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[1] Text with EEA relevance

EN

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

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[1] Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Information on the entry into force of the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco

Following signature on 18 November 2013, the European Union and the Kingdom of Morocco notified on 16 December 2013 and 15 July 2014 respectively, that they had finalised their internal procedures to conclude the protocol.

The protocol accordingly enters into force on 15 July 2014 pursuant to Article 12 thereof.

Information on the conclusion of the Protocol between the European Union and the Union of the Comores setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force

Following signature on 23 December 2013, the Union of the Comores and the European Union notified on 23 December 2013 and 14 May 2014 respectively, that they had finalised their internal procedures to conclude the Protocol.

The Protocol entered into force on 14 May 2014 pursuant Article 14 thereof.

Information on the date of entry into force of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Seychelles

Following signature on 18 December 2013, the European Union and the Republic of Seychelles notified on 14 May and 25 June 2014 respectively, that they had finalised their internal procedures to conclude the Protocol to the Fisheries Partnership Agreement ([1]).

The Protocol accordingly entered into force on 25 June 2014 pursuant to Article 16 thereof.

([1]) The Protocol was published in OJ L 4, 9.1.2014, p. 3.

Notice concerning the provisional application of the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States of the other part [1]

The European Union and the Republic the Fiji Islands have notified the completion of the procedures necessary for the provisional application of the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part, in accordance with Article 76(2) of that Agreement. Consequently, the Agreement applies provisionally as from 28 July 2014 between the European Union and the Republic the Fiji Islands.

[1] OJ L 272, 16.10.2009, p. 1.

REGULATIONS

COUNCIL REGULATION (EU) No 827/2014

of 23 July 2014

amending Regulation (EC) No 974/98 as regards the introduction of the euro in Lithuania

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 140(3) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Central Bank,

Whereas:

(1) Council Regulation (EC) No 974/98 ([1]) provides for the substitution of the euro for the currencies of the Member States which fulfilled the necessary conditions for the adoption of the euro at the time when the Community entered the third stage of economic and monetary union.

(2) In accordance with Article 4 of the 2003 Act of Accession, Lithuania is a Member State with a derogation as defined in Article 139(1) of the Treaty on the Functioning of the European Union (the 'Treaty').

(3) Pursuant to Council Decision 2014/509/EU of 23 July 2014 on the adoption by Lithuania of the euro on 1 January 2015 ([2]), Lithuania fulfils the necessary conditions for the adoption of the euro and the derogation in favour of Lithuania is to be abrogated with effect from 1 January 2015.

(4) The introduction of the euro in Lithuania requires the extension to Lithuania of the existing provisions on the introduction of the euro set out in Regulation (EC) No 974/98.

(5) Lithuania's National Euro Changeover Plan specifies that euro banknotes and coins should become legal tender in Lithuania on the day of the introduction of the euro as its currency. Consequently, the euro adoption date and the cash changeover date should be 1 January 2015. No 'phasing-out' period should apply.

(6) Regulation (EC) No 974/98 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 974/98 is amended by inserting the following row in the table between the entries for Latvia and Luxembourg:

'Lithuania	1 January 2015	1 January 2015	No'

([1]) Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro (OJ L 139, 11.5.1998, p. 1).
([2]) See page 29 of this Official Journal.

Article 2

This Regulation shall enter into force on 1 January 2015.

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

Done at Brussels, 23 July 2014.

For the Council
The President
S. GOZI

COMMISSION IMPLEMENTING REGULATION (EU) No 828/2014

of 30 July 2014

on the requirements for the provision of information to consumers on the absence or reduced presence of gluten in food

(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 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers ([1]), and in particular Article 36(3)(d) thereof,

Whereas:

(1) People with coeliac disease suffer from a permanent intolerance to gluten. Wheat (i.e. all Triticum species, such as durum wheat, spelt, and khorasan wheat), rye and barley have been identified as grains that are scientifically reported to contain gluten. The gluten present in those grains can cause adverse health effects to people intolerant to gluten and therefore its consumption should be avoided by such people.

(2) Information on the absence or reduced presence of gluten in food should help people intolerant to gluten to identify and choose a varied diet when eating inside or outside the home.

(3) Commission Regulation (EC) No 41/2009 ([2]) sets out harmonised rules on the information provided to consumers on the absence ('gluten-free') or reduced presence of gluten ('very low gluten') in food. The rules of that Regulation are based on scientific data and guarantee that consumers are not misled or confused by information provided on a divergent basis on the absence or reduced presence of gluten in food.

(4) In the context of the revision of the legislation on foodstuffs intended for particular nutritional uses Regulation (EU) No 609/2013 of the European Parliament and of the Council ([3]) repeals Regulation (EC) No 41/2009 from 20 July 2016. It should be ensured that, after that date, the provision of information on the absence or reduced presence of gluten in food continues to be based on the relevant scientific data and is not provided on a divergent basis which could mislead or confuse the consumers, in accordance with the requirements laid down in Article 36(2) of Regulation (EU) No 1169/2011. It is therefore necessary that uniform conditions for the application of these requirements to food information provided by food business operators on the absence or reduced presence of gluten in food are maintained in the Union and these conditions should be based on Regulation (EC) No 41/2009.

(5) Certain foods have been specially produced, prepared and/or processed to reduce the gluten content of one or more gluten-containing ingredients or to substitute the gluten-containing ingredients with other ingredients naturally free of gluten. Other foods are made exclusively from ingredients that are naturally free of gluten.

(6) The removal of gluten from gluten-containing grains presents considerable technical difficulties and economic constraints and therefore the manufacture of totally gluten-free food when using such grains is difficult. Consequently, many foods especially processed to reduce the gluten content of one or more gluten-containing ingredients on the market may contain low residual amounts of gluten.

([1]) OJ L 304, 22.11.2011, p. 18.

([2]) Commission Regulation (EC) No 41/2009 of 20 January 2009 concerning the composition and labelling of foodstuffs suitable for people intolerant to gluten (OJ L 16, 21.1.2009, p. 3).

([3]) Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ L 181, 29.6.2013, p. 35).

(7) Most people with intolerance to gluten can include oats in their diet without adverse effect on their health. This is an issue of ongoing study and investigation by the scientific community. However, a major concern is the contamination of oats with wheat, rye or barley that can occur during grain harvesting, transport, storage and processing. Therefore, the risk of gluten contamination in products containing oats should be taken into consideration with regard to the relevant information provided on those food products by food business operators.

(8) Different people with intolerance to gluten may tolerate variable small amounts of gluten within a restricted range. In order to enable individuals to find on the market a variety of foodstuffs appropriate for their needs and for their level of sensitivity, a choice of products should be possible with different low levels of gluten within such a restricted range. It is important, however, that the different products are properly labelled in order to ensure their correct use by people intolerant to gluten with the support of information campaigns fostered in the Member States.

(9) It should be possible for a food which is specially produced, prepared and/or processed to reduce the gluten content of one or more gluten-containing ingredients or to substitute the gluten-containing ingredients with other ingredients naturally free of gluten to bear terms indicating either the absence ('gluten-free') or reduced presence ('very low gluten') of gluten in accordance with the provisions laid down in this Regulation. It should also be possible for this food to bear a statement informing consumers that it is specifically formulated for people intolerant to gluten.

(10) It should also be possible for a food containing ingredients naturally free of gluten to bear terms indicating the absence of gluten, in accordance with the provisions laid down in this Regulation and provided that the general conditions on fair information practices set out in Regulation (EU) No 1169/2011 are complied with. In particular, food information should not be misleading by suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics.

(11) Commission Directive 2006/141/EC [1] prohibits the use of ingredients containing gluten in the manufacture of infant formulae and follow-on formulae. Therefore, the use of the statements 'very low gluten' or 'gluten-free' when providing information on such products should be prohibited given that pursuant to the present Regulation, these statements are used for indicating respectively a content of gluten not exceeding 100 mg/kg and 20 mg/kg.

