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## Legislation

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### Contents

#### II *Non-legislative acts*

##### REGULATIONS

- ★ **Commission Implementing Regulation (EU) No 775/2014 of 16 July 2014 amending Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment** 1
- ★ **Commission Implementing Regulation (EU) No 776/2014 of 16 July 2014 fixing the quantitative limit for exports of out-of-quota sugar and isoglucose until the end of the 2014/2015 marketing year** ..... 11
- Commission Implementing Regulation (EU) No 777/2014 of 16 July 2014 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 13
- Commission Implementing Regulation (EU) No 778/2014 of 16 July 2014 on the issue of licences for the import of garlic in the subperiod from 1 September 2014 to 30 November 2014 ..... 15

##### DECISIONS

2014/465/EU:

- ★ **Commission Implementing Decision of 16 July 2014 on the approval of the DENSO efficient alternator as an innovative technology for reducing CO<sub>2</sub> emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council and amending Commission Implementing Decision 2013/341/EU <sup>(1)</sup>** ..... 17

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<sup>(1)</sup> Text with EEA relevance

EN

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

The titles of all other acts are printed in bold type and preceded by an asterisk.

## **Corrigenda**

Corrigendum to Commission Implementing Regulation (EU) No 774/2014 of 15 July 2014 fixing the import duties in the cereals sector applicable from 16 July 2014 (OJ L 209, 16.7.2014) .....	20
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## II

*(Non-legislative acts)*

## REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) No 775/2014

of 16 July 2014

**amending Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1236/2005 of 27 June 2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment <sup>(1)</sup>, and in particular Article 12(2) thereof, read together with Article 3 of Regulation (EU) No 37/2014 of the European Parliament and of the Council of 15 January 2014 amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures <sup>(2)</sup>,

Whereas:

- (1) Regulation (EC) No 1236/2005 imposes a prohibition on exports of goods which have no practical use other than for the purpose of capital punishment, torture or other cruel, inhuman or degrading treatment or punishment and controls on exports of certain goods that could be used for such purposes. It respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in particular respect for and protection of human dignity, the right to life and the prohibition of torture and of inhuman or degrading treatment or punishment.
- (2) The lists of goods subject to the controls and to the prohibition have been reviewed in consultation with a group of experts.
- (3) It is generally accepted that ordinary handcuffs can be used as restraints in law enforcement and such handcuffs are regular equipment for law enforcement authorities. The UN Standard Minimum Rules for the Treatment of Prisoners prohibit using chains or irons as restraints and provide that handcuffs and other restraints shall never be applied as a punishment. Using restraints other than chains and irons is only allowed for certain specific purposes, in particular as a precaution against the escape of a prisoner during transfers, or in order to prevent a prisoner from injuring himself or others.
- (4) Thumb and finger cuffs and neck restraints are not considered admissible for use in law enforcement, whereas using leg restraints for law enforcement is usually not considered admissible. Serrated thumb and finger cuffs, thumb and finger screws, bar fetters and weighted leg restraints are more likely to cause severe pain or suffering than other thumb and finger cuffs and other leg restraints because of their characteristics.
- (5) Using a combination of mechanical restraints is more likely to cause severe pain or suffering, e.g. if handcuffs and ankle cuffs are linked together behind the back. Such restraining techniques often involve a risk of asphyxiation, especially if neck restraints are used.

<sup>(1)</sup> OJ L 200, 30.7.2005, p. 1.<sup>(2)</sup> OJ L 18, 21.1.2014, p. 1.

