal product characteristics, and subject to Article 6, the Member States concerned shall agree on the summary of biocidal product characteristics, with the exception, where relevant, of the differences referred to in Article 1(3)(a), and shall record their agreement in the Register for Biocidal Products.

The reference Member State shall enter the agreed summary of biocidal product characteristics and the final assessment report in the Register for Biocidal Products, together with any agreed terms or conditions imposed on the making available on the market or use of the biocidal product or biocidal product family.

2. Within 30 days of reaching agreement, the reference Member State and each of the Member States concerned shall renew the authorisations in conformity with the agreed summary of biocidal product characteristics.

Without prejudice to the provisions of Article 23(6) of Regulation (EU) No 528/2012, the authorisation shall be renewed for a maximum period of 10 years.

3. Without prejudice to Article 7, where no agreement is reached within 90 days, each Member State that agrees to the summary of biocidal product characteristics referred to in paragraph 1 may renew the authorisation accordingly.

4. Where, for reasons beyond the control of the holder of an authorisation, no decision is taken on the renewal of that authorisation before its expiry, the respective competent authority shall grant a renewal for the period necessary to complete the evaluation.

Article 6

Period of grace

Article 52 of Regulation (EU) No 528/2012 shall apply to existing stocks of the biocidal product made available on the following markets:

- (a) on the market of a Member State to which no application for renewal has been submitted or which has rejected an application pursuant to Article 3(3) of this Regulation;
- (b) on the market of the reference Member State and of the Member States concerned, where the reference Member State rejects the application for renewal in accordance with Article 3(3) or the third subparagraph of Article 3(7) of this Regulation.

Article 7

Coordination group, arbitration and derogation from mutual recognition

1. A Member State concerned may propose to refuse to renew an authorisation or to adjust the terms and conditions of the authorisation in accordance with Article 37 of Regulation (EU) No 528/2012.

2. Where, regarding matters other than those referred to in paragraph 1, the Member States concerned do not reach an agreement on the conclusions of the assessment report or, where relevant, on the summary of the biocidal product characteristics proposed by the reference Member State in accordance with Article 5(1), the reference Member State shall refer the matter to the coordination group established under Article 35 of Regulation (EU) No 528/2012.

Where a Member State concerned is in disagreement with the reference Member State, the former shall give a detailed statement of the reasons for its position to all Member States concerned and to the applicant.

3. Articles 35 and 36 of Regulation (EU) No 528/2012 shall apply to matters of disagreement referred to in paragraph 2.

Article 8

Guidance on handling renewals in the mutual recognition procedures

1. The Agency shall, after consulting the Member States, the Commission and interested parties, draw up guidelines on the details related to the handling of renewals of authorisations covered by this Regulation.

2. Those guidelines shall be regularly updated, taking into account the contributions from Member States and stakeholders on its implementation as well as scientific and technical progress.

Article 9

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, 7 March 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 493/2014**of 13 May 2014****amending Council Implementing Regulation (EU) No 102/2012 imposing a definitive anti-dumping duty on imports of steel ropes and cables originating, inter alia, in the People's Republic of China, as extended to imports of steel ropes and cables consigned from, inter alia, the Republic of Korea, whether declared as originating in the Republic of Korea or not**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the 'basic Regulation'), and in particular Articles 11(3) and 13(4) thereof,

Whereas:

A. MEASURES IN FORCE

- (1) By Council Regulation (EC) No 1796/1999 ⁽²⁾, the Council imposed a definitive anti-dumping duty on imports of steel ropes and cables originating, inter alia, in the People's Republic of China. These measures were maintained by Council Regulation (EC) No 1601/2001 ⁽³⁾ and by Council Regulation (EC) No 1858/2005 ⁽⁴⁾.
- (2) By Implementing Regulation (EU) No 400/2010 ⁽⁵⁾, the Council extended the anti-dumping duty on imports of steel ropes and cables originating, inter alia, in the People's Republic in China to imports of the same product consigned from the Republic of Korea, whether declared as originating in the Republic of Korea or not, following an anti-circumvention investigation under Article 13 of the basic Regulation. By the same Regulation, certain Korean exporting producers were exempted from these extended measures.
- (3) The measures currently in force are an anti-dumping duty imposed by Council Implementing Regulation (EU) No 102/2012 ⁽⁶⁾ on imports of steel ropes and cables originating, inter alia, in the People's Republic of China as extended, inter alia, to imports of steel ropes and cables consigned from the Republic of Korea whether declared as originating in the Republic of Korea or not following an expiry review under Article 11(2) of the basic Regulation, as last amended by Commission Implementing Regulation (EU) No 489/2014 ⁽⁷⁾ ('the measures in force').

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ Council Regulation (EC) No 1796/1999 of 12 August 1999 imposing a definitive anti-dumping duty, and collecting definitively the provisional duty imposed, on imports of steel ropes and cables originating in the People's Republic of China, Hungary, India, Mexico, Poland, South Africa and Ukraine and terminating the anti-dumping proceeding in respect of imports originating in the Republic of Korea (OJ L 217, 17.8.1999, p. 1).