(12) The Codex Standard for Foods for Special Dietary Use for Persons Intolerant to Gluten [2] should be taken appropriately into consideration for the purposes of this Regulation.

(13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Scope and subject matter

This Regulation applies to the provision of information to consumers on the absence or reduced presence of gluten in food.

[1] Commission Directive 2006/141/EC of 22 December 2006 on infant formulae and follow-on formulae and amending Directive 1999/21/EC (OJ L 401, 30.12.2006, p. 1).
[2] CODEX STAN 118-1979.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

(a) 'gluten' means a protein fraction from wheat, rye, barley, oats or their crossbred varieties and derivatives thereof, to which some persons are intolerant and which is insoluble in water and 0,5 M sodium chloride solution;

(b) 'wheat' means any Triticum species.

Article 3

Information to consumers

1. Where statements are used to provide information to consumers on the absence or reduced presence of gluten in food, such information shall be given only through the statements and in accordance with the conditions set out in the Annex.

2. The food information referred to in paragraph 1 may be accompanied by the statements 'suitable for people intolerant to gluten' or 'suitable for coeliacs'.

3. The food information referred to in paragraph 1 may be accompanied by the statements 'specifically formulated for people intolerant to gluten' or 'specifically formulated for coeliacs' if the food is specially produced, prepared and/or processed to:

(a) reduce the gluten content of one or more gluten-containing ingredients; or

(b) substitute the gluten-containing ingredients with other ingredients naturally free of gluten.

Article 4

Infant formulae and follow-on formulae

The provision of food information on the absence or reduced presence of gluten in infant formulae and follow-on formulae as defined in Directive 2006/141/EC shall be prohibited.

Article 5

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 20 July 2016.

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

Done at Brussels, 30 July 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX

Statements on the absence or reduced presence of gluten in food that are allowed to be made and conditions thereof

A. General requirements

GLUTEN-FREE

The statement 'gluten-free' may only be made where the food as sold to the final consumer contains no more than 20 mg/kg of gluten.

VERY LOW GLUTEN

The statement 'very low gluten' may only be made where the food, consisting of or containing one or more ingredients made from wheat, rye, barley, oats or their crossbred varieties which have been specially processed to reduce the gluten content, contains no more than 100 mg/kg of gluten in the food as sold to the final consumer.

B. Additional requirements for food containing oats

Oats contained in a food presented as gluten-free or very low gluten must have been specially produced, prepared and/or processed in a way to avoid contamination by wheat, rye, barley, or their crossbred varieties and the gluten content of such oats cannot exceed 20 mg/kg.

COMMISSION IMPLEMENTING REGULATION (EU) No 829/2014

of 30 July 2014

amending and correcting Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 ([1]), and in particular Article 33(2) and (3) and Article 38(d) thereof,

Whereas:

(1) Annex III to Commission Regulation (EC) No 1235/2008 ([2]) sets out the list of third countries whose systems of production and control measures for organic production of agricultural products are recognised as equivalent to those laid down in Regulation (EC) No 834/2007.

(2) The recognition of Switzerland pursuant to Article 33(2) of Regulation (EC) No 834/2007 currently applies to processed agricultural products for use as food, except for yeast. Switzerland has submitted a request to the Commission to recognise its equivalence for organic yeast as well. Examination of the information submitted with that request and subsequent clarifications provided by Switzerland have led to the conclusion that in that country the rules governing production and controls of organic yeast are equivalent to those laid down in Regulation (EC) No 834/2007 and Commission Regulation (EC) No 889/2008 ([3]). Consequently, recognition of the equivalence of Switzerland's systems of production and control measures, as regards processed agricultural products for use as food, should also apply to organic yeast.

(3) The recognition of New Zealand pursuant to Article 33(2) of Regulation (EC) No 834/2007 currently applies to processed agricultural products for use as food, except for wine and yeast. The New Zealand authorities have submitted a request to the Commission to recognise its equivalence for organic wine as well. Examination of the information submitted with that request and subsequent clarifications provided by New Zealand have led to the conclusion that in that country the rules governing production and controls of organic wine are equivalent to those laid down in Regulation (EC) No 834/2007 and Regulation (EC) No 889/2008. Consequently, recognition of the equivalence of New Zealand's systems of production and control measures, as regards processed products for use as food, should also apply to organic wine.

(4) According to the information provided by New Zealand, the competent authority, one of the control bodies and the certificate-issuing body have changed. This should be reflected in Annex III to Regulation (EC) No 1235/2008.

(5) Annex IV to Regulation (EC) No 1235/2008 sets out the list of control bodies and control authorities competent to carry out controls and issue certificates in third countries for the purpose of equivalence.

(6) The Commission has examined requests for inclusion in the list set out in Annex IV to Regulation (EC) No 1235/2008, received by 31 October 2013. Following the examination of all information received, the control bodies and control authorities that have been found to comply with the relevant requirements should be included in that list.

([1]) OJ L 189, 20.7.2007, p. 1.
([2]) Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L 334, 12.12.2008, p. 25).
([3]) Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.9.2008, p. 1).

(7) 'LibanCert' is listed in Annex IV to Regulation (EC) No 1235/2008. However, it did not notify the Commission of relevant information relative to the accreditation body referred to in the third and fourth subparagraphs of Article 33(3) of Regulation (EC) No 834/2007 nor of any changes to its technical dossier in accordance with Article 12(2)(b) of Regulation (EC) No 1235/2008. Furthermore, the annual report sent by 'LibanCert' in 2013 indicated that it did not meet the specifications set out in Annex IV to Regulation (EC) No 1235/2008. 'LibanCert' was invited by the Commission to clarify these issues but it did not reply within the deadline set. According to information available to the Commission, 'LibanCert' has ceased operations. It should therefore be withdrawn from the list in Annex IV.

(8) Annex IV to Regulation (EC) No 1235/2008 as amended by Implementing Regulation (EU) No 355/2014 [1] contains an error in relation to the code number for a third country for the control body 'Abcert AG' and erroneously refers to 'IMO Swiss AG' instead of 'IMOswiss AG'.

(9) Annexes III and IV to Regulation (EC) No 1235/2008 should therefore be amended and corrected accordingly.

(10) For reasons of legal certainty, the corrected provisions relating to Abcert AG and IMOswiss AG should apply from the date of entry into force of Implementing Regulation (EU) No 355/2014.

(11) The measures provided for in this Regulation are in accordance with the opinion of the regulatory Committee on organic production,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 1235/2008 is amended in accordance with Annex I to this Regulation.

Article 2

Annex IV to Regulation (EC) No 1235/2008 is amended and corrected in accordance with Annex II to this Regulation.

Article 3

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

Points (1) and (5)(a) of Annex II shall apply from 12 April 2014.

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

Done at Brussels, 30 July 2014.

For the Commission
The President
José Manuel BARROSO

[1] Commission Implementing Regulation (EU) No 355/2014 of 8 April 2014 amending Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L 106, 9.4.2014, p. 15).

ANNEX I

Annex III to Regulation (EC) No 1235/2008 is amended as follows:

(1) In the entry relating to Switzerland, point 1 'Product categories', row 'Processed agricultural products for use as food', footnote (2) is deleted.

