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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) No 721/2014

of 16 June 2014

amending Regulation (EC) No 219/2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR) as regards the extension of the Joint Undertaking until 2024

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 187 and 188 thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Whereas:

- (1) The Single European Sky Air Traffic Management Research and Development project (the 'SESAR project') aims to modernise the air traffic management (ATM) in Europe and represents the technological pillar of the Single European Sky (SES). It aims to provide the Union with a high performance air traffic control infrastructure by 2030 which will enable the safe and environmentally friendly development of air transport.
- (2) The SESAR project is comprised of three interrelated, continuous and evolving collaborative processes: the definition of the content and priorities, the development of new technological systems, components and operational procedures of the SESAR concept, and the deployment plans of the next generation of ATM systems contributing to the achievement of the Single European Sky performance targets.
- (3) The first phase of the definition process ran from 2004 to 2008 and delivered the SESAR ATM Master Plan (D5) which was the base for the first edition of the European Air Traffic Management Master Plan (the 'ATM Master Plan') endorsed by the Council on 30 March 2009. The ATM Master Plan identifies three steps in the SESAR development process: Time Based operations (Step 1), Trajectory Based Operations (Step 2) and Performance Based Operations (Step 3). The ATM Master Plan is the agreed roadmap to bring ATM research and development to the deployment phase.
- (4) The SESAR Joint Undertaking (the 'Joint Undertaking') was set up by Council Regulation (EC) No 219/2007 ⁽³⁾, for the purpose of managing the activities of the development process of the SESAR project under the Union's 2007-2013 financial framework. The main task of the Joint Undertaking is the execution of the ATM Master Plan.

⁽¹⁾ Opinion of 15 April 2014 (not yet published in the Official Journal).

⁽²⁾ Opinion of 10 December 2013 (not yet published in the Official Journal).

⁽³⁾ Council Regulation (EU) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR) (OJ L 64, 2.3.2007, p. 1).

- (5) The Joint Undertaking's work programme, covered by the Union's 2007-2013 financial framework, addresses all elements of Step 1 and approximately 80 % of Step 2 of the ATM Master Plan. The related activities should be completed by 2016. The remaining activities of Step 2 and those related to Step 3 should start in 2014 under the Union's 2014-2020 financial framework. The cost of these activities has been estimated to be EUR 1,585 billion, including EUR 85 million for exploratory research, EUR 1,2 billion for applied research and pre-industrial development, and EUR 300 million for large-scale demonstrations. Exploratory research activities should be entirely paid from the Union budget. In the light of this the Union budget for the execution of the remaining activities should be supplemented by contributions of industry and Eurocontrol, following the same approach taken during the Union's 2007-2013 financial framework.
- (6) In accordance with Article 1(2) of Regulation (EC) No 219/2007, the Joint Undertaking is to cease to exist on 31 December 2016 or eight years after an endorsement by the Council of the ATM Master Plan, whichever is the earlier. The Commission communicated the ATM Master Plan to the Council on 14 November 2008 ⁽¹⁾ and the Council endorsed it on 30 March 2009.
- (7) The Joint Undertaking fulfils the criteria for public-private partnerships established under Regulation (EU) No 1291/2013 of the European Parliament and of the Council ⁽²⁾ ('Horizon 2020 Framework Programme') and implemented through the specific programme established by Council Decision 2013/743/EU ⁽³⁾.
- (8) Regulation (EU) No 1291/2013 aims to achieve a greater impact on research and innovation by combining Horizon 2020 Framework Programme and private-sector funds in public-private partnerships in key areas where research and innovation can contribute to the Union's wider competitiveness goals, as well as leveraging private investment, and helping to tackle societal challenges. Those partnerships should be based on long-term commitment, including a balanced contribution from all partners, being accountable for the achievement of their objectives and be aligned with the Union's strategic goals relating to research, development and innovation. The governance and functioning of those partnerships should be open, transparent, effective and efficient and give the opportunity to a wide range of stakeholders active in their specific areas to participate. Union involvement in these partnerships can take the form of financial contributions to joint undertakings established on the basis of Article 187 of the Treaty under Decision No 1982/2006/EC of the European Parliament and of the Council ⁽⁴⁾.
- (9) To continue the development of the activities defined in the ATM Master Plan, it is necessary to extend the duration of the Joint Undertaking until 2024, which reflects the duration of the Union's 2014-2020 financial framework and allows an additional four years for completion of the Joint Undertaking's Work Programme and the closing of projects that would be initiated by the end of that financial framework. Such an extension should therefore allow for the execution of the whole ATM Master Plan (step 2 and step 3) as it stands today. With a view to the overall aim of Horizon 2020 Framework Programme to achieve greater simplification and coherence, all calls for proposals under the Joint Undertaking should take into account the duration of Horizon 2020 Framework Programme.
- (10) An open call for new members should be organised for the activities to be carried out under the Union's 2014-2020 financial framework. The membership of members of the Joint Undertaking who do not contribute to the activities financed under the Union's 2014-2020 financial framework should be terminated by 31 December 2016.
- (11) The Joint Undertaking should continue to be open to and encourage the widest possible participation and representation of stakeholders from all Member States, including small and medium enterprises, through the accession of new members or other forms of participation. Furthermore, participation should ensure a proper balance between airspace users, air navigation service providers, airports, military, professional staff associations and manufacturers, and offer opportunities to SMEs, academia and research organisations.
- (12) Horizon 2020 should contribute to the closing of the research and innovation divide within the Union by promoting synergies with the European Structural and Investment Funds (ESIF). Therefore the Joint Undertaking should seek to develop close interactions with the ESIF, which can specifically help to strengthen local, regional

⁽¹⁾ OJ C 76, 25.3.2010, p. 28.

⁽²⁾ Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104).

⁽³⁾ Council Decision No 2013/743/EU of 3 December 2013 establishing the Specific Programme implementing Horizon 2020 (2014-2020) and repealing Decisions 2006/971/EC, 2006/972/EC, 2006/973/EC, 2006/974/EC and 2006/975/EC (OJ L 347, 20.12.2013, p. 965).

⁽⁴⁾ Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) (OJ L 412, 30.12.2006, p. 1).

and national research and innovation capabilities in the area of the Joint Undertaking and underpin smart specialisation efforts.

- (13) The Joint Undertaking should operate in an open and transparent way providing all relevant information in a timely manner to its appropriate bodies, duly addressing sensitive issues such as intellectual property rights (IPR), as well as promoting its activities, including information and dissemination activities to the wider public. The rules of procedure of the bodies of the Joint Undertaking should be made publicly available.
- (14) The Joint Undertaking should also use electronic means managed by the Commission to ensure openness, transparency and facilitate participation. Therefore, the calls for proposals launched by the Joint Undertaking should also be published on the single portal for participants as well as through other Horizon 2020 Framework Programme electronic means of dissemination managed by the Commission. Moreover, relevant data on, inter alia, proposals, applicants, grants and participants should be made available by Joint Undertaking for inclusion in the Horizon 2020 Framework Programme reporting and dissemination electronic systems managed by the Commission, in an appropriate format and with the periodicity corresponding to the Commission's reporting obligations.
- (15) The experience acquired from the operation of the Joint Undertaking as a Union body under Article 185 of Council Regulation (EC, Euratom) No 1605/2002 ⁽¹⁾ shows that the current framework of operation is sufficiently flexible and adapted to the needs of the Joint Undertaking. The Joint Undertaking should operate in accordance with Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and the Council ⁽²⁾. The Joint Undertaking should also adopt financial rules which do not depart from the framework Financial Regulation except where its specific needs so require and with the Commission's prior consent.
- (16) The participation in indirect actions funded by the Joint Undertaking should comply with Regulation (EU) No 1290/2013 of the European Parliament and of the Council ⁽³⁾. It is not foreseen that a derogation in accordance with Article 1(3) of that Regulation will be necessary. The Joint Undertaking should, moreover, ensure consistent application of these rules based on relevant measures adopted by the Commission.
- (17) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽⁴⁾.
- (18) Therefore, Regulation (EC) No 219/2007 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 219/2007

Regulation (EC) No 219/2007 is amended as follows:

(1) Article 1 is amended as follows:

(a) paragraph 2 is replaced by the following:

'2. The Joint Undertaking shall cease to exist on 31 December 2024. In order to take into account the duration of Horizon 2020 — Framework Programme for Research and Innovation (2014-2020), established under Regulation (EU) No 1291/2013 of the European Parliament and of the Council (*) ("Horizon 2020 Framework Programme") calls for proposals under the Joint Undertaking shall be launched at the latest by 31 December 2020. In duly justified cases calls for proposals may be launched until 31 December 2021.

(*) Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 — the Framework programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104).'

⁽¹⁾ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 19.6.2002, p. 1).

⁽²⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EU, Euratom) No 1605/2002. (OJ L 298 26.10.2012, p. 1). In particular, Article 208 of Regulation (EC) No 966/2012 has replaced Article 185 of Regulation (EU, Euratom) No 1605/2002.

⁽³⁾ Regulation (EC) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in 'Horizon 2020- the Framework Programme for Research and Innovation (2014-2020)' and repealing Regulation (EC) No 1906/2006 (OJ L 347, 20.12.2013, p. 81).

⁽⁴⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

(b) paragraph 3 is deleted;

(c) in paragraph (5), the fifth indent is replaced by the following:

‘— ensuring the supervision of activities related to the development of common products duly identified in the ATM Master Plan, through grants to Members and through the most appropriate measures, such as procurement or the award of grants following calls for proposals to achieve the programme objectives, in accordance with Regulation (EU) No 1291/2013’;

(2) in Article 2a, paragraph 5 is replaced by the following:

‘5. The staff of the Joint Undertaking shall consist of temporary agents and contract agents. The total period of engagement shall not in any case exceed the duration of the Joint Undertaking.’;

(3) Article 4 is amended as follows:

(a) the first and second subparagraphs of paragraph 2 are replaced by the following:

‘2. The Union contribution under the Multiannual Financial Framework 2014-2020, including EFTA contributions, paid from the budget appropriations allocated to Horizon 2020 Framework Programme shall be EUR 585 000 000.

The arrangements for the Union contribution shall be established by means of a general agreement and annual financial implementation agreements, which shall be concluded between the Commission, on behalf of the Union, and the Joint Undertaking. The arrangements shall include provision of data necessary to ensure that the Commission is able to meet its dissemination and reporting obligations; including on the single portal for participants as well as through other Horizon 2020 Framework Programme electronic means of dissemination managed by the Commission and provisions for the publication of calls for proposals of the Joint Undertaking also on the single portal for participants as well as through other Horizon 2020 Framework Programme electronic means of dissemination managed by the Commission.’;

(b) paragraph 3 is replaced by the following:

‘3. All Union financial contributions to the Joint Undertaking shall cease upon expiry of the 2014-2020 financial framework unless otherwise decided by the Council on the basis of a Commission proposal.’;

(4) Article 4a is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The financial rules applicable to the Joint Undertaking shall be adopted by the Administrative Board after consulting the Commission. They shall not depart from the framework Financial Regulation unless it is specifically required for the Joint Undertaking’s operation and the Commission has given its prior consent.’;

(b) paragraph 2 is deleted;

(5) Article 5 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. The Commission shall adopt the Union position in the Administrative Board.’;

(b) paragraph 3 is deleted;

(c) paragraph 4 is replaced by the following:

'4. Without prejudice to paragraph 2 of this Article, the position of the Union in the Administrative Board as regards decisions concerning significant modifications of the ATM Master Plan shall be adopted by the Commission, by means of implementing acts to be adopted in accordance with the examination procedure referred to in Article 6(2).';

(6) Article 6 is replaced by the following:

'Article 6

Committee procedure

1. The Commission shall be assisted by the Single Sky Committee established by Regulation (EC) No 549/2004. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third paragraph of Article 5(4) of Regulation (EU) 182/2011 shall apply.';

(7) Article 7 is replaced by the following:

'Article 7

Interim evaluation and report

By 30 June 2017, the Commission shall carry out, with the assistance of independent experts, an interim evaluation on the implementation of this Regulation and the results obtained by the Joint Undertaking, focussing in particular on the impact and effectiveness of these concrete results achieved under the given term, in accordance with the ATM Master Plan. The evaluation shall also cover the working methods, as well as the general financial situation of the Joint Undertaking. The Commission shall prepare a report on that evaluation which includes conclusions of the evaluation and observations by the Commission. The Commission shall send that report to the European Parliament and to the Council by 31 December 2017. The results of the interim evaluation of the Joint Undertaking shall be taken into account in the in-depth assessment and in the interim evaluation referred to in Article 32 of Regulation (EU) No 1291/2013.';

(8) The Annex is amended in accordance with the Annex to this Regulation.

Article 2

Transitional provisions relating to the membership in the Joint Undertaking

Membership in the Joint Undertaking shall end by 31 December 2016 with regard to the Members of the Joint Undertaking who, as of 1 January 2014, do not contribute in kind or in cash to the costs of the Joint Undertaking's work programme related to the Union's 2014-2020 financial framework.

Article 3

Transitional provisions relating to the activities of the Joint Undertaking financed under the Union's 2007-2013 financial framework

The activities of the Joint Undertaking financed under the 7th Framework Programme for research and technological development and the Framework Programme on Trans-European networks initiated until 31 December 2013 shall be terminated by 31 December 2016, with the exclusion of project management activities related to their closing down.

*Article 4***Entry into force and application**

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

It shall apply from 1 January 2014.

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

Done at Luxembourg, 16 June 2014.

For the Council
The President
G. KARASMANIS

ANNEX

The Annex to Regulation (EC) No 219/2007 is amended as follows:

(1) Article 5 is amended as follows:

(a) in paragraph 1, points (m) and (n) are replaced by the following:

‘(m) laying down the rules and procedures for awarding the contracts or grants and any other agreement necessary to implement the ATM Master Plan, including specific procedures for avoidance of conflict of interest;

(n) deciding on proposals to the Commission to amend the statutes;’;

(b) in paragraph 2, point (a) is replaced by the following:

‘(a) the Administrative Board shall meet at least three times a year. Extraordinary meetings shall be convened either at the request of one-third of the members of the Administrative Board representing at least 30 % of the voting rights, at the request of the Commission or of the Executive Director;’;

(2) in Article 6, paragraph 1 is replaced by the following:

‘1. Members of the Joint Undertaking or of the Administrative Board and Joint Undertaking staff are not allowed to participate in the preparation, evaluation or the award procedure of financial support from the Joint Undertaking, in particular following calls for tender or calls for proposals if they own, represent or have agreements with bodies which are potential candidates or applicants.’;

(3) in Article 7, paragraph 2 is replaced by the following:

‘2. The Executive Director shall be engaged as a temporary agent of the Joint Undertaking under Article 2(a) of the Conditions of employment of other servants. The Executive Director shall be appointed by the Administrative Board, from a list of candidates proposed by the Commission, following an open and transparent selection procedure.’;

For the purpose of concluding the contract with the Executive Director, the Joint Undertaking shall be represented by the Chairperson of the Administrative Board.

The term of office of the Executive Director shall be five years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the performance of the Executive Director and the Joint Undertaking’s future tasks and challenges.

The Administrative Board, acting on a proposal from the Commission, which takes into account the assessment referred to in the third subparagraph of this paragraph, may extend the term of office of the Executive Director once for no more than five years.

An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.

The Executive Director may be removed from office only upon a decision of the Administrative Board acting on a proposal from the Commission.’;

(4) in Article 9, paragraph 1 is replaced by the following:

‘1. In order to carry out the tasks defined in Article 1(5) of this Regulation, the Joint Undertaking may conclude specific agreements with and award grants to its members, in accordance with the applicable financial regulations.’;

(5) Article 10 is replaced by the following:

‘Article 10

Contracts and grants

1. Notwithstanding Article 9, the Joint Undertaking may conclude service and supply contracts or grant agreements with undertakings or a consortium of undertakings, in particular to carry out the tasks provided for in Article 1(5) of this Regulation.

2. The Joint Undertaking shall ensure that the contracts and grant agreements referred to in paragraph 1 provide for the right of the Commission to carry out controls in order to ensure that the financial interests of the Union are protected.

3. The contracts and grant agreements referred to in paragraph 1 shall include all appropriate provisions relating to the intellectual property rights referred to in Article 18. In order to avoid any conflict of interest, members involved in defining work that is subject to a procurement or grant procedure, including their staff seconded under Article 8, may not take part in carrying out that work.;

(6) in Article 12(3), the first subparagraph is replaced by the following:

‘3. The members referred to in the second indent of Article 1(2) shall undertake to pay a minimum initial contribution of EUR 10 million within a period of one year from when their accession to the Joint Undertaking is accepted. This amount shall be reduced to EUR 5 million for members that subscribe to the Joint Undertaking within 24 months of its constitution or after a call for new membership.;

(7) Article 13, paragraph 2 is replaced by the following:

‘2. Any interest yielded by the contributions paid by the members of the Joint Undertaking shall be considered to be revenue of the Joint Undertaking.;

(8) In Article 16(1), the introductory part is replaced by the following:

‘1. The Joint Undertaking shall draw up its work programme on the basis of the financial framework referred to in Article 4(2) of this Regulation and on the basis of sound management and accountability principles setting out clear deliverables and milestones. It shall consist of:;

(9) Article 17 is replaced by the following:

Article 17

Protection of the Union’s financial interests

1. The Joint Undertaking shall take appropriate measures ensuring that, when actions financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportional and deterrent penalties.