- (6) It is therefore necessary to prohibit the trade in thumb and finger cuffs, thumb and finger screws, bar fetters and weighted leg restraints. Taking into account that their use may exceptionally be justified, exports of other shackles and cuffs which are not normal handcuffs should be controlled.
- (7) Such controls are also appropriate for exports of individual cuffs or rings, such as neck restraints or the rings of leg restraints.
- (8) The definition of ordinary handcuffs should provide more clarity on the range of handcuffs whose exports are not subject to control by defining the size of the individual cuffs.
- (9) Using mechanical restraints such as handcuffs in order to shackle a prisoner to a fixed object anchored to either a floor, wall or ceiling is not an acceptable restraining technique. It is therefore necessary to prohibit the trade in cuffs that are designed to be so anchored.
- (10) Like combinations of mechanical restraints, multipoint restraint devices are more likely to cause severe pain or suffering than, e.g. ordinary handcuffs. Restraint chairs, shackle boards and shackle beds restrict movement of the prisoner much more than simultaneous application of, e.g. handcuffs and ankle cuffs. The inherent risk of torture or inhuman treatment increases when this restraining technique is applied for longer periods. It is therefore necessary to prohibit the trade in restraint chairs, shackle boards and shackle beds.
- (11) Chairs, boards and beds fitted exclusively with straps or belts should be exempt from this prohibition as in certain circumstances their use may be justified for short periods of time, e.g. to prevent patients in a state of agitation from causing injury to themselves or to other persons. However, applying straps, belts or any other restraints on patients lacks any therapeutic or medical justification.
- (12) Cage beds and net beds are not an appropriate means for restraining patients or prisoners. It is therefore necessary to prohibit trade in cage beds and in net beds.
- (13) In order to protect staff and other people against spitting, prisoners are sometimes made to wear a so-called spit hood. As such a hood covers the mouth and often also the nose, it presents an inherent risk of asphyxiation. If it is combined with restraints, such as handcuffs, there is also a risk of neck injury. Exports of spit hoods should therefore be controlled.
- (14) It is generally accepted that batons or truncheons are regular equipment for law enforcement authorities and that shields are regular defensive equipment. Trade in so-called spiked batons is already prohibited as they are more likely to cause severe pain or suffering than ordinary batons. In the same vein it is necessary to prohibit trade in spiked shields.
- (15) Corporal punishment such as flogging constitutes torture or other cruel, inhuman or degrading punishment. Knouts and other whips having multiple lashes or thongs have been designed for flogging of human beings as a punishment and have no legitimate use. Whips that have a single lash or thong fitted with nails, barbs or similar devices present an inherent risk of causing severe pain or suffering and have no legitimate use either. It is therefore necessary to prohibit trade in such whips. However, whips having a single, plain lash or thong have both legitimate and non-legitimate uses and trade in them should, therefore, not be prohibited.
- (16) As regards electric shock weapons and devices of items 2.1 of Annex II and 2.1 of Annex III to Regulation (EC) No 1236/2005, it is appropriate to remove the 10 000 V discharge requirement in an effort to prevent that the prohibition on trade and the export controls would be circumvented by weapons and devices which are capable of administering an electric shock but have a slightly lower no-load voltage.
- (17) It is also essential to broaden the scope of the export controls to include, in addition to the portable weapons that are already controlled, fixed or mountable electric discharge weapons covering a wide area and targeting multiple individuals. Such weapons are often presented as so-called non-lethal weapons but present, at the very least, the same risk of causing severe pain or suffering as portable electric discharge weapons.
- (18) As regards portable weapons or devices disseminating incapacitating chemical substances, it is appropriate to broaden the scope of the export controls to include weapons and devices disseminating irritating chemical substances which qualify as riot control agents.

- (19) As fixed devices for dissemination of irritating chemical substances for use inside a building are being marketed, and indoor use of such substances presents a risk of causing severe pain or suffering not associated with traditional use outdoors, exports of such equipment should be controlled.
- (20) Export controls should also be applied to fixed or mountable equipment for the dissemination of incapacitating or irritating substances which covers a wide area, where such equipment is not yet subject to export controls in accordance with Council Common Position 2008/944/CFSP <sup>(1)</sup>. Such equipment is often presented as so-called non-lethal technology but presents at the very least the same risk of causing severe pain or suffering as portable weapons and devices. Although water is not one of the incapacitating or irritating chemical agents, water cannons may be used to disseminate such agents in liquid form and their exports should be controlled.
- (21) The export controls concerning oleoresin capsicum (OC) and pelargonic acid vanillylamide (PAVA) should be supplemented by export controls on certain mixtures containing these substances which can be administered as such as incapacitating or irritating agents or used for manufacturing of such agents. It is appropriate to clarify that, where appropriate, references to incapacitating or irritating chemical agents must be construed as including oleoresin capsicum and the relevant mixtures containing it.
- (22) The code of OC from the Combined Nomenclature should be replaced by another code and a number of codes should be added to the lists of goods in Annexes II and III to Regulation (EC) No 1236/2005.
- (23) The measures provided for in this Regulation are in accordance with the opinion of the Committee on common rules for exports of products,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Regulation (EC) No 1236/2005 is amended as follows:

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

#### *Article 2*

This Regulation shall enter into force on the third 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, 16 July 2014.

*For the Commission*

*The President*

José Manuel BARROSO

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<sup>(1)</sup> Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

## ANNEX I

## ANNEX II

**List of goods referred to in Articles 3 and 4***Introductory Note:*

The “CN codes” in this Annex refer to codes specified in Part Two of Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff <sup>(1)</sup>.

Where “ex” precedes the CN code, the goods covered by Regulation (EC) No 1236/2005 constitute only a part of the scope of the CN code and are determined by both the description given in this Annex and the scope of the CN code.

*Notes:*

- Items 1.3 and 1.4 in Section 1 concerning goods designed for the execution of human beings do not cover medical-technical goods.
- The object of the controls contained in this Annex should not be defeated by the export of any non-controlled goods (including plant) containing one or more controlled components when the controlled component or components are the principal element of the goods and can feasibly be removed or used for other purposes.

**NB:** In judging whether the controlled component or components are to be considered the principal element, it is necessary to weigh the factors of quantity, value and technological know-how involved and other special circumstances which might establish the controlled component or components as the principal element of the goods being procured.