(2) The entry relating to New Zealand is amended as follows:

(a) In point 1 'Product categories', row 'Processed agricultural products for use as food', footnote (2) is replaced by the following:

'(2) Yeast not included'

(b) Point 4 is replaced by the following:

'4. **Competent authority:** Ministry for Primary Industries (MPI)

http://www.foodsafety.govt.nz/industry/sectors/organics/'

(c) In point 5, the row for NZ-BIO-001 is replaced by the following:

'NZ-BIO-001	Ministry for Primary Industries (MPI)	http://www.foodsafety.govt.nz/industry/sectors/organics/'

(d) Point 6 is replaced by the following:

'**Certificate-issuing bodies:**Ministry for Primary Industries (MPI)'

ANNEX II

Annex IV to Regulation (EC) No 1235/2008 is amended and corrected as follows:

(1) In the entry relating to '**Abcert AG**', in point 3, the row for Moldova is replaced by the following:

'Moldova	MD-BIO-137	x	—	—	—	—	—'

(2) The entry relating to '**CCPB Srl**' is amended as follows:

(a) Point 3 is replaced by the following:

'3. Third countries, code numbers and product categories concerned:

Third country	Code number	Category of products					
		A	B	C	D	E	F
China	CN-BIO-102	x	—	—	x	—	—
Egypt	EG-BIO-102	x	x	—	x	—	—
Iraq	IQ-BIO-102	x	—	—	—	—	—
Lebanon	LB-BIO-102	x	x	—	x	—	—
Morocco	MA-BIO-102	x	—	—	x	—	—
Philippines	PH-BIO-102	x	—	—	x	—	—
San Marino	SM-BIO-102	x	x	—	x	—	—
Syria	SY-BIO-102	x	—	—	—	—	—
Tunisia	TN-BIO-102	—	x	—	—	—	—
Turkey	TR-BIO-102	x	x	—	x	—	—'

(b) Point 4 is replaced by the following:

'4. Exceptions: in-conversion products, wine and products covered by Annex III';

(3) In the entry relating to '**Control Union Certifications**', point 3 is replaced by the following:

'3. Third countries, code numbers and product categories concerned:

Third country	Code number	Category of products					
		A	B	C	D	E	F
Afghanistan	AF-BIO-149	x	x	x	x	x	x
Albania	AL-BIO-149	x	x	x	x	x	x
Bermuda	BM-BIO-149	x	x	x	x	x	x
Bhutan	BT-BIO-149	x	x	x	x	x	x
Brazil	BR-BIO-149	x	x	x	x	x	x
Burkina Faso	BF-BIO-149	x	x	x	x	x	x

Third country	Code number	Category of products					
		A	B	C	D	E	F
Burma/Myanmar	MM-BIO-149	x	x	x	x	x	x
Cambodia	KH-BIO-149	x	x	x	x	x	x
Canada	CA-BIO-149	—	—	x	—	—	—
China	CN-BIO-149	x	x	x	x	x	x
Colombia	CO-BIO-149	x	x	x	x	x	x
Costa Rica	CR-BIO-149	—	x	x	—	x	—
Côte d'Ivoire	CI-BIO-149	x	x	x	x	x	x
Dominican Republic	DO-BIO-149	x	x	x	x	x	x
Ecuador	EC-BIO-149	x	x	x	x	x	x
Egypt	EG-BIO-149	x	x	x	x	x	x
Ethiopia	ET-BIO-149	x	x	x	x	x	x
Ghana	GH-BIO-149	x	x	x	x	x	x
Guinea	GN-BIO-149	x	x	x	x	x	x
Honduras	HN-BIO-149	x	x	x	x	x	x
Hong Kong	HK-BIO-149	x	x	x	x	x	x
India	IN-BIO-149	—	x	x	x	x	—
Indonesia	ID-BIO-149	x	x	x	x	x	x
Iran	IR-BIO-149	x	x	x	x	x	x
Israel	IL-BIO-149	—	x	x	—	x	—
Japan	JP-BIO-149	—	x	x	—	x	—
South Korea	KR-BIO-149	x	x	x	x	x	x
Kyrgyzstan	KG-BIO-149	x	x	x	x	x	x
Laos	LA-BIO-149	x	x	x	x	x	x
Former Yugoslav Republic of Macedonia	MK-BIO-149	x	x	x	x	x	x
Malaysia	MY-BIO-149	x	x	x	x	x	x
Mali	ML-BIO-149	x	x	x	x	x	x
Mauritius	MU-BIO-149	x	x	x	x	x	x

Third country	Code number	Category of products					
		A	B	C	D	E	F
Mexico	MX-BIO-149	x	x	x	x	x	x
Moldova	MD-BIO-149	x	x	x	x	x	x
Mozambique	MZ-BIO-149	x	x	x	x	x	x
Nepal	NP-BIO-149	x	x	x	x	x	x
Nigeria	NG-BIO-149	x	x	x	x	x	x
Pakistan	PK-BIO-149	x	x	x	x	x	x
Occupied Palestinian territory	PS-BIO-149	x	x	x	x	x	x
Panama	PA-BIO-149	x	x	x	x	x	x
Paraguay	PY-BIO-149	x	x	x	x	x	x
Peru	PE-BIO-149	x	x	x	x	x	x
Philippines	PH-BIO-149	x	x	x	x	x	x
Rwanda	RW-BIO-149	x	x	x	x	x	x
Serbia	RS-BIO-149	x	x	x	x	x	x
Sierra Leone	SL-BIO-149	x	x	x	x	x	x
Singapore	SG-BIO-149	x	x	x	x	x	x
South Africa	ZA-BIO-149	x	x	x	x	x	x
Sri Lanka	LK-BIO-149	x	x	x	x	x	x
Switzerland	CH-BIO-149	—	—	x	—	—	—
Syria	SY-BIO-149	x	x	x	x	x	x
Tanzania	TZ-BIO-149	x	x	x	x	x	x
Thailand	TH-BIO-149	x	x	x	x	x	x
Timor-Leste	TL-BIO-149	x	x	x	x	x	x
Turkey	TR-BIO-149	x	x	x	x	x	x
Uganda	UG-BIO-149	x	x	x	x	x	x
Ukraine	UA-BIO-149	x	x	x	x	x	x
United Arab Emirates	AE-BIO-149	x	x	x	x	x	x
United States	US-BIO-149	—	—	x	—	—	—
Uruguay	UY-BIO-149	x	x	x	x	x	x

Third country	Code number	Category of products					
		A	B	C	D	E	F
Uzbekistan	UZ-BIO-149	x	x	x	x	x	x
Vietnam	VN-BIO-149	x	x	x	x	x	x
Zambia	ZN-BIO-149	x	x	x	x	x	x’

(4) In the entry relating to ‘**IBD Certifications Ltd**’, point 3 is replaced by the following:

‘3. Third countries, code numbers and product categories concerned:

Third country	Code number	Category of products					
		A	B	C	D	E	F
Brazil	BR-BIO-122	x	x	x	x	x	—
China	CN-BIO-122	x	—	—	x	x	—
Mexico	MX-BIO-122	—	x	—	x	—	—’

(5) The entry relating to ‘**IMO Swiss AG**’ is amended as follows:

(a) The name ‘IMO Swiss AG’ is replaced by ‘IMOswiss AG’;

(b) Point 4 is replaced by the following:

‘4. Exceptions: in-conversion products and products covered by Annex III’;

(6) The entry relating to ‘**LibanCert**’ is deleted.

COMMISSION IMPLEMENTING REGULATION (EU) No 830/2014

of 30 July 2014

amending Council Regulation (EC) No 1890/2005, Council Implementing Regulation (EU) No 2/2012 and Council Implementing Regulation (EU) No 205/2013 as regards the product scope of the current anti-dumping measures concerning stainless steel fasteners and parts thereof, and as regards newcomer review requests, and providing for the possibility of repayment or remission of duties in certain cases

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]), and in particular Articles 9(4) and 11(3), (5) and (6) thereof,

Whereas:

A. PROCEDURE

1. Measures in force

(1) By Council Regulation (EC) No 1890/2005 ([2]) ('the original Regulation') the Council imposed a definitive anti-dumping duty ('the original measures') on imports of certain stainless steel fasteners and parts thereof ('SSF') originating in the People's Republic of China ('PRC'), Indonesia, Taiwan, Thailand and Vietnam.