2. The Commission or its representatives and the Court of Auditors shall have the power of audit, on the basis of documents as well as on-the-spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds.

3. The European Anti-Fraud Office (“OLAF”) shall be authorised to carry out on-the-spot checks and inspections on economic operators concerned directly or indirectly by such funding in accordance with the procedures laid down in Council Regulation (Euratom, EC) No 2185/96 (*) with a view to establishing that there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or decision or a contract concerning Union funding.

4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with international organisations, grant agreements, decisions and contracts resulting from the implementation of this Regulation shall expressly entitle the Commission, the Court of Auditors and OLAF to conduct such audits, on-the-spot checks and inspections.

(*) Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities’ financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).;

(10) Article 24 is deleted.

COUNCIL REGULATION (EU) No 722/2014**of 24 June 2014****amending Regulation (EU) No 1387/2013 suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) It is in the interest of the Union to suspend totally the autonomous Common Customs Tariff duties on 100 products which are currently not listed in Annex I to Council Regulation (EU) No 1387/2013 ⁽¹⁾. Those products should, therefore, be inserted into that Annex.
- (2) It is no longer in the interest of the Union to maintain the suspension of autonomous Common Customs Tariff duties on seven of the products that are currently listed in Annex I to Regulation (EU) No 1387/2013. Those products should, therefore, be deleted from that Annex.
- (3) It is necessary to modify the product descriptions of 76 suspensions included in Annex I to Regulation (EU) No 1387/2013 in order to take account of technical product developments, economic trends on the market or to carry out linguistic adaptations. Moreover, TARIC codes for four additional products should be amended. In addition, for three additional products, multiple classification is necessary. The suspensions in respect of which modifications are necessary should be deleted from the list of suspensions in Annex I to Regulation (EU) No 1387/2013, and the modified suspensions should be reinserted into that list.
- (4) For four products it is necessary, in the interest of the Union, to amend the date for their mandatory review in order to allow duty free imports beyond that date. Those products have been reviewed and have been given revised dates for their next mandatory review. Therefore, they should be deleted from the list of suspensions in Annex I to Regulation (EU) No 1387/2013 and, after the necessary modifications, be reintroduced into that list.
- (5) It is necessary to re-group four products falling under four different product descriptions. Those four products should now fall under two product descriptions. Furthermore, the current double classification of the four suspensions relating to those four products has become superfluous and should therefore be amended. Those suspensions should therefore be deleted from the list of suspensions in Annex I to Regulation (EU) No 1387/2013, and the modified suspensions should be reinserted into that list.
- (6) With a view to adequately ensuring the benefit of the suspension with regard to the competitive capacity of the enterprises concerned by products with TARIC code 4408 39 30 10, the suspension relating to those products should apply from 1 January 2014.
- (7) In the interest of clarity, the modified entries should be marked with an asterisk.
- (8) Annex II to Regulation (EU) No 1387/2013 should be completed with supplementary units for some of the new products for which suspensions are granted, in order to allow an appropriate statistical monitoring. For reasons of consistency, the supplementary units assigned to the products deleted from Annex I to Regulation (EU) No 1387/2013 should also be deleted from Annex II to that Regulation.
- (9) Regulation (EU) No 1387/2013 should therefore be amended accordingly.
- (10) Since the amendments pursuant to this Regulation must take effect from 1 July 2014, this Regulation should apply from that date and enter into force on the day of its publication in the *Official Journal of the European Union*,

⁽¹⁾ Council Regulation (EU) No 1387/2013 of 17 December 2013 suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products and repealing Regulation (EU) No 1344/2011 (OJ L 354, 28.12.2013, p. 201).

HAS ADOPTED THIS REGULATION:

Article 1

The table in Annex I to Regulation (EU) No 1387/2013 is amended as follows:

(1) between the title and the table, the following note is inserted:

‘(*) Suspension relating to a product in this Annex with regard to which the CN or TARIC code or the product description or the mandatory review date has been amended by Council Regulation (EU) No 722/2014 of 24 June 2014 amending Regulation (EU) No 1387/2013 suspending the autonomous Common Customs Tariff duties on certain agricultural and industrial products (OJ L 192, 1.7.2014, p. 9)’;

(2) the rows for the products listed in Annex I to this Regulation are inserted following the order of the CN codes indicated in the first column of the table in Annex I to Regulation (EU) No 1387/2013;

(3) the rows for the products for which the CN and TARIC codes are set out in Annex II to this Regulation are deleted.

Article 2

Annex II to Regulation (EU) No 1387/2013 is amended as follows:

(1) the rows for the supplementary units for which the CN and TARIC codes are set out in Annex III to this Regulation are added;

(2) the rows for the supplementary units for which the CN and TARIC codes are set out in Annex IV to this Regulation are deleted.

Article 3

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

It shall apply from 1 July 2014.

However, for products with TARIC code 4408 39 30 10, it shall apply from 1 January 2014.

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

Done at Luxembourg, 24 June 2014.

For the Council

The President

E. VENIZELOS

ANNEX I

TARIFF SUSPENSIONS REFERRED TO IN POINT (2) OF ARTICLE 1

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
*ex 1511 90 19 *ex 1511 90 91 *ex 1513 11 10 *ex 1513 19 30 *ex 1513 21 10 *ex 1513 29 30	10 10 10 10 10 10	Palm oil, coconut (copra) oil, palm kernel oil, for the manufacture of: — industrial monocarboxylic fatty acids of subheading 3823 19 10, — methyl esters of fatty acids of heading 2915 or 2916, — fatty alcohols of subheadings 2905 17, 2905 19 and 3823 70 used for the manufacture of cosmetics, washing products or pharmaceutical products, — fatty alcohols of subheading 2905 16, pure or mixed, used for the manufacture of cosmetics, washing products or pharmaceutical products, — stearic acid of subheading 3823 11 00 — goods of heading 3401 — fatty acids with high purity of heading 2915 for the manufacture of chemical products other than products of heading 3826 or — goods of heading 1516 ⁽¹⁾	0 %	31.12.2014
ex 1901 90 99 ex 2106 90 98	39 45	Preparation in powder form containing by weight: — 15 % or more but not more than 35 % of wheat derived Maltodextrin, — 15 % or more but not more than 35 % of whey (milk serum), — 10 % or more but not more than 30 % of refined, bleached, deodorised and non-hydrogenated sunflower oil, — 10 % or more but not more than 30 % of blended, aged spray dried cheese, — 5 % or more but not more than 15 % of buttermilk and — 0,1 % or more but not more than 10 % of sodium caseinate, disodium phosphate, lactic acid	0 %	31.12.2018
ex 2106 10 20	20	Soya protein concentrate having a protein content by weight, calculated on a dry weight basis, of 65 % or more but not more than 90 % in powder or textured form	0 %	31.12.2018
ex 2207 20 00 ex 2207 20 00 ex 3820 00 00	20 80 20	Feedstock consisting of by weight: — 88 % or more but not more than 92 % of Ethanol, — 2,2 % or more but not more than 2,7 % of Monoethylene glycol, — 1,0 % but not more than 1,3 % of Methyl ethyl ketone, — 0,36 % or more but not more than 0,40 % of anionic surfactant (ca.30 % active), — 0,0293 % or more but not more than 0,0396 % of methyl isopropyl ketone, — 0,0195 % or more but not more than 0,0264 % of 5 methyl-3-heptanone,	0 %	31.12.2018

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
		— 10 ppm or more but not more than 12 ppm of Denatonium Benzoate (Bitrex), — Not more than 0,01 of Perfumes, — 6,5 % or more but not more than 8,0 % of water for use in the manufacture of screenwash concentrate and other de-icing preparations ⁽¹⁾		
ex 2707 99 99	10	Heavy and medium oils, whose aromatic content exceeds their non-aromatic content, for use as refinery feedstock to undergo one of the specific processes described in Additional note 5 to Chapter 27 ⁽¹⁾	0 %	31.12.2018
ex 2710 19 99	10	Catalytically hydroisomerized and dewaxed base oil comprising hydrogenated, highly isoparaffinic hydrocarbons, containing: — 90 % or more by weight of saturates, and — not more than 0,03 % by weight of sulphur, with a viscosity index of 120 or more.	0 %	31.12.2018
*ex 2823 00 00	10	Titanium dioxide (CAS RN 13463-67-7): — of a purity by weight of 99,9 % or more, — with an average grain-size of 0,7 µm or more but not more than 2,1 µm	0 %	31.12.2017
ex 2827 39 85	40	Barium chloride dihydrate (CAS RN 10326-27-9)	0 %	31.12.2018
ex 2835 10 00	20	Sodium hypophosphite (CAS RN 7681-53-0)	0 %	31.12.2018
*ex 2836 99 17	20	Zirconium (IV) basic carbonate (CAS RN 57219-64-4)	0 %	31.12.2018
ex 2841 70 00	10	Diammonium tetraoxomolybdate(2-) (CAS RN 13106-76-8)	0 %	31.12.2018
ex 2903 39 19	10	1-Bromo-2-methylpropane (CAS RN 78-77-3) with a purity not less than 99,0 % and containing not more than: — 0,25 % of Sec-butyl bromide — 0,06 % of n-butyl bromide — 0,06 % of n-propyl bromide	0 %	31.12.2018
ex 2903 39 90	85	(Perfluorobutyl) ethylene (CAS RN 19430-93-4)	0 %	31.12.2018
ex 2903 39 90	87	1H-Perfluorohexane (CAS RN 355-37-3)	0 %	31.12.2018
ex 2905 11 00	10	Methanol (CAS RN 67-56-1) with a purity of 99,85 % by weight or more	0 %	31.12.2018
*ex 2905 19 00	11	Potassium tert-butanolate (CAS RN 865-47-4), whether or not in the form of a solution in tetrahydrofuran according to note 1e) to Chapter 29 of the CN	0 %	31.12.2018
ex 2905 19 00	20	Butyltitanate monohydrate, homopolymer (CAS RN 162303-51-7)	0 %	31.12.2018
ex 2905 19 00	25	Tetra-(2-ethylhexyl) titanate (CAS RN 1070-10-6)	0 %	31.12.2018

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
*ex 2908 19 00	10	Pentafluorophenol (CAS RN 771-61-9)	0 %	31.12.2018
ex 2910 90 00	20	2-[(2-Methoxyphenoxy)methyl]oxirane (CAS RN 2210-74-4)	0 %	31.12.2018
ex 2912 29 00	70	4-tert-Butylbenzaldehyde (CAS RN 939-97-9)	0 %	31.12.2018
ex 2912 29 00	80	4-Isopropylbenzaldehyde (CAS RN 122-03-2)	0 %	31.12.2018
ex 2914 50 00	55	2,2',4,4'-Tetrahydroxybenzophenone (CAS RN 131-55-5)	0 %	31.12.2018
ex 2914 70 00	80	Tetrachloro-p-benzoquinone (CAS RN 118-75-2)	0 %	31.12.2018
ex 2915 39 00	25	2-Methylcyclohexyl acetate (CAS RN 5726-19-2)	0 %	31.12.2018
ex 2916 14 00	20	Ethyl methacrylate (CAS RN 97-63-2)	0 %	31.12.2018
ex 2916 39 90	48	3-Fluorobenzoyl chloride (CAS RN 1711-07-5)	0 %	31.12.2018
ex 2917 19 90	15	Dimethyl but-2-ynedioate (CAS RN 762-42-5)	0 %	31.12.2018
ex 2917 19 90	25	n-Dodecyl succinic anhydride (CAS RN 19780-11-1)	0 %	31.12.2018
ex 2917 39 95	40	Dimethyl 2-nitroterephthalate (CAS RN 5292-45-5)	0 %	31.12.2018
ex 2918 99 90	25	Methyl (E)-3-methoxy-2-(2-chloromethylphenyl)-2-propenoate (CAS RN 117428-51-0)	0 %	31.12.2018
ex 2919 90 00	60	Bisphenol-A bis(diphenyl phosphate) (CAS RN 5945-33-5)	0 %	31.12.2018
ex 2921 42 00	30	4-Nitroaniline (CAS RN 100-01-6)	0 %	31.12.2018
*ex 2921 42 00	86	2,5-Dichloroaniline (CAS RN 95-82-9)	0 %	31.12.2017
ex 2921 49 00	50	3,4-Xylidine (CAS RN 95-64-7)	0 %	31.12.2018
ex 2922 49 85	80	12-Aminododecanoic acid (CAS RN 693-57-2)	0 %	31.12.2018
ex 2924 29 98	37	Beflubutamid (ISO) (CAS RN 113614-08-7)	0 %	31.12.2018
ex 2924 29 98	43	N,N'-(3,3'-Dimethylbiphenyl-4,4'-ylene)di(acetoacetamide) (CAS RN 91-96-3)	0 %	31.12.2018
*ex 2925 29 00	20	N-[3-(Dimethylamino)propyl]-N'-ethylcarbodiimide hydrochloride (CAS RN 25952-53-8)	0 %	31.12.2018
ex 2926 90 95	23	Acrinathrin (ISO) (CAS RN 101007-06-1)	0 %	31.12.2018
ex 2926 90 95	27	Cyhalofop-butyl (ISO) (CAS RN 122008-85-9)	0 %	31.12.2018
ex 2927 00 00	60	4,4'-Dicyano-4,4'-azodivaleric acid (CAS RN 2638-94-0)	0 %	31.12.2018
ex 2930 90 99	37	Ethanethioamide (CAS RN 62-55-5)	0 %	31.12.2018
ex 2930 90 99	43	Trimethylsulfoxonium iodide (CAS RN 1774-47-6)	0 %	31.12.2018

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 2931 90 90	33	Di-tert-butylphosphane (CAS RN 819-19-2)	0 %	31.12.2018
ex 2932 20 90	45	2,2-Dimethyl-1,3-dioxane-4,6-dione (CAS RN 2033-24-1)	0 %	31.12.2018
ex 2932 99 00	53	1,3-Dihydro-1,3-dimethoxyisobenzofurane (CAS RN 24388-70-3)	0 %	31.12.2018
*ex 2932 99 00	80	1,3:2,4-bis-O-(4-Methylbenzylidene)-D-glucitol (CAS RN 81541-12-0)	0 %	31.12.2016
*ex 2933 21 00	50	1-Bromo-3-chloro-5,5-dimethylhydantoin (CAS RN 16079-88-2)/(CAS RN 32718-18-6)	0 %	31.12.2016
ex 2933 39 99	58	4-Chloro-1-methylpiperidine (CAS RN 5570-77-4)	0 %	31.12.2018
ex 2933 49 90	80	Ethyl 6,7,8-trifluoro-1-[formyl(methyl)amino]-4-oxo-1,4-dihydroquinoline-3-carboxylate (CAS RN 100276-65-1)	0 %	31.12.2018
ex 2933 59 95	13	2-Diethylamino-6-hydroxy-4-methylpyrimidine (CAS RN 42487-72-9)	0 %	31.12.2018
*ex 2933 59 95	15	Sitagliptin phosphate monohydrate (CAS RN 654671-77-9)	0 %	31.12.2018
ex 2933 69 80	65	1,3,5-Triazine-2,4,6(1H,3H,5H)-trithione, trisodium salt (CAS RN 17766-26-6)	0 %	31.12.2018
ex 2933 99 80	14	2-(2H-benzotriazol-2-yl)-4-methyl-6-(2-methylprop-2-en-1-yl)phenol(CAS RN 98809-58-6)	0 %	31.12.2018
*ex 2935 00 90	17	6-Methyl-4-oxo-5,6-dihydro-4H-thieno[2,3-b]thiopyran-2-sulfonamide (CAS RN 120279-88-1)	0 %	31.12.2018
*ex 2935 00 90	88	N-(2-(4-Amino-N-ethyl-m-toluidino)ethyl)methanesulphonamide sesquisulphate monohydrate (CAS RN 25646-71-3)	0 %	31.12.2018
ex 3204 11 00	15	Colourant C.I. Disperse Blue 360 (CAS RN 70693-64-0) and preparations based thereon with a colourant C.I. Disperse Blue 360 content of 99 % or more by weight	0 %	31.12.2018
*ex 3204 11 00	20	Colourant C.I. Disperse Yellow 241 (CAS RN 83249-52-9) and preparations based thereon with a colourant C.I. Disperse Yellow 241 content of 97 % or more by weight	0 %	31.12.2015
*ex 3204 11 00	40	Colourant C.I. Disperse Red 60 (CAS RN 17418-58-5) and preparations based thereon with a colourant C.I. Disperse Red 60 content of 50 % or more by weight	0 %	31.12.2016
*ex 3204 11 00	50	Colourant C.I. Disperse Blue 72 (CAS RN 81-48-1) and preparations based thereon with a colourant C.I. Disperse Blue 72 content of 95 % or more by weight	0 %	31.12.2016
*ex 3204 11 00	60	Colourant C.I. Disperse Blue 359 (CAS RN 62570-50-7) and preparations based thereon with a colourant C.I. Disperse Blue 359 content of 50 % or more by weight	0 %	31.12.2016