⁽³⁾ Council Regulation (EC) No 1601/2001 of 2 August 2001 imposing a definitive anti-dumping duty and definitively collecting the provisional anti-dumping duty imposed on imports of certain iron or steel ropes and cables originating in the Czech Republic, Russia, Thailand and Turkey (OJ L 211, 4.8.2001, p. 1).

⁽⁴⁾ Council Regulation (EC) No 1858/2005 of 8 November 2005 imposing a definitive anti-dumping duty on imports of steel ropes and cables originating in the People's Republic of China, India, South Africa and Ukraine following an expiry review pursuant to Article 11(2) of Regulation (EC) No 384/96 (OJ L 299, 16.11.2005, p. 1).

⁽⁵⁾ Implementing Regulation of the Council (EU) No 400/2010 of 26 April 2010 extending the definitive anti-dumping duty imposed by Regulation (EC) No 1858/2005 on imports of steel ropes and cables originating, inter alia, in the People's Republic of China to imports of steel ropes and cables consigned from the Republic of Korea, whether declared as originating in the Republic of Korea or not, and terminating the investigation in respect of imports consigned from Malaysia (OJ L 117, 11.5.2010, p. 1).

⁽⁶⁾ Council Implementing Regulation (EU) No 102/2012 of 27 January 2012 imposing a definitive anti-dumping duty on imports of steel ropes and cables originating in the People's Republic of China and Ukraine as extended to imports of steel ropes and cables consigned from Morocco, Moldova and the Republic of Korea, whether declared as originating in these countries or not, following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 and terminating the expiry review proceeding concerning imports of steel ropes and cables originating in South Africa pursuant to Article 11(2) of Regulation (EC) No 1225/2009 (OJ L 36, 9.2.2012, p. 1).

⁽⁷⁾ OJ L 138, 13.5.2014, p. 80.

B. PROCEDURE

1. Initiation

- (4) The Commission received a request for a partial interim review under Article 11(3) of the basic Regulation. The request was lodged by Goodwire MFG. Co. Ltd ('Goodwire'), a producer in the Republic of Korea, and is limited in scope to the examination of the possibility of granting an exemption to Goodwire from the measures in force under Article 13(4) of the basic Regulation.
- (5) Having examined the evidence submitted by Goodwire and after consultation of the Member States, and after the Union industry had been given the opportunity to comment, the Commission initiated the investigation on 27 August 2013 by publishing a notice of initiation in the *Official Journal of the European Union* ⁽¹⁾.

2. Product under review

- (6) The product subject to the review is steel ropes and cables, including locked coil ropes, excluding ropes and cables of stainless steel, with a maximum cross-sectional dimension exceeding 3 mm, originating in the People's Republic of China or consigned from the Republic of Korea, whether declared as originating in the Republic of Korea or not ('the product under review'), 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 (TARIC codes 7312 10 81 13, 7312 10 83 13, 7312 10 85 13, 7312 10 89 13 and 7312 10 98 13).

3. Reporting period

- (7) The reporting period covered the period from 1 July 2012 to 30 June 2013. Data was collected from 2008 until the end of the reporting period to investigate any change in the pattern of trade.

4. Investigation

- (8) The Commission officially advised Goodwire and the representatives of the Republic of Korea of the initiation of the review. Interested parties were invited to make their views known and were informed of the possibility to request a hearing. No such request was received.
- (9) The Commission sent a questionnaire to Goodwire and received a reply within the given deadline. The Commission sought and verified all the information deemed necessary for the purposes of the review. A verification visit was carried out at the premises of Goodwire.

C. FINDINGS

- (10) The investigation has confirmed that Goodwire is a genuine producer of the product under review and that it was not related to any Chinese exporters or producers subject to the anti-dumping measures in force. The investigation further confirmed that Goodwire had not exported the product under review to the Union during the investigation period of the anti-circumvention investigation that led to the extended measures, that is 1 July 2008 to 30 June 2009.
- (11) The processing activities of Goodwire can be considered as a completion and/or assembly operation in the sense of Article 13(2) of the basic Regulation. Goodwire purchases domestically produced steel wire rod but also imports steel wire rod from the People's Republic of China, which are subsequently drawn, stranded and closed at its premises in the Republic of Korea. The finished product is sold domestically and exported to the United States and to the Union.
- (12) During the investigation it was established that the proportion of Chinese raw materials was significantly below the threshold of 60 %. Hence, it was not necessary to establish whether the 25 % threshold of value added was reached within the meaning of Article 13(2) of the basic Regulation. Therefore, Goodwire's production activities were not found to involve circumvention under Article 13(2) of the basic Regulation.
- (13) The investigation confirmed that Goodwire was not purchasing the finished product under review from the People's Republic of China in order to resell or tranship to the Union and that the company can justify all its exports during the reporting period.

⁽¹⁾ OJ C 246, 27.8.2013, p. 5.

- (14) In light of the findings described in recitals (10) to (13), the Commission concludes that Goodwire is not circumventing the anti-dumping measures in force on imports of steel ropes and cables originating in, inter alia, the People's Republic of China as extended, inter alia, to imports of steel ropes and cables consigned from the Republic of Korea whether declared as originating in the Republic of Korea or not.
- (15) The findings above were disclosed to Goodwire and the Union industry, which were given the opportunity to provide comments. Comments received were taken into account where appropriate.

