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

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

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 972/2014**of 11 September 2014****concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92 ⁽²⁾. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months from the date of entry into force of this Regulation.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

Article 3

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

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

Done at Brussels, 11 September 2014.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>A liquid product consisting of a silane, MDP phosphate monomer, dimethacrylate resins, 2-hydroxyethyl-methacrylate (HEMA), a copolymer, filler, ethanol, water and initiators. It is intended for dental use.</p> <p>The product prepares the surface of tooth cavities for bonding with filling material. It can also be used for root desensitisation, for sealing of dentine prior to cementation of amalgam restorations, as protective coating for glass ionomer restorative materials or for bonding of pit and fissure sealants.</p>	3006 40 00	<p>Classification is determined by the general rules 1, 3(a) and 6 for the interpretation of the Combined Nomenclature, note 4(f) to Chapter 30 and the wording of CN codes 3006 and 3006 40 00.</p> <p>Given its objective characteristics, namely the presence of ethanol and water, the product is more fluid than a traditional filler and capable of easily infiltrating into the tooth.</p> <p>Although the product has the appearance of an adhesive, its use is that of a primer on teeth, in order to activate the dentine on the surface for bonding with the filling material. The product remains on the tooth during and after the treatment and becomes an integral part of the filling.</p> <p>Classification under heading 3506 as glue is excluded as heading 3006 provides the more specific description. In addition, some of the intended uses (root desensitisation, sealing of dentine and use as protective coating) are not typical of glue.</p> <p>The product is therefore to be classified under CN code 3006 40 00 as dental cements and other dental fillings.</p>

COMMISSION IMPLEMENTING REGULATION (EU) No 973/2014
of 11 September 2014
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92 ⁽²⁾. That period should be set at three months.
- (5) The Customs Code Committee has not issued an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months from the date of entry into force of this Regulation.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

Article 3

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

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

Done at Brussels, 11 September 2014.

For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>A product consisting of slightly glutinous and sticky translucent white pieces of approximately 1 cm in length and of approximately 3 mm in diameter. The product is floating in brine, has a gel-like consistency and has an appearance similar to glass noodles. It is put up for retail sale in packs containing 250 g (160 g drained net weight).</p> <p>The product is produced by mixing konjak tuber (<i>Amorphophallus konjac</i>) flour with water containing calcium hydroxide (proportions of the mixture in % by weight: konjak tuber flour 3-7, water 93-97).</p> <p>The mixture is then boiled and the resultant gel is pressed through a mould to give the product its final shape.</p>	1901 90 91	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 2 to Chapter 19 and the wording of CN codes 1901, 1901 90 and 1901 90 91.</p> <p>Food preparations of heading 1901 are made with a basis of flour, groats, meal, starch or malt extract. The terms 'flour' and 'meal' include flour, meal and powder of vegetable origin of any chapter, other than flour, meal or powder of dried vegetables (heading 0712) or of dried leguminous vegetables (heading 1106) (see note 2 to chapter 19). Konjak tubers (whole, ground or powdered) are classified under heading 1212 (see also the Explanatory Notes to the Combined Nomenclature to heading 1212).</p> <p>Although the product has a gel-like consistency, it is not a mucilage or thickener derived from vegetable products of heading 1302.</p> <p>The product is therefore to be classified under CN code 1901 90 91.</p>

COMMISSION IMPLEMENTING REGULATION (EU) No 974/2014**of 11 September 2014****laying down the refractometry method of measuring dry soluble residue in products processed from fruit and vegetables for the purposes of their classification in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) Regulation (EEC) No 2658/87 established a nomenclature of goods, hereinafter referred to as the 'Combined Nomenclature' or 'CN', which is set out in Annex I to that Regulation.
- (2) Commission Regulation (EEC) No 558/93 ⁽²⁾ established the refractometry method to be used for measuring the content of sugar in products processed from fruit and vegetables for the purposes of Additional note 1 to Chapter 8 of the CN and Additional notes 2 and 6 to Chapter 20 of the CN.
- (3) Regulation (EEC) No 558/93 was removed from the active *acquis* by the Commission in its Communication 2009/C 30/04 ⁽³⁾.
- (4) Although Regulation (EEC) No 558/93 was removed from the active *acquis*, a refractometry method is still necessary for the customs laboratories in the Member States as an important and irreplaceable tool to determine the content of various sugars expressed as sucrose of products of Chapters 8 and 20 of the CN.
- (5) In order to ensure that customs authorities apply a uniform approach for the purposes of customs classification, it is necessary to establish a method for measuring the content of dry soluble residue in products processed from fruit and vegetables.
- (6) For this purpose it is appropriate to use a refractometry method inspired by the method laid down in Regulation (EEC) No 558/93 and taking into account the experience acquired from technological advance in laboratory techniques and accumulated scientific expertise.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The method of measuring dry soluble residue in products processed from fruit and vegetables to be used for determining the content of sugar expressed as sucrose in products of Chapters 8 and 20 of the Combined Nomenclature for the purposes of their classification in the Combined Nomenclature is set out in the Annex to this Regulation.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ Commission Regulation (EEC) No 558/93 of 10 March 1993 on the refractometry method of measuring dry soluble residue in products processed from fruit and vegetables, repealing Regulation (EEC) No 543/86 and amending Annex I to Council Regulation (EEC) No 2658/87 (OJ L 58, 11.3.1993, p. 50).