(2) Following an expiry review ('the expiry review') based on Article 11(2) of Regulation (EC) No 1225/2009 ('the basic Regulation'), which was limited to the measures imposed on imports originating in the PRC and Taiwan, the original measures ranging from 11,4 % to 27,4 % for the PRC and 8,8 % to 23,6 % for Taiwan were prolonged by Council Implementing Regulation (EU) No 2/2012 ([3]) ('the expiry review Regulation').

(3) Following an anti-circumvention investigation based on Article 13(3) of the basic Regulation ('the anti-circumvention investigation') the definitive anti-dumping duty applicable to 'all other companies' from the PRC was extended on imports of SSF consigned from the Philippines, whether declared as originating in the Philippines or not, by Council Implementing Regulation (EU) No 205/2013 ([4]).

2. Initiation of interim review

(4) A Taiwanese exporting producer, Sheh Kai Precision Co., Ltd, ('the applicant'), lodged a request for a partial interim review pursuant to Article 11(3) of the basic Regulation. The applicant requested the exclusion of certain types of fasteners, namely bi-metal fasteners ('BMF'), from the scope of the current measures due to their allegedly different physical, chemical and technical characteristics.

([1]) OJ L 343, 22.12.2009, p. 51.

([2]) Council Regulation (EC) No 1890/2005 of 14 November 2005 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain stainless steel fasteners and parts thereof originating in the People's Republic of China, Indonesia, Taiwan, Thailand and Vietnam and terminating the proceeding on imports of certain stainless steel fasteners and parts thereof originating in Malaysia and the Philippines (OJ L 302, 19.11.2005, p. 1).

([3]) Council Implementing Regulation (EU) No 2/2012 of 4 January 2012 imposing a definitive anti-dumping duty on imports of certain stainless steel fasteners and parts thereof originating in the People's Republic of China and Taiwan following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 (OJ L 5, 7.1.2012, p. 1).

([4]) Council Implementing Regulation (EU) No 205/2013 of 7 March 2013 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 2/2012 on imports of certain stainless steel fasteners and parts thereof originating in the People's Republic of China to imports of certain stainless steel fasteners consigned from the Philippines, whether declared as originating in the Philippines or not and terminating the investigation concerning possible circumvention of anti-dumping measures imposed by that regulation by imports of certain stainless steel fasteners and parts thereof consigned from Malaysia and Thailand, whether declared as originating in Malaysia and Thailand or not (OJ L 68, 12.3.2013, p. 1).

(5) Having determined that sufficient evidence existed for the initiation of a partial interim review, and after consulting the Advisory Committee, on 6 June 2013 the European Commission ('the Commission') announced by a notice ('the Notice of Initiation') published in the *Official Journal of the European Union* ([1]), the initiation of a partial interim review of the anti-dumping measures applicable to imports of certain stainless steel fasteners and parts thereof originating in the PRC and Taiwan ([2]).

(6) The current review is limited to the examination of the product scope in order to clarify whether certain product types of stainless steel screws, in particular BMF, fall within the scope of the original measures, as prolonged and extended.

3. **Parties concerned by the investigation**

(7) The known Union producers and their associations, importers and users, the representatives of the exporting countries as well as all known producers in the PRC and Taiwan were advised by the Commission of the initiation of the review.

(8) The Commission requested information from all the abovementioned parties and from those other parties who made themselves known within the time limit set in the Notice of Initiation. The Commission also gave interested parties the opportunity to make their views known in writing and to request a hearing.

(9) Thirteen Taiwanese exporting producers, one Chinese exporting producer, one Union producer, seven importers and one user submitted a questionnaire reply.

(10) Additionally, the association representing the Union producers — complainants in the original investigation and in the expiry review — confirmed that none of the Union companies produce BMF and therefore have no opinion on the characteristics of BMF.

(11) None of the additional six European producer associations known from the original investigation came forward with any information.

(12) No hearings were requested during the investigation.

4. **Verification visits**

(13) The Commission sought and verified all the information it deemed necessary. Verification visits were carried out at the premises of the following companies:

Union producer

— Reisser Schraubentechnik GmbH, Ingelfingen-Criesbach, Germany

Union importer

— Till and Whitehead Ltd, Cheltenham, United Kingdom

Exporting producers in Taiwan

— Sheh Kai Precision Co., Ltd, Kaohsiung, Taiwan

— Metalink Precision Industries Co., Ltd, Kaohsiung, Taiwan

— Sun Through Industrial Co., Ltd, Hemei Township, Taiwan

B. **PRODUCT CONCERNED AND PRODUCT UNDER REVIEW**

(14) The product concerned, as defined in Article 1(1) of the expiry review Regulation is certain stainless steel fasteners and parts thereof, currently falling within CN codes 7318 12 10, 7318 14 10, 7318 15 30, 7318 15 51, 7318 15 61 and 7318 15 70 originating in the PRC and Taiwan.

(15) In the review request the applicant requested the exclusion of certain stainless steel fasteners from the scope of the current anti-dumping measure. The product to be excluded in the review request was defined by the applicant as 'bi-metal self-tapping and self-drilling screws having a shank and head of stainless steel and a point of carbon steel which allows the screw to self-drill its own pilot hole and cut its own thread into hard steel metal, currently falling within CN code ex 7318 14 10'.

([1]) OJ C 160, 6.6.2013, p. 3.
([2]) The interim review was initiated *ex officio* for the PRC since the measures currently apply both to Taiwan and PRC.

(16) One of the cooperating importers claimed that the Commission should have made a distinction not between BMF and SSF but between self-drilling and self-tapping fasteners with the aim to exclude self-drilling fasteners from the product scope of the anti-dumping measures regardless whether they are BMF or SSF.

(17) The purpose of this review as indicated in the request submitted by the applicant and as specifically mentioned in the first paragraph of point 4 of the Notice of Initiation is to examine whether precisely bi-metal self-tapping and self-drilling screws should be excluded from the scope of the products which currently are subject to anti-dumping measures. The claim thus had to be rejected.

(18) At the same time, the Commission took into account the differences between self-drilling and self-tapping fasteners. This is reflected in the amendment of the definition provided by the applicant, quoted in recital 15, as indicated in recital 19.

(19) For the purpose of this review 'BMF' should be defined as: bi-metal self-drilling screws, having a shank and head of stainless steel and a point and leading threads of carbon steel, which are welded together allowing the screw to self-drill its own pilot hole and cut its own thread into hard steel metal; and bi-metal self-tapping screws, having a shank and head of stainless steel and leading threads of carbon steel which are welded together, allowing the screw to cut its own thread into hard steel metal; both currently falling within CN code ex 7318 14 10.

(20) BMF are a relatively new product on the market which was developed in order to combine in one fastener the most important features of the carbon and the stainless steel fasteners namely the hardness of the carbon steel and the corrosion resistance of the stainless steel. BMF are produced by welding a carbon steel part to a stainless steel part and as a consequence obtaining a self-drilling and/or self-tapping fastener which has a point and leading threads (in case of self-tapping fasteners only the leading threads as no point exists) made of carbon steel, while the shank with further threads and the head are composed of stainless steel.

(21) Such BMF are able to penetrate metal sheets of even up to 25 mm thickness without the necessity of pre-drilling whereas normal SSF can only penetrate metal sheets of a maximum of 3 mm thickness. At the same time BMF maintain their corrosion resistance and are therefore suitable for out-door applications, such as windows and roofs and in chemically aggressive environments, such as swimming-pools and certain factories.