D. MODIFICATION OF THE LIST OF COMPANIES BENEFITTING FROM AN EXEMPTION TO THE MEASURES IN FORCE

- (16) In accordance with the above findings, the company Goodwire should be added to the list of companies that are exempted from the anti-dumping duty imposed by Implementing Regulation (EU) No 102/2012.
- (17) As laid down in Article 1(2) of Implementing Regulation (EU) No 400/2010, the application of the exemption is to 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 to that Regulation. If no such an invoice is presented, the anti-dumping duty should continue to apply.
- (18) In addition, the exemption from the extended measures granted to imports of steel ropes and cables produced by Goodwire, in accordance with Article 13(4) of the basic Regulation, remains valid on condition that the facts as finally ascertained justify the exemption. Should new prima facie evidence indicate otherwise, an investigation may be initiated by the Commission to establish whether withdrawal of the exemption is warranted.
- (19) The exemption from the extended measures granted to imports of steel ropes and cables produced by Goodwire is made on the basis of the findings of the present review. This exemption is thus exclusively applicable to imports of steel ropes and cables consigned from the Republic of Korea and produced by the abovementioned specific legal entity. Imported steel ropes and cables produced by any company not specifically mentioned in Article 1(4) of Implementing Regulation (EU) No 102/2012 with its name, including entities related to those specifically mentioned, should not benefit from the exemption and should be subject to the residual duty rate as imposed by that Regulation.
- (20) The partial interim review should be terminated and Implementing Regulation (EU) No 102/2012, as last amended, should be amended to include Goodwire in the table set out in its Article 1(4).
- (21) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The table set out in Article 1(4) of Implementing Regulation (EU) No 102/2012, as last amended by Implementing Regulation (EU) No 489/2014, is replaced by the following table:

'Country	Company	TARIC additional code
The Republic of Korea	Bosung Wire Rope Co., Ltd, 568,Yongdeok-ri, Hallim-myeon, Gimae-si, Gyeongsangnam-do, 621-872	A969
	Chung Woo Rope Co., Ltd, 1682-4, Songjung-Dong, Gangseo-Gu, Busan	A969

'Country	Company	TARIC additional code
	CS Co., Ltd, 287-6 Soju-Dong Yangsan-City, Kyoungnam	A969
	Cosmo Wire Ltd, 4-10, Koyeon-Ri, Woong Chon-Myon Ulju-Kun, Ulsan	A969
	Dae Heung Industrial Co., Ltd, 185 Pyunglim — Ri, Daesan-Myun, Haman — Gun, Gyungnam	A969
	DSR Wire Corp., 291, Seonpyong-Ri, Seo-Myon, Suncheon-City, Jeonnam	A969
	Goodwire MFG. Co. Ltd, 984-23, Maegok-Dong, Yangsan-City, Kyungnam	B955
	Kiswire Ltd, 20th Fl. Jangkyo Bldg, 1, Jangkyo-Dong, Chung-Ku, Seoul	A969
	Manho Rope & Wire Ltd, Dongho Bldg, 85-2 4 Street Joongang-Dong, Jong-gu, Busan	A969
	Line Metal Co. Ltd, 1259 Boncho-ri, Daeji-Myeon, Changnyeong-gun, Gyeongnam	B926
	Seil Wire and Cable, 47-4, Soju-Dong, Yangsan-Si, Kyungsangnamdo	A994
	Shin Han Rope Co., Ltd, 715-8, Gojan-Dong, Namdong-gu, Incheon	A969
	Ssang YONG Cable Mfg. Co., Ltd, 1559-4 Song-Jeong Dong, Gang-Seo Gu, Busan	A969
	Young Heung Iron & Steel Co., Ltd, 71-1 Sin-Chon Dong, Changwon City, Gyungnam	A969'

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, 13 May 2014.

For the Commission
The President
 José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 494/2014**of 13 May 2014****amending Annex V to Regulation (EC) No 136/2004 as regards import conditions and the list of countries referred to in Article 9 thereof****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽¹⁾, and in particular Article 19(1) thereof,

Whereas:

- (1) Directive 97/78/EC lays down the principles governing the organisation of veterinary checks on products entering the Union from third countries.
- (2) Article 19(1) of that Directive provides that the Commission is to draw up a list of plant products which are to be subjected to border veterinary checks and a list of the third countries which may be authorised to export those plant products to the Union.
- (3) Accordingly, Annex IV to Commission Regulation (EC) No 136/2004 ⁽²⁾ lists hay and straw as plant products subject to border veterinary checks, while Part I of Annex V to that Regulation lists the countries from which Member States are authorised to import hay and straw.
- (4) Ukraine has recently requested the authorisation to export pelleted straw to the Union and has asked to be included in Annex V to Regulation (EC) No 136/2004.
- (5) Belarus is already listed in Annex V to Regulation (EC) No 136/2004 and is authorised to export hay and straw of any kind to the Union. However, some Member States have outlined concerns in relation to the changed animal health situation in Belarus, referring to outbreaks of African swine fever. They fear that the export of unprocessed hay and straw from that third country may pose a high animal health risk to the Union. It has thus been requested to adopt precautionary measures through the adoption of more restrictive import conditions for hay and straw from Belarus.
- (6) Analysis shows that the animal health situation in Belarus and Ukraine does not present a risk of spreading infectious or contagious animal diseases into the Union, if *only* pelleted straw intended for combustion is allowed for import, provided it is directly delivered from the approved border inspection post (BIP) of entry into the Union to the destination plant where it is going to be burned. To ensure that such consignments do not present a risk to animal health being deviated from their intended destination, they need to be moved under customs transit procedure, as provided for in Council Regulation (EEC) No 2913/92 ⁽³⁾, and be monitored in the integrated computerised veterinary system (TRACES) accordingly from the BIP of entry to the destination plant.
- (7) Regulation (EC) No 136/2004 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 24, 30.1.1998, p. 9.