⁽³⁾ Communication from the Commission establishing formal recognition that a certain number of acts of Community law in the field of agriculture have become obsolete (OJ C 30, 6.2.2009, p. 18).

Article 2

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

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

Done at Brussels, 11 September 2014.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

ANNEX

**METHOD OF MEASURING DRY SOLUBLE RESIDUE IN PRODUCTS PROCESSED FROM FRUIT AND
VEGETABLES BY REFRACTOMETRY
(DETERMINATION OF THE BRUX-VALUE)**

1. DEFINITION

Dry soluble residue content (Brix value, determined by refractometry) means the percentage weight of sucrose in an aqueous solution of sucrose which, under given conditions, has the same refractive index as the product analysed.

2. APPARATUS

The principal type of apparatus to be used is the Abbe-type refractometer. Alternatively, the use of a digital refractometer is permitted.

This apparatus must enable the percentage weight of sucrose to be determined to the nearest $\pm 0,1$ %.

The refractometer must be calibrated at 20 °C by a system that enables the temperature of measurement cell to be adjusted from + 15 °C to + 25 °C with an accuracy of $\pm 0,5$ °C.

Operating instructions for this apparatus, and in particular those dealing with calibration and light source, must be strictly followed.

3. METHOD

3.1. **Preparation of the sample**3.1.1. *Liquid products*

Mix carefully and proceed to determination.

3.1.2. *Semi-dense products, purées, fruit juices with matter in suspension*

Carefully mix an average laboratory sample and then homogenize.

Strain a part of the sample through dry gauze folded in four, remove the first drops and proceed to the determination on the filtrate.

3.1.3. *Dense products (jams and jellies)*

If the previously homogenized product cannot be used directly, weigh 40 g of the product to the nearest 0,01 g in a 250 ml beaker and add 100 ml of distilled water.

Boil gently for two or three minutes, stirring with a glass rod.

Cool, pour the contents of the beaker into an appropriate tared vessel using distilled water as a flushing liquid, add distilled water so as to obtain about 200 g of product, weigh it to the nearest 0,01 g, and mix the solution thoroughly.

Allow to stand for 20 minutes, then strain through a folded filter or a Büchner funnel. Make a determination on the filtrate.

3.1.4. *Frozen products*

Defrost and remove stones or pips and cores.

Mix the product with the liquid formed during defrosting and proceed as in points 3.1.2 and 3.1.3 respectively.

3.1.5. *Dry products or products containing whole fruit or pieces of fruit*

Cut the laboratory sample — or part of it — into small pieces, remove stones or pips and cores and mix carefully.

Weigh 10 to 20 g of the product to the nearest 0,01 g in a beaker.

Add distilled water corresponding to five times the weight of the product.

Heat in a bath of boiled water for 30 minutes stirring occasionally with a glass rod.

When cool, continue as described in point 3.1.3.

3.1.6. *Products containing alcohol*

Weigh about 100 g of the sample to the nearest 0,01 g in a tared beaker.

Place the beaker in a bath of boiled water for 30 minutes, stirring occasionally with a glass rod, and add distilled water if necessary.

Where the alcohol content exceeds about 5 % mass add more distilled water and heat again in the bath of boiled water for 45 minutes.

After cooling weigh the final contents of the vessel, filter if necessary, and continue with the determination.

3.2. **Determination**

The principle is the deduction of the dry soluble residue content of a product from its refractive index.

The measurement temperature shall be between 15 and 25 °C.

By using a digital refractometer the temperature shall be at 20 °C.

Bring the sample to the measurement temperature by immersing the container in a water bath at the required temperature.

Place a small sample on the lower prism of the refractometer, taking care to ensure that the sample covers the glass surface uniformly when the prisms are pressed against each other.

Measure in accordance with the operating instructions for the apparatus used.

Read the percentage weight of sucrose to the nearest 0,1 %.

Make at least two determinations on the same prepared sample.