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
*ex 3204 11 00	70	Colourant C.I. Disperse Red 343 (CAS RN 99035-78-6) and preparations based thereon with a colourant C.I. Disperse Red 343 content of 95 % or more by weight	0 %	31.12.2017
*ex 3204 12 00	10	Colourant C.I. Acid Blue 9 (CAS RN 2650-18-2) and preparations based thereon with a colourant C.I. Acid Blue 9 content of 50 % or more by weight	0 %	31.12.2016
ex 3204 12 00	50	Colourant C.I. Acid Blue 80 (CAS RN 4474-24-2) and preparations based thereon with a colourant C.I. Acid Blue 80 content of 99 % or more by weight	0 %	31.12.2018
*ex 3204 13 00	10	Colourant C.I. Basic Red 1 (CAS RN 989-38-8) and preparations based thereon with a colourant C.I. Basic Red 1 content of 50 % or more by weight	0 %	31.12.2016
*ex 3204 13 00	30	Colourant C.I. Basic Blue 7 (CAS RN 2390-60-5) and preparations based thereon with a colourant C.I. Basic Blue 7 content of 50 % or more by weight	0 %	31.12.2017
*ex 3204 13 00	40	Colourant C.I. Basic Violet 1 (CAS RN 603-47-4 or CAS RN 8004-87-3) and preparations based thereon with a colourant C.I. Basic Violet 1 content of 90 % or more by weight	0 %	31.12.2017
*ex 3204 15 00	10	Colourant C.I. Vat Orange 7 (C.I.Pigment Orange 43) (CAS RN 4424-06-0) and preparations based thereon with a colourant C.I. Vat Orange 7 (C.I.Pigment Orange 43) content of 20 % or more by weight	0 %	31.12.2017
*ex 3204 15 00	60	Colourant C.I. Vat Blue 4 (CAS RN 81-77-6) and preparations based thereon with a colourant C.I. Vat Blue 4 content of 50 % or more by weight	0 %	31.12.2018
ex 3204 15 00	70	Colourant C.I. Vat Red 1 (CAS RN 2379-74-0)	0 %	31.12.2018
*ex 3204 17 00	10	Colourant C.I. Pigment Yellow 81 (CAS RN 22094-93-5) and preparations based thereon with a colourant C.I. Pigment Yellow 81 content of 50 % or more by weight	0 %	31.12.2018
ex 3204 17 00	13	Colourant C.I. Pigment Red 48:2 (CAS RN 7023-61-2)	0 %	31.12.2018
*ex 3204 17 00	15	Colourant C.I. Pigment Green 7 (CAS RN 1328-53-6) and preparations based thereon with a colourant C.I. Pigment Green 7 content of 40 % or more by weight	0 %	31.12.2016
*ex 3204 17 00	20	Colourant C.I. Pigment Blue 15:3 (CAS RN 147-14-8) and preparations based thereon with a colourant C.I. Pigment Blue 15:3 content of 35 % or more by weight	0 %	31.12.2016
*ex 3204 17 00	25	Colourant C.I. Pigment Yellow 14 (CAS RN 5468-75-7) and preparations based thereon with a colourant C.I. Pigment Yellow 14 content of 25 % or more by weight	0 %	31.12.2016

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*ex 3204 17 00	30	Colourant C.I. Pigment Yellow 97 (CAS RN 12225-18-2) and preparations based thereon with a colourant C.I. Pigment Yellow 97 content of 30 % or more by weight	0 %	31.12.2017
*ex 3204 17 00	35	Colourant C.I. Pigment Red 202 (CAS RN 3089-17-6) and preparations based thereon with a colourant C.I. Pigment Red 202 content of 70 % or more by weight	0 %	31.12.2016
*ex 3204 17 00	40	Colourant C.I. Pigment Yellow 120 (CAS RN 29920-31-8) and preparations based thereon with a colourant C.I. Pigment Yellow 120 content of 50 % or more by weight	0 %	31.12.2014
*ex 3204 17 00	50	Colourant C.I. Pigment Yellow 180 (CAS RN 77804-81-0) and preparations based thereon with a colourant C.I. Pigment Yellow 180 content of 90 % or more by weight	0 %	31.12.2014
*ex 3204 17 00	60	Colourant C.I. Pigment Red 53:1 (CAS RN 5160-02-1) and preparations based thereon with a colourant C.I. Pigment Red 53:1 content of 50 % or more by weight	0 %	31.12.2016
*ex 3204 17 00	65	Colourant C.I. Pigment Red 53 (CAS RN 2092-56-0) and preparations based thereon with a colourant C.I. Pigment Red 53 content of 50 % or more by weight	0 %	31.12.2016
*ex 3204 17 00	70	Colourant C.I. Pigment Yellow 13 (CAS RN 5102-83-0 or CAS RN 15541-56-7) and preparations based thereon with a colourant C.I. Pigment Yellow 13 content of 60 % or more by weight	0 %	31.12.2016
*ex 3204 17 00	75	Colourant C.I. Pigment Orange 5 (CAS RN 3468-63-1) and preparations based thereon with a colourant C.I. Pigment Orange 5 content of 80 % or more by weight	0 %	31.12.2017
*ex 3204 17 00	80	Colourant C.I. Pigment Red 207 (CAS RN 71819-77-7) and preparations based thereon with a colourant C.I. Pigment Red 207 content of 50 % or more by weight	0 %	31.12.2017
*ex 3204 17 00	85	Colourant C.I. Pigment Blue 61 (CAS RN 1324-76-1) and preparations based thereon with a colourant C.I. Pigment Blue 61 content of 35 % or more by weight	0 %	31.12.2017
*ex 3204 17 00	88	Colourant C.I. Pigment Violet 3 (CAS RN 1325-82-2 or CAS RN 101357-19-1) and preparations based thereon with a colourant C.I. Pigment Violet 3 content of 90 % or more by weight	0 %	31.12.2017
*ex 3204 19 00	70	Colourant C.I. Solvent Red 49:2 (CAS RN 1103-39-5) and preparations based thereon with a colourant C.I. Solvent Red 49:2 content of 90 % or more by weight	0 %	31.12.2018

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
*ex 3204 19 00	71	Colourant C.I. Solvent Brown 53 (CAS RN 64696-98-6) and preparations based thereon with a colourant C.I. Solvent Brown 53 content of 95 % or more by weight	0 %	31.12.2015
*ex 3204 19 00	73	Colourant C.I. Solvent Blue 104 (CAS RN 116-75-6) and preparations based thereon with a colourant C.I. Solvent Blue 104 content of 97 % or more by weight	0 %	31.12.2015
*ex 3204 19 00	77	Colourant C.I. Solvent Yellow 98 (CAS RN 27870-92-4 or CAS RN 12671-74-8) and preparations based thereon with a colourant C.I. Solvent Yellow 98 content of 95 % or more by weight	0 %	31.12.2016
*ex 3204 19 00	84	Colourant C.I. Solvent Blue 67 (CAS RN 12226-78-7) and preparations based thereon with a colourant C.I. Solvent Blue 67 content of 98 % or more by weight	0 %	31.12.2017
*ex 3204 19 00	85	Colourant C.I. Solvent Red HPR (CAS RN 75198-96-8) and preparations based thereon with a colourant C.I. Solvent Red HPR content of 95 % or more by weight	0 %	31.12.2017
*ex 3204 20 00	20	Colourant C.I. Fluorescent Brightener 71 (CAS RN 16090-02-1) and preparations based thereon with a colourant C.I. Fluorescent Brightener 71 content of 94 % or more by weight	0 %	31.12.2016
*ex 3204 20 00	30	Colourant C.I. Fluorescent Brightener 351 (CAS RN 27344-41-8) and preparations based thereon with a colourant C.I. Fluorescent Brightener 351 content of 90 % or more by weight	0 %	31.12.2016
ex 3206 49 70	10	Non aqueous dispersion, containing by weight: — 57 % or more but not more than 63 % of aluminium oxide (CAS RN 1344-28-1) — 37 % or more but not more than 42 % of titanium dioxide (CAS RN 13463-67-7), and — 1 % or more but not more than 2 % of triethoxycaprylyl silane (CAS RN 2943-75)	0 %	31.12.2018
*ex 3208 90 19	15	Chlorinated polyolefins, in a solution	0 %	31.12.2018
ex 3208 90 19 ex 3824 90 97	45 61	Polymer consisting of a polycondensate of formaldehyde and naphthalenediol, chemically modified by reaction with an alkyne halide, dissolved in propylene glycol methyl ether acetate	0 %	31.12.2018
*ex 3701 99 00	10	Plate of quartz or of glass, covered with a film of chromium and coated with a photosensitive or electron-sensitive resin, of a kind used for goods of heading 8541 or 8542	0 %	31.12.2018
*ex 3707 10 00	40	Sensitising emulsion, containing: — not more than 10 % by weight of naphthoquinonediazide esters, — 2 % or more but not more than 35 % by weight of copolymers of hydroxystyrene — not more than 7 % by weight of epoxy-containing derivatives dissolved in 1-ethoxy-2-propyl acetate and/or ethyl lactate	0 %	31.12.2016

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
*ex 3808 91 90	30	Preparation containing endospores or spores and protein crystals derived from either: — <i>Bacillus thuringiensis</i> Berliner subsp. <i>aizawai</i> and <i>kurstaki</i> or, — <i>Bacillus thuringiensis</i> subsp. <i>kurstaki</i> or, — <i>Bacillus thuringiensis</i> subsp. <i>israelensis</i> or, — <i>Bacillus thuringiensis</i> subsp. <i>aizawai</i> or, — <i>Bacillus thuringiensis</i> subsp. <i>tenebrionis</i>	0 %	31.12.2014
ex 3811 21 00	13	Additives containing: — borated magnesium (C16-C24) alkylbenzene sulphonates and — mineral oils, having a total base number (TBN) of more than 250, but not more than 350, for use in the manufacture of lubricating oils ⁽¹⁾	0 %	31.12.2018
ex 3811 21 00	15	Additives, consisting of: — zinc bis[bis(tetrapropylphenyl)] bis(hydrogen dithiophosphate) (CAS RN 11059-65-7), — triphenyl thiophosphate (CAS RN 597-82-0), — triphenyl phosphite (CAS RN 101-02-0), and — mineral oils, for use in the manufacture of lubricating oils ⁽¹⁾	0 %	31.12.2018
ex 3811 21 00	17	Additives containing: — mainly sulphurized diisobutylene, — calcium sulphonate, — dialkylaminoalkyl polyisobutylene succinate, and — mineral oils, for use in the manufacture of lubricating oils ⁽¹⁾	0 %	31.12.2018
ex 3811 21 00	25	Additives containing: — a (C8-18) alkyl polymethacrylate copolymer with N-[3-(dimethylamino)propyl]methacrylamide, of an average molecular weight (Mw) of more than 10,000 but not more than 20,000, and — more than 15 %, but not more than 30 % by weight of mineral oils, for use in the manufacture of lubricating oils ⁽¹⁾	0 %	31.12.2018
ex 3811 21 00	27	Additives containing: — 20 % or more by weight of an ethylene-propylene copolymer chemically modified by succinic anhydride groups reacted with 4-(4-nitrophenylazo)aniline and 3-nitroaniline, and — mineral oils, for use in the manufacture of lubricating oils ⁽¹⁾	0 %	31.12.2018
ex 3811 21 00	33	Additives containing: — calcium salts of heptylphenol reaction products with formaldehyde (CAS RN 84605-23-2), and — mineral oils, having a total base number (TBN) of more than 40 but not more than 100, for use in the manufacture of lubricating oils or overbased detergents for use in lubricating oils ⁽¹⁾	0 %	31.12.2018

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 3811 21 00	35	Additives containing: — o-amino polyisobutylenephenol (CAS RN 78330-13-9), — polyisobutylene succinimide (CAS RN 84605-20-9), — alkenylimidazoline (CAS RN 68784-17-8), — nonylated diphenylamine derivatives (CAS RN 36878-20-3 and CAS RN 27177-41-9), and — more than 30 %, but not more than 45 % by weight of mineral oils, for use in the manufacture of lubricating oils ⁽¹⁾	0 %	31.12.2018
ex 3811 21 00	37	Additives containing: — a styrene-maleic anhydride copolymer esterified with C4-C20 alcohols, modified by aminopropylmorpholine, and — more than 50 % but not more than 75 % by weight of mineral oils, for use in the manufacture of lubricating oils ⁽¹⁾	0 %	31.12.2018
ex 3811 21 00	43	Additives containing: — borated succinimide compounds (CAS RN 134758-95-5), and — mineral oils, having a total base number (TBN) greater than 40, for use in the manufacture of lubricating oils ⁽¹⁾	0 %	31.12.2018
ex 3811 21 00	45	Additives containing: — an (C8-18) alkyl methacrylate and N-[3-(dimethylamino)propyl]methacrylamide copolymer, — an ethylene-propylene copolymer, — an ethylene-propylene copolymer chemically modified with succinic anhydride, 4-(4-nitrophenyl) aniline and 3-nitroaniline, and — more than 15 % but not more than 30 % by weight of mineral oils, whether or not containing a methacrylic pour point depressant polymer, for use in the manufacture of lubricating oils ⁽¹⁾	0 %	31.12.2018
*ex 3811 29 00	20	Additives for lubricating oils, consisting of reaction products of bis(2-methylpentan-2-yl)dithiophosphoric acid with propylene oxide, phosphorus oxide, and amines with C12-14 alkyl chains, used as a concentrated additive for the manufacture of lubricating oils	0 %	31.12.2017
*ex 3811 29 00	40	Additives for lubricating oils, consisting of reaction products of 2-methyl-prop-1-ene with sulphur monochloride and sodium sulphide (CAS RN 68511-50-2), with a chlorine content by weight of 0,01 % or more but not more than 0,5 %, used as a concentrated additive for the manufacture of lubricating oils	0 %	31.12.2017
ex 3811 29 00	60	Additives containing: — mainly sulphurized diisobutylene, — calcium sulphonate, and — dialkylaminoalkyl polyisobutylene succinate for use in the manufacture of lubricating oils ⁽¹⁾	0 %	31.12.2018

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 3811 29 00	70	Additives consisting of dialkylphosphites (in which the alkyl groups contain more than 80 % by weight of oleyl, palmityl and stearyl groups), for use in the manufacture of lubricating oils ⁽¹⁾	0 %	31.12.2018
ex 3811 29 00	80	Additives containing: — more than 70 % by weight of 2,5-bis(<i>tert</i> -nonyldithio)-[1,3,4]-thiadiazole (CAS RN 89347-09-1), and — more than 15 % by weight of 5-(<i>tert</i> -nonyldithio)-1,3,4-thiadiazole-2(3H)-thione (CAS RN 97503-12-3), for use in the manufacture of lubricating oils ⁽¹⁾	0 %	31.12.2018
ex 3811 29 00	85	Additives consisting of a mixture of 3-((C9-11)-isoalkyloxy)tetrahydrothiophene 1,1-dioxide, C10-rich (CAS RN 398141-87-2), for use in the manufacture of lubricating oils ⁽¹⁾	0 %	31.12.2018
*ex 3823 19 30 *ex 3823 19 30	20 30	Palm fatty acid distillate, whether or not hydrogenated, with free fatty acid content 80 % or more for use in the manufacture of: — industrial monocarboxylic fatty acids of heading 3823, — stearic acid of heading 3823, — stearic acid of heading 2915, — palmitic acid of heading 2915, or — animal feed preparations of heading 2309 ⁽¹⁾	0 %	31.12.2018
*ex 3823 19 90 *ex 3823 19 90	20 30	Palm acid oils from refining for use in the manufacture of: — industrial monocarboxylic fatty acids of heading 3823, — stearic acid of heading 3823, — stearic acid of heading 2915, — palmitic acid of heading 2915, or — animal feed preparations of heading 2309 ⁽¹⁾	0 %	31.12.2018
*ex 3824 90 97	18	Poly(tetramethylene glycol) bis[(9-oxo-9H-thioxanthen-1-yloxy)acetate] with an average polymer chain length of less than 5 monomer units (CAS RN 813452-37-8)	0 %	31.12.2014
ex 3824 90 97	25	Preparation of tetrahydro- α -(1-naphthylmethyl)furan-2-propionic acid (CAS RN 25379-26-4) in toluene	0 %	31.12.2018
*ex 3824 90 97	33	Preparation, containing: — trioctylphosphine oxide (CAS RN 78-50-2), — dioctylhexylphosphine oxide (CAS RN 31160-66-4), — octyldihexylphosphine oxide (CAS RN 31160-64-2) and — trihexylphosphine oxide (CAS RN 3084-48-8)	0 %	31.12.2016
*ex 3824 90 97	34	Zinc Dimethacrylate (CAS RN 13189-00-9), containing not more than 2,5 % by weight of 2,6-di- <i>tert</i> -butyl- α -dimethyl amino- <i>p</i> -cresol (CAS RN 88-27-7), in the form of powder	0 %	31.12.2018