⁽²⁾ Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries (OJ L 21, 28.1.2004, p. 11).

⁽³⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Annex V to Regulation (EC) No 136/2004 is replaced by the Annex to this Regulation.

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, 13 May 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX

ANNEX V

THE LIST OF COUNTRIES REFERRED TO IN ARTICLE 9

ISO Code	Country
AU	Australia
BY	Belarus ⁽¹⁾
CA	Canada
CH	Switzerland
CL	Chile
GL	Greenland
IS	Iceland
NZ	New Zealand
RS	Serbia ⁽²⁾
UA	Ukraine ⁽¹⁾
US	United States of America
ZA	South Africa (excluding that part of the foot-and-mouth disease control area situated in the veterinary region Northern and Eastern Transvaal, in the district of Ingwavuma of the veterinary region of Natal and in the border area with Botswana east of longitude 28°)

⁽¹⁾ Only pelleted straw intended for combustion, which is directly delivered under customs transit procedure as provided for in Article 4(16)(b) of Regulation (EEC) No 2913/92 (OJ L 302, 19.10.1992, p. 1) and through monitoring in TRACES from the approved border inspection post (BIP) of entry into the Union to the destination plant in the Union, where it is going to be burnt.

⁽²⁾ As referred to in Article 135 of the Stabilisation and Association Agreement between the European Communities and their Member States of the one part, and the Republic of Serbia, of the other part (OJ L 278, 18.10.2013, p. 16).'

COMMISSION IMPLEMENTING REGULATION (EU) No 495/2014**of 13 May 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 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, 13 May 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	48,3
	MK	62,8
	TN	49,2
	TR	67,4
	ZZ	56,9
0707 00 05	AL	32,3
	MK	38,7
	TR	125,0
0709 93 10	ZZ	65,3
	TR	112,7
0805 10 20	ZZ	112,7
	EG	54,2
0805 50 10	IL	74,0
	MA	47,6
	TN	68,6
	TR	41,5
	ZZ	57,2
	TR	93,7
	ZZ	93,7
	TR	93,7
0808 10 80	AR	98,2
	BR	88,4
	CL	102,9
	CN	98,7
	MK	33,9
	NZ	134,6
	US	191,6
	ZA	108,2
	ZZ	107,1

⁽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

COUNCIL DECISION

of 6 May 2014

amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Banque centrale du Luxembourg

(2014/275/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Protocol No 4 on the Statute of the European System of Central Banks and of the European Central Bank annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and in particular to Article 27.1 thereof,

Having regard to Recommendation ECB/2013/51 of the European Central Bank of 17 December 2013 to the Council of the European Union on the external auditors of the Banque centrale du Luxembourg ⁽¹⁾,

Whereas:

- (1) The accounts of the European Central Bank (ECB) and of the national central banks of the Eurosystem are to be audited by independent external auditors recommended by the Governing Council of the ECB and approved by the Council of the European Union.
- (2) The mandate of the current external auditors of the Banque centrale du Luxembourg expired after the audit for the financial year 2013. It is therefore necessary to appoint external auditors for the financial years 2014 to 2018.
- (3) The Banque centrale du Luxembourg has selected DELOITTE AUDIT SARL as its external auditors for the financial years 2014 to 2018.
- (4) It is appropriate to follow the recommendation of the Governing Council of the ECB and to amend Council Decision 1999/70/EC ⁽²⁾ accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 1(7) of Decision 1999/70/EC is replaced by the following:

‘7. DELOITTE AUDIT SARL are hereby approved as the external auditors of the Banque centrale du Luxembourg for the financial years 2014 to 2018’.

Article 2

This Decision shall take effect on the date of its notification.

⁽¹⁾ OJ C 378, 24.12.2013, p. 15.

⁽²⁾ Council Decision 1999/70/EC of 25 January 1999 concerning the external auditors of the national central banks (OJ L 22, 29.1.1999, p. 69).

Article 3

This Decision is addressed to the European Central Bank.

Done at Brussels, 6 May 2014.