4. EXPRESSION OF RESULTS

Calculation and formulation

The dry soluble residue content is expressed in grams per 100 grams of the product (g/100 g). This is equivalent to a value in °Brix.

The dry soluble residue content shall be calculated as follows:

The percentage sucrose content indicated by refractometry shall be used directly.

If the reading is made at a temperature other than + 20 °C, correct as indicated in table 1.

If the measurement has been made on a diluted solution, the dry soluble residue content (**M**) shall be calculated using the following formula:

$$M = M' \times 100/E$$

M' being the weight (in grams) of dry soluble residue per 100 g of product indicated by the refractometer and **E** the weight (in grams) of product per 100 g of solution.

The result of that calculation shall be given to one decimal place (+/- 0,1 °Brix).

Table 1

Corrections when determination is made at a temperature other than 20 °C

Temperature °C	Sucrose in grams per 100 grams of product									
	5	10	15	20	30	40	50	60	70	75
	Subtract									
15	0,25	0,27	0,31	0,31	0,34	0,35	0,36	0,37	0,36	0,36
16	0,21	0,23	0,27	0,27	0,29	0,31	0,31	0,32	0,31	0,23
17	0,16	0,18	0,20	0,20	0,22	0,23	0,23	0,23	0,20	0,17
18	0,11	0,12	0,14	0,15	0,16	0,16	0,15	0,12	0,12	0,09
19	0,06	0,07	0,08	0,08	0,08	0,09	0,09	0,08	0,07	0,05
	Add									
21	0,06	0,07	0,07	0,07	0,07	0,07	0,07	0,07	0,07	0,07
22	0,12	0,14	0,14	0,14	0,14	0,14	0,14	0,14	0,14	0,14
23	0,18	0,20	0,20	0,21	0,21	0,21	0,21	0,22	0,22	0,22
24	0,24	0,26	0,26	0,27	0,28	0,28	0,28	0,28	0,29	0,29
25	0,30	0,32	0,32	0,34	0,36	0,36	0,36	0,36	0,36	0,37

5. PRECISION

Details of an inter-laboratory test relating to precision data of the method performed on 8 samples are given in this point. They reflect the performance requirements for the method described in this annex. The precision data are given below in table 2.

Source of the precision data

The precision data were determined from an inter-laboratory test that was carried out in 1999/2000 with the participation of the European Customs Laboratories.

The evaluation of the precision data was performed according to ISO 5725.

Table 2

Precision data

Sample name	Number of laboratories	Mean (°Brix)	Repeatability limit r (%)	Reproducibility limit R (%)
Fruit cocktail	11	18,9	3,0	4,7
Pineapple	10	19,4	1,7	1,7
Apple compote	12	19,5	2,0	2,7
Tropical fruit	9	12,8	2,9	4,0
Strawberry jam	12	59,8	4,0	7,2
Apple juice	12	11,1	1,4	4,7
Orange juice concentrate	9	65,2	1,3	2,6
Powder orange juice	11	99,8	2,3	5,3

COMMISSION IMPLEMENTING REGULATION (EU) No 975/2014**of 11 September 2014****amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) Regulation (EEC) No 2658/87 established a nomenclature of goods, hereinafter referred to as the 'Combined Nomenclature' or 'CN', which is set out in Annex I to that Regulation.
- (2) In the interest of legal certainty, it is necessary to clarify that when in the texts of Additional note 1 to Chapter 8 and Additional notes 2 and 6 to Chapter 20 the expression 'the figure indicated by a refractometer' is used, this corresponds to the figure obtained using the refractometry method of measuring dry soluble residue in products processed from fruit and vegetables for the purposes of their classification in the Combined Nomenclature prescribed in the Annex to Commission Implementing Regulation (EU) No 974/2014 ⁽²⁾.
- (3) It is therefore appropriate to include in the text of those Additional notes a reference to the refractometry method in order to allow for an easy reference when classifying products falling under the headings and subheadings concerned by those Additional notes.
- (4) In order to ensure uniform interpretation of the Combined Nomenclature throughout the Union with regard to measuring the sugar content of various products using the refractometer method, Additional note 1 to Chapter 8 and Additional notes 2 and 6 to Chapter 20 should be amended.
- (5) Regulation (EEC) No 2658/87 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Part Two of the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87 is amended as follows:

(1) in Chapter 8 Additional note 1 is replaced by the following:

1. The content of various sugars expressed as sucrose (sugar content) of the products classified in this chapter corresponds to the figure indicated by a refractometer (used in accordance with the method prescribed in the Annex to Commission Implementing Regulation (EU) No 974/2014 ^(*)) at a temperature of 20 °C and multiplied by the factor 0,95.