C. **FINDINGS OF THE INVESTIGATION**

Methodology

(22) During both the original investigation and the expiry review investigation BMF were not distinguished from SSF. In other words, information was only collected on different types of stainless steel used as raw material for the fasteners but not on fasteners containing both stainless and carbon steel as raw material.

(23) After the final disclosure in the expiry review, one interested party claimed that bi-metal fasteners should not be included in the product scope due to significant differences in relation to stainless steel fasteners in terms of unit sales price, cost of production, basic physical and technical characteristics (its raw material), as well as applications ([1]). However, as explained in recital 21 of the expiry review Regulation, the product scope cannot be modified in the context of an expiry review.

(24) In order to assess whether BMF are covered by the original measures it was examined whether BMF and SSF shared the same basic physical, chemical and technical characteristics and end-uses. In this regard the interchangeability and competition between the two types of fasteners was also assessed.

Basic physical, chemical and technical characteristics

Physical characteristics

(25) The main physical difference between BMF and SSF is the fact that BMF are made of two different types of steel welded together while standard SSF are cut and formed from single stainless steel wire. In the case of BMF, three to four leading threads and the drill point are composed of carbon steel, while the head and shank are made of stainless steel.

([1]) Recital 22 of the expiry review Regulation.

(26) Unless special coating is applied, the stainless steel and the carbon steel part of the BMF can be visually distinguished. It has to be noted that in most cases the fasteners undergo a coating process further enhancing their corrosion resistance and therefore SSF and BMF might not be distinguishable by the naked eye.

(27) Nevertheless, BMF have magnetic properties in their carbon steel part, which is an important feature used to distinguish them from SSF.

Technical characteristics

(28) BMF have the capability to drill and tap into hard and thick metal sheets due to their carbon steel component. SSF do not have this ability due to characteristics of stainless steel.

Chemical characteristics

(29) Due to their carbon steel content, the chemical element composition of BMF is different compared to SSF which consist purely of stainless steel.

Conclusion

(30) Based on the above, it is concluded that even if BMF may look physically alike SSF (when coated), they have different basic physical, technical and chemical characteristics from those of SSF.

End use and interchangeability

(31) The Commission assessed whether the identified differences in physical, chemical and technical characteristics translated into different end use and market perception of BMF and SSF.

(32) It was established that BMF are primarily used in outdoor metal roofing, metal cladding, window cladding applications and in-door fixings in chemically aggressive environments such as swimming-pools and certain factories. All these applications usually require metal sheets of various thicknesses to be fastened together or fastened to other materials such as insulation layers of various compositions. In all these applications using fasteners which are corrosion resistant is very important from the client perspective and in some cases/countries it is even a legal requirement.

(33) BMF are specifically developed to fulfil the requirements of such applications by being able to drill through all types of surfaces including thick metal sheets (like carbon steel fasteners) and at the same time be corrosion resistant (like stainless steel fasteners).

(34) The sole cooperating Union producer claimed that the same result, that is to say fastening different surfaces together, can be achieved by both BMF and SSF. According to that company the only difference is the way the screw is inserted, that is with or without pre-drilling. Pre-drilling means that as an initial step holes are drilled with drills that vary with the material. The screws are then inserted as a separate step. Pre-drilling is necessary when SSF are applied and metal sheets are involved. For that reason the said company considers the choice between SSF and BMF to be simply an economic decision between accepting higher labour or higher material costs.

(35) However, the investigation revealed that in practice the pre-drilling method is not only time and labour consuming but in certain applications (notably in window cladding) not even feasible. The reason is that this method would require three or even more different surfaces to be pre-drilled, each with a different type of drill, and then lined perfectly together in order for the SSF to be inserted. Consequently, in such cases pure carbon steel fasteners are used as an alternative to BMF, rather than pure SSF. The pure carbon steel fastener solution does not fulfil the requirement of anti-corrosive resistance.

(36) Furthermore, when pre-drilling is done, in case of thicker metal surfaces, the SSF inserted will not be able to form their own inner threads and as a consequence the pulling strength will be lower than in case of BMF (or carbon steel fastener).

(37) On the basis of the above the claim set out in recital 34 should be rejected.

(38) It is concluded that the differences identified in the physical, technical and chemical characteristics have an impact on the end use of BMF. Contrary to SSF, BMF fulfil rather specific functions and their use is limited to well-defined market segments, such as outdoor metal constructions, window cladding and certain in-door fixings in chemically aggressive environments.

Differences in production process, costs and prices.

(39) The investigation showed that the production process of BMF differs significantly from that of SSF by involving a number of additional production steps, other machinery and know-how. Especially the welding and the induction heating can be considered as costly, unique and technologically sensitive production steps which are only relevant for BMF.

(40) It was also confirmed that these differences in production process result in significantly higher costs of manufacturing and prices of BMF. The difference in the cost of manufacturing for a similar type of BMF and SSF can vary between 40 % to 150 % depending on the production method and the type/length of the fastener, while price differences can exceed even 400 %.

(41) The considerable difference in prices (and costs) between the BMF and SSF implies that BMF will not be used where SSF can be used with the same result, notably in fastening surfaces different from those of thick metal. This supports the conclusion of recital 38 that the consumers are well aware of the differences between these two types of fasteners and perceive them as different products.

D. **CONCLUSION ON PRODUCT SCOPE**

(42) The above findings show that BMF have different physical, chemical and technical characteristics in comparison with SSF and that these differences are relevant for the end use and market perception of the BMF.

(43) Interchangeability between BMF and SSF is rather limited because in most cases SSF cannot be used with the same result as BMF. In the absence of BMF, users would rather turn to carbon steel fasteners. In addition, interchangeability between SSF and BMF is hampered by the substantial difference in the price of the two products.

(44) In view of the differences mentioned, it is concluded that BMF do not fall within the product scope of the original investigation and that the measures imposed by the original investigation should not have been applied to imports of BMF. Consequently the scope of application of the measures should be clarified retroactively by amendments to Regulation (EC) No 1890/2005, Implementing Regulation (EU) No 2/2012 and Implementing Regulation (EU) No 205/2013.

E. **NEWCOMER REVIEW**

(45) Pursuant to Article 11(4) of the basic Regulation provision should be made in the expiry review Regulation to accommodate newcomer review requests.

F. **RETROACTIVE APPLICATION**

(46) Since the present review investigation was limited to the clarification of the product scope and since BMF should not have been covered by the original measures, in order to prevent any consequent prejudice to importers of the product, it is considered appropriate that the finding be applied retroactively from the date of the entry into force of the original Regulation, including any imports subject to provisional duties between 22 May 2005 and 19 November 2005.

(47) In the Notice of Initiation the interested parties were explicitly invited to comment on a possible retroactive effect the conclusions might have. Two importers expressed their support for retroactive application and none of the interested parties expressed opposition to the retroactive application of the results of the review.

(48) Consequently, the provisional duties definitely collected and the definitive anti-dumping duties paid on imports of BMF into the Union pursuant to Regulation (EC) No 1890/2005, as well as definitive anti-dumping duties paid on imports of BMF into the Union pursuant to Implementing Regulation (EU) No 2/2012, as extended by Implementing Regulation (EU) No 205/2013 to imports of certain stainless steel fasteners consigned from the Philippines, whether declared as originating in the Philippines or not, should be repaid or remitted. The repayment or remission must be requested from national customs authorities in accordance with applicable customs legislation.

(49) This review does not affect the date on which Regulation (EU) No 2/2012 will expire pursuant to Article 11(2) of the basic Regulation.

(50) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation.

G. **DISCLOSURE**

(51) All interested parties were informed of the essential facts and considerations leading to the above conclusions and were invited to comment. They were also granted a period to submit comments subsequent to the disclosure. No submission and comments were received,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EC) No 1890/2005, paragraph 1 is replaced by the following:

'1. A definitive anti-dumping duty is hereby imposed on imports of certain stainless steel fasteners and parts thereof, currently falling within CN codes 7318 12 10, ex 7318 14 10, 7318 15 30, 7318 15 51, 7318 15 61 and 7318 15 70 and originating in the People's Republic of China, Indonesia, Taiwan, Thailand and Vietnam.