For the Council
The President
G. STOURNARAS

COMMISSION IMPLEMENTING DECISION**of 2 May 2014****on amending Decision 2008/411/EC on the harmonisation of the 3 400-3 800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community***(notified under document C(2014) 2798)***(Text with EEA relevance)**

(2014/276/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) ⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Commission Decision 2008/411/EC ⁽²⁾ harmonises the technical conditions for using the spectrum in the 3 400-3 800 MHz frequency band for the terrestrial provision of electronic communications services throughout the Union mainly targeting wireless broadband services for end-users.
- (2) Decision No 243/2012/EU of the European Parliament and the Council ⁽³⁾ establishes a multiannual Radio Spectrum Policy Programme (RSPP) and sets the objective of promoting wider availability of wireless broadband services for the benefit of citizens and consumers in the Union. The RSPP requires Member States to foster the ongoing upgrade, by providers of electronic communications, of their networks to the latest, most efficient technology, in order to create their own dividends in line with the principles of service and technology neutrality.
- (3) Article 6(2) of Decision No 243/2012/EU requires Member States to make available the 3 400-3 800 MHz frequency band under the terms and conditions of Decision 2008/411/EC and, subject to market demand, to authorise the use of this band by 31 December 2012 without prejudice to existing deployments of services and under conditions that allow consumers easy access to wireless broadband services.
- (4) The 3 400-3 800 MHz frequency band offers significant potential for deploying dense and high-speed wireless broadband networks to provide innovative electronic communications services to end users. The use of this frequency band for wireless broadband should contribute to the economic and social policy objectives of the Digital Agenda for Europe.
- (5) Pursuant to Article 4(2) of Decision No 676/2002/EC, the Commission gave a mandate on 23 March 2012 to the European Conference of Postal and Telecommunications Administrations (CEPT) to develop technical conditions for spectrum use in the 3 400-3 800 MHz frequency band with a view to accommodating developments in wireless broadband access technology, in particular large channel bandwidths, while ensuring efficient spectrum use.

⁽¹⁾ OJ L 108, 24.4.2002, p. 1.

⁽²⁾ Commission Decision 2008/411/EC of 21 May 2008 on the harmonisation of the 3 400-3 800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community (OJ L 144, 4.6.2008, p. 77).

⁽³⁾ Decision No 243/2012/EU of the European Parliament and the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme (OJ L 81, 21.3.2012, p. 7).

- (6) In response to that mandate, on 8 November 2013 the CEPT issued a report (CEPT Report 49) on the technical conditions of spectrum harmonisation for terrestrial wireless systems in the 3 400-3 800 MHz frequency band. It includes the results of studies on the least restrictive technical conditions (such as block edge mask), frequency arrangements and principles for co-existence and coordination between wireless broadband and existing spectrum uses. The results on a block edge mask and the principles on coordination in CEPT Report 49 were developed on the basis of the Electronic Communications Committee (ECC) Report 203.
- (7) The results of the Commission mandate to the CEPT should be applied across the Union and implemented by Member States without delay, given the rapidly growing market demand for high-speed wireless broadband services and the current low level of use of the 3 400-3 800 MHz frequency band for wireless broadband services.
- (8) Spectrum users providing wireless broadband services would benefit from uniform technical conditions across the whole frequency range, which would ensure availability of equipment and coherent coordination between networks of different operators. To this end, a preferred channelling arrangement for the 3 400-3 600 MHz frequency band should be set out based on the results of CEPT Report 49, while observing the principle of technology and service neutrality.
- (9) The legal framework for using the 3 400-3 800 MHz frequency band set by Decision 2008/411/EC should remain unchanged and thus ensure continued protection of other existing services within the band. In particular, fixed satellite systems (FSS) including earth stations would require continued protection through appropriate coordination between such systems and wireless broadband networks and services by national authorities on a case-by-case basis.
- (10) Spectrum use by wireless broadband service providers and other existing services using the 3 400-3 800 MHz band, in particular FSS earth stations, would need to be coordinated based on guidance, best practices and the coordination principles set out in CEPT Report 49. These principles cover coordination processes, exchange of information, minimisation of reciprocal constraints and bilateral agreements for rapid cross border coordination, where terrestrial wireless broadband network base stations and FSS earth stations are located on the territories of different Member States.
- (11) Given the frequency propagation characteristics of the 3 400-3 800 MHz frequency band and the harmonised technical conditions in place, the protection of existing uses would benefit from certain preferred configurations for the deployment of wireless broadband networks and services. These configurations include, but are not limited to, small cells, fixed wireless access, backhaul links in wireless broadband access networks or combinations thereof.
- (12) While this Decision should be without prejudice to the protection and continued operation of other existing use in the bands, the new harmonised technical conditions should also apply, to the extent necessary, to existing spectrum usage rights in the 3 400-3 800 MHz frequency band so as to ensure technical compatibility between existing and new users of the band, efficient spectrum use and avoidance of harmful interference, including across borders between Union Member States.
- (13) Cross-border agreements may be necessary to ensure the implementation by Member States of the parameters set by this Decision so as to avoid harmful interference and improve spectrum efficiency and convergence in spectrum use.
- (14) The technical conditions of spectrum harmonisation for terrestrial wireless systems in the 3 400-3 800 MHz frequency band provided in CEPT Report 49 do not ensure compatibility with certain existing rights of use for such systems in this band in the Union. Therefore, existing spectrum users should be given appropriate time to apply the technical conditions of CEPT Report 49 without limiting access to spectrum in this band for users who comply with the technical conditions of CEPT Report 49 and national administrations the flexibility to defer the implementation of the technical conditions of this Decision depending on market demand.
- (15) Decision 2008/411/EC should therefore be amended accordingly.
- (16) The measures provided for in this Decision are in accordance with the opinion of the Radio Spectrum Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2008/411/EC is amended as follows:

(1) Article 2 is replaced by the following:

'Article 2

1. Without prejudice to the protection and continued operation of other existing use in this band, Member States shall designate and subsequently make available, on a non-exclusive basis the 3 400-3 800 MHz frequency band for terrestrial electronic communications networks, in compliance with the parameters set out in the Annex. Moreover, Member States need not apply the parameters laid down in the Annex in respect of rights of use for terrestrial electronic communications networks in the 3 400-3 800 MHz frequency band existing at the date of adoption of this decision, to the extent that the exercise of those rights does not prevent the use of that band according to the Annex.