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 3824 90 97	46	Additives for paints and coatings, containing: — a mixture of esters of phosphoric acid obtained from the reaction of phosphoric anhydride with 4-(1,1-dimethylpropyl) phenol and copolymers of styrene-allyl alcohol (CAS RN 84605-27-6), and — 30 % or more but not more than 35 % by weight of isobutyl alcohol	0 %	31.12.2018
ex 3824 90 97	57	Carrier in powder form, consisting of: — Ferrite (Iron oxide) (CAS RN 1309-37-1) — Manganese oxide (CAS RN 1344-43-0) — Magnesium oxide (CAS RN 1309-48-4) — Styrene acrylate copolymer to be mixed with the toner powder, in the manufacturing of ink/toner filled bottles or cartridges for facsimile machines, computer printers and copiers ⁽¹⁾	0 %	31.12.2018
ex 3824 90 97	63	Catalyst containing by weight of — 52 % (\pm 10 %) of Cuprous Oxide (CAS RN 1317-39-1), — 38 % (\pm 10 %) of Cupric Oxide (CAS RN 1317-38-0) and — 10 % (\pm 5 %) of Metallic Copper (CAS RN 7440-50-8)	0 %	31.12.2018
ex 3824 90 97	80	Preparation consisting of: — 80 % or more but not more than 90 % by weight of (S)- α -hydroxy-3-phenoxy-benzeneacetonitrile (CAS RN 61826-76-4) and — 10 % or more but not more than 20 % by weight of toluene (CAS RN 108-88-3)	0 %	31.12.2018
ex 3824 90 97	81	N-(2-phenylethyl)-1,3-benzenedimethanamine derivatives (CAS RN 404362-22-7)	0 %	31.12.2018
ex 3824 90 97	83	C6-24 and C16-18-unsaturated fatty acid esters with sucrose (sucrose polysoyate) (CAS RN 93571-82-5)	0 %	31.12.2018
ex 3824 90 97 ex 3906 90 90	85 87	Aqueous solution of polymers and ammonia consisting of: — 0,1 % or more but not more than 0,5 % by weight of ammonia (CAS RN 1336-21-6) and — 0,3 % or more but not more than 10 % by weight of polycarboxylate (linear polymers of acrylic acid)	0 %	31.12.2018
ex 3901 10 10	10	Linear low-density polyethylene/LLDPE (CAS RN 9002-88-4) in the form of powder, with — 5 % or less by weight of comonomer, — a melt flow rate of 15 g/10 min or more, but not more than 60 g/10 min and — a density of 0,924 g/cm ³ or more, but not more than 0,928 g/cm ³	0 %	31.12.2018

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 3901 90 90	30	Linear low-density polyethylene/LLDPE (CAS RN 9002-88-4) in the form of powder, with — more than 5 %, but not more than 8 % by weight of comonomer, — a melt flow rate of 15 g/10 min or more, but not more than 60 g/10 min and — a density of 0,924 g/cm ³ or more, but not more than 0,928 g/cm ³	0 %	31.12.2018
ex 3901 90 90	40	Copolymer of ethylene and 1-hexene only (CAS RN 25213-02-9): — containing more than 5 % but not more than 20 % by weight of 1-hexene, — of a specific gravity of not more than 0,93, — manufactured using a metallocene catalyst	0 %	31.12.2018
*ex 3902 90 90	94	Chlorinated polyolefins, whether or not in a solution or dispersion	0 %	31.12.2018
*ex 3907 30 00	60	Polyglycerol polyglycidyl ether resin (CAS RN 118549-88-5)	0 %	31.12.2017
*ex 3907 40 00	30	Polycarbonate pellets or granules with a specific gravity of 1,18 or more but not more than 1,25, containing by weight: — 77 % or more but not more than 90 % of polycarbonate, — 8 % or more but not more than 20 % of phosphoric acid ester, — 0,1 % or more but not more than 1 % of antioxidant, and whether or not containing 1 % or more but not more than 5 % of flame retardant	0 %	31.12.2016
ex 3907 60 80	60	Oxygen binding copolymer (as determined by the ASTM D 1434 and 3985 methods), obtained from benzenedicarboxylic acids, ethylene glycol and polybutadiene substituted by hydroxy groups	0 %	31.12.2018
*ex 3910 00 00	40	Silicones of a kind used in the manufacture of long term surgical implants	0 %	31.12.2016
*ex 3913 90 00	85	Sterile sodium hyaluronate (CAS RN 9067-32-7)	0 %	31.12.2018
ex 3919 90 00	67	Self-adhesive plastic film consisting of: — a poly(olefin) layer with a thickness of more than 95 but not more than 110 microns — an adhesive layer with a thickness of more than 5 but not more than 15 microns — a layer based on epoxy resin, with a thickness of more than 4 but not more than 100 microns — a liner consisting of poly(ethylene terephthalate) with a thickness of more than 35 but not more than 40 microns	0 %	31.12.2018

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 3921 90 10	30	Multilayer film consisting of: — a poly(ethylene terephthalate) film with a thickness of more than 100 µm but not more than 150 µm, — a primer of phenolic material with a thickness of more than 8 µm but not more than 15 µm, — an adhesive layer of a synthetic rubber with a thickness of more than 20 µm but not more than 30 µm, — and a transparent poly(ethylene terephthalate) liner with a thickness of more than 35 µm but not more than 40 µm	0 %	31.12.2018
*ex 3921 90 55 *ex 7019 40 00 *ex 7019 40 00	25 21 29	Prepreg sheets or rolls containing polyimide resin	0 %	31.12.2014
ex 3926 90 97	50	Knob of car radio front panel, made of Bisphenol A-based polycarbonate	0 %	31.12.2018
ex 4408 39 30	10	Okoumé veneer sheets of a thickness not exceeding 6 mm, unsanded, unplanned, of a kind used in plywood manufacture	0 %	31.12.2018
*ex 5603 12 90 *ex 5603 13 90	60 60	Non-woven of spunbonded polyethylene, of a weight of more than 60 g/m ² but not more than 80 g/m ² and an air resistance (Gurley) of 8 seconds or more but not more than 36 seconds (as determined by the ISO 5636/5 method)	0 %	31.12.2018
ex 5603 93 90	60	Nonwovens made of polyester fibres, — with a weight of 85 g/m ² , — with a constant thickness of 95 µm (± 5 µm), — neither coated nor covered, — in 1 m wide rolls of 2 000m to 5 000 m length, suitable for the coating of membranes in the manufacture of osmosis and reverse osmosis filters (1)	0 %	31.12.2018
ex 6909 19 00	25	Ceramic proppants, containing aluminium oxide, silicon oxide and iron oxide	0 %	31.12.2018
*ex 6909 19 00	80	Ceramic heat sinks, containing by weight: — 66 % or more of silicon carbide, — 10 % or more of aluminium oxide for maintaining the operating temperature of transistors, diodes and integrated circuits in products of headings 8521 or 8528 (1)	0 %	31.12.2016
*ex 7019 40 00 *ex 7019 40 00	11 19	Woven fabrics of rovings, impregnated with epoxy resin, with a coefficient of thermal expansion between 30 °C and 120 °C (measured according to IPC-TM-650) of: — 10ppm per°C or more but not more than 12ppm per°C in the length and width, and — 20ppm per°C or more but not more than 30ppm per°C in the thickness, with a glass transition temperature of 152 °C or more but not more than 153 °C (measured according IPC-TM-650)	0 %	31.12.2018

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
*ex 7020 00 10 *ex 7616 99 90	10 77	Television pedestal stands with or without bracket for fixation to and stabilization of television cabinet case/body	0 %	31.12.2016
ex 7608 20 89	30	Seamless aluminium alloyed extruded tubes with: — an outer diameter of 60 mm or more but not more than 420 mm, and — a wall thickness of 10 mm or more but not more than 80 mm	0 %	31.12.2018
*ex 8309 90 90	10	Aluminium can ends: — with a diameter of 99,00 mm or more but not more than 136,5 mm (\pm 1mm), — whether or not with a 'ring-pull' aperture	0 %	31.12.2018
ex 8414 30 81 ex 8414 80 73	60 30	Hermetic rotary compressors for Hydro-Fluoro-Carbon (HFC) refrigerants: — driven by 'on-off' single phase alternate current' (AC) or 'brushless direct current' (BLDC) variable speed motors — with a nominal power rating of not more than 1,5 kW of a kind used in the production of household heat pump laundry tumble dryers	0 %	31.12.2018
ex 8431 20 00	40	Aluminium core, plastic tank radiator, with integral steel support structure and an open core square wave design of 9 fins per 2,54 cm of core length for use in the manufacture of vehicles of heading 8427 (!)	0 %	31.12.2018
ex 8475 29 00 ex 8514 10 80	10 10	Glass Filament Melter with heater basket/bushing assembly: — electrically heated, — with opening — with a multiplicity of tips (holes) of platinum/rhodium alloy — used to melt glass batches and condition molten glass — for drawing into continuous fibres	0 %	31.12.2018
ex 8501 10 99	70	DC stepping motor, with — an angle of step of 7,5° (\pm 0,5°) — a two-phase winding, — a rated voltage of 9 V or more, but not more than 16,0 V — of a specified temperature range covering at least - 40 °C to + 105 °C — with or without connecting pinion — with or without motor drive connector	0 %	31.12.2018
*ex 8501 10 99	80	DC stepping motor, with: — an angle of step of 7,5° (\pm 0,5°), — a pull-out torque at 25 °C of 25 mNm or more, — a pull-out pulse rate of 1 500 pps or more, — a two-phase winding, and — a rated voltage of 10,5 V or more, but not more than 16,0 V	0 %	31.12.2018

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
ex 8503 00 99	50	Stator for brushless motor, with: — an internal diameter of 206,6 mm ($\pm 0,5$) — an external diameter of 265,0 mm ($\pm 0,2$) and — a width of 41,00 mm ($\pm 0,3$) of a kind used in the manufacture of washing machine, washer-dryer or dryer equipped with direct drive drums	0 %	31.12.2018
ex 8504 40 90	70	Module for converting alternating current into direct current and direct current into direct current with — a rated power of not more than 100 W — an input voltage of 80 V or more, but not more than 305 V — an certified input frequency of 47 Hz or more, but not more than 440 Hz — one or more constant voltage output(s) — an operating temperature range of -40 °C or more, but not more than $+85$ °C, — pins for mounting to a printed circuit	0 %	31.12.2018
*ex 8505 11 00	70	Disc consisting of an alloy of neodymium, iron and boron, covered with nickel, that after magnetisation is intended to become permanent magnet — whether or not containing a hole in the centre, — with a diameter of not more than 90 mm, of a kind used in car loudspeakers	0 %	31.12.2018
ex 8507 10 20	85	Lead-acid accumulators or -modules, of a kind used for starting piston engines with — a nominal capacity of 32 Ah, — a length of not more than 205 mm, — a width of not more than 130 mm and — a height of not more than 190 mm for use in the manufacture of articles of CN-code 8711 ⁽¹⁾	0 %	31.12.2018
*ex 8507 30 20	30	Cylindrical nickel-cadmium accumulator or module, with a length of 65,3 mm ($\pm 1,5$ mm) and a diameter of 14,5 mm (± 1 mm), having a nominal capacity of 1 000 mAh or more, for use in the manufacture of rechargeable batteries ⁽¹⁾	0 %	31.12.2018
*ex 8507 50 00 *ex 8507 60 00	20 20	Rectangular accumulator or module, with a length of not more than 69 mm, a width of not more than 36 mm and a thickness of not more than 12 mm, for use in the manufacture of rechargeable batteries ⁽¹⁾	0 %	31.12.2018
*ex 8507 50 00	30	Cylindrical nickel-hydride accumulator or module, of a diameter of not more than 14,5 mm, for the manufacture of rechargeable batteries ⁽¹⁾	0 %	31.12.2018
*ex 8507 60 00	30	Cylindrical lithium-ion accumulator or module, with a length of 63 mm or more and a diameter of 17,2 mm or more, having a nominal capacity of 1 200 mAh or more, for use in the manufacture of rechargeable batteries ⁽¹⁾	0 %	31.12.2014

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
*ex 8507 60 00	40	Batteries of ion-lithium electric accumulators or module rechargeable with: <ul style="list-style-type: none"> — a length of 1 203 mm or more, but not more than 1 297 mm, — a width of 282 mm or more, but not more than 772 mm, — a height of 792 mm or more, but not more than 839 mm, — a weight of 260 kg or more, but not more than 293 kg, — power of 22 kWh or 26 kWh, and — constituted of 24 or 48 modules 	0 %	31.12.2017
*ex 8507 60 00	50	Modules for the assembly of batteries of ion lithium electric accumulators with: <ul style="list-style-type: none"> — a length of 298 mm or more, but not more than 408 mm, — a width of 33,5 mm or more, but not more than 209 mm, — a height of 138 mm or more, but not more than 228 mm, — a weight of 3,6 kg or more, but not more than 17 kg, and — a power of 458 Wh or more, but not more than 2 158 Wh 	0 %	31.12.2018
*ex 8507 60 00	55	Lithium-ion accumulator or module in cylindrical form, with: <ul style="list-style-type: none"> — a base similar to an ellipse squeezed in the middle, — a length of 49 mm or more (not including terminals), — a width of 33,5 mm or more, — a thickness of 9,9 mm or more, — a rated capacity of 1,75 Ah or more, and — a rated voltage of 3,7 V, for the manufacture of rechargeable batteries ⁽¹⁾	0 %	31.12.2017
*ex 8507 60 00	57	Lithium-ion accumulator or module, cuboid in shape, with: <ul style="list-style-type: none"> — some of the corners rounded off, — a length of 76 mm or more (not including terminals), — a width of 54,5 mm or more, — a thickness of 5,2 mm or more, — a rated capacity of 3 100 mAh or more, and — a rated voltage of 3,7 V, for the manufacture of rechargeable batteries ⁽¹⁾	0 %	31.12.2017
*ex 8507 60 00	80	Rectangular lithium-ion-accumulator or module, with <ul style="list-style-type: none"> — a metal casing, — a length of 171 mm (\pm 3 mm), — a width of 45,5 mm (\pm 1 mm), — a height of 115 mm (\pm 1 mm), — a nominal voltage of 3,75 V and — a nominal capacity of 50 Ah for use in the manufacture of rechargeable batteries for motor vehicles ⁽¹⁾	0 %	31.12.2015

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
*ex 8518 29 95	30	Loudspeakers of: — an impedance of 3 Ohm or more, but not more than 16 Ohm, — a nominal power of 2 W or more, but not more than 20 W, — with or without plastic bracket, and — with or without electric cable fitted with connectors, of a kind used for TV sets and video monitors manufacture as well as home entertainment systems	0 %	31.12.2017
*ex 8522 90 80	97	Tuner transforming high-frequency signals into mid-frequency signals, for use in the manufacture of products falling under heading 8521 (!)	0 %	31.12.2016
*ex 8525 80 19 *ex 8525 80 91	31 10	Closed circuit television (CCTV) camera: — of a weight of not more than 5,9 kg, — without a housing, — of dimensions of not more than 405 mm × 315 mm, — with a single Charge-Couple-Device (CCD) or Complementary Metal-Oxide-Semiconductor (CMOS) sensor, — with effective pixels of not more than 5 megapixels, for use in CCTV surveillance systems (!)	0 %	31.12.2018
ex 8525 80 19	50	Remote camera head, whether or not contained in a housing — with dimensions (without cable socket) of not more than 27 × 30 × 38,5 mm (width×height×length), — with three MOS imaging sensors with two or more effective megapixels per sensor and a prism block for distribution of the RGB spectrum colours to the three sensors, — with a C-Mount lens mount, — with a weight of not more than 70 g, — with an LVDS digital video output, — with a permanent EEPROM memory for local storage of calibration data for colour rendering and defective pixel compensation of a kind used in the manufacture of miniaturised industrial camera systems	0 %	31.12.2018
ex 8525 80 19	55	Camera module with a resolution of 1 920 × 1 080 P HD with two microphones for use in the manufacture of products falling within heading 8528 (!)	0 %	31.12.2018
*ex 8528 59 70	10	Liquid crystal display colour video monitors, excluding those combined with other apparatus, having a DC input voltage of 7 V or more but not more than 30 V, with a diagonal measurement of the screen of 33,2 cm or less, — without a housing, with back cover and mounting frame, — or with a housing, used for permanent incorporation or permanent mounting, during industrial assembly, into goods of Chapters 84 to 90 and 94 (!)	0 %	31.12.2018

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
*ex 8529 90 65	50	Tuner transforming high-frequency signals into mid-frequency signals, for use in the manufacture of products falling under heading 8528 (1)	0 %	31.12.2016
*ex 8529 90 92	42	Aluminium heat sinks and cooling fins, for maintaining the operating temperature of transistors and integrated circuits, for use in the manufacture of products falling within heading 8527 or 8528 (1)	0 %	31.12.2018
*ex 8529 90 92 *ex 8548 90 90	44 55	LCD modules, solely consisting of one or more TFT glass or plastic cells, not combined with touch screen facilities, with or without backlight unit, with or without inverters and one or more printed circuit boards with control electronics for pixel addressing only	0 %	31.12.2018
ex 8536 41 90	30	A cubic-shape power relay with: — an electromechanical switching function, — an electrification current of 3 amperes or more but not more than 16 amperes, — a driver voltage 5 volts or more but not more than 24 volts, — a distance between switching pins not more than 12,5 mm	0 %	31.12.2018
*ex 8536 70 00	10	Optical socket, plug or connector, for use in the manufacture of goods falling within headings 8521 or 8528 (1)	0 %	31.12.2016
ex 8537 10 91	40	Electronic control units, manufactured according to class 2 of IPC-A-610E standard, with a main power input of 400 V AC, a logic power input of 24 V DC, equipped at least with: — a PCBA board(s) with logic and programmable circuits and other electronic parts as connectors, capacitors, coils or resistors, — contactors, — an automatic circuit breaker, — a fuse, — internal connecting cables, — a main power switch, — electrical connectors or cables for connecting external devices, — a metal casing with dimension of 370 × 300 × 80 mm or more, but not more than 570 × 420 × 125 mm, used for controlling and powering machines of a kind used for recycling or sorting of plastic, metal or glass packaging	0 %	31.12.2018
ex 8537 10 99	30	Motor bridge ICs without programmable memory consisting of: — one or more integrated circuits, not interconnected, on separate lead frames, — also with discrete Metal Oxide Field Effect Transistors (MOSFET) for controlling DC motors in cars — mounted in a plastic housing	0 %	31.12.2018