Bi-metal fasteners, defined as: bi-metal self-drilling screws, having a shank and head of stainless steel and a point and leading threads of carbon steel, which are welded together allowing the screw to self-drill its own pilot hole and cut its own thread into hard steel metal; and bi-metal self-tapping screws, having a shank and head of stainless steel and leading threads of carbon steel which are welded together, allowing the screw to cut its own thread into hard steel metal; both currently falling within CN code ex 7318 14 10, shall not be covered by the definitive anti-dumping duty.'

Article 2

In Implementing Regulation (EU) No 2/2012, Article 1 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. A definitive anti-dumping duty is hereby imposed on imports of certain stainless steel fasteners and parts thereof, currently falling within CN codes 7318 12 10, ex 7318 14 10 (TARIC codes from the day following the publication of Commission Implementing Regulation (EU) No 830/2014 (*): 7318 14 10 51, 7318 14 10 59, 7318 14 10 81 and 7318 14 10 89), 7318 15 30, 7318 15 51, 7318 15 61 and 7318 15 70 and originating in the People's Republic of China and Taiwan.

Bi-metal fasteners, defined as: bi-metal self-drilling screws, having a shank and head of stainless steel and a point and leading threads of carbon steel, which are welded together allowing the screw to self-drill its own pilot hole and cut its own thread into hard steel metal; and bi-metal self-tapping screws, having a shank and head of stainless steel and leading threads of carbon steel which are welded together, allowing the screw to cut its own thread into hard steel metal; both currently falling within CN code ex 7318 14 10, shall not be covered by the definitive anti-dumping duty.

(*) Commission Implementing Regulation (EU) No 830/2014 of 30 July 2014 amending Council Regulation (EC) No 1890/2005, Council Implementing Regulation (EU) No 2/2012 and Council Implementing Regulation (EU) No 205/2013 as regards the product scope of the current anti-dumping measures concerning stainless steel fasteners and parts thereof, and as regards newcomer review requests, and providing for the possibility of repayment or remission of duties in certain cases (OJ L 226, 31.7.2014, p. 16).';

(b) the following paragraph 4 is added:

'4. Where any exporting producer in Taiwan provides sufficient evidence to the Commission that:

(a) it did not export to the Union the product described in Article 1(1) during the investigation period (1 July 2003 to 30 June 2004);

(b) it is not related to any of the exporters or producers in Taiwan which are subject to the measures imposed by this Regulation; and

(c) it has actually exported to the Union the product concerned after the investigation period or it has entered into an irrevocable contractual obligation to export a significant quantity to the Union;

the Annex may be amended by adding the new exporting producer to the cooperating companies not included in the sample and thus subject to the weighted average duty rate of 15,8 %.'

Article 3

In Article 1 of Implementing Regulation (EU) No 205/2013, paragraph 1 is replaced by the following:

'1. The definitive anti-dumping duty applicable to "all other companies" from the PRC imposed by Article 1(2) of Regulation (EU) No 2/2012, as amended by Article 2 of Commission Implementing Regulation (EU) No 830/2014 (*) on imports of certain stainless steel fasteners and parts thereof originating in the People's Republic of China, is hereby extended to imports of certain stainless steel fasteners and parts thereof consigned from the Philippines, whether declared as originating in the Philippines or not, currently falling under CN codes ex 7318 12 10, ex 7318 14 10, ex 7318 15 30, ex 7318 15 51, ex 7318 15 61 and ex 7318 15 70 (TARIC codes 7318 12 10 11, 7318 12 10 91, 7318 14 10 51, 7318 14 10 81, 7318 15 30 11, 7318 15 30 61, 7318 15 30 81, 7318 15 51 11, 7318 15 51 61, 7318 15 51 81, 7318 15 61 11, 7318 15 61 61, 7318 15 61 81, 7318 15 70 11, 7318 15 70 61 and 7318 15 70 81), with the exception of those produced by the companies listed below:

Company	Additional TARIC Code
Multi-Tek Fasteners Inc., Clark Freeport Zone, Pampanga, Philippines	B355
Rosario Fasteners Corporation, Cavite Economic Area, Philippines	B356

(*) Commission Implementing Regulation (EU) No 830/2014 of 30 July 2014 amending Council Regulation (EC) No 1890/2005, Council Implementing Regulation (EU) No 2/2012 and Council Implementing Regulation (EU) No 205/2013 as regards the product scope of the current anti-dumping measures concerning stainless steel fasteners and parts thereof, and as regards newcomer review requests, and providing for the possibility of repayment or remission of duties in certain cases (OJ L 226, 31.7.2014, p. 16).'

Article 4

For goods not covered by Article 1(1) of Regulation (EC) No 1890/2005 and Article 1(1) of Implementing Regulation (EU) No 2/2012 as extended by Implementing Regulation (EU) No 205/2013 and amended by this Regulation, the definitive anti-dumping duties paid or entered into the accounts pursuant to Article 1(1) and Article 2 of Regulation (EC) No 1890/2005 and Article 1(1) of Implementing Regulation (EU) No 2/2012 as extended by Implementing Regulation (EU) No 205/2013 prior to the amendment by this Regulation shall be repaid or remitted.

Repayment and remission shall be requested from national customs authorities in accordance with applicable customs legislation. In cases where the time limits provided for in Article 236(2) of Council Regulation (EEC) No 2913/92 ([1]) have expired before or on the date of publication of this Regulation, or if they expire within six months after that date, they are hereby extended so as to expire six months after date of entry into force of this Regulation.

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

Article 5

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 retroactively from 20 November 2005.

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

Done at Brussels, 30 July 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 831/2014

of 30 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) ([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 July 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	TR	41,5
	ZZ	41,5
0707 00 05	MK	65,0
	TR	81,4
	ZZ	73,2
0709 93 10	TR	96,1
	ZZ	96,1
0805 50 10	AR	108,3
	BO	98,4
	CL	153,6
	MGB	99,6
	UY	153,1
	ZA	145,8
	ZZ	126,5
0806 10 10	BR	152,3
	CL	90,0
	EG	159,6
	MA	148,6
	TR	160,3
	ZZ	142,2
0808 10 80	AR	178,9
	BR	62,3
	CL	91,5
	NZ	128,6
	US	155,0
	ZA	116,9
	ZZ	122,2
0808 30 90	AR	76,6
	CL	104,1
	NZ	177,1
	TR	191,6
	ZA	82,4
	ZZ	126,4
0809 10 00	MK	106,1
	TR	255,2
	XS	133,5
	ZZ	164,9
0809 29 00	CA	324,1
	TR	360,9
	US	408,0
	ZZ	364,3

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0809 30	MK	73,7
	TR	148,9
	ZZ	111,3
0809 40 05	BA	43,7
	MK	49,3
	TR	141,2
	ZZ	78,1

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

COMMISSION IMPLEMENTING REGULATION (EU) No 832/2014

of 30 July 2014

fixing the allocation coefficient to be applied to applications for import licences lodged in the context of the tariff quota opened by Implementing Regulation (EU) No 416/2014 for certain cereals originating in Ukraine

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 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 ([1]), and in particular Article 188(1) and (3) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) No 416/2014 ([2]) has opened import tariff quotas for certain cereals originating in Ukraine.

(2) Notifications made in accordance with Article 4(1) of Implementing Regulation (EU) No 416/2014 show that the applications for import licences submitted to the competent authorities from 18 July 2014 at 13:00 until 25 July 2014, 13:00 Brussels time, pursuant to the second subparagraph of Article 2(1) of that Regulation, for the quota with order number 09.4308, cover quantities greater than those available. The extent to which import licences may be issued should therefore be determined by fixing the allocation coefficient to be applied to the quantities requested under the quota concerned.