2. Member States shall ensure that networks referred to in paragraph 1 give appropriate protection to systems in adjacent bands.

3. Member States shall not be bound to implement the obligations under this Decision in geographical areas where coordination with third countries requires a deviation from the parameters in the Annex.

Member States shall make all practicable efforts to solve such deviations, which they shall notify to the Commission, including the affected geographical areas, and publish the relevant information pursuant to Decision No 676/2002/EC.;

(2) In Article 3, the following subparagraph is added:

'Member States shall facilitate cross-border coordination agreements with the aim of enabling the operation of those networks, taking into account existing regulatory procedures and rights.;

(3) The following Article 4a is inserted:

'Article 4a

Member States shall apply the conditions laid down in the Annex on 30 June 2015 at the latest.

Member States shall report on the application of this Decision on 30 September 2015 at the latest.;

(4) The Annex is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 2 May 2014.

For the Commission
Neelie KROES
Vice-President

ANNEX

ANNEX

PARAMETERS REFERRED TO IN ARTICLE 2

A. GENERAL PARAMETERS

1. The preferred duplex mode of operation in the 3 400-3 600 MHz sub-band shall be Time Division Duplex (TDD).
2. Member States may alternatively implement Frequency Division Duplex (FDD) mode of operation in the 3 400-3 600 MHz sub-band for the purpose of:
 - (a) ensuring greater efficiency of spectrum use, such as when sharing with existing rights of use during a co-existence period or implementing market-based spectrum management; or
 - (b) protecting existing uses or avoiding interference; or
 - (c) coordination with non-EU countries.

Where the FDD mode of operation is implemented, the duplex spacing shall be 100 MHz with terminal station transmission (FDD uplink) located in the lower part of the band starting at 3 410 MHz and finishing at 3 490 MHz and base station transmission (FDD downlink) located in the upper part of the band starting at 3 510 MHz and finishing at 3 590 MHz.

3. The duplex mode of operation in the 3 600-3 800 MHz sub-band shall be Time Division Duplex.
4. The assigned block sizes shall be in multiples of 5 MHz. The lower frequency limit of an assigned block shall be aligned with or spaced at multiples of 5 MHz from the relevant sub-band edge ⁽¹⁾. Depending on the duplex mode of operation the relevant sub-band edges are: 3 400 MHz and 3 600 MHz for TDD; 3 410 MHz and 3 510 MHz for FDD.
5. Base station and terminal station transmission within the 3 400-3 800 MHz band shall be in compliance with the Block Edge Mask in this Annex.

B. TECHNICAL CONDITIONS FOR BASE STATIONS — BLOCK EDGE MASK

The following technical parameters for base stations called block edge mask (BEM) are an essential component of conditions necessary to ensure coexistence between neighbouring networks in the absence of bilateral or multilateral agreements between operators of such neighbouring networks. Less stringent technical parameters, if agreed among the operators of such networks, may also be used.

The BEM consists of several elements given in Table 1, both for the 3 400-3 600 MHz and the 3 600-3 800 MHz sub-band. The baseline power limit, designed to protect the spectrum of other operators, and the transitional region power limits, enabling filter roll-off from the in-block to the baseline power limit represent out-of-block elements. The guard bands apply only in the case of using FDD in the 3 400-3 600 MHz sub-band. The BEM is applicable to base stations with different power levels (typically referred to as macro, micro, pico and femto base stations ⁽²⁾).

Tables 2 to 6 contain the power limits for the different BEM elements. The in-block power limit is applied to a block owned by an operator. Power limits are provided also for guard bands and for the protection of radar operation below 3400 MHz.

The frequency ranges in Tables 1 to 6 depend on the duplex mode chosen for the 3 400-3 600 MHz sub-band (TDD or alternatively FDD). P_{Max} is the maximum carrier power for the base station in question, measured as EIRP ⁽³⁾. Synchronized operation means operation of TDD in two different networks where no simultaneous uplink and downlink transmissions occur, as defined in applicable standards.

⁽¹⁾ If assigned blocks need to be offset to accommodate other existing users, a raster of 100 kHz must be used. Narrower blocks can be defined adjacent to other users, to allow efficient use of spectrum.

⁽²⁾ These terms are not uniquely defined and refer to cellular base stations with different power levels, which decrease in the following order: macro, micro, pico, femto. In particular, femto cells are small base stations with the lowest power levels, which are typically used indoors.

⁽³⁾ Equivalent Isotropic Radiated Power.