CN code	Description
	1. <b>Goods designed for the execution of human beings, as follows:</b>
ex 4421 90 97 ex 8208 90 00	1.1. Gallows and guillotines
ex 8543 70 90 ex 9401 79 00 ex 9401 80 00 ex 9402 10 00	1.2. Electric chairs for the purpose of execution of human beings
ex 9406 00 38 ex 9406 00 80	1.3. Airtight vaults, made of e.g. steel and glass, designed for the purpose of execution of human beings by the administration of a lethal gas or substance
ex 8413 81 00 ex 9018 90 50 ex 9018 90 60 ex 9018 90 84	1.4. Automatic drug injection systems designed for the purpose of execution of human beings by the administration of a lethal chemical substance
	2. <b>Goods which are not suitable for use by law enforcement authorities to restrain human beings, as follows:</b>
ex 8543 70 90	2.1. Electric shock devices which are intended to be worn on the body by a restrained individual, such as belts, sleeves and cuffs, designed for restraining human beings by the administration of electric shocks

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

CN code	Description
ex 7326 90 98 ex 7616 99 90 ex 8301 50 00 ex 3926 90 97 ex 4203 30 00 ex 4203 40 00 ex 4205 00 90	2.2. Thumb-cuffs, finger-cuffs, thumbscrews and finger-screws  <i>Note:</i>  This item includes both serrated and non-serrated cuffs and screws
ex 7326 90 98 ex 7616 99 90 ex 8301 50 00 ex 3926 90 97 ex 4203 30 00 ex 4203 40 00 ex 4205 00 90 ex 6217 10 00 ex 6307 90 98	2.3. Bar fetters, weighted leg restraints and gang chains comprising bar fetters or weighted leg restraints  <i>Notes:</i>  1. Bar fetters are shackles or ankle rings fitted with a locking mechanism, linked by a rigid bar which is typically made of metal 2. This item includes bar fetters and weighted leg restraints which are linked to ordinary handcuffs by means of a chain
ex 7326 90 98 ex 7616 99 90 ex 8301 50 00 ex 3926 90 97 ex 4203 30 00 ex 4203 40 00 ex 4205 00 90 ex 6217 10 00 ex 6307 90 98	2.4. Cuffs for restraining human beings, designed to be anchored to a wall, floor or ceiling
ex 9401 61 00 ex 9401 69 00 ex 9401 71 00 ex 9401 79 00 ex 9401 80 00 ex 9402 10 00	2.5. Restraint chairs: chairs fitted with shackles or other devices to restrain a human being  <i>Note:</i>  This item does not prohibit chairs only fitted with straps or belts
ex 9402 90 00 ex 9403 20 20 ex 9403 20 80 ex 9403 50 00 ex 9403 70 00 ex 9403 81 00 ex 9403 89 00	2.6. Shackle boards and shackle beds: boards and beds fitted with shackles or other devices to restrain a human being  <i>Note:</i>  This item does not prohibit boards and beds only fitted with straps or belts
ex 9402 90 00 ex 9403 20 20 ex 9403 50 00 ex 9403 70 00 ex 9403 81 00 ex 9403 89 00	2.7. Cage beds: beds comprising a cage (four sides and a ceiling) or similar structure enclosing a human being within the confines of the bed, the ceiling or one or more of the sides of which are fitted with metal or other bars, and which can only be opened from outside

CN code	Description
ex 9402 90 00 ex 9403 20 20 ex 9403 50 00 ex 9403 70 00 ex 9403 81 00 ex 9403 89 00	2.8. Net beds: beds comprising a cage (four sides and a ceiling) or similar structure enclosing a human being within the confines of the bed, the ceiling or one or more sides of which are fitted with nets, and which can only be opened from outside
	3. <b>Portable devices which are not suitable for use by law enforcement authorities for the purpose of riot control or self-protection, as follows:</b>
ex 9304 00 00	3.1. Batons or truncheons made of metal or other material having a shaft with metal spikes
ex 3926 90 97 ex 7326 90 98	3.2. Shields with metal spikes
	4. <b>Whips as follows:</b>
ex 6602 00 00	4.1. Whips comprising multiple lashes or thongs, such as knouts or cats o'nine tails
ex 6602 00 00	4.2. Whips having one or more lashes or thongs fitted with barbs, hooks, spikes, metal wire or similar objects enhancing the impact of the lash or thong'



## ANNEX II

## ANNEX III

**List of goods referred to in Article 5***Introductory Note:*

The CN codes in this Annex refer to codes specified in Part Two of Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff.

Where “ex” precedes the CN code, the goods covered by Regulation (EC) No 1236/2005 constitute only a part of the scope of the CN code and are determined by both the description given in this Annex and the scope of the CN code.

*Notes:*

1. The object of the controls contained in this Annex should not be defeated by the export of any non-controlled goods (including plant) containing one or more controlled components when the controlled component or components are the principal element of the goods and can feasibly be removed or used for other purposes.

**NB:** In judging whether the controlled component or components are to be considered the principal element, it is necessary to weigh the factors of quantity, value and technological know-how involved and other special circumstances which might establish the controlled component or components as the principal element of the goods being procured.

2. In some instances chemicals are listed by name and CAS number. The list applies to chemicals of the same structural formula (including hydrates) regardless of name or CAS number. CAS numbers are shown to assist in identifying a particular chemical or mixture, irrespective of nomenclature. CAS numbers cannot be used as unique identifiers because some forms of the listed chemical have different CAS numbers, and mixtures containing a listed chemical may also have different CAS numbers.