CN code	TARIC	Description	Rate of autonomous duty	Date foreseen for mandatory review
*ex 8538 90 99	95	Copper base plate, of a kind used as a heatsink [in the manufacture] of IGBT modules containing more components than IGBT chips and diodes with a voltage of 650 V or more but not more than 1 200 V ⁽¹⁾	0 %	31.12.2018
ex 8544 30 00	30	Multi-measurement wire harness of a voltage of 5 V or more but not more than 90 V capable of measuring some or all of the following: — a travel speed of not more than 24 km/h — a motor speed of not more than 4 500 rpm — hydraulic pressure of not more than 25 Mpa — mass of not more than 50 metric tonnes for use in the manufacture of vehicles of heading 8427 ⁽¹⁾	0 %	31.12.2018
ex 8714 91 10	23	Frame, constructed from aluminium or aluminium and carbon, for the use in the manufacture of bicycles ⁽¹⁾	0 %	31.12.2018
ex 8714 91 10	33			
ex 8714 91 10	70			
ex 8714 91 30	23	Front forks, suspended, constructed from aluminium, for use in the manufacture of bicycles ⁽¹⁾	0 %	31.12.2018
ex 8714 91 30	33			
ex 8714 91 30	70			
*ex 9002 11 00	50	Lens unit: — having a focal length of 25 mm or more but not more than 150 mm, — consisting of glass or plastic lenses, with a diameter of 60 mm or more but not more than 190 mm	0 %	31.12.2018
ex 9014 10 00	30	Electronic compass, as a geomagnetic sensor, in a housing (e.g. CSWLP, LGA, SOIC) suitable for fully automated printed circuit board (PCB) assembly, with the following main components: — a combination of one or more application-specific integrated circuits (ASIC) and — one or more micro-electromechanical sensors (MEMS) manufactured with semiconductor technology, with mechanical components arranged in three-dimensional structures on the semiconductor material, of a kind used in the manufacture of products falling in chapters 84-90 and 94 ⁽¹⁾	0 %	31.12.2018
*ex 9022 90 00	10	Panels for x-ray apparatus (x-ray flat panel sensors/x-ray sensors) consisting of a glass plate with a matrix of thin-film transistors, covered with a film of amorphous silicon, coated with a scintillator layer of caesium iodide and a metallised protective layer, or coated with a layer of amorphous selenium	0 %	31.12.2018
*ex 9405 40 39	80	Ambient light LED board to be incorporated in goods of heading 8528 ⁽¹⁾	0 %	31.12.2015
*ex 9405 40 99	07			

⁽¹⁾ Suspension of duties is subject to Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

ANNEX II

TARIFF SUSPENSIONS REFERRED TO IN POINT (3) OF ARTICLE 1

CN code	TARIC
ex 1511 90 19	10
ex 1511 90 91	10
ex 1513 11 10	10
ex 1513 19 30	10
ex 1513 21 10	10
ex 1513 29 30	10
ex 2823 00 00	10
ex 2836 99 17	20
ex 2903 39 90	70
ex 2905 19 00	11
ex 2907 23 00	10
ex 2908 19 00	10
ex 2915 39 00	20
ex 2921 42 00	86
ex 2921 49 00	70
ex 2925 29 00	20
ex 2932 99 00	80
ex 2933 21 00	50
ex 2933 59 95	15
ex 2934 99 90	55
ex 2935 00 90	17
ex 2935 00 90	88
ex 3204 11 00	20
ex 3204 11 00	40
ex 3204 11 00	50
ex 3204 11 00	60
ex 3204 11 00	70
ex 3204 12 00	10
ex 3204 13 00	10
ex 3204 13 00	30

CN code	TARIC
ex 3204 13 00	40
ex 3204 15 00	10
ex 3204 15 00	60
ex 3204 17 00	10
ex 3204 17 00	15
ex 3204 17 00	20
ex 3204 17 00	25
ex 3204 17 00	30
ex 3204 17 00	35
ex 3204 17 00	40
ex 3204 17 00	50
ex 3204 17 00	60
ex 3204 17 00	65
ex 3204 17 00	70
ex 3204 17 00	75
ex 3204 17 00	80
ex 3204 17 00	85
ex 3204 17 00	88
ex 3204 19 00	70
ex 3204 19 00	71
ex 3204 19 00	73
ex 3204 19 00	77
ex 3204 19 00	84
ex 3204 19 00	85
ex 3204 20 00	20
ex 3204 20 00	30
ex 3208 90 19	15
ex 3701 99 00	10
ex 3707 10 00	40
ex 3808 91 90	30

CN code	TARIC
ex 3811 29 00	20
ex 3811 29 00	40
ex 3812 30 80	75
ex 3823 19 30	20
ex 3823 19 90	20
ex 3824 90 97	18
ex 3824 90 97	33
ex 3902 90 90	94
ex 3907 30 00	60
ex 3907 40 00	30
ex 3910 00 00	40
ex 3913 90 00	85
ex 3921 90 55	25
ex 5603 12 90	60
ex 5603 13 90	60
ex 6909 19 00	80
ex 7019 40 00	10
ex 7019 40 00	20
ex 7020 00 10	10
ex 7616 99 90	77
ex 8108 90 50	85
ex 8309 90 90	10
ex 8501 10 99	80
ex 8505 11 00	70
ex 8507 30 20	30
ex 8507 50 00	20
ex 8507 50 00	30
ex 8507 60 00	20
ex 8507 60 00	30
ex 8507 60 00	40
ex 8507 60 00	50

CN code	TARIC
ex 8507 60 00	55
ex 8507 60 00	57
ex 8507 60 00	80
ex 8518 29 95	30
ex 8522 90 80	97
ex 8525 80 19	31
ex 8525 80 91	10
ex 8528 59 70	10
ex 8529 90 65	50
ex 8529 90 65	55
ex 8529 90 65	60
ex 8529 90 92	42
ex 8529 90 92	44
ex 8529 90 92	48
ex 8536 70 00	10
ex 8536 70 00	20
ex 8538 90 99	95
ex 9002 11 00	50
ex 9022 90 00	10

ANNEX III

SUPPLEMENTARY UNITS REFERRED TO IN POINT (1) OF ARTICLE 2

CN code	TARIC	Supplementary units
ex 3901 10 10	10	m ³
ex 3901 90 90	30	m ³
ex 3919 90 00	67	m ²
ex 3921 90 10	30	m ²
ex 3923 30 90	10	p/st
ex 3926 90 97	50	p/st
ex 3926 90 97	55	m ²
ex 3926 90 97	65	p/st
ex 5603 14 90	40	m ²
ex 5603 93 90	60	m ²
ex 8411 99 00	40	p/st
ex 8411 99 00	50	p/st
ex 8424 90 00	30	p/st
ex 8431 20 00	40	p/st
ex 8475 29 00	10	p/st
ex 8483 40 29	60	p/st
ex 8503 00 99	50	p/st
ex 8504 40 90	50	p/st
ex 8504 40 90	60	p/st
ex 8508 70 00	20	p/st
ex 8536 41 90	30	p/st
ex 8537 10 91	40	p/st
ex 8537 10 99	30	p/st
ex 8537 10 99	98	p/st
ex 8538 90 99	95	p/st
ex 8543 70 90	23	p/st
ex 8544 30 00	30	p/st
ex 9001 90 00	35	p/st
ex 9001 90 00	45	p/st
ex 9014 10 00	30	p/st

CN code	TARIC	Supplementary units
ex 9025 80 40	30	p/st
ex 9029 10 00	20	p/st
ex 9031 80 38	20	p/st
ex 9401 90 80	20	p/st
ex 9401 90 80	30	p/st
ex 9401 90 80	40	p/st
ex 9405 40 39	50	p/st
ex 9405 40 99	3	p/st
ex 9405 40 99	6	p/st

ANNEX IV

SUPPLEMENTARY UNITS REFERRED TO IN POINT (2) OF ARTICLE 2

CN code	TARIC	Supplementary units
ex 8529 90 92	48	p/st
ex 8536 70 00	20	p/st

COMMISSION IMPLEMENTING REGULATION (EU) No 723/2014**of 23 June 2014****approving a minor amendment to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Nieheimer Käse (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular the second subparagraph of Article 53(2) thereof,

Whereas:

- (1) By virtue of the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined Germany's application for the approval of amendments to the specification for the protected geographical indication 'Nieheimer Käse', registered under Commission Regulation (EC) No 414/2010 ⁽²⁾.
- (2) The purpose of the application is to amend the specification by defining the proportion of caraway, an optional ingredient.
- (3) The Commission has examined the amendment in question and concluded that it is justified. Since the amendment is minor within the meaning of the third subparagraph of Article 53(2) of Regulation (EU) No 1151/2012, the Commission may approve it without following the procedure set out in Articles 50 to 52 of the Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specification for the protected geographical indication 'Nieheimer Käse' is hereby amended in accordance with 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, 23 June 2014.

For the Commission
On behalf of the President,
Dacian CIOLOS
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 119, 13.5.2010, p. 3.

ANNEX

The following amendment to the specification for the protected geographical indication 'Nieheimer Käse' is approved:

Method of production:

In the sentence 'Cooking salt (2,5-3,5 %) and possibly caraway seed (0,01-0,03 %) are then added to the mass, which is mixed until distribution is even.', the text in parentheses, '(0,01-0,03)' following 'caraway seed' is replaced with '(0,1-0,3 %)'.

Justification:

The requester, an association of producers of the product in question, contends that over the 65 years in which 'Nieheimer Käse' has been produced, the addition of caraway seed has always represented 0,1-0,3 %.

The quantity mentioned in the summary published in the *Official Journal of the European Union* in this connection ('0,01-0,03') is the result of a drafting error. The missing % sign was added upon publication in the *Deutsches Markenblatt* of 23 September 2005. The extra zeros after the comma would result in a corresponding addition of caraway seed (of only one to three ten thousandths of the total weight) to the product, which would be barely perceptible.

COMMISSION IMPLEMENTING REGULATION (EU) No 724/2014**of 26 June 2014****on the interchange standard for the transmission of data required under Regulation (EU) No 549/2013 of the European Parliament and of the Council on the European system of national and regional accounts in the European Union****(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 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union ⁽¹⁾, and in particular Article 3(2) thereof,

Whereas:

- (1) It follows from Article 3(2) of Regulation (EU) No 549/2013 that Member States should transmit to the Commission the data and metadata required by the Regulation in accordance with a specified interchange standard and other practical arrangements which should be specified by the Commission.
- (2) Applying a single standard for the exchange and transmission of data for the statistics covered by Regulation (EU) No 549/2013 would make a considerable contribution to business process integration in this statistical area.
- (3) The Statistical Data and Metadata Exchange (SDMX) initiative on statistical and technical standards for the exchange and sharing of data and metadata was launched by the Bank of International Settlements, the European Central Bank, the Commission (Eurostat), the International Monetary Fund, the Organisation for Economic Co-operation and Development (OECD), the United Nations and the World Bank. For the exchange of official statistics, SDMX provides statistical and technical standards, including the SDMX Markup Language, using XML syntax ('SDMX-ML format'). A new data format and data structure definition designed in accordance with this standard should therefore be introduced. In order to facilitate the transition to the new format, the Commission should, for the first two years after the entry into force of the Regulation, provide Member States with templates, which can be used as inputs to SDMX conversion tools.
- (4) The Commission should make available detailed documentation in relation to the SDMX data structure definitions and supply guidelines on their implementation.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

*Article 1***Standard for the transmission of data**

Member States shall provide data required by the Regulation (EU) No 549/2013 using SDMX data structure definitions.

*Article 2***Technical specifications of data format**

Member States shall provide data and metadata in SDMX-ML format.

⁽¹⁾ OJ L 174, 26.6.2013, p. 1.

*Article 3***Entry into force**

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

It shall apply from 1 September 2014.

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

Done at Brussels, 26 June 2014.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 725/2014

of 30 June 2014

amending Council Regulation (EC) No 499/96 as regards new Union tariff quotas for certain fish and fishery products originating in Iceland

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 499/96 of 19 March 1996 opening and providing for the administration of tariff quotas of the Union for certain fish and fishery products originating in Iceland ⁽¹⁾, and in particular Article 5(1)(b) thereof,

Whereas:

- (1) By Council Decision 2014/343/EU ⁽²⁾, the signing and the provisional application of an Additional Protocol to the Agreement between the European Economic Community and Iceland consequent to the accession of the Republic of Croatia to the European Union have been approved.
- (2) The Additional Protocol provides for two new tariff quotas for release for free circulation in the European Union of frozen Norway lobsters and of fresh or chilled fillets of redfish originating in Iceland.
- (3) It is necessary to amend Regulation (EC) No 499/96 in order to implement the new tariff quotas.
- (4) The new tariff quotas should apply for a period of 12 months. In accordance with Decision 2014/343/EU, they are to apply from the day of the provisional application of the Additional Protocol. This Regulation should therefore apply from the same date.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The following rows are added to the Annex to Regulation (EC) No 499/96:

'09.0813	0304 49 50		Fillets of redfish (<i>Sebastes</i> spp.), fresh or chilled	From 1.8.2014 to 31.7.2015	100	0
09.0814	0306 15 90		Norway lobsters (<i>Nephrops norvegicus</i>), frozen	From 1.8.2014 to 31.7.2015	60	0'

Article 2

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

It shall apply from 1 August 2014.

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

Done at Brussels, 30 June 2014.

For the Commission
The President
José Manuel BARROSO

⁽¹⁾ OJ L 75, 23.3.1996, p. 8.⁽²⁾ OJ L 170, 11.6.2014, p. 3.

COMMISSION IMPLEMENTING REGULATION (EU) No 726/2014

of 30 June 2014

amending Council Regulation (EC) No 992/95 as regards a new Union tariff quota for prepared herring originating in Norway

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 992/95 of 10 April 1995 opening and providing for the administration of Community tariff quotas for certain agricultural and fishery products originating in Norway ⁽¹⁾, and in particular Article 5(1)(b) thereof,

Whereas:

- (1) By Council Decision 2014/343/EU ⁽²⁾, the signing and the provisional application of an Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent to the accession of the Republic of Croatia to the European Union have been approved.
- (2) The Additional Protocol provides for a new tariff quota for release for free circulation in the European Union of certain prepared herring originating in Norway.
- (3) It is necessary to amend Regulation (EC) No 992/95 in order to implement the new tariff quota.
- (4) The new tariff quota should apply for a period of 12 months. In accordance with Decision 2014/343/EU, it is to apply from the day of the provisional application of the Additional Protocol. This Regulation should therefore apply from the same date.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The following row is added to the Annex to Regulation (EC) No 992/95:

'09.0859	ex 1604 12 91 ex 1604 12 99	10 11 19	Herring, spiced and/or vinegar cured, in brine	From 1.8.2014 to 31.7.2015	1 400 tonnes net drained weight	0'
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*Article 2*This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 August 2014.

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

Done at Brussels, 30 June 2014.

For the Commission
The President
José Manuel BARROSO

⁽¹⁾ OJ L 101, 4.5.1995, p. 1.⁽²⁾ OJ L 170, 11.6.2014, p. 3.

COMMISSION IMPLEMENTING REGULATION (EU) No 727/2014**of 30 June 2014****initiating a 'new exporter' review of Council Implementing Regulation (EU) No 1389/2011 imposing a definitive anti-dumping duty on imports of trichloroisocyanuric acid originating in the People's Republic of China, repealing the duty with regard to imports from one exporter in this country and making these imports subject to registration**

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 Article 11(4) thereof,

After informing the Member States,

Whereas:

1. REQUEST

- (1) The European Commission ('Commission') has received a request for a 'new exporter' review pursuant to Article 11(4) of the basic Regulation.
- (2) The request was lodged on 4 January 2014 by Juancheng Kangtai Chemical Co. Ltd ('the applicant'), an exporting producer in the People's Republic of China ('PRC') of trichloroisocyanuric acid.

2. PRODUCT

- (3) The product under review is trichloroisocyanuric acid and preparations thereof (TCCA), also referred to as 'symclosene' under the international non-proprietary name (INN), currently falling within CN codes ex 2933 69 80 and ex 3808 94 20 (TARIC codes 2933 69 80 70 and 3808 94 20 20), and originating in the PRC ('the product under review').

3. EXISTING MEASURES

- (4) The measures currently in force are a definitive anti-dumping duty imposed by Council Implementing Regulation (EU) No 1389/2011 ⁽²⁾ under which imports into the Union of the product under review originating in the PRC, including the product produced by the applicant, are subject to a definitive anti-dumping duty of 42,6 % with the exception of several companies specially mentioned in Article 1(2) of that Regulation which are subject to individual duty rates.

4. GROUNDS

- (5) The applicant claims that it did not export the product under review to the Union during the period of investigation on which the anti-dumping measures were based, i.e. the period from 1 April 2003 to 31 March 2004 ('the original investigation period').
- (6) Furthermore, the applicant claims that it is not related to any of the exporting producers of the product under review which are subject to the above-mentioned anti-dumping measures.
- (7) The applicant further claims that it has begun exporting the product under review to the Union after the end of the original investigation period.

5. PROCEDURE

- (8) Union producers known to be concerned have been informed of the request for a review and have been given an opportunity to comment.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 346, 30.12.2011, p. 6.