(3) Import licences should no longer be issued for the tariff quota with order number 09.4308.

(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

1. Licences shall be issued for import licence applications for products covered by the quota with order number 09.4308 and listed in the Annex to Implementing Regulation (EU) No 416/2014 which were submitted from 18 July 2014 at 13:00 until 25 July 2014, 13:00 Brussels time, for the quantities applied for, multiplied by an allocation coefficient of 80,115428 % for the applications lodged in the context of the tariff quota with order number 09.4308.

2. The issuing of licences for the quantities applied for from 25 July 2014, 13:00 Brussels time in the context of the quota with order number 09.4308 referred to in the Annex to Implementing Regulation (EU) No 416/2014 shall be suspended.

([1]) OJ L 347, 20.12.2013, p. 671.
([2]) Commission Implementing Regulation (EU) No 416/2014 of 23 April 2014 opening and providing for the administration of import tariff quotas for certain cereals originating in Ukraine (OJ L 121, 24.4.2014, p. 53).

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 July 2014.

For the Commission
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and Rural Development

DECISIONS

COUNCIL DECISION

of 23 July 2014

on the adoption by Lithuania of the euro on 1 January 2015

(2014/509/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 140(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the report from the European Commission,

Having regard to the report from the European Central Bank,

Having regard to the opinion of the European Parliament,

Having regard to the discussion in the European Council,

Having regard to the recommendation of the members of the Council representing Member States whose currency is the euro,

Whereas:

(1) The third stage of economic and monetary union ('EMU') started on 1 January 1999. The Council, meeting in Brussels on 3 May 1998 in the composition of Heads of State or Government, decided that Belgium, Germany, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal and Finland fulfilled the necessary conditions for adopting the euro on 1 January 1999 ([1]).

(2) By Decision 2000/427/EC ([2]) the Council decided that Greece fulfilled the necessary conditions for adopting the euro on 1 January 2001. By Decision 2006/495/EC ([3]) the Council decided that Slovenia fulfilled the necessary conditions for adopting the euro on 1 January 2007. By Decisions 2007/503/EC ([4]) and 2007/504/EC ([5]) the Council decided that Cyprus and Malta fulfilled the necessary conditions for adopting the euro on 1 January 2008. By Decision 2008/608/EC ([6]) the Council decided that Slovakia fulfilled the necessary conditions for adopting the euro. By Decision 2010/416/EU ([7]) the Council decided that Estonia fulfilled the necessary conditions for adopting the euro. By Decision 2013/387/EU ([8]) the Council decided that Latvia fulfilled the necessary conditions for adopting the euro.

([1]) Council Decision 98/317/EC of 3 May 1998 in accordance with Article 109j(4) of the Treaty (OJ L 139, 11.5.1998, p. 30).
([2]) Council Decision 2000/427/EC of 19 June 2000 in accordance with Article 122(2) of the Treaty on the adoption by Greece of the single currency on 1 January 2001 (OJ L 167, 7.7.2000, p. 19).
([3]) Council Decision 2006/495/EC of 11 July 2006 in accordance with Article 122(2) of the Treaty on the adoption by Slovenia of the single currency on 1 January 2007 (OJ L 195, 15.7.2006, p. 25).
([4]) Council Decision 2007/503/EC of 10 July 2007 in accordance with Article 122(2) of the Treaty on the adoption by Cyprus of the single currency on 1 January 2008 (OJ L 186, 18.7.2007, p. 29).
([5]) Council Decision 2007/504/EC of 10 July 2007 in accordance with Article 122(2) of the Treaty on the adoption by Malta of the single currency on 1 January 2008 (OJ L 186, 18.7.2007, p. 32).
([6]) Council Decision 2008/608/EC of 8 July 2008 in accordance with Article 122(2) of the Treaty on the adoption by Slovakia of the single currency on 1 January 2009 (OJ L 195, 24.7.2008, p. 24).
([7]) Council Decision 2010/416/EU of 13 July 2010 in accordance with Article 140(2) of the Treaty on the adoption by Estonia of the euro on 1 January 2011 (OJ L 196, 28.7.2010, p. 24).
([8]) Council Decision 2013/387/EU of 9 July 2013 on the adoption by Latvia of the euro on 1 January 2014 (OJ L 195, 18.7.2013, p. 24).

(3) In accordance with paragraph 1 of the Protocol on certain provisions relating to the United Kingdom of Great Britain and Northern Ireland annexed to the Treaty establishing the European Community ('EC Treaty'), the United Kingdom notified the Council that it did not intend to move to the third stage of EMU on 1 January 1999. That notification has not been changed. In accordance with paragraph 1 of the Protocol on certain provisions relating to Denmark annexed to the EC Treaty and the Decision taken by the Heads of State or Government in Edinburgh in December 1992, Denmark has notified the Council that it will not participate in the third stage of EMU. Denmark has not requested that the procedure referred to in Article 140(2) of the Treaty on the Functioning of the European Union (TFEU) be initiated.

(4) By virtue of Decision 98/317/EC Sweden has a derogation as defined in Article 139(1) TFEU. In accordance with Article 4 of the 2003 Act of Accession ([1]), the Czech Republic, Lithuania, Hungary and Poland have derogations as defined in Article 139(1) TFEU. In accordance with Article 5 of the 2005 Act of Accession ([2]), Bulgaria and Romania have derogations as defined in Article 139(1) TFEU. In accordance with Article 5 of the 2012 Act of Accession ([3]), Croatia has a derogation as defined in Article 139(1) TFEU.

(5) The European Central Bank ('ECB') was established on 1 July 1998. The European Monetary System has been replaced by an exchange rate mechanism, the setting-up of which was agreed by a resolution of the European Council on the establishment of an exchange-rate mechanism in the third stage of economic and monetary union of 16 June 1997 ([4]). The procedures for an exchange-rate mechanism in stage three of economic and monetary union (ERM II) were laid down in the Agreement of 16 March 2006 between the European Central Bank and the national central banks of the Member States outside the euro area laying down the operating procedures for an exchange rate mechanism in stage three of economic and monetary union. ([5])

(6) Article 140(2) TFEU lays down the procedures for abrogation of the derogation of the Member States concerned. At least once every two years, or at the request of a Member State with a derogation, the Commission and the ECB shall report to the Council in accordance with the procedure laid down in Article 140(1) TFEU.

(7) National legislation in the Member States, including the statutes of national central banks, is to be adapted as necessary with a view to ensuring compatibility with Articles 130 and 131 TFEU and with the Statute of the European System of Central Banks and of the European Central Bank ('Statute of the ESCB and of the ECB'). The reports of the Commission and the ECB provide a detailed assessment of the compatibility of the legislation of Lithuania with Articles 130 and 131 TFEU and with the Statute of the ESCB and of the ECB.

(8) In accordance with Article 1 of Protocol No 13 on the convergence criteria referred to in Article 140 TFEU, the criterion on price stability referred to in the first indent of Article 140(1) TFEU means that a Member State has a price performance that is sustainable and an average rate of inflation, observed over a period of one year before the examination, that does not exceed by more than one and a half percentage points that of, at most, the three best performing Member States in terms of price stability. For the purpose of the criterion on price stability, inflation is measured by the harmonised indices of consumer prices (HICPs) defined in Council Regulation (EC) No 2494/95 ([6]). In order to assess the price stability criterion, a Member State's inflation is measured by the percentage change in the arithmetic average of 12 monthly indices relative to the arithmetic average of 12 monthly indices of the previous period. A reference value calculated as the simple arithmetic average of the inflation rates of the three best-performing Member States in terms of price stability plus 1,5 percentage points was considered in the reports of the Commission and the ECB. In the one-year period ending in April 2014, the inflation reference value was calculated to be 1,7 percent, with Latvia, Portugal and Ireland as the three best-performing Member States in terms of price stability, with inflation rates of, respectively 0,1 percent, 0,3 percent and 0,3 percent. It is warranted to exclude from the best performers Member States whose inflation rates could not be seen as a meaningful benchmark for other Member States. Such outliers were in the past identified in the 2004, 2010 and 2013 Convergence Reports. At the current juncture, it is warranted to exclude Greece, Bulgaria and Cyprus from the best performers ([7]). They are replaced by Latvia, Portugal and Ireland, the Member States with the next-lowest average inflation rates, for the calculation of the reference value.