^(*) Commission Implementing Regulation (EU) No 974/2014 of 11 September 2014 laying down the refractometry method of measuring dry soluble residue in products processed from fruit and vegetables for the purposes of their classification in the Combined Nomenclature (OJ L 274, 16.9.2014, p. 6).;

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 974/2014 of 11 September 2014 laying down the refractometry method of measuring dry soluble residue in products processed from fruit and vegetables for the purposes of their classification in the Combined Nomenclature (see page 6 of this Official Journal).

(2) in Chapter 20 Additional note 2 is replaced by the following:

2. (a) The content of various sugars expressed as sucrose (sugar content) of the products classified in this chapter corresponds to the figure indicated by a refractometer (used in accordance with the method prescribed in the Annex to Implementing Regulation (EU) No 974/2014) at a temperature of 20 °C and multiplied by one of the following the factors:
 - 0,93 in respect of products of subheadings 2008 20 to 2008 80, 2008 93, 2008 97 and 2008 99,
 - 0,95 in respect of products of the other headings.
- (b) The expression “Brix value”, mentioned in the subheadings of heading 2009, corresponds to the figure indicated by a refractometer (used in accordance with the method prescribed in the Annex to Implementing Regulation (EU) No 974/2014) at a temperature of 20 °C.;

(3) in Chapter 20 Additional note 6 is replaced by the following:

6. For the purposes of subheadings 2009 69 51 and 2009 69 71, “concentrated grape juice (including grape must)” means grape juice (including grape must) for which the figure indicated by a refractometer (used in accordance with the method prescribed in the Annex to Implementing Regulation (EU) No 974/2014) at a temperature of 20 °C is not less than 50,9 %.

Article 2

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

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

Done at Brussels, 11 September 2014.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

COMMISSION IMPLEMENTING REGULATION (EU) No 976/2014**of 15 September 2014****extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 791/2011 on imports of certain open mesh fabrics of glass fibres, originating in the People's Republic of China, to imports of certain slightly modified open mesh fabrics of glass fibres, also originating in the People's Republic of China**

THE EUROPEAN COMMISSION,

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

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

Whereas:

1. PROCEDURE**1.1. Existing measures**

- (1) In August 2011, the Council, by Implementing Regulation (EU) No 791/2011 ⁽²⁾, imposed a definitive anti-dumping duty ranging between 48,4 % and 62,9 % on imports of open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35 g/m², excluding fibreglass discs, currently falling within CN codes ex 7019 51 00 and ex 7019 59 00 (the product concerned) and originating in the People's Republic of China. These measures will hereinafter be referred to as 'the measures in force' and the investigation that led to the measures in force will be hereinafter referred to as 'the original investigation'.
- (2) In July 2012, following an anti-circumvention investigation pursuant to Article 13 of the basic Regulation, by Implementing Regulation (EU) No 672/2012 ⁽³⁾ the Council extended, from the measures in force, the duty applicable to all other companies to imports of the product concerned consigned from Malaysia, whether declared as originating in Malaysia or not.
- (3) In January 2013, following an anti-circumvention investigation pursuant to Article 13 of the basic Regulation, by Implementing Regulation (EU) No 21/2013 ⁽⁴⁾ the Council extended, from the measures in force, the duty applicable to all other companies to imports of the product concerned consigned from Taiwan and Thailand, whether declared as originating in Taiwan and Thailand or not.
- (4) In December 2013, following an anti-circumvention investigation pursuant to Article 13 of the basic Regulation, by Implementing Regulation (EU) No 1371/2013 ⁽⁵⁾ the Council extended, from the measures in force, the duty applicable to all other companies to imports of the product concerned consigned from India and Indonesia, whether declared as originating in India and Indonesia or not.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ Council Implementing Regulation (EU) No 791/2011 of 3 August 2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China (OJ L 204, 9.8.2011, p. 1).

⁽³⁾ Council Implementing Regulation (EU) No 672/2012 of 16 July 2012 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 791/2011 on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China to imports of certain open mesh fabrics of glass fibres consigned from Malaysia, whether declared as originating in Malaysia or not (OJ L 196, 24.7.2012, p. 1).

⁽⁴⁾ Council Implementing Regulation (EU) No 21/2013 of 10 January 2013 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 791/2011 on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China to imports of certain open mesh fabrics of glass fibres consigned from Taiwan and Thailand, whether declared as originating in Taiwan and Thailand or not (OJ L 11, 16.1.2013, p. 1).

⁽⁵⁾ Council Implementing Regulation (EU) No 1371/2013 of 16 December 2013 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 791/2011 on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China to imports of certain open mesh fabrics of glass fibres consigned from India and Indonesia, whether declared as originating in India and Indonesia or not (OJ L 346, 20.12.2013, p. 20).