- (9) Having examined the evidence available, the Commission concludes that there is sufficient evidence to justify the initiation of a 'new exporter' review, pursuant to Article 11(4) of the basic Regulation, with a view to determine the applicant's individual margin of dumping and, should dumping be found, the level of the duty to which its imports of the product under review into the Union shall be subject.
- (10) If it is determined that the applicant fulfils the requirements to have an individual duty established, it may be necessary to amend the rate of duty currently applicable to imports of the product under review from companies not individually mentioned in Article 1(2) of Implementing Regulation (EU) No 1389/2011.

(a) Questionnaires

- (11) In order to obtain information it deems necessary for its investigation, the Commission will send a questionnaire to the applicant.

(b) Collection of information and holding of hearings

- (12) All interested parties are hereby invited to make their views known in writing and to provide supporting evidence.
- (13) Furthermore, the Commission may hear interested parties, provided that they make a request in writing showing that there are particular reasons why they should be heard.

(c) Selection of the market economy country

- (14) Since the applicant expressly waived the right to claim that market economy conditions prevail for it, normal value shall be determined on the basis of Article 2(7)(a) of the basic Regulation. Therefore, an appropriate market economy country will be used for the purpose of establishing normal value in respect of the PRC. The Commission envisages using Japan again for this purpose as was done in the investigation which led to the imposition of measures on imports of the product under review from the PRC. Interested parties are hereby invited to comment on the appropriateness of this choice within the specific time limit set in Article 4(3) of this Regulation. According to the information available to the Commission, other market economy suppliers of the Union may be located, inter alia, in Switzerland, Malaysia and Indonesia. The Commission will examine whether there is production and sales of the product under investigation in those market economy third countries for which there are indications that production of the product under investigation is taking place.

6. REPEAL OF THE DUTY IN FORCE AND REGISTRATION OF IMPORTS

- (15) Pursuant to Article 11(4) of the basic Regulation, the anti-dumping duty in force should be repealed with regard to imports of the product under review which are produced and sold for export to the Union by the applicant. At the same time, such imports should be made subject to registration in accordance with Article 14(5) of the basic Regulation, in order to ensure that, should the review result in a finding of dumping in respect of the applicant, anti-dumping duties can be levied retroactively to the date of the initiation of the review. The amount of the applicant's possible future liabilities cannot be estimated at this stage of the proceeding.

7. TIME-LIMITS

- (16) In the interest of sound administration, time-limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit any information to be taken into account during the investigation,
 - interested parties may make a written request to be heard by the Commission,
 - interested parties may comment on the appropriateness of Japan which is envisaged as a market-economy country for the purpose of establishing normal value,
 - Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the time-limits indicated in Article 4 of this Regulation.

8. COMMUNICATION WITH INTERESTED PARTIES

- (17) Interested parties are invited to make all submissions and requests by e-mail including scanned powers of attorney and certification sheets, with the exception of voluminous replies which shall be submitted on a CD-ROM or DVD by hand or by registered mail. Their use of e-mail will constitute an agreement for the communication by e-mail and acceptance of the rules specified in the communication instructions with interested parties which are published on the website of the Directorate-General for Trade: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf. The interested parties must indicate their name, address, telephone and a valid e-mail address and they should ensure that the provided e-mail address is a functioning official business e-mail which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by e-mail only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions by e-mail, interested parties should consult the communication instructions with interested parties referred to above.
- (18) All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis must be labelled as 'Limited' and, in accordance with Article 19(2) of Regulation (EC) No 1225/2009, must be accompanied by a non-confidential version, which must be labelled 'For inspection by interested parties'.

Commission's address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: N105 8/21
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
E-mail: trade-tcca-review-bis@ec.europa.eu

9. NON-COOPERATION

- (19) In cases in which any interested party refuses access to or does not provide the necessary information within the time-limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (20) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of facts available.
- (21) If an interested party does not cooperate or cooperates only partially and findings are therefore based on the facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.
- (22) Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

10. SCHEDULE OF THE INVESTIGATION

- (23) The investigation will be concluded, pursuant to Article 11(5) of the basic Regulation, within nine months of the date of initiation of this review.

11. PROCESSING OF PERSONAL DATA

- (24) It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

12. HEARING OFFICER

- (25) Interested parties may request the intervention of the Hearing Officer of the Directorate-General for Trade. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time-limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested party's rights of defence are being fully exercised. The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered.
- (26) A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted within 15 days of the date of entry into force of this Regulation. Thereafter, a request to be heard must be submitted within specific deadlines set by the Commission in its communication with the parties.
- (27) For further information and contact details interested parties may consult the Hearing Officer's web pages on the Directorate-General for Trade's website: http://ec.europa.eu/commission_2010-2014/degucht/contact/hearing-officer,

HAS ADOPTED THIS REGULATION:

Article 1

A review of Implementing Regulation (EU) No 1389/2011 is hereby initiated pursuant to Article 11(4) of Regulation (EC) No 1225/2009 in order to determine if and to what extent the imports of trichloroisocyanuric acid and preparations thereof, also referred to as 'symclosene' under the international non-proprietary name (INN), currently falling within within CN codes ex 2933 69 80 and ex 3808 94 20 (TARIC codes 2933 69 80 70 and 3808 94 20 20), originating in the People's Republic of China, produced and sold for export to the Union by Juancheng Kangtai Chemical Co. Ltd (TARIC additional code A101) should be subject to the anti-dumping duty imposed by Implementing Regulation (EU) No 1389/2011.

Article 2

The anti-dumping duty imposed by Implementing Regulation (EU) No 1389/2011 is hereby repealed with regard to the imports identified in Article 1 of the present Regulation.

Article 3

The Customs authorities are hereby directed, pursuant to Article 11(4) and Article 14(5) of Regulation (EC) No 1225/2009, to take the appropriate steps to register the imports into the Union identified in Article 1 of this Regulation.

Registration shall expire nine months following the date of entry into force of this Regulation.

Article 4

1. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit a reply to the questionnaire indicated in recital 11 of this Regulation or any information to be taken into account within 37 days from the date of the entry into force of this Regulation, unless otherwise specified.

2. Interested parties may request to be heard by the Commission investigation services. Any request to be heard must be made in writing and must specify the reasons for the request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted within 15 days of the date of entry into force of this Regulation. Thereafter, a request to be heard must be submitted within the specific deadlines set by the Commission in its communication with the parties.

3. Parties to the investigation wanting to comment on the appropriateness of Japan, which is envisaged as a market-economy third country for the purpose of establishing normal value in respect of the People's Republic of China, must submit their comments within 10 days of the date of entry into force of this Regulation.

Article 5

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, 30 June 2014.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 728/2014**of 30 June 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, 30 June 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	MK	66,2
	TR	93,2
	XS	59,1
	ZZ	72,8
0707 00 05	MK	32,3
	TR	74,4
	ZZ	53,4
0709 93 10	TR	107,8
	ZZ	107,8
0805 50 10	AR	116,6
	BO	136,6
	TR	125,4
	UY	127,1
	ZA	124,5
	ZZ	126,0
	0808 10 80	AR
	BR	85,0
	CL	101,3
	NZ	131,2
	US	144,9
	ZA	134,3
	ZZ	116,9
0809 10 00	TR	215,5
	ZZ	215,5
0809 29 00	TR	370,4
	ZZ	370,4
0809 30	XS	54,4
	ZZ	54,4

⁽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'.

DIRECTIVES

COMMISSION DIRECTIVE 2014/84/EU

of 30 June 2014

amending Appendix A of Annex II to Directive 2009/48/EC of the European Parliament and of the Council on the safety of toys, as regards nickel

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys ⁽¹⁾, and in particular Article 46(3) thereof,

Whereas:

- (1) Directive 2009/48/EC establishes general requirements for substances which are classified as carcinogenic, mutagenic or toxic for reproduction (CMR) under Regulation (EC) No 1272/2008 of the European Parliament and of the Council ⁽²⁾. CMR substances category 2 may not be used in toys, in components of toys or in micro-structurally distinct parts of toys, except if those substances are contained in individual concentrations equal to or smaller than the relevant concentrations established for the classification of mixtures containing them as CMRs, they are inaccessible to children or their use has been permitted. The Commission may permit the use of CMR substances category 2 in toys if the use of the substance has been evaluated by the Scientific Committee and found to be safe, in particular in view of exposure, and the substance is not prohibited for use in consumer articles under Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽³⁾. Appendix A of Annex II to Directive 2009/48/EC contains the list of CMR substances and their permitted uses.
- (2) Nickel (CAS No 7440-02-0) is a typical metal. Its main primary uses are in the production of nickel-containing alloys (including stainless steel), in nickel plating, in the production of nickel-containing products such as batteries and welding electrodes, and in the production of chemicals containing nickel. Nickel is also used in toys for its resistance to corrosion and its high electrical conductivity, for example in model railway tracks and for battery contacts.
- (3) Nickel is classified under Regulation (EC) No 1272/2008 as carcinogenic category 2. In the absence of any specific requirements, nickel can be contained in toys in concentrations equal to or smaller than the relevant concentration established for the classification of mixtures containing it as CMRs, namely 1 %.
- (4) Nickel was comprehensively evaluated under Council Regulation (EEC) No 793/93 ⁽⁴⁾. The 2008 European Union Risk Assessment Report (EU RAR) ⁽⁵⁾ concluded that, with regard to the occupational assessment regarding carcinogenicity, there was a need for further studies to evaluate the inhalation carcinogenicity of nickel. The 2009 Addendum ⁽⁶⁾ to the EU RAR, prepared for the purpose of the transitional measures under Regulation (EC) No 1907/2006, concluded that no further measures at Union level were required, as the results from the two-year carcinogenicity study with inhalation exposure of rats to metallic nickel did not point towards a revision of the existing carcinogenicity classification.

⁽¹⁾ OJ L 170, 30.6.2009, p. 1.

⁽²⁾ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

⁽³⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

⁽⁴⁾ Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances (OJ L 84, 5.4.1993, p. 1).

⁽⁵⁾ <http://echa.europa.eu/documents/10162/cefda8bc-2952-4c11-885f-342aac769b3>

⁽⁶⁾ http://echa.europa.eu/documents/10162/13630/nickel_denmark_en.pdf

- (5) Appendix A of Annex II to Directive 2009/48/EC already permits the use of nickel in stainless steel in toys, as nickel in stainless steel has proven to be safe regarding its carcinogenic properties.
- (6) To assess the risk to health from the presence of metallic nickel in electric toys (plating, coating and alloys enabling electrical conductivity), the Commission asked the Scientific Committee on Health and Environmental Risks (SCHER) for an opinion. SCHER notes in its opinion 'Assessment of the Health Risks from the Use of Metallic Nickel (CAS No 7440-02-0) in Toys', adopted on 25 September 2012, that a tumour risk due to nickel exposure when handling toys is not present since inhalation of metallic nickel from toys is extremely unlikely. SCHER further concludes that the use of nickel in parts of toys allowing the correct electric function of toys will result in a very low potential for exposure to nickel by oral and dermal intake, due to the restrictions on nickel release applicable to metal-containing parts in toys, the limited accessibility of the metal-containing parts and the small surface area of the nickel-containing parts allowing the correct function of electric toys. Thus, health risks are not expected by SCHER.
- (7) In accordance with point 5(c)(ii) of Part III of Annex II to Directive 2009/48/EC, the use of CMR substances category 2 cannot be permitted if the substance is prohibited for use in consumer articles under Regulation (EC) No 1907/2006. Entry 27 of Annex XVII to that Regulation only restricts the use of nickel in post assemblies which are inserted into pierced ears and other pierced parts of the human body, in articles intended to come into direct and prolonged contact with the skin and in articles intended to come into direct and prolonged contact with the skin where those have a non-nickel coating. The restrictions of entry 27 of Annex XVII to Regulation (EC) No 1907/2006 do not amount to a full ban for use in all consumer articles under that Regulation. This Directive should not affect the application of entry 27 of Annex XVII to Regulation (EC) No 1907/2006 to toys which are articles intended to come into direct and prolonged contact with the skin.
- (8) Directive 2009/48/EC should therefore be amended accordingly.
- (9) The measures provided for in this Directive are in accordance with the opinion of the Committee established in Article 47 of Directive 2009/48/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Appendix A of Annex II to Directive 2009/48/EC is replaced by the following:

'Appendix A

List of CMR substances and their permitted uses in accordance with points 4, 5 and 6 of Part III

Substance	Classification	Permitted use
Nickel	CMR 2	In toys and toy components made of stainless steel. In toy components which are intended to conduct an electric current.'

Article 2

1. Member States shall adopt and publish, by 1 July 2015 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 July 2015.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 30 June 2014.

For the Commission
The President
José Manuel BARROSO

DECISIONS

EUROPEAN COUNCIL DECISION

of 27 June 2014

proposing to the European Parliament a candidate for President of the European Commission

(2014/414/EU)

THE EUROPEAN COUNCIL,

Having regard to the Treaty on European Union, and in particular Article 17(7) thereof,

Whereas:

- (1) Article 17(7) of the Treaty on European Union provides that, taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council proposes to the European Parliament a candidate for President of the European Commission.
- (2) The elections to the European Parliament were held between 22 and 25 May 2014, in accordance with Council Decision 2013/299/EU, Euratom ⁽¹⁾.
- (3) In accordance with Declaration No 11 annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon, representatives of the European Parliament and of the European Council conducted the necessary consultations.
- (4) Therefore a candidate should be proposed to the European Parliament for President of the European Commission,

HAS ADOPTED THIS DECISION:

Article 1

Mr Jean-Claude JUNCKER is hereby proposed to the European Parliament as candidate for President of the European Commission.

Article 2

This Decision shall be forwarded to the European Parliament.

Article 3

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

Done at Brussels, 27 June 2014.

For the European Council
The President
H. VAN ROMPUY

⁽¹⁾ Council Decision 2013/299/EU, Euratom of 14 June 2013 fixing the period for the eighth election of representatives to the European Parliament by direct universal suffrage (OJ L 169, 21.6.2013, p. 69).

COUNCIL DECISION
of 24 June 2014
on the arrangements for the implementation by the Union of the solidarity clause
(2014/415/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first sentence of Article 222(3) thereof,

Having regard to the joint proposal of the European Commission and of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) This Decision concerns the implementation by the Union of Article 222 of the Treaty on the Functioning of the European Union (TFEU) ('the solidarity clause'). It does not concern the implementation by Member States of the solidarity clause pursuant to Article 222(2) TFEU. According to Declaration (No 37) on Article 222 of the Treaty on the Functioning of the European Union, a Member State can choose the most appropriate means to comply with its own solidarity obligation towards another Member State.
- (2) Pursuant to Article 222(1) TFEU, the Union and the Member States are to act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. Coherence and complementarity of Union and Member States' action should be sought, to the benefit of any Member State invoking the solidarity clause and to avoid duplication of efforts. Given that Member States are to coordinate between themselves in the Council in order to comply with their own solidarity obligations pursuant to Article 222(2) TFEU, it is appropriate to have arrangements for coordination in the Council in respect of the implementation by the Union of the solidarity clause.
- (3) Arrangements for coordination in the Council should rely on the EU Integrated Political Crisis Response (IPCR) Arrangements, approved by the Council on 25 June 2013, which state that the IPCR is also to support the arrangements for the implementation of the solidarity clause. It is appropriate that the Council adapts the IPCR arrangements, in particular in the case of a review.
- (4) The implementation of the solidarity clause by the Union should rely on existing instruments to the extent possible, should increase effectiveness by enhancing coordination and avoiding duplication, should function on the basis of no additional resources, should provide a simple and clear interface at Union level to Member States, and should respect the competences conferred upon each Union institution and service.
- (5) The solidarity clause calls for the Union to mobilise all the instruments at its disposal. Relevant instruments include the European Union Internal Security Strategy, the European Union Civil Protection Mechanism established by Decision No 1313/2013/EU of the European Parliament and the Council ⁽¹⁾ ('the Union Mechanism'), Decision No 1082/2013/EU of the European Parliament and of the Council ⁽²⁾ and the structures developed in the framework of the Common Security and Defence Policy (CSDP).
- (6) The scope of the arrangements for the implementation by the Union of the solidarity clause should be clearly defined.
- (7) As regards the fight against terrorism, the strategic framework for Union action is the European Union Counter-Terrorism Strategy. Various instruments are in place, such as instruments strengthening the protection of critical infrastructures in energy and transport ⁽³⁾. Actions have also been taken following the Commission's Communication entitled 'The EU Counter-Terrorism Policy: main achievements and future challenges', for instance actions enhancing the cooperation between law enforcement authorities, reinforcing the prevention of radicalisation, in

⁽¹⁾ Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924).

⁽²⁾ Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC (OJ L 293, 5.11.2013, p. 1).

⁽³⁾ As identified in Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection (OJ L 345, 23.12.2008, p. 75).

particular through the setting up of the Radicalisation Awareness Network, and limiting the access of terrorists to funds as well as to explosives ⁽¹⁾ and chemical, biological, radiological and nuclear materials, as well as actions enhancing the security of explosives.