CN code	Description
	1. <b>Goods designed for restraining human beings, as follows:</b>
ex 7326 90 98	1.1. Shackles and gang chains
ex 7616 99 90	<i>Notes:</i>
ex 8301 50 00	1. Shackles are restraints consisting of two cuffs or rings fitted with a locking mechanism, with a connecting chain or bar
ex 3926 90 97	2. This item does not control the leg restraints and gang chains prohibited by item 2.3 of Annex II
ex 4203 30 00	3. This item does not control “ordinary handcuffs”. Ordinary handcuffs are handcuffs which meet all the following conditions:
ex 4203 40 00	— their overall dimension including chain, measured from the outer edge of one cuff to the outer edge of the other cuff, is between 150 and 280 mm when both cuffs are locked;
ex 4205 00 90	— the inside circumference of each cuff is a maximum of 165 mm when the ratchet is engaged at the last notch entering the locking mechanism;
ex 6217 10 00	— the inside circumference of each cuff is a minimum of 200 mm when the ratchet is engaged at the first notch entering the locking mechanism; and
ex 6307 90 98	— the cuffs have not been modified to cause physical pain or suffering.

CN code	Description
ex 7326 90 98 ex 7616 99 90 ex 8301 50 00 ex 3926 90 97 ex 4203 30 00 ex 4203 40 00 ex 4205 00 90 ex 6217 10 00 ex 6307 90 98	<p>1.2. Individual cuffs or rings fitted with a locking mechanism, having an inside circumference exceeding 165 mm when the ratchet is engaged at the last notch entering the locking mechanism</p> <p><i>Note:</i></p> <p>This item includes neck restraints and other individual cuffs or rings fitted with a locking mechanism, which are linked to ordinary handcuffs by means of a chain</p>
ex 6505 00 10 ex 6505 00 90 ex 6506 91 00 ex 6506 99 10 ex 6506 99 90	<p>1.3. Spit hoods: hoods, including hoods made of netting, comprising a cover of the mouth which prevents spitting</p> <p><i>Note:</i></p> <p>This item includes spit hoods which are linked to ordinary handcuffs by means of a chain</p>
	<p>2. <b>Weapons and devices designed for the purpose of riot control or self-protection, as follows:</b></p>
ex 8543 70 90 ex 9304 00 00	<p>2.1. Portable electric discharge weapons that can target only one individual each time an electric shock is administered, including but not limited to electric shock batons, electric shock shields, stun guns and electric shock dart guns</p> <p><i>Notes:</i></p> <ol style="list-style-type: none"> <li>1. This item does not control electric shock belts and other devices falling within item 2.1 of Annex II</li> <li>2. This item does not control individual electronic shock devices when accompanying their user for the user's own personal protection</li> </ol>
ex 8543 90 00 ex 9305 99 00	<p>2.2. Kits containing all essential components for assembly of portable electric discharge weapons controlled by item 2.1</p> <p><i>Note:</i></p> <p>The following goods are considered to be essential components:</p> <ul style="list-style-type: none"> <li>— the unit producing an electric shock,</li> <li>— the switch, whether or not on a remote control, and</li> <li>— the electrodes or, where applicable, the wires through which the electrical shock is to be administered</li> </ul>
ex 8543 70 90 ex 9304 00 00	<p>2.3. Fixed or mountable electric discharge weapons that cover a wide area and can target multiple individuals with electrical shocks</p>

CN code	Description
	<p>3. <b>Weapons and equipment disseminating incapacitating or irritating chemical substances for the purpose of riot control or self-protection and certain related substances, as follows:</b></p>
<p>ex 8424 20 00</p> <p>ex 8424 89 00</p> <p>ex 9304 00 00</p>	<p>3.1. Portable weapons and equipment which either administer a dose of an incapacitating or irritating chemical substance that targets one individual or disseminate a dose of such substance affecting a small area, e.g. in the form of a spray fog or cloud, when the chemical substance is administered or disseminated</p> <p><i>Notes:</i></p> <ol style="list-style-type: none"> <li>1. This item does not control equipment controlled by item ML7(e) of the Common Military List of the European Union <sup>(1)</sup></li> <li>2. This item does not control individual portable equipment, even if containing a chemical substance, when accompanying their user for the user's own personal protection</li> <li>3. In addition to relevant chemical substances, such as riot control agents or PAVA, the goods controlled by items 3.3 and 3.4 shall be deemed to be incapacitating or irritating chemical substances</li> </ol>
ex 2924 29 98	3.2. Pelargonic acid vanillylamide (PAVA) (CAS RN 2444-46-4)
ex 3301 90 30	3.3. Oleoresin capsicum (OC) (CAS RN 8023-77-6)
<p>ex 2924 29 98</p> <p>ex 2939 99 00</p> <p>ex 3301 90 30</p> <p>ex 3302 10 90</p> <p>ex 3302 90 10</p> <p>ex 3302 90 90</p> <p>ex 3824 90 97</p>	<p>3.4. Mixtures containing at least 0,3 % by weight of PAVA or OC and a solvent (such as ethanol, 1-propanol or hexane), which could be administered as such as incapacitating or irritating agents, in particular in aerosols and in liquid form, or used for manufacturing of incapacitating or irritating agents</p> <p><i>Notes:</i></p> <ol style="list-style-type: none"> <li>1. This item does not control sauces and preparations therefor, soups or preparations therefor and mixed condiments or seasonings, provided that PAVA or OC is not the only constituent flavour in them</li> <li>2. This item does not control medicinal products for which a marketing authorisation has been granted in accordance with Union law <sup>(2)</sup></li> </ol>
<p>ex 8424 20 00</p> <p>ex 8424 89 00</p>	<p>3.5. Fixed equipment for the dissemination of incapacitating or irritating chemical substances, which can be attached to a wall or to a ceiling inside a building, comprises a canister of irritating or incapacitating chemical agents and is activated using a remote control system</p> <p><i>Note:</i></p> <p>In addition to relevant chemical substances, such as riot control agents or PAVA, the goods controlled by items 3.3 and 3.4 shall be deemed to be incapacitating or irritating chemical substances</p>