([1]) OJ L 236, 23.9.2003, p. 33.
([2]) OJ L 157, 21.6.2005, p. 203.
([3]) OJ L 112, 24.4.2012, p. 21.
([4]) OJ C 236, 2.8.1997, p. 5.
([5]) OJ C 73, 25.3.2006, p. 21.
([6]) Council Regulation (EC) No 2494/95 of 23 October 1995 concerning harmonised indices of consumer prices (OJ L 257, 27.10.1995, p. 1).
([7]) In April 2014, the 12-month average inflation rates of Greece, Bulgaria and Cyprus were respectively – 1,2 %, – 0,8 % and – 0,4 % and that of the euro area 1,0 %.

(9) In accordance with Article 2 of Protocol No 13, the criterion on the government budgetary position referred to in the second indent of Article 140(1) TFEU requires that, at the time of the examination, the Member State not be the subject of a Council decision under Article 126(6) TFEU that an excessive deficit exists.

(10) In accordance with Article 3 of Protocol No 13, the criterion on participation in the exchange-rate mechanism of the European Monetary System referred to in the third indent of Article 140(1) TFEU requires that a Member State have complied with the normal fluctuation margins provided for by the exchange-rate mechanism (ERM) of the European Monetary System without severe tensions for at least the last two years before the examination. In particular, the Member State must not have devalued its currency's bilateral central rate against the euro on its own initiative for the same period. Since 1 January 1999, the ERM II provides the framework for assessing the fulfillment of the exchange rate criterion. In assessing the fulfillment of this criterion in their reports, the Commission and the ECB examined the two-year period ending on 15 May 2014.

(11) In accordance with Article 4 of Protocol No 13, the criterion on the convergence of interest rates referred to in the fourth indent of Article 140(1) TFEU requires that, observed over a period of one year before the examination, a Member State have had an average nominal long-term interest rate that does not exceed by more than two percentage points that of, at most, the three best performing Member States in terms of price stability. For the purpose of the criterion on the convergence of interest rates, comparable interest rates on ten-year benchmark government bonds were used. In order to assess the fulfillment of the interest-rate criterion a reference value calculated as the simple arithmetic average of the nominal long-term interest rates of the three best performing Member States in terms of price stability plus two percentage points was considered in the reports of the Commission and the ECB. The reference value is based on the long-term interest rates in Latvia (3,3 percent), Ireland (3,5 percent) and Portugal (5,9 percent) and in the one year period ending in April 2014 was 6,2 percent.

(12) In accordance with Article 5 of Protocol No 13, the data used in the assessment of the fulfillment of the convergence criteria is to be provided by the Commission. The Commission provided that data. Budgetary data were provided by the Commission after reporting by the Member States by 1 April 2014 in accordance with Council Regulation (EC) No 479/2009 ([1]).

(13) On the basis of reports presented by the Commission and the ECB on the progress made in the fulfillment by Lithuania of its obligations regarding the achievement of economic and monetary union, it is concluded that:

(a) in Lithuania, national legislation, including the Statute of the national central bank, is compatible with Articles 130 and 131 TFEU and with the Statute of the ESCB and of the ECB;

(b) regarding the fulfillment by Lithuania of the convergence criteria mentioned in the four indents of Article 140(1) TFEU:

— the average inflation rate in Lithuania in the year ending in April 2014 stood at 0,6 percent, which is well below the reference value, and it is likely to remain below the reference value in the months ahead,

— Lithuania is not the subject of a Council decision on the existence of an excessive deficit, with a budget deficit of 2,1 percent of GDP in 2013,

— Lithuania has been a member of ERM II since 28 June 2004; upon ERM II entry, the authorities unilaterally commited to maintaining the prevailing Currency Board within the mechanism. During the two years preceding this assessment, the litas exchange rate did not deviate from its central rate and it did not experience tensions,

— in the year ending April 2014, the long-term interest rate in Lithuania was, on average, 3,6 percent, which is well below the reference value;

(c) in the light of the assessment on legal compatibility and on the fulfilment of the convergence criteria as well as the additional factors, Lithuania fulfils the necessary conditions for the adoption of the euro,

([1]) Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community (OJ L 145, 10.6.2009, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

Lithuania fulfils the necessary conditions for the adoption of the euro. The derogation in favour of Lithuania referred to in Article 4 of the 2003 Act of Accession is abrogated with effect from 1 January 2015.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 23 July 2014.

For the Council
The President
S. GOZI

COMMISSION IMPLEMENTING DECISION

of 29 July 2014

amending Implementing Decision 2014/88/EU suspending temporarily imports from Bangladesh of foodstuffs containing or consisting of betel leaves ('Piper betle') as regards its period of application

(notified under document C(2014) 5327)

(Text with EEA relevance)

(2014/510/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ([1]), and in particular Article 53(1)(b)(i) thereof,

Whereas:

(1) Commission Implementing Decision 2014/88/EU ([2]) was adopted following a high number of notifications issued to the Rapid Alert System for Food and Feed (RASFF) due to the presence of a wide range of *salmonella* strains, including *salmonella typhimurium*, found in foodstuffs. That strain is the second most reported serotype in human cases and high prevalences have been found in foodstuffs containing or consisting of betel leaves ('Piper betle', commonly known as 'Paan leaf' or 'Betel quid') from Bangladesh. Since 2011, the United Kingdom has reported several outbreaks of *salmonella* poisoning from betel leaves. In addition, it is likely that the number of cases are underreported in the Union.

(2) Accordingly, Implementing Decision 2014/88/EU prohibits the importation into the Union of foodstuffs containing or consisting of betel leaves from Bangladesh until 31 July 2014.

(3) In February 2014, Bangladesh submitted an up-date concerning the implementation of its action plan to address the shortcomings identified during an audit by the European Commission's Food and Veterinary Office in 2013. It indicated that the implementation is still in progress and has not yet been completed.

(4) Thus, a number of outstanding issues remain to be addressed. In particular, the export programme proposed by the industry for the export of betel leaves has not yet been put in place. The self-imposed export ban on betel leaves introduced by Bangladesh in May 2013 remains in place. However, it has not proved to be fully effective and since its adoption, nine cases of attempted imports of betel leaves into the Union have been reported in the RASFF. Therefore, it cannot be concluded that the guarantees provided by Bangladesh are sufficient to address the serious risks to human health. The emergency measures established by Implementing Decision 2014/88/EU should therefore remain in place.

(5) The period of application of Implementing Decision 2014/88/EU should therefore be extended until 30 June 2015.

(6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Article 4 of Implementing Decision 2014/88/EU is replaced by the following:

'Article 4

This Decision shall apply until 30 June 2015.'.

([1]) OJ L 31, 1.2.2002, p. 1.
([2]) Commission Implementing Decision 2014/88/EU of 13 February 2014 suspending temporarily imports from Bangladesh of foodstuffs containing or consisting of betel leaves ('Piper betle') (OJ L 45, 15.2.2014, p. 34).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 July 2014.

For the Commission
Tonio BORG
Member of the Commission

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