- (8) An invocation mechanism and a phasing-out mechanism for the arrangements under this Decision should be defined at Union level, based on a high-level political request from the Member State concerned and supported by a single entry point at Union level.
- (9) Response arrangements at Union level should improve effectiveness through strengthened coordination, building on existing instruments.
- (10) The Union Mechanism aims to strengthen cooperation between the Member States and the Union and to facilitate coordination in the field of civil protection. Decision No 1313/2013/EU established the Emergency Response Co-ordination Centre (the 'ERCC') that is to ensure 24/7 operational capacity and serve the Member States and the Commission in pursuit of the objectives of the Union Mechanism.
- (11) The European External Action Service (EEAS) has at its disposal structures with intelligence and military expertise, as well as the network of Delegations that may also contribute in the response to threats or disasters in the territory of Member States or to crises having an external dimension. Depending on the crisis, other structures and Union agencies in the field of Common Foreign and Security Policy (CFSP) including the CSDP should provide, as appropriate, contributions in line with relevant provisions of Union law.
- (12) Where necessary and practicable in view of urgency, the response arrangements at Union level should be complemented by the adoption of legal acts or the amendment of existing acts in accordance with the relevant provisions of the Treaties.
- (13) This Decision will have no defence implications. In the event that a crisis requires CFSP or CSDP action, a decision should be taken by the Council in accordance with the relevant provisions of the Treaties.
- (14) This Decision is without prejudice to Article 42(7) of the Treaty on European Union.
- (15) The Commission Communication entitled 'EU Internal Security Strategy in Action: Five steps towards a more secure Europe' set the objective of increasing the Union's resilience to crises and disasters through a number of actions, including by making full use of the solidarity clause. As recalled by the Council in its Conclusions of 24 and 25 February 2011, increasing Europe's resilience to crises and disasters is crucial in further strengthening freedom, security and justice in the Union.
- (16) The European Council is to regularly assess the threats facing the Union in order to enable the Union and its Member States to take effective action. Upon request from the European Council, reports on specified threats should be produced.
- (17) In accordance with point (a) of Article 346(1) TFEU, no Member State is to be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security.
- (18) On 22 November 2012, the European Parliament adopted resolution 2012/2223, entitled 'EU's mutual defence and solidarity clauses: political and operational dimensions'.
- (19) This Decision respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, and it should be applied in accordance with those rights and principles.
- (20) Since the objective of this Decision, namely implementation by the Union of the solidarity clause, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective,

⁽¹⁾ Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors (OJ L 39, 9.2.2013, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

General objective and subject matter

1. This Decision lays down rules and procedures for the implementation by the Union of Article 222 TFEU ('the solidarity clause').
2. In order to ensure coherence and complementarity of Union and Member State action, coordination at political level of the response to the invocation of the solidarity clause shall be carried out by the Council, using the IPCR arrangements. Support to the operation of the IPCR arrangements shall be provided by the General Secretariat of the Council (GSC), the Commission and the EEAS.
3. Arrangements at Union level shall be based upon existing mechanisms in the Council, the Commission, the EEAS and Union agencies to provide information and support. Where relevant, the High Representative of the Union for Foreign Affairs and Security Policy (HR) and the EEAS shall contribute by taking initiatives and providing relevant information and support within the HR's area of competence.
4. Relevant Union instruments and the IPCR arrangements shall follow their own procedures and may be active before the invocation and after the phasing out of the response under this Decision.
5. The arrangements pursuant to this Decision shall improve efficiency through enhanced coordination between Union and Member State responses.

Article 2

Scope

1. In the event of a terrorist attack or a natural or man-made disaster, irrespective of whether it originates inside or outside the territory of the Member States, this Decision shall apply:
 - (a) within the territory of Member States to which the Treaties apply, meaning land area, internal waters, territorial sea and airspace;
 - (b) when affecting infrastructure (such as off-shore oil and gas installations) situated in the territorial sea, the exclusive economic zone or the continental shelf of a Member State.

When having recourse to the arrangements under this Decision, and notably when mobilising the instruments at its disposal, the Union shall be bound by international law and shall not encroach upon the rights of non-Member States.

2. This Decision has no defence implications.

Article 3

Definitions

For the purposes of this Decision, the following definitions apply:

- (a) 'disaster' means any situation which has or may have a severe impact on people, the environment or property, including cultural heritage;
- (b) 'terrorist attack' means a terrorist offence as defined in Council Framework Decision 2002/475/JHA ⁽¹⁾;
- (c) 'crisis' means a disaster or terrorist attack of such a wide-ranging impact or political significance that it requires timely policy coordination and response at Union political level;
- (d) 'response' means any action taken in the event of a disaster or a terrorist attack to address its immediate adverse consequences.

⁽¹⁾ Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (OJ L 164, 22.6.2002, p. 3).

*Article 4***Invocation of the solidarity clause**

1. In the event of a disaster or terrorist attack, the affected Member State may invoke the solidarity clause if, after having exploited the possibilities offered by existing means and tools at national and Union level, it considers that the crisis clearly overwhelms the response capabilities available to it.
2. The political authorities of the affected Member State shall address their invocation to the Presidency of the Council. The invocation shall also be addressed to the President of the European Commission through the ERCC.

*Article 5***Response arrangements at Union level**

1. Once the solidarity clause has been invoked, the Council shall ensure the political and strategic direction of the Union response to the invocation of the solidarity clause, taking full account of the Commission's and the HR's competences. To that end, the Presidency of the Council shall activate the IPCR arrangements immediately if not already in use, and thus inform all Member States of the solidarity clause invocation.
2. At the same time, and in accordance with Article 1(3), the Commission and the HR shall:
 - (a) identify all relevant Union instruments that can best contribute to the response to the crisis, including sector-specific, operational, policy or financial instruments and structures and take all necessary measures provided under those instruments;
 - (b) identify military capabilities that can best contribute to the response to the crisis with the support of the EU Military Staff;
 - (c) identify and propose the use of instruments and resources falling within the remit of Union agencies that can best contribute to the response to the crisis;
 - (d) advise the Council on whether existing instruments are sufficient means to assist the affected Member State following the invocation of the solidarity clause;
 - (e) produce regular integrated situational awareness and analysis reports to inform and support the coordination and decision-making at political level in the Council, in accordance with Article 6 of this Decision.
3. Where appropriate, and in accordance with Article 1(3), the Commission and the HR shall submit proposals to the Council, in particular concerning:
 - (a) decisions on exceptional measures not foreseen by existing instruments;
 - (b) requests for military capabilities going beyond the existing arrangements on civil protection; or
 - (c) measures in support of a swift response by Member States.
4. Making use of the IPCR arrangements, the Presidency of the Council shall ensure coherence of the handling in the Council and of the overall response at Union political level, including as concerns the development and update of proposals for action, while respecting the right of initiative of the Commission and HR within their areas of competence. In doing so, the Presidency shall be supported and advised by the GSC, the Commission and the EEAS, and, in the event of terrorist attacks, by the EU Counter Terrorism Coordinator. Depending on the crisis, structures and Union agencies in the field of CFSP/CSDP shall provide, as appropriate, contributions in line with the relevant provisions of Union law.
5. The Presidency of the Council will inform the President of the European Council and the President of the European Parliament of the invocation of the solidarity clause and of any major developments.
6. Upon invocation of the solidarity clause, the ERCC shall act as the central 24/7 contact point at Union level with Member States' competent authorities and other stakeholders, without prejudice to existing responsibilities within the Commission and the HR and to existing information networks. The ERCC will facilitate the production of Integrated Situational Awareness and Analysis (ISAA) reports, in collaboration with the EU Situation Room and other Union crisis centres, in accordance with Article 6 of this Decision.

*Article 6***Integrated Situational Awareness and Analysis reports**

ISAA reports shall be tailored to the needs of the Union political level as defined by the Presidency of the Council, and shall allow for a strategic overview of the situation within the Council, in accordance with the IPCR arrangements. Such reports shall bring together validated contributions voluntarily made available by Member States, the Commission, the EEAS and by the relevant Union agencies, as well as by relevant international organisations. In the event of an invocation regarding a terrorist attack, intelligence assessments and briefings shall be handled separately through existing channels.

*Article 7***Phasing out**

The phasing out of the response under this Decision shall follow the same procedure as that provided for in Article 4(2). The Member State having invoked the solidarity clause shall indicate as soon as it considers that there is no longer a need for the invocation to remain active.

*Article 8***Threat assessment at Union level**

1. In order to regularly assess the threats facing the Union, the European Council may request the Commission, the HR and Union agencies, where relevant, to produce reports on specified threats.
2. Unless otherwise stipulated by the European Council, any such reports shall be based solely on available assessments of threats compiled by relevant Union institutions, bodies and agencies under existing arrangements, and on information provided voluntarily by the Member States, while avoiding duplication of efforts. The EU Counter Terrorism Coordinator shall be associated with the preparation of such reports where relevant. In accordance with point (a) of Article 346(1) TFEU, no Member State shall be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security.

*Article 9***Review**

1. The arrangements under this Decision shall be reviewed periodically according to identified needs, and in any event within 12 months following the termination of the invocation to ensure that relevant lessons are identified and addressed. This review shall be carried out in the Council on the basis of a joint report prepared by the Commission and the HR.
2. Where appropriate, this Decision may be revised. In such cases, and in accordance with Article 222(3) TFEU, the Council shall be assisted by the Political and Security Committee and the Standing Committee on Operational Cooperation on Internal Security.
3. Where appropriate, the Council may adapt the IPCR arrangements, in particular to address needs identified by the Council in the context of a review or following a revision of this Decision.

*Article 10***Financial Implications**

Any financial resources necessary for the implementation of this Decision shall be mobilised within the agreed annual expenditure limits and in accordance with the scope of existing Union instruments, while respecting the yearly multi-annual financial framework ceilings.

*Article 11***Entry into force**

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

Done at Luxembourg, 24 June 2014.

For the Council
The President
E. VENIZELOS

COMMISSION DECISION**of 9 April 2014****on State aid scheme SA.23257 (12/C) (ex NN 8/10, ex CP 157/07) implemented by France (inter-branch agreement concluded under the auspices of the French Association for developing the horticultural and landscaping sectors and their products — ‘Val’Hor’)***(notified under document number C(2014) 2223)***(Only the French text is authentic)**

(2014/416/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular the first subparagraph of Article 108(2) thereof,

Having called on interested parties to submit their comments pursuant to that Article, and having regard to those comments,

Whereas:

I. PROCEDURE

- (1) By letter of 9 May 2007 the Commission received a complaint concerning the extension of the interbranch agreement concluded under the auspices of the French Association for developing the horticultural and landscaping sectors and their products (‘Val’Hor’). The case was registered under No CP 157/07. On 4 February 2010, this measure was listed under No NN 8/10 as non-notified State aid.
- (2) In connection with complaint CP 157/07, the Commission received comments from the complainant on 26 October 2009 and 16 May 2011.
- (3) By letters of 13 July 2007, 10 December 2007, 26 June 2008, 22 February 2010, 16 December 2010 and 13 October 2011 the Commission asked the French authorities to provide additional information regarding possible State aid in the horticulture sector. France sent that information by letters of 17 October 2007, 7 April 2008, 1 September 2008, 2 April 2010, 22 February 2011 and 15 November 2011.
- (4) By Decision C(2011) 10053 of 11 January 2012 the Commission initiated the procedure provided for in Article 108(2) of the TFEU.
- (5) The Commission’s decision to initiate the procedure was published in the *Official Journal of the European Union* ⁽¹⁾. The Commission asked interested parties to submit their comments on the measure in question.
- (6) The Commission received comments from interested parties. The Commission forwarded them to France, giving France the opportunity to comment on them.
- (7) By e-mail of 20 January 2012 the Permanent Representation of France to the European Union forwarded to the Commission a letter from the French authorities requesting an additional period of one month in which to submit their comments on the initiation of the procedure. That extension was granted by fax of 26 January 2012.
- (8) By e-mail of 14 March 2012 the Permanent Representation of France to the European Union forwarded the French authorities’ comments on the initiation of the procedure provided for in Article 108(2) of the TFEU.
- (9) By e-mail of 10 July 2012 the Permanent Representation of France to the European Union forwarded the French authorities’ response to the comments submitted by interested parties.

⁽¹⁾ OJ C 66, 6.3.2012, p. 32.

II. DESCRIPTION

PRESENTATION OF THE INTERBRANCH ORGANISATION 'VAL'HOR'

- (10) The French Association for developing the horticultural and landscaping sectors and their products ('Val'Hor') is a recognised interbranch organisation within the horticultural sector in France. Its structure and operation are regulated by Articles L. 631-1 et seq. of the Rural Code.
- (11) The association 'Val'Hor' was set up in 1997 and recognised by the public authorities as a national interbranch organisation, within the meaning of Article L.632-1 of the French Rural Code, for the horticultural and landscaping sector on 13 August 1998. Its Articles of Association were approved at a General Meeting on 25 March 2004.
- (12) 'Val'Hor', like other recognised interbranch organisations, is able to conclude agreements and collect, from all the members of the trades constituting the organisation, voluntary contributions intended to fund those agreements. Those agreements may be made compulsory by Interministerial Decree ('extended' agreements) for all operators in the sector, whether or not they are members of the interbranch organisation 'Val'Hor' subject to the conditions laid down by the French Rural Code. The Rural Code authorises the extension of the agreements only where they are directed towards 'a common interest' based on measures 'in accordance with the general interest and compatible with the rules of the common agricultural policy' (cf. Article L.632-3 of the Rural Code).
- (13) On 12 November 2004 'Val'Hor' adopted the interbranch funding agreement, which was amended by amendment No 1 of 14 September 2006. Article II of that agreement lays down that each member, whether a natural or legal person, of a trade represented within the interbranch organisation 'Val'Hor' is liable to pay an annual contribution.
- (14) The interbranch funding agreement concluded under the auspices of 'Val'Hor' was extended for the first time on 12 April 2005 by Decree of the Ministry of Agriculture, Food, Fisheries and Rural Areas, published in the Official Journal of the French Republic on 12 May 2005, for a one-year period. The agreement was extended for the second time for a one-year period by Decree of 16 November 2006, published in the Official Journal of the French Republic on 8 December 2006.
- (15) By Decree of 31 March 2008, published in the Official Journal of the French Republic on 11 April 2008, the provisions of the interbranch agreement of 21 February 2008 were extended for the period 1 July 2007 to 30 June 2008 to all the members of the trades making up the association. By Decree of 16 September 2008, published in the Official Journal of the French Republic on 25 September 2008, the provisions of the interbranch agreement of 22 July 2008 were extended until 30 June 2010. By Decree of 27 May 2010, published in the Official Journal of the French Republic on 8 June 2010, the provisions of the interbranch agreement of 22 July 2008 were extended for the 1 July 2010 to 30 June 2011 marketing year. Lastly, by Decree of 3 October 2011, published in the Official Journal of the French Republic on 15 October 2011, the provisions of the interbranch agreement of 12 September 2011 were extended until 30 June 2014.
- (16) According to the information submitted by the French authorities on 17 October 2007, the compulsory voluntary contribution (*sic*) introduced for businesses in the ornamental-plant sector originating from horticulture and nurseries and the landscaping sector was intended to make it possible to implement the measures and provide the means needed to collectively promote horticulture, floristry and landscaping, their products and trades on internal and external markets; knowledge of supply, demand and market mechanisms; improving market operation, control and transparency; product quality; organising and improving interbranch practices and relations in the sector; carrying out training, applied-research, experimentation and development programmes; and the association's operation.

THE STATE'S ROLE

- (17) By Decree of 13 August 1998 the French State recognised 'Val'Hor' as an interbranch organisation within the meaning of Article L.632-1 of the French Rural Code.
- (18) The operation, tasks and composition of 'Val'Hor' are governed by its Articles of Association. So that this interbranch organisation could be recognised, the relevant authorities had to check that various criteria were met, in particular that the Articles of Association complied with the law (Article L.632-1 of the Rural Code), and that the organisations concerned making up 'Val'Hor' were representative and complied with national and Community policy objectives. Its existence, tasks and operation are governed by Articles L. 631-1 et seq. of the Rural Code.

- (19) According to the French authorities, until 2007 the compulsory voluntary contributions (*sic*) paid by the members of the trades brought together in 'Val'Hor' were the interbranch organisation's only funding. Although 'Val'Hor' is a private-law legal entity funded by contributions from the sector concerned, operating the compulsory voluntary contributions (*sic*) system requires State intervention. A Decree or a Ministerial Decree is therefore needed in order to make the compulsory voluntary contributions (*sic*) mandatory for the whole interbranch organisation.
- (20) 'Val'Hor' may be consulted regarding the guidelines and measures falling under the sectoral policies relating to it (Article L. 632-2-1 of the Rural Code).

NATIONAL LEGAL BASIS

- (21) Rural Code, sixth Volume, Title III (Articles L. 631-1 to L. 632-13). Interministerial Decrees on extending the interbranch agreements (see points 13-14); interbranch agreements (see points 10-12).

THE MEASURE

- (22) The income from the compulsory voluntary contribution (*sic*) is used to carry out measures for the benefit of the horticultural sector, measures which may be placed in the following three categories: promotion measures, research and development measures and technical assistance measures.
- (23) The French authorities maintain that the funding is never intended to cover expenditure by businesses in any sector, but only collective operations.

III. GROUNDS FOR FORMALLY INITIATING THE INVESTIGATION PROCEDURE

- (24) The Commission initiated the procedure provided for in Article 108(2) of the TFEU because it considered that the contributions collected constituted para-fiscal charges, i.e. public funding, and that the interbranch organisations' measures were chargeable to the State. The Commission based itself in particular on its interpretation of the 'Pearle' judgment⁽¹⁾, and considered that the measure did not satisfy all the conditions stipulated by the Court in that case, in particular because government approval in the form of recognising the interbranch organisation constituted a precondition for introducing contributions and that, in order to have full effect⁽²⁾, the contributions themselves required a public-authority instrument (the Interministerial Decree).