<sup>(1)</sup> Latest version adopted by the Council on 11 March 2013 (OJ C 90, 27.3.2013, p. 1).

<sup>(2)</sup> See in particular Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ L 136, 30.4.2004, p. 1) and Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

CN code	Description
ex 8424 20 00 ex 8424 89 00 ex 9304 00 00	<p>3.6. Fixed or mountable equipment for the dissemination of incapacitating or irritating chemical agents that covers a wide area and is not designed to be attached to a wall or to a ceiling inside a building</p> <p><i>Notes:</i></p> <ol style="list-style-type: none"> <li>1. This item does not control equipment controlled by item ML7(e) of the Common Military List of the European Union</li> <li>2. This item also controls water cannons</li> <li>3. In addition to relevant chemical substances, such as riot control agents or PAVA, the goods controlled by items 3.3 and 3.4 shall be deemed to be incapacitating or irritating chemical substances</li> </ol>
ex 2933 53 90 ((a) to (f)) ex 2933 59 95 ((g) and (h))	<p>4. <b>Products which could be used for the execution of human beings by means of lethal injection, as follows:</b></p> <p>4.1. Short and intermediate acting barbiturate anaesthetic agents including, but not limited to:</p> <ol style="list-style-type: none"> <li>(a) amobarbital (CAS RN 57-43-2)</li> <li>(b) amobarbital sodium salt (CAS RN 64-43-7)</li> <li>(c) pentobarbital (CAS RN 76-74-4)</li> <li>(d) pentobarbital sodium salt (CAS 57-33-0)</li> <li>(e) secobarbital (CAS RN 76-73-3)</li> <li>(f) secobarbital sodium salt (CAS RN 309-43-3)</li> <li>(g) thiopental (CAS RN 76-75-5)</li> <li>(h) thiopental sodium salt (CAS RN 71-73-8), also known as thiopentone sodium</li> </ol>
ex 3003 90 00 ex 3004 90 00 ex 3824 90 97	<p><i>Note:</i></p> <p>This item also controls products containing one of the anaesthetic agents listed under short or intermediate acting barbiturate anaesthetic agents.</p> <p>5. <b>Components designed for goods designed for the execution of human beings, as follows:</b></p>
ex 8208 90 00	<p>5.1. Guillotine blades'</p>

**COMMISSION IMPLEMENTING REGULATION (EU) No 776/2014****of 16 July 2014****fixing the quantitative limit for exports of out-of-quota sugar and isoglucose until the end of the 2014/2015 marketing year**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(1)</sup>, and in particular Article 139(2) and point (g) of the first paragraph of Article 144 thereof,

Whereas:

- (1) According to point (d) of the first subparagraph of Article 139(1) of Regulation (EU) No 1308/2013, the sugar or isoglucose produced in excess of the quota referred to in Article 136 of that Regulation may be exported only within the quantitative limit to be fixed by the Commission.
- (2) Detailed implementing rules for out-of-quota exports, in particular concerning the issue of export licences are laid down by Commission Regulation (EC) No 951/2006 <sup>(2)</sup>. However, the quantitative limit should be fixed per marketing year in view of the possible opportunities on the export markets.
- (3) For certain Union producers of sugar and isoglucose, exports from the Union represent an important part of their economic activities and they have established traditional markets outside the Union. Exports of sugar and isoglucose to those markets could be economically viable also without granting export refunds. To that end it is necessary to fix a quantitative limit for out-of-quota sugar and isoglucose exports so that the EU producers concerned may continue to supply their traditional markets.
- (4) For the 2014/2015 marketing year it is estimated that fixing the quantitative limit initially at 650 000 tonnes, in white sugar equivalent, for out-of-quota sugar exports and 70 000 tonnes, in dry matter, for out-of-quota isoglucose would correspond to the market demand.
- (5) Exports of sugar from the Union to certain close destinations and to third countries granting Union products a preferential import treatment are currently in a particular favorable competitive position. In view of the absence of appropriate instruments of mutual assistance to fight against irregularities and in order to minimize the risk of fraud and to prevent any abuse associated with the re-import or reintroduction into the Union of out-of-quota sugar certain close destinations should be excluded from the eligible destinations.
- (6) In view of the estimated lower risks for eventual frauds regarding isoglucose due to the nature of the product it is not necessary to restrict the eligible destinations for the export of out-of-quota isoglucose.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