1.2. Request

- (5) In November 2013, the Commission received a request pursuant to Articles 13(3) and 14(5) of the basic Regulation to investigate the possible circumvention of the anti-dumping measures imposed on certain open mesh fabrics of glass fibres originating in the People's Republic of China by imports of certain slightly modified open mesh fabrics of glass fibres originating in the People's Republic of China, and to make such imports subject to registration.
- (6) The request was lodged by Saint-Gobain Adfors CZ s.r.o., Tolnatek Fonalfeldolgozo, Valmieras Stikla Skiedra AS and Vitruvan Technical Textiles GmbH, four Union producers of certain open mesh fabrics of glass fibres.
- (7) The request contained sufficient *prima facie* evidence that the anti-dumping measures on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China are being circumvented by means of imports of a certain slightly modified product originating in the PRC, containing by weight more rovings than yarns and therefore declared under CN code ex 7019 40 00, not subject to duties.

1.3. Initiation

- (8) Having determined, after consulting the Advisory Committee, that sufficient *prima facie* evidence existed for the initiation of an investigation pursuant to Articles 13(3) and 14(5) of the basic Regulation, the Commission initiated an investigation by Regulation (EU) No 1356/2013 ⁽¹⁾ (the initiating Regulation) of the possible circumvention of anti-dumping measures imposed on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China and also directed the customs authorities to register imports into the Union of open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35 g/m², excluding fibreglass discs, originating in the People's Republic of China, currently falling within CN code ex 7019 40 00 (TARIC codes 7019 40 00 11, 7019 40 00 21 and 7019 40 00 50), as from 19 December 2013.

1.4. Product concerned and product under investigation

- (9) The product concerned is the same as defined in the original investigation, namely open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35 g/m², excluding fibreglass discs, originating in the People's Republic of China (PRC), currently falling within CN codes ex 7019 51 00 and ex 7019 59 00, containing by weight more yarns than rovings.
- (10) The product under investigation, namely the product allegedly used for circumventing the original measures, is the same as that defined in recital 8, but containing by weight more rovings than yarns.

1.5. Investigation and parties concerned by the investigation

- (11) The Commission officially advised the authorities of the PRC after the initiation of the investigation and sent questionnaires to the exporting producers in the PRC and importers in the Union known to be concerned. Interested parties were given the opportunity to make themselves and their views known in writing and to request a hearing within the time limit set in the initiating Regulation. All parties were informed that non-cooperation might lead to the application of Article 18 of the basic Regulation and to findings being based on facts available.
- (12) No Chinese producer came forward and requested exemption from any possible extension of the current duties or made any submission relative to the investigation.
- (13) The European Plastic Converters association asserted that it remained neutral on the outcome of the investigation. Other interested parties, such as unrelated importers and users, did not make any submission relative to the investigation.

⁽¹⁾ Commission Regulation (EU) No 1356/2013 of 17 December 2013 initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Implementing Regulation (EU) No 791/2011 on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China by imports of certain slightly modified open mesh fabrics of glass fibres originating in the People's Republic of China, and making such imports subject to registration (OJ L 341, 18.12.2013, p. 43).

- (14) The Commission carried out on-the-spot investigations at the premises of the cooperating complainant Union producer Saint-Gobain Adfors CZ s.r.o., Czech Republic.

1.6. Investigation and reporting periods

- (15) The investigation period was set from 1 April 2010 to 30 September 2013 (IP) in order to investigate the alleged change in the pattern of trade. The reporting period (RP) covered the period from 1 October 2012 to 30 September 2013 in order to investigate if the imports were made at prices below the non-injurious price established in the investigation that led to the existing measures.

2. RESULTS OF THE INVESTIGATION

2.1. General considerations

- (16) In accordance with Article 13(1) of the basic Regulation, the assessment of the existence of possible circumvention practices was made by analysing successively: (1) whether there was a change in pattern of trade between the PRC and the Union; (2) if this change stemmed from a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the duty; (3) if there was evidence of injury or that the remedial effects of the duty were being undermined in terms of the prices and/or quantities of the product under investigation; and (4) whether there was evidence of dumping in relation to the normal values previously established for the like product, if necessary in accordance with the provisions of Article 2 of the basic Regulation.