IV. THE FRENCH AUTHORITIES' COMMENTS ON FORMALLY INITIATING THE PROCEDURE

- (25) In their letter forwarded by e-mail on 14 March 2012 the French authorities challenged the position adopted by the European Commission, which considered that the measures taken by 'Val'Hor' by means of the revenue from the compulsory voluntary contributions (*sic*) are chargeable to the State and funded by State resources within the meaning of Article 107(1) of the TFEU.
- (26) According to the French authorities, the measures taken by the interbranch organisation in question comply with the Pearle judgment's requirements and do not therefore constitute State aid. The association 'Val'Hor' is a private-law legal entity governed by the Law of 1 July 1901 on contracts of association. It set itself up freely on 28 May 1997 at the instigation of the organisations most representative of the production, marketing and development of ornamental plants from the horticultural and landscaping sectors. Pursuant to Article L. 632-1 of the Rural Code, the association was recognised by Decree of 13 August 1998, published in the Official Journal of the French Republic on 3 September 1998. In order to grant that recognition, the administrative authority confined itself to verifying that the branch organisations which formed the basis for setting up 'Val'Hor' are representative and that the interbranch organisation's purpose is to carry out collective measures in the economic interest of the sector's private businesses.

⁽¹⁾ Judgment of 15 July 2004, Case C-345/02.

⁽²⁾ Judgement of 20 September 2007, Case T-136/05, Commission/Salvat.

- (27) The French authorities added that, pursuant to Articles L. 632-3 and L. 632-6 of the Rural Code, the interbranch agreements concluded by 'Val'Hor' on the basis of unanimity among its constituent branch organisations may be made compulsory for all the people working in the sector and funded by the compulsory voluntary contributions (*sic*), where they provide for common measures or are directed at a common interest. The administrative authority confines itself to checking that the agreement complies with the national and European rules and that the revenue collected from the compulsory voluntary contributions (*sic*) duly funds the measures laid down by the interbranch organisation itself for the benefit of the whole sector. Thus the administrative authority does not play any part in setting up, organising or operating 'Val'Hor'. 'Val'Hor' therefore has the utmost latitude as regards determining the interbranch measures which it wishes to carry out.
- (28) The French authorities therefore concluded that the interbranch measures which 'Val'Hor' carries out do not serve as instruments for implementing a State policy, because at no stage does the State have the power to direct the use of the compulsory voluntary contributions (*sic*) in order to fund those measures.
- (29) Regarding the Commission's position on the extent to which the compulsory voluntary contributions (*sic*) and the use of the revenue which they generate involves discrimination against exported or imported products, and on the question of whether that mode of funding does not risk adversely affecting competition among the Member States, the French authorities pointed out that, to the extent that the basis for assessing the contributions set by the interbranch organisation 'Val'Hor' depends solely on the firm's area or number of employees, compulsory voluntary contributions (*sic*) are not charged on imported or exported products. Funding interbranch measures by means of the compulsory voluntary contributions (*sic*) therefore does not give rise to any discrimination between national products and imported or exported products and does not cause any distortion of competition.
- (30) Lastly, the French authorities pointed out that in any case, in so far as the compulsory voluntary contributions (*sic*) are not levied on imported products, they consider that the measures which they fund fall within the scope of Commission Decision C(2008) 7846 of 10 December 2008 by which the latter acknowledges that the notified aid scheme is compatible with the internal market.

V. INTERESTED PARTIES' COMMENTS ON THE INITIATION OF THE PROCEDURE

- (31) On 4 April 2012 the Commission received an interested third party's comments on the initiation of the procedure.
- (32) In those comments, the interested party questions the setting-up of systems in which the interbranch organisation 'Val'Hor' would not only initiate, but also lay down the rules for and collect payments. These questions stem from reading the interbranch organisation's Articles of Association, which laid down detailed rules on trade-union representation by restricting access to the interbranch organisation solely to those representing a minority of fairly large businesses.
- (33) On 5 April 2012 the Commission received a second interested party's comments on the initiation of the procedure.
- (34) In those comments, the interested party fully agrees with the Commission's analysis regarding the qualification of the compulsory voluntary contributions (*sic*) and considers that they are contrary to Article 110 of the TFEU. The interested party draws the Commission's attention to the totally unlawful nature of the compulsory voluntary contributions (*sic*) and the national courts' role as regards penalising that unlawfulness, specifically by recognising the right to full reimbursement of the compulsory voluntary contributions (*sic*) paid.
- (35) On 6 April 2012 the Commission received a third interested party's comments on the initiation of the procedure.
- (36) In those comments, the interested party disputes the Commission's analysis and considers that the measures taken by 'Val'Hor' are attributable to the State and that its resources should be treated in the same way as State resources because the State monitors compliance only with the law and not with the policies implemented by the interbranch organisation.
- (37) By letter of 10 July 2012 the French authorities commented on the interested third parties' comments, concluding that the latter comments do not call into question the French authorities' comments to the Commission.

VI. ASSESSMENT

- (38) By way of introduction, the Commission notes that some of the horticultural advertising or promotion measures at issue here have been funded by subsidies from France-Agrimer ('FAM') under aid schemes notified to the Commission with the numbers N 671/07 and XA 220/07 (the latter number corresponding to exempted aid). This Decision is without prejudice to the appraisal already made regarding the State-aid nature of those subsidies. By the same token, this Decision will not give a ruling on the nature of aid to the sector comprising possible subsidies not allocated to a specific measure but paid into the budget of the 'Val'Hor' interbranch organisation.
- (39) The Commission will therefore confine itself hereinafter to examining whether funding the measures in question by means of compulsory voluntary contributions (*sic*) constitutes State aid.

VI.1. Existence of aid

- (40) Article 107(1) of the TFEU states that 'any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the internal market'.
- (41) Therefore, in order to qualify as State aid, the measures examined must be attributable to the State and funded by State resources.
- (42) As regards the interbranch system and the nature of the compulsory voluntary contributions (*sic*), in order to be able to determine whether the contributions may constitute State resources, the Commission has examined the measure in question, *inter alia*, in the light of the Court's judgment of 30 May 2013 in Case C-677/11 'Doux Élevage'.

The solution chosen by the Court in the 'Doux Élevage' judgment

- (43) In the 'Doux Élevage' case, the Court answered a question referred for a preliminary ruling on the interpretation of Article 107(1) of the TFEU and, more particularly, of the concept 'State resources' in cases involving voluntary contributions which have been made compulsory.
- (44) The Court delivered its judgment, concluding that a national authority's decision extending, to all those working in an agricultural sector, an agreement which, like the interbranch agreement principally at issue, introduces a contribution within the framework of an interbranch organisation recognised by the national authority and thus makes that contribution compulsory with a view to enabling the implementation of measures on communication, promotion, external relations, quality assurance, research and defending the interests of the sector concerned does not constitute State aid.
- (45) In its judgment, the Court considered that the contributions in question come from private economic operators which carry out an activity on the markets concerned, which means that this mechanism does not involve any direct or indirect transfer of State resources. The funds created by the payments do not pass via the State budget or via another public entity and the State does not relinquish any resources in any form whatsoever (such as taxes, charges, contributions or other), which, under national legislation, should have been paid into the State budget.
- (46) In the Court's view, the contributions at issue retain their private character throughout and the national authorities must not in fact use those resources mainly to support certain businesses. It is the interbranch organisations concerned which decide on the use of those resources, which are consequently entirely devoted to objectives determined by those organisations. Similarly, the resources are not constantly subject to public monitoring and are not available to the State authorities.
- (47) As regards the possible influence which the State may exercise over the interbranch organisation's operation by deciding to extend an interbranch agreement to cover all those working in a sector, the Court is of the opinion that this does not alter the above findings. Indeed, the Court has stressed that the rules in question do not confer on the relevant authority the power to direct or influence the funds' administration.

- (48) Moreover, under the case law of the relevant national courts, the provisions of the Rural Code governing the extension of an agreement introducing contributions in the context of an interbranch organisation do not authorise the public authorities to subject those contributions to a check other than one verifying correctness and compliance with the law. The public authorities act only as an 'instrument' in order to make compulsory the contributions introduced by interbranch organisations in order to pursue goals which they determine themselves. Moreover, the Court has stressed that private funds used by interbranch organisations do not become 'public resources' simply because they are used together with sums which may come from the public budget.
- (49) Also, the Court has stated that neither the State's power to recognise an interbranch organisation in accordance with Article L.632.1 of the Rural Code nor that State's power to extend an interbranch agreement to cover all those working in a sector in accordance with Articles L.632-3 and L.632-4 of that Code constitutes sufficient grounds for concluding that the measures taken by the interbranch organisation are attributable to the State.
- (50) In its initiation Decision, the Commission expressly based its assessment as to the presence of State aid, and more particularly as to the involvement of State resources and the measures' attributability to the State, on arguments which the Court refuted in the abovementioned 'Doux Élevage' judgment.

Applying the 'Doux Élevage' case law to the case at issue

- (51) Regarding the 'Val'Hor' interbranch organisation: As with the other interbranch organisations in France, the existence, tasks and operation of 'Val'Hor' are subject to recognition by a State authority. 'Val'Hor' nevertheless remains a private-law legal entity which does not form part of the public administration, as the State's role is confined to recognising 'Val'Hor' and extending the agreements which it is empowered to conclude, as is apparent from the information provided by the French authorities.
- (52) Regarding the compulsory voluntary contributions (*sic*) mechanism: Under Article L. 632-6 of the Rural Code, notwithstanding the contributions' compulsory character they remain private-law receivables. They do not pass via the State budget, nor via a public entity, nor via a fund monitored by the public authorities. Indeed, it is apparent from the Articles of the Rural Code that the State's role is confined to extending the agreements, while the interbranch organisation, in this case 'Val'Hor', remains responsible for setting the level of the contributions and determining the objectives for which they are to be used.
- (53) As regards the above-mentioned objectives which the interbranch organisations must achieve, in particular by means of the measures taken, in the 'Doux Élevage' Case the Court noted that Article L. 632-3 of the Rural Code states in a very general and non-exhaustive way the objectives which an interbranch agreement must promote in order to be extended by the public authority, and does not therefore make extending such an agreement subject to the pursuit of specific objectives set and defined by the State authorities.
- (54) It follows from the 'Doux Élevage' judgment that the national authorities must not in fact use the resources stemming from the contributions in question to support certain businesses. The interbranch organisation concerned decides how those resources are to be used; all of those resources are devoted to the objectives set by the interbranch organisation itself. By the same token, those resources are not constantly under public control and they are not at the State authorities' disposal. The rules in question do not confer on the relevant authority the power to direct or influence the funds' administration. As the Court also stated, the above findings are not altered by the possible influence which the State may exercise over the interbranch organisation's operation by deciding to extend an interbranch agreement to cover all those working in a sector.
- (55) As the Court stressed that private funds used by interbranch organisations do not become 'public resources' simply because they are used together with sums which may come from the public budget, the mere fact that some of the measures concerned are also funded by means of FAM subsidies does not mean that the compulsory voluntary contributions (*sic*) in question may be described as State resources in the absence of evidence according to which those subsidies would have allowed the State to carry out sufficient monitoring of the funds resulting from collecting the compulsory voluntary contributions (*sic*).
- (56) The Court has also stated that neither the State's power to recognise an interbranch organisation in accordance with Article L.632.1 of the Rural Code nor that State's power to extend an interbranch agreement to cover all those working in a sector in accordance with Articles L.632-3 and L.632-4 of that Code constitutes sufficient grounds for concluding that the measures taken by the interbranch organisation are attributable to the State.

- (57) For the reasons cited in the above recitals, the Commission considers that the funding of the measures in question carried out by the 'Val'Hor' interbranch organisation by means of compulsory voluntary contributions (*sic*) does not come from State resources and nevertheless (*sic*) does not constitute State aid.

VII. CONCLUSION

- (58) The outcome is that funding measures by means of compulsory voluntary contributions (*sic*) does not constitute State aid within the meaning of Article 107(1) of the TFEU,

HAS ADOPTED THIS DECISION:

Article 1

The funding of measures relating to promotion, advertising, technical assistance and research and development carried out by the 'Val'Hor' interbranch organisation by means of compulsory voluntary contributions (*sic*) during the period 2005-2014 does not constitute State aid within the meaning of Article 107(1) of the TFEU, without prejudice to the question of whether or not State subsidies to an interbranch organisation constitute aid to the sector concerned or whether the subsidies allocated to those measures constitute State aid.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 9 April 2014.

For the Commission
Dacian CIOLOȘ
Member of the Commission

COMMISSION IMPLEMENTING DECISION**of 27 June 2014****concerning certain interim protective measures relating to African swine fever in Latvia***(notified under document C(2014) 4536)***(Only the Latvian text is authentic)****(Text with EEA relevance)**

(2014/417/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(3) thereof,Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(3) thereof,

Whereas:

- (1) African swine fever is an infectious viral disease affecting domestic and feral pig populations and can have a severe impact on the profitability of pig farming causing disturbance to trade within the Union and exports to third countries.
- (2) In the event of an outbreak of African swine fever, there is a risk that the disease agent might spread to other pig holdings and to feral pigs. As a result, it may spread from one Member State to another Member State and to third countries through trade in live pigs or their products.
- (3) Council Directive 2002/60/EC ⁽³⁾ lays down minimum measures to be applied within the Union for the control of African swine fever. Article 9 of Directive 2002/60/EC provides for the establishment of protection and surveillance zones in the event of outbreaks of that disease where the measures laid down in Articles 10 and 11 of that Directive are to apply.
- (4) Latvia has informed the Commission of the current African swine fever situation on its territory, and in accordance with Article 9 of Directive 2002/60/EC, it has established protection and surveillance zones where the measures referred to in Articles 10 and 11 of that Directive are applied.
- (5) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade by third countries, it is necessary to establish in collaboration with the Member State concerned a Union list of the restricted zones for African swine fever in Latvia which are the protection and surveillance zones ('the restricted zones').
- (6) Accordingly, pending the next meeting of the Standing Committee on the Food Chain and Animal Health, the restricted zones in Latvia should be listed in the Annex to this Decision and the duration of that regionalisation fixed.
- (7) This Decision is to be reviewed at the next meeting of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever (OJ L 192, 20.7.2002, p. 27).

HAS ADOPTED THIS DECISION:

Article 1

Latvia shall ensure that the protection and surveillance zones established in accordance with Article 9 of Directive 2002/60/EC comprise at least the areas listed in the Annex to this Decision.

Article 2

This Decision shall apply until 31 July 2014.

Article 3

This Decision is addressed to the Republic of Latvia.

Done at Brussels, 27 June 2014.

For the Commission
Tonio BORG
Member of the Commission

ANNEX

Zones in Latvia	Restricted zones as referred to in Article 1	Date until applicable
Protection zone	Krāslavas novada Robežnieku pagasts, Dagdas novada Asūnes pagasts	31 July 2014
Surveillance zone	Krāslavas novada Indras, Kalniešu, Skaistas pagasti; Dagdas novada Konstantīnovas, Dagdas, Svaiņu, Bērziņu un Ķepovas pagasti; Dagdas pilsēta	31 July 2014

DECISION OF THE EUROPEAN CENTRAL BANK
of 16 June 2014
amending Decision ECB/2007/7 concerning the terms and conditions of TARGET2-ECB
(ECB/2014/27)
(2014/418/EU)

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 11.6 and Articles 17, 22 and 23 thereof,

Having regard to Guideline ECB/2012/27 of 5 December 2012 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Guideline ECB/2012/27 specified the remuneration on the Payments Module (PM) accounts and their sub-accounts in a way which could have interfered with a Governing Council decision to lower the deposit facility rate to below 0 %.
- (2) As a result, Guideline ECB/2012/27 has been amended by Guideline ECB/2014/25 ⁽²⁾ in order to eliminate such potential interferences.
- (3) Therefore, it is necessary to further amend Decision ECB/2007/7 ⁽³⁾ in order to reflect in TARGET2-ECB the amendments Guideline ECB/2014/25 brings to the remuneration of the PM accounts and their sub-accounts,

HAS ADOPTED THIS DECISION:

Article 1

Amendments to Decision ECB/2007/7

The Annex to Decision ECB/2007/7 is amended as follows:

1. in Article 1, the following definitions are inserted:

- ‘— “deposit facility” means a Eurosystem standing facility which counterparties may use to make overnight deposits with an NCB at a pre-specified deposit rate,
- “deposit facility rate” means the interest rate applicable to the deposit facility;’

2. in Article 10, paragraph 3 is replaced by the following:

- ‘3. PM accounts and their sub-accounts shall be remunerated either at 0 % or the deposit facility rate, whichever is lower.’

⁽¹⁾ OJ L 30, 30.1.2013, p. 1.

⁽²⁾ Guideline ECB/2014/25 of 5 June 2014 amending Guideline ECB/2012/27 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) (OJ L 168, 7.6.2014, p. 120).

⁽³⁾ Decision ECB/2007/7 of 24 July 2007 concerning the terms and conditions of TARGET2-ECB (OJ L 237, 8.9.2007, p. 71).

*Article 2***Entry into force**

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

Done at Frankfurt am Main, 16 June 2014.

The President of the ECB
Mario DRAGHI

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