To obtain a BEM for a specific block, the BEM elements that are defined in Table 1 are combined in the following steps:

1. In-block power limit is used for the block assigned to the operator.
2. Transitional regions are determined, and corresponding power limits are used. The transitional regions may overlap with guard bands, in which case transitional region power limits are used.
3. For the remaining spectrum assigned to FDD or TDD, baseline power limits are used.
4. For the remaining guard band spectrum, guard band power limits are used.
5. For spectrum below 3 400 MHz, one of the additional baseline power limits is used.

The Figure provides an example of the combination of different BEM elements.

In the case of unsynchronized TDD networks, the compliance of two adjacent operators with the BEM requirements could be achieved by introducing frequency separation (e.g. through the authorisation process at national level) between the block edges of both operators. As another option, the so-called restricted blocks may be introduced for two adjacent operators which would require them to limit the power level used in the upper- or lowermost portions of their assigned spectrum blocks ⁽¹⁾.

Table 1

Definition of BEM elements

BEM element	Definition
In-block	Refers to a block for which the BEM is derived.
Baseline	Spectrum used for TDD, FDD uplink or FDD downlink, with the exception of the block assigned to the operator and the corresponding transitional regions.
Transitional region	For FDD downlink blocks, the transitional region applies 0 to 10 MHz below and 0 to 10 MHz above the block assigned to the operator. For TDD blocks, the transitional region applies 0 to 10 MHz below and 0 to 10 MHz above the block assigned to the operator. The transitional region applies to adjacent TDD blocks assigned to other operators if networks are synchronised, or to spectrum in-between adjacent TDD blocks that are separated by 5 or 10 MHz. Transitional regions do not apply to adjacent TDD blocks assigned to other operators, if networks are not synchronised. The transitional region does not apply below 3 400 MHz or above 3 800 MHz.
Guard bands	The following guard bands apply in case of an FDD allocation: 3 400-3 410, 3 490-3 510 (duplex gap) and 3 590-3 600 MHz In case of overlap between transitional regions and guard bands, transitional power limits are used.
Additional baseline	Spectrum below 3 400 MHz.

Table 2

In-block power limit

BEM element	Frequency range	Power limit
In-block	Block assigned to the operator	Not obligatory. In case an upper bound is desired by an administration, a value must be applied which does not exceed 68 dBm/5 MHz per antenna.

⁽¹⁾ A recommended value for such limited power level is 4 dBm/5 MHz EIRP per cell applied to the upper- or lowermost 5 MHz of an operator's assigned spectrum block.

Explanatory note to Table 2

For femto base stations, power control should be applied to minimize interference to adjacent channels. The requirement on power control for femto base stations results from the need to reduce interference from equipment that may be deployed by consumers and may thus not be coordinated with surrounding networks.

Table 3

Baseline power limits

BEM element	Frequency range	Power limit
Baseline	FDD downlink (3 510-3 590 MHz). Synchronized TDD blocks (3 400-3 800 MHz or 3 600-3 800 MHz).	$\text{Min}(P_{\text{Max}} - 43,13)$ dBm/5 MHz EIRP per antenna
Baseline	FDD uplink (3 410-3 490 MHz). Unsynchronised TDD blocks (3 400-3 800 MHz or 3 600-3 800 MHz).	- 34 dBm/5 MHz EIRP per cell (*)

(*) An exception for this baseline can be negotiated between adjacent operators for femto base stations in the case when there is no risk for interference to macro base stations. In that case - 25 dBm/5MHz EIRP per cell may be used.

Explanatory note to Table 3

The baseline for FDD downlink and synchronised TDD is expressed by combining attenuation relative to the maximum carrier power with a fixed upper limit. The stricter of the two requirements applies. The fixed level provides an upper bound on the interference from a base station. When two TDD blocks are synchronized, there will be no interference between base stations. In this case, the same baseline as for the FDD downlink region is used.

The baseline power limit for FDD uplink and unsynchronised TDD is expressed as a fixed limit only.

Table 4

Transitional region power limits

BEM element	Frequency range	Power limit
Transitional region	- 5 to 0 MHz offset from lower block edge or 0 to 5 MHz offset from upper block edge	$\text{Min}(P_{\text{Max}} - 40,21)$ dBm/5 MHz EIRP per antenna
Transitional region	- 10 to - 5 MHz offset from lower block edge or 5 to 10 MHz offset from upper block edge	$\text{Min}(P_{\text{Max}} - 43,15)$ dBm/5 MHz EIRP per antenna

Explanatory note to Table 4

The transitional region power limits are defined to enable the reduction of power from the in-block level to the baseline or guard band levels. The requirements are expressed as attenuation relative to the maximum carrier power, combined with a fixed upper limit. The stricter of the two requirements applies.

Table 5

Guard band power limits for FDD

BEM element	Frequency range	Power limit
Guard band	3 400-3 410 MHz	– 34 dBm/5 MHz EIRP per cell
Guard band	3 490-3 500 MHz	– 23 dBm/5 MHz per antenna port
Guard band	3 500-3 510 MHz	Min(P_{Max} — 43,13) dBm/5 MHz EIRP per antenna
Guard band	3 590-3 600 MHz	Min(P_{Max} — 43,13) dBm/5 MHz EIRP per antenna

Explanatory note to Table 5

For the guard band 3 400-3 410 MHz, the power limit is chosen to be the same as the baseline in the adjacent FDD uplink (3 410-3 490 MHz). For the guard bands 3 500-3 510 MHz and 3 590-3 600 MHz, the power limit is chosen to be the same as the baseline in the adjacent FDD downlink (3 510-3 590 MHz). For the guard band 3 490-3 500 MHz, the power limit is based on the spurious emission requirement of – 30 dBm/MHz at the antenna port converted to 5 MHz bandwidth.