2.2. Slight modification and essential characteristics

- (17) The investigation has shown that the product under investigation is open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35 g/m², excluding fibreglass discs, originating in the PRC, containing by weight more rovings than yarns. Rovings and yarns consist of an assemblage of one or more strands of long (continuous) filaments of glass fibres. According to the notes of the Harmonised System, the main difference between rovings and yarns is that the assemblage of the first is loose with little or no twist (less than five turns per metre) while the assemblage of yarns is more twisted with more than five turns per metre. The product allegedly circumventing the measures is basically the same as the product concerned except that it contains by weight more rovings than yarns and therefore can currently be declared under CN code ex 7019 40 00, not subject to duties, while the product concerned contains by weight more yarns than rovings and currently falls under CN codes ex 7019 51 00 and ex 7019 59 00. In many cases the difference between the two products is not visible and the correct code can be established only by laboratory examinations.
- (18) The investigation did not find any difference in the production process of the product under investigation and the product concerned, other than the proportion by weight between rovings and yarns that is used in each product. In addition, the cooperating complaining producer confirmed that the cost of production of the product under investigation in terms of raw material is similar to the cost of the product concerned, but the product under investigation requires more production time because the production machinery has to be operated at lower speed. This implies that there is no economic benefit for the exporting producers to produce the product under investigation other than the avoidance of the measures in force. Furthermore, it was found that some users of the product concerned switched to the product under investigation after the imposition of the provisional measures imposed on 17 February 2011 by Commission Regulation (EU) No 138/2011⁽¹⁾, which implies that there is no material difference between the product concerned and the product under investigation for the users.
- (19) As mentioned in recital 15 of the provisional anti-dumping regulation, both products can be found in different cell sizes and weight per square metre and are mostly used as reinforcement material in the construction sector (external thermal insulation, marble/floor reinforcement, wall repair).
- (20) No Chinese exporters or any of the other interested parties made any submission questioning these conclusions.

⁽¹⁾ Commission Regulation (EU) No 138/2011 of 16 February 2011 imposing a provisional anti-dumping duty on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China (OJ L 43, 17.2.2011, p. 9).

- (21) Therefore, it is concluded that the product under investigation is only slightly modified compared to the product concerned and imported for no other economic justification but to circumvent the anti-dumping duties in place.

2.3. Change in the pattern of trade

- (22) Given that no cooperation was received from Chinese exporters, the findings of the investigation were established on the basis of the information contained in the complaint and cross-checked against and completed by the information contained in the Eurostat Comext trade database.
- (23) The product concerned is declared under CN codes ex 7019 51 00 and ex 7019 59 00 and the product under investigation under CN code ex 7019 40 00. All these CN codes are broad and cover numerous other products which are different from the product concerned and product under investigation.
- (24) It should be noted that the product under investigation is declared under the CN code ex 7019 40 00 which also covers other products called woven fabrics of rovings used in particular by the plastic converter industry for making high-end composite material used in the automotive, shipping, aircraft and wind blades industry. There was thus no direct way to investigate any possible change in the pattern of trade of the product under investigation in the Union market. Instead, use needed to be made of facts available.
- (25) In the period 2010-2013, the Union plastic converter industry suffered from plant closures and significant down-sizing of the manufacturing capacity, as a result of negative long-term market trends. As a consequence, a decrease of imports under CN code ex 7019 40 00 should have been observed, but the opposite was found, as shown in Table 1. Only in 2011 such imports decreased, followed by import increases in the years 2012 and the RP. This abnormal observation indicated that another reason caused the increase of imports under that code.

Table 1

Evolution of the imports of the product under investigation and the product concerned originating in the PRC

Total imports in the EU market (m ²)	2010	2011	2012	RP (1.10.2012- 30.9.2013)
CN code 7019 40 00 (including the product under investigation)	118 702 857	67 954 286	109 676 429	120 453 571
CN codes 7019 51 00, 7019 59 00 under measures (*) (including the product concerned)	383 759 571	195 440 571	101 987 143	77 862 714

(*) In 2011 provisional measures were imposed on 18 February and definitive measures on 9 August.

- (26) Further examining of the trends in the Union market revealed that in 4 Member States (Latvia, the Netherlands, Slovenia and Slovakia) there was a significant increase in imports in CN code 7019 40 00, which could not be explained by these countries' own needs as they do not have any significant converter industry. For the RP, imports under CN code ex 7019 40 00 in the four countries represented 32 % of all imports to the Union under that code.
- (27) As shown in Table 2 there were only very few imports under CN code ex 7019 40 00 in those four countries before the imposition of the initial duties in 2011 and there was a significant increase of imports in 2012 and the RP, shortly after the anti-dumping measures were imposed.
- (28) The increase in imports shown in the table indicates a change in pattern of trade that occurred following the imposition of measures.

Table 2

Evolution of the imports in Latvia, the Netherlands, Slovenia and Slovakia of the product under investigation originating the PRC

Total imports in Latvia, the Netherlands, Slovenia and Slovakia (m ²)	2010	2011	2012	RP (1.10.2012- 30.9.2013)
CN code 7019 40 00 (including the product under investigation)	2 427 857	6 934 285	46 680 000	39 018 571
CN codes 7019 51 00, 7019 59 00 under measures (*) (including the product concerned)	59 469 857	47 970 857	14 711 285	15 857 142

(*) In 2011 provisional measures were imposed on 18 February and definitive measures on 9 August.