*Article 1***Fixing the quantitative limit for out-of-quota sugar exports**

1. For the 2014/2015 marketing year the quantitative limit referred to in point (d) of the first subparagraph of Article 139(1) of Regulation (EU) No 1308/2013 shall be 650 000 tonnes for exports without refund of out-of-quota white sugar falling within CN code 1701 99.

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector (OJ L 178, 1.7.2006, p. 24).

2. Exports within the quantitative limit fixed in paragraph 1 shall be allowed for all destinations excluding:
- third countries: Albania, Andorra, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, the Holy See (Vatican City State), Kosovo <sup>(1)</sup>, Liechtenstein, Montenegro, San Marino and Serbia;
  - territories of Member States not forming part of the customs territory of the Union: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
  - European territories for whose external relations a Member State is responsible, not forming part of the customs territory of the Union: Gibraltar.

#### *Article 2*

##### **Fixing the quantitative limit for out-of-quota isoglucose exports**

- For the 2014/2015 marketing year the quantitative limit referred to in point (d) of the first subparagraph of Article 139(1) of Regulation (EU) No 1308/2013 shall be 70 000 tonnes, in dry matter, for exports without refund of out-of-quota isoglucose falling within CN codes 1702 40 10, 1702 60 10 and 1702 90 30.
- Exports of the products referred to in paragraph 1 shall only be allowed where they comply with the conditions laid down in Article 4 of Regulation (EC) No 951/2006.

#### *Article 3*

##### **Entry into force and application**

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

It shall apply from 1 October 2014.

It shall expire on 30 September 2015.

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

Done at Brussels, 16 July 2014.

*For the Commission*

*The President*

José Manuel BARROSO

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<sup>(1)</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence

**COMMISSION IMPLEMENTING REGULATION (EU) No 777/2014****of 16 July 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) <sup>(1)</sup>,

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 <sup>(2)</sup>, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 16 July 2014.

*For the Commission,*

*On behalf of the President,*

Jerzy PLEWA

*Director-General for Agriculture and Rural Development*

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<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> 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 <sup>(1)</sup>	Standard import value
0702 00 00	MK	69,6
	TR	67,1
	ZZ	68,4
0707 00 05	AL	74,4
	MK	27,7
	TR	76,0
0709 93 10	ZZ	59,4
	TR	90,3
	ZZ	90,3
0805 50 10	AR	119,4
	BO	89,3
	CL	123,3
	EG	75,0
	TR	155,1
	UY	124,0
	ZA	100,9
	ZZ	112,4
	AR	213,3
0808 10 80	BR	115,4
	CL	115,0
	NZ	131,0
	US	143,9
	ZA	142,3
	ZZ	143,5
	AR	163,1
	CL	132,2
	NZ	191,9
0808 30 90	ZA	92,2
	ZZ	144,9
	BA	82,8
	TR	226,4
	XS	87,6
0809 10 00	ZZ	132,3
	TR	340,2
	ZZ	340,2
0809 29 00	MK	70,6
	TR	148,2
	XS	50,2
	ZZ	89,7
0809 30	BA	71,9
	ZZ	71,9
0809 40 05	BA	71,9
	ZZ	71,9
	ZZ	71,9

<sup>(1)</sup> 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'.



**COMMISSION IMPLEMENTING REGULATION (EU) No 778/2014****of 16 July 2014****on the issue of licences for the import of garlic in the subperiod from 1 September 2014 to 30 November 2014**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(1)</sup>, and in particular Article 188 thereof,

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences <sup>(2)</sup>, and in particular Article 7(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 341/2007 <sup>(3)</sup> opens and provides for the administration of tariff quotas and introduces a system of import licences and certificates of origin for garlic and other agricultural products imported from third countries.
- (2) The quantities for which 'A' licence applications have been lodged by traditional importers and by new importers during the first seven working days of July 2014, pursuant to Article 10(1) of Regulation (EC) No 341/2007 exceed the quantities available for products originating in China.
- (3) Therefore, in accordance with Article 7(2) of Regulation (EC) No 1301/2006, it is now necessary to establish the extent to which the 'A' licence applications sent to the Commission by 14 July 2014 can be met in accordance with Article 12 of Regulation (EC) No 341/2007.
- (4) In order to ensure sound management of the procedure of issuing import licences, the present Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for 'A' import licences lodged pursuant to Article 10(1) of Regulation (EC) No 341/2007 during the first seven working days of July 2014 and sent to the Commission by 14 July 2014 shall be met at a percentage rate of the quantities applied for as set out in the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 16 July 2014.