Table 6

Base station additional baseline power limits for country specific cases

Case	BEM element	Frequency range	Power limit
A	Union countries with military radiolocation systems below 3 400 MHz	Below 3 400 MHz for both TDD and FDD designation (*)	– 59 dBm/MHz EIRP (**)
B	Union countries with military radiolocation systems below 3 400 MHz	Below 3 400 MHz for both TDD and FDD designation (*)	– 50 dBm/MHz EIRP (**)
C	Union countries without adjacent band usage or with usage that does not need extra protection	Below 3 400 MHz for both TDD and FDD designation	Not applicable

(*) Administrations may choose to have a guard band below 3 400 MHz. In that case the power limit may apply below the guard band only.

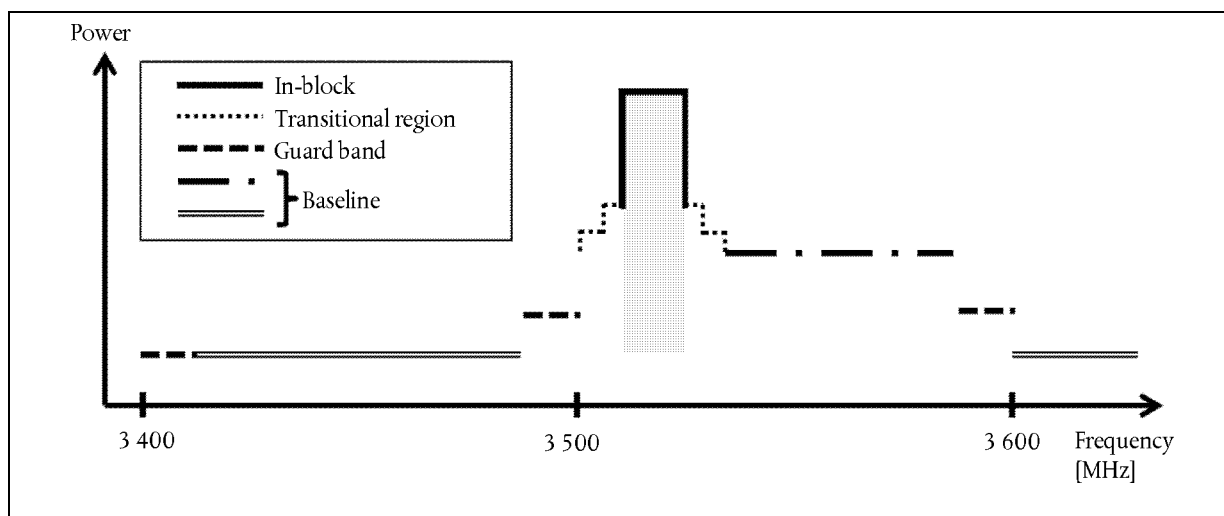
(**) Administrations may select the limit from case A or B depending on the level of protection required for the radar in the region in question.

Explanatory note to Table 6

The additional baseline power limits reflect the need for protection for military radiolocation in some countries. Cases A, B and C can be applied per region or country so that the adjacent band may have different levels of protection in different geographical areas or countries, depending on the deployment of the adjacent band systems. Other mitigation measures like geographical separation, coordination on a case-by-case basis or an additional guard band may be necessary for a TDD mode of operation. The additional baseline power limits given in Table 6 are applicable only to outdoor cells. In the case of an indoor cell, the power limits can be relaxed on a case by case basis. For terminal stations, other mitigation measures may be necessary such as geographical separation or an additional guard band for both the FDD and TDD mode of operation.

Figure

Example for combining BEM elements for base stations for an FDD block starting at 3 510 MHz (*)



(*) Note in particular that different baseline levels are defined for different parts of the spectrum and that the power limit of the lower transitional region is used in a part of the guard band 3 490–3 510 MHz. Spectrum below 3 400 MHz has not been included in the Figure, although the BEM element “additional baseline” may be applied to protect military radiolocation.

C. TECHNICAL CONDITIONS FOR TERMINAL STATIONS

Table 7

In-block requirement — terminal station BEM in-block power limit

Maximum in-block power (*)	25 dBm
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(*) This power limit is specified as EIRP for terminal stations designed to be fixed or installed and as total radiated power (TRP) for terminal stations designed to be mobile or nomadic. EIRP and TRP are equivalent for isotropic antennas. It is recognised that this value may be subject to a tolerance (of up to 2 dB) defined in the harmonised standards to take account of operation under extreme environmental conditions and production spread.

Member States may relax the limit set out in Table 7 under certain circumstances, for example fixed terminal stations, provided that protection and continued operation of other existing use in the 3 400-3 800 MHz band is not compromised and cross-border obligations are fulfilled.

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