Conclusion on the change of pattern of trade

- (29) Based on the facts available, it is considered that the overall increase in imports of the product under investigation after the imposition of the anti-dumping measures and the parallel decrease in the imports of the product concerned constitute a significant change in the pattern of trade.

2.4. Nature of the circumvention practice and insufficient due cause or economic justification

- (30) Article 13(1) of the basic Regulation requires that the change in pattern of trade stems from a practice, process or work for which there is insufficient due cause or economic justification other than the imposition of duty.
- (31) Both the product concerned and the product under investigation are mostly used as reinforcement material in the construction sector (external thermal insulation, marble/floor reinforcement, wall repair) and the end-users of both products are the same. The slight modification of the product under investigation does not impart any different substantial characteristic with regard to the product concerned. Also, there is no price difference between these products in the Union market.
- (32) The investigation did not bring to light any other due cause or economic justification for the imports of the product under investigation other than the avoidance of the payment of the duty in force on imports of the product concerned.
- (33) It is therefore concluded that, in the absence of any other sufficient due cause or economic justification within the meaning of the third sentence of Article 13(1) of the basic Regulation, the change in the pattern of trade between the PRC and the Union was due to the imposition of the measures in force.

2.5. Undermining of the remedial effects of the duty in terms of the prices and/or the quantities of the like product

- (34) To assess whether the imports of the product under investigation, in terms of quantities and prices, undermined the remedial effects to the measures in force, data provided by the complainants were used, and cross-checked against and completed by the information contained in the Eurostat Comext trade database.
- (35) The increase in imports of the product under investigation from the PRC as from the imposition of the provisional measures was significant in terms of quantities.
- (36) The comparison of the injury elimination level as established in the original Regulation and the weighted average export price showed significant underselling. It was therefore concluded that the remedial effects of the measures in force are being undermined both in terms of quantities and prices.

2.6. Evidence of dumping in relation to the normal value previously established for the like product

- (37) Finally, in accordance with Article 13(1) of the basic Regulation it was examined whether there was evidence of dumping in relation to the normal value previously established in the original investigation.

- (38) In the original investigation the normal value was established on the basis of prices in Canada, which in that investigation was found to be an appropriate market economy analogue country for the PRC. In line with Article 13(1) of the basic Regulation it was considered appropriate to use the normal value as previously established in the original investigation.
- (39) In the absence of cooperation by any Chinese producer of the product under investigation, the export prices of the product under investigation were based on facts available, i.e. on the average export price of the product under investigation during the RP as reported in Comext, and reproduced in Table 3.
- (40) In the original investigation, Canada was used as analogue country. The normal value that was used for the dumping calculations of the product concerned is ranging between 0,168 EUR/m² and 0,257 EUR/m². The average normal value in the original investigation was 0,193 EUR/m².
- (41) In accordance with Article 2(11) and 2(12) of the basic Regulation, dumping was established by comparing the respective average normal values per product type as established in the original Regulation and the corresponding average export prices of the product under investigation during the RP, expressed as a percentage of the CIF price at the Union frontier duty unpaid. This comparison showed the existence of dumping.

Table 3

Average import prices EUR/m² for the product under investigation declared under CN code ex 7019 40 00 originating in China

Average prices of product under investigation declared under CN code ex 7019 40 00 (EUR/m ²)	2010	2011	2012	RP (1.10.2012-30.9.2013)
CIF (*) (All Member States)	0,159	0,173	0,166	0,147
CIF (*) (Latvia, the Netherlands, Slovenia and Slovakia)	0,194	0,104	0,097	0,061

(*) Source Comext.

The volume in Comext is reported in metric tonnes and converted to square metres according to the conversion rate:
1 m² = 0,14 kg.

3. REQUESTS FOR EXEMPTION

- (42) As no interested parties came forward following initiation, no requests for exemption from the possible extension of the measures in accordance with Article 13(4) of the basic Regulation were made.
- (43) Without prejudice to Article 11(3) of the basic Regulation, the Chinese exporting producers which did not come forward in this proceeding and did not export the product under investigation to the Union in the RP and which consider lodging a request for an exemption from the extended anti-dumping duty pursuant to Articles 11(4) and 13(4) of the basic Regulation will be required to complete a questionnaire in order to enable the Commission to determine whether an exemption may be warranted. Such exemption may be granted after the assessment of the market situation, production capacity and capacity utilisation, procurement and sales and the likelihood of continuation of practices for which there is insufficient due cause or economic justification and the evidence of dumping. The Commission would normally also carry out an on-the-spot verification visit. The request should be addressed to the Commission, with all relevant information, in particular any modification in the company's activities linked to the production and sales.
- (44) Where an exemption is warranted, the Commission will, after consultation of the Advisory Committee, propose the amendment of the extended measures in force accordingly. Subsequently, any exemption granted will be monitored to ensure compliance with the conditions set out therein.