*For the Commission,*

*On behalf of the President,*

Jerzy PLEWA

*Director-General for Agriculture and Rural Development*

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<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ L 238, 1.9.2006, p. 13.

<sup>(3)</sup> Commission Regulation (EC) No 341/2007 of 29 March 2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries (OJ L 90, 30.3.2007, p. 12).

## ANNEX

Origin	Order number	Allocation coefficient
Argentina		
— Traditional importers	09.4104	X
— New importers	09.4099	X
China		
— Traditional importers	09.4105	54,563852 %
— New importers	09.4100	0,424206 %
Other third countries		
— Traditional importers	09.4106	—
— New importers	09.4102	—

'X': No quota for this origin for the subperiod in question.

'—': No application for a licence has been sent to the Commission.

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# DECISIONS

## COMMISSION IMPLEMENTING DECISION

of 16 July 2014

**on the approval of the DENSO efficient alternator as an innovative technology for reducing CO<sub>2</sub> emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council and amending Commission Implementing Decision 2013/341/EU**

(Text with EEA relevance)

(2014/465/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emissions performance standards for new passenger cars as part of the Community's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles <sup>(1)</sup>, and in particular Article 12(4) thereof,

Whereas:

- (1) The supplier DENSO Corporation (the 'Applicant') submitted an application for the approval of the DENSO efficient alternator as an innovative technology on 31 October 2013. The completeness of the application was assessed in accordance with Article 4 of Commission Implementing Regulation (EU) No 725/2011 <sup>(2)</sup>. The Commission identified certain relevant information as missing in the original application and requested the Applicant to complete it. The Applicant provided the information on 30 January 2014. The application was found to be complete and the period for the Commission's assessment of the application started on the day following the date of official receipt, i.e. 31 January 2014.
- (2) The application has been assessed in accordance with Article 12 of Regulation (EC) No 443/2009, Implementing Regulation (EU) No 725/2011 and the Technical Guidelines for the preparation of applications for the approval of innovative technologies pursuant to Regulation (EC) No 443/2009 (the Technical Guidelines) <sup>(3)</sup>.
- (3) The application refers to the DENSO efficient alternator, for the output classes of 150A, 180A, and 210A. The alternator has an efficiency of at least 77 per cent as determined in accordance with the VDA approach described in point 5.1.2 in Annex I to the Technical Guidelines. That approach makes reference to the testing methodology specified in the International standard ISO 8854:2012 <sup>(4)</sup>. The Applicant's alternator has an increased efficiency compared to the baseline alternator by reducing the following three losses: rectification losses by optimising the rectification by the use of a 'MOSFET module', i.e. by a use of metal-oxide-semiconductor field-effect transistor; stator iron losses by the use of thin laminated core made by magnetic steel, and stator copper losses by the use of a 'segment conductor', which has higher space factor and shorter coil end. This technology is therefore different from the Valeo Efficient Generation Alternator approved as an eco-innovation by Commission Implementing Decision 2013/341/EU <sup>(5)</sup>.

<sup>(1)</sup> OJ L 140, 5.6.2009, p. 1.

<sup>(2)</sup> Commission Implementing Regulation (EU) No 725/2011 of 25 July 2011 establishing a procedure for the approval and certification of innovative technologies for reducing CO<sub>2</sub> emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 194, 26.7.2011, p. 19).

<sup>(3)</sup> [http://ec.europa.eu/clima/policies/transport/vehicles/cars/docs/guidelines\\_en.pdf](http://ec.europa.eu/clima/policies/transport/vehicles/cars/docs/guidelines_en.pdf)

<sup>(4)</sup> ISO 8854. Road vehicles — Alternators with regulators — Test methods and general requirements. Reference number ISO 8854:2012(E).

<sup>(5)</sup> Commission Implementing Decision 2013/341/EU of 27 June 2013 on the approval of the Valeo Efficient Generation Alternator as an innovative technology for reducing CO<sub>2</sub> emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 179, 29.6.2013, p. 98).