4. MEASURES

- (45) In view of the findings above, it was concluded that the definitive anti-dumping duty imposed on imports of open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35 g/m², excluding fibreglass discs, currently falling in CN codes ex 7019 51 00 and ex 7019 59 00 and originating in the PRC was circumvented by imports of a certain slightly modified product currently falling in CN code ex 7019 40 00, originating in the PRC.

- (46) In accordance with the first sentence of Article 13(1) of the basic Regulation, the anti-dumping measures in force on imports of the product concerned originating in the PRC, should be extended to imports of the product under investigation.
- (47) Pursuant to Articles 13(3) and 14(5) of the basic Regulation, which provide that any extended measures shall be applied against registered imports from the date of registration, the anti-dumping duty should be collected on all imports into the Union of open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35 g/m², excluding fibreglass discs, originating in the PRC and currently falling within CN code ex 7019 40 00 (TARIC codes 7019 40 00 11, 7019 40 00 21 and 7019 40 00 50) which entered the Union under registration imposed by the initiating Regulation.

5. DISCLOSURE

- (48) All interested parties were informed of the essential facts and considerations leading to the above conclusions and were invited to comment. No arguments were presented which gave rise to a modification of the findings.
- (49) The measures provided in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive anti-dumping duty imposed by Implementing Regulation (EU) No 791/2011 on imports of open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35 g/m², excluding fibreglass discs, currently falling within CN codes ex 7019 51 00 and ex 7019 59 00 and originating in the People's Republic of China, is hereby extended to imports into the Union of open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35 g/m², excluding fibreglass discs, currently falling within CN code ex 7019 40 00 (TARIC codes 7019 40 00 11, 7019 40 00 21 and 7019 40 00 50) and originating in the People's Republic of China.

2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, of the product described in paragraph 1 and produced by the companies below shall be as follows:

Company	Duty (%)	TARIC additional code
Yuyao Mingda Fiberglass Co., Ltd	62,9	B006
Grand Composite Co., Ltd and its related company Ningbo Grand Fiberglass Co., Ltd	48,4	B007
Yuyao Feitian Fiberglass Co., Ltd	60,7	B122
Companies listed in Annex I of Implementing Regulation (EU) No 791/2011	57,7	B008
All other companies	62,9	B999

3. The application of the individual duty rates specified for the companies mentioned in paragraph 2 shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in Annex II of Implementing Regulation (EU) No 791/2011. If no such invoice is presented, the duty applicable to all other companies shall apply.

4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

The duty shall be collected on imports registered in accordance with Article 2 of Implementing Regulation (EU) No 1356/2013 and Articles 13(3) and 14(5) of Regulation (EC) No 1225/2009 into the Union of open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35g/m², excluding fibreglass discs, currently falling within CN code ex 7019 40 00 (TARIC codes 7019 40 00 11, 7019 40 00 21 and 7019 40 00 50), originating in the People's Republic of China.

Article 3

Customs authorities are hereby directed to discontinue the registration of imports established in accordance with Article 2 of Regulation (EU) No 1356/2013.

Article 4

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

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

Done at Brussels, 15 September 2014.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 977/2014**of 15 September 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, 15 September 2014.

*For the Commission,
On behalf of the President,
Jerzy PLEWA*

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MK	85,5
	TR	65,0
	XS	82,8
	ZZ	77,8
0707 00 05	TR	123,8
	ZZ	123,8
0709 93 10	TR	130,4
	ZZ	130,4
0805 50 10	AR	165,6
	CL	149,6
	IL	155,5
	UY	149,1
	ZA	171,8
	ZZ	158,3
	ZZ	158,3
0806 10 10	BR	168,3
	EG	160,8
	MA	157,9
	MK	32,3
	TR	125,6
	ZZ	129,0
	ZZ	129,0
	ZZ	129,0
0808 10 80	BA	50,7
	BR	64,6
	CL	85,3
	NZ	123,8
	US	129,5
	ZA	98,0
	ZZ	92,0
0808 30 90	CN	101,9
	TR	131,1
	ZZ	116,5
0809 30	TR	128,1
	ZZ	128,1
0809 40 05	MK	27,1
	ZZ	27,1

⁽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'.

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