- (4) The Commission finds that the information provided in the application demonstrates that the conditions and criteria referred to in Article 12 of Regulation (EC) No 443/2009 and in Articles 2 and 4 of Implementing Regulation (EU) No 725/2011 have been met.
- (5) The Applicant has demonstrated that a high efficiency alternator of the kind described in this application did not exceed 3 % of the new passenger cars registered in the reference year 2009.
- (6) In order to determine the CO<sub>2</sub> savings that the innovative technology will deliver when fitted to a vehicle, it is necessary to define the baseline vehicle against which the efficiency of the vehicle equipped with the innovative technology should be compared as provided for in Articles 5 and 8 of Implementing Regulation (EU) No 725/2011. The Commission finds that it is appropriate to consider an alternator with 67 % efficiency as an appropriate baseline technology in the case the innovative technology is fitted on a new vehicle type. Where the DENSO efficient alternator is fitted to an existing vehicle type, the baseline technology should be the alternator of the most recent version of that type placed on the market.
- (7) The Applicant has provided a methodology for testing the CO<sub>2</sub> reductions which includes formulae that are consistent with the formulae described in the Technical Guidelines for the simplified approach with regard to efficient alternators. The Commission considers that the testing methodology will provide testing results that are verifiable, repeatable and comparable and that it is capable of demonstrating in a realistic manner the CO<sub>2</sub> emissions benefits of the innovative technology with strong statistical significance in accordance with Article 6 of Implementing Regulation (EU) No 725/2011.
- (8) The Commission notes that the Applicant in its methodology has used a formula for calculating the standard deviation of the efficiency value of the alternator which increases the accuracy of the result as compared to the formula (1) in the methodology specified in the Annex to Implementing Decision 2013/341/EU. The Applicant's testing methodology and formulae to calculate the CO<sub>2</sub> savings are in all other respects identical to the methodology specified in that Implementing Decision. As a consequence, the Commission considers that the methodology specified in Implementing Decision 2013/341/EU should be used to determine the reduction in CO<sub>2</sub> emissions due to the use of the DENSO efficient alternator. However, in view of the improved accuracy due to the standard deviation calculation proposed by Denso, it is appropriate to adjust formula (1) set out in the Annex to Implementing Decision 2013/341/EU. The adjustment should not affect any CO<sub>2</sub> savings certified using the methodology laid down in Implementing Decision 2013/341/EU prior to the entry into force of this Implementing Decision.
- (9) Against that background the Commission finds that the Applicant has demonstrated satisfactorily that the emission reduction achieved by the innovative technology is at least 1 g CO<sub>2</sub>/km.
- (10) The Commission notes that the savings of the innovative technology may be partially demonstrated on the standard test cycle, and the final total savings to be certified should therefore be determined in accordance with the second subparagraph of Article 8(2) of Implementing Regulation (EU) No 725/2011.
- (11) The Commission finds that the verification report has been prepared by the Vehicle Certification Agency (VCA) which is an independent and certified body and that the report supports the findings set out in the application.
- (12) Against that background, the Commission finds that no objections should be raised as regards the approval of the innovative technology in question.
- (13) For the purposes of determining the general eco-innovation code to be used in the relevant type approval documents in accordance with Annexes I, VIII and IX to Directive 2007/46/EC of the European Parliament and of the Council <sup>(1)</sup>, the individual code to be used for the innovative technology approved through this Implementing Decision should be specified,
- (14) Any manufacturer wishing to benefit from a reduction of its average specific CO<sub>2</sub> emissions for the purpose of meeting its specific emissions target by means of the CO<sub>2</sub> savings from the use of the innovative technology approved by this Implementing Decision, should in accordance with Article 11(1) of Implementing Regulation (EU) No 725/2011, refer to this Implementing Decision in its application for an EC type-approval certificate for the vehicles concerned,

<sup>(1)</sup> Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).

HAS ADOPTED THIS DECISION:

*Article 1*

1. The DENSO efficient alternator having an efficiency of at least 77 per cent by reducing three different losses and intended for use in M1 vehicles is approved as an innovative technology within the meaning of Article 12 of Regulation (EC) No 443/2009.
2. The CO<sub>2</sub> emissions reduction from the use of the alternator referred to in paragraph 1 shall be determined using the methodology set out in the Annex to Implementing Decision 2013/341/EU.
3. In accordance with the second subparagraph of Article 11(2) of Implementing Regulation (EU) No 725/2011, the CO<sub>2</sub> emission reduction determined in accordance with paragraph 2 of this Article, may only be certified and entered into the certificate of conformity and relevant type approval documentation specified in Annexes I, VIII and IX to Directive 2007/46/EC where the reductions are on or above the threshold specified in Article 9(1) of Implementing Regulation (EU) No 725/2011.
4. The individual eco-innovation code to be entered into type approval documentation to be used for the innovative technology approved through this Implementing Decision shall be '6'.

*Article 2*

**Amendment to Implementing Decision 2013/341/EU**

1. In Section 2 of the Annex to Implementing Decision 2013/341/EU, the formula (1) is replaced by the following formula:

$$\Delta\eta_A = \sqrt{((0,25 * S_{1\,800})^2 + (0,40 * S_{3\,000})^2 + (0,25 * S_{6\,000})^2 + (0,1 * S_{10\,000})^2)}$$

2. The amendment shall not affect certifications performed in accordance with Article 11 of Implementing Regulation (EU) No 725/2011 prior to the entry into force of this Implementing Decision.

*Article 3*

This Decision shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 16 July 2014.

*For the Commission*

*The President*

José Manuel BARROSO

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**CORRIGENDA****Corrigendum to Commission Implementing Regulation (EU) No 774/2014 of 15 July 2014 fixing the import duties in the cereals sector applicable from 16 July 2014***(Official Journal of the European Union L 209 of 16 July 2014)*

On page 53, Annex II, point 1 should read as follows:

‘1. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

(EUR/t)

	Common wheat <sup>(1)</sup>	Maize
Exchange	Minneapolis	Chicago
Quotation	189,58	116,10
Gulf of Mexico premium	—	23,74
Great Lakes premium	66,61	—

<sup>(1)</sup> Premium of EUR 14/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).’



