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## Legislation

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

# EN

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

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

## II

(Non-legislative acts)

## REGULATIONS

## COUNCIL IMPLEMENTING REGULATION (EU) 2016/111

of 28 January 2016

**implementing Regulation (EU) No 101/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 101/2011 of 4 February 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia <sup>(1)</sup>, and in particular Article 12 thereof,

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

Whereas:

- (1) On 4 February 2011, the Council adopted Regulation (EU) No 101/2011.
- (2) On the basis of a review of the list in Annex I to Regulation (EU) No 101/2011, the entries for 48 persons should be amended.
- (3) Annex I to Regulation (EU) No 101/2011 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EU) No 101/2011 is replaced by the text appearing in the Annex to this Regulation.

*Article 2*

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

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<sup>(1)</sup> OJ L 31, 5.2.2011, p. 1.

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

Done at Brussels, 28 January 2016.

*For the Council*  
*The President*  
A.G. KOENDERS

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## ANNEX

## LIST OF PERSONS AND ENTITIES REFERRED TO IN ARTICLE 2

	Name	Identifying information	Grounds
1.	Zine El Abidine Ben Haj Hamda Ben Haj Hassen BEN ALI	Ex-president of Tunisia, born in Hamman-Sousse 3 September 1936, son of Selma HASSEN, married to Leïla TRABELSI, holder of national identity card (NIC) No 00354671.	Person subject to judicial investigations by the Tunisian authorities for misappropriation of public monies by a public office-holder, misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person and for the offence of the receipt by a public official of public funds which he knew were not due, and used for the personal benefit of himself or members of his family.
2.	Leïla Bent Mohamed Ben Rhouma TRABELSI	Tunisian, born in Tunis 24 October 1956, daughter of Saida DHERIF, married to Zine El Abidine BEN ALI, holder of NIC No 00683530.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person, and for complicity in the offence of the receipt by a public official of public funds which he knew were not due, and used for the personal benefit of himself or members of his family.
3.	Moncef Ben Mohamed Ben Rhouma TRABELSI	Tunisian, born in Tunis 4 March 1944, son of Saida DHERIF, married to Yamina SOUIEI, managing director, residing at 11 rue de France — Radès Ben Arous, holder of NIC No 05000799.	Person (deceased) whose activities are subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
4.	Mohamed Ben Moncef Ben Mohamed TRABELSI	Tunisian, born in Sabha-Lybie 7 January 1980, son of Yamina SOUIEI, managing director, married to Inès LEJRI, residing at Résidence de l'Étoile du Nord — suite B- 7th floor — apt. No 25 — Centre urbain du nord — Cité El Khadra — Tunis, holder of NIC No 04524472.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder (former CEO of Banque Nationale Agricole) to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

	Name	Identifying information	Grounds
5.	Fahd Mohamed Sakher Ben Moncef Ben Mohamed Hfaiez MATERI	Tunisian, born in Tunis 2 December 1981, son of Naïma BOUTIBA, married to Nesrine BEN ALI, holder of NIC No 04682068.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of Tunisian public monies by a public office-holder (ex-President Ben Ali), complicity in the misuse of office by a public office-holder (ex-President Ben Ali) to procure an unjustified advantage for a third party and to cause a loss to the administration, exerting wrongful influence over a public office-holder ex-President Ben Ali with a view to obtaining directly or indirectly an advantage for another person, and for complicity in the offence of the receipt by a public official of public funds which he knew were not due, and used for the personal benefit of himself or members of his family.
6.	Nesrine Bent Zine El Abidine Ben Haj Hamda BEN ALI	Tunisian, born in Tunis 16 January 1987, daughter of Leïla TRABELSI, married to Fahd Mohamed Sakher MATERI, holder of NIC No 00299177.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person and for complicity in the offence of the receipt by a public official of public funds which he knew were not due, and used for the personal benefit of himself or members of his family.
7.	Halima Bent Zine El Abidine Ben Haj Hamda BEN ALI	Tunisian, born in Tunis 17 July 1992, daughter of Leïla TRABELSI, residing at the Presidential Palace, holder of NIC No 09006300.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
8.	Belhassen Ben Mohamed Ben Rhouma TRABELSI	Tunisian, born in Tunis 5 November 1962, son of Saida DHERIF, managing director, residing at 32 rue Hédi Karray — El Menzah — Tunis, holder of NIC No 00777029.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

	Name	Identifying information	Grounds
9.	Mohamed Naceur Ben Mohamed Ben Rhouma TRABELSI	Tunisian, born in Tunis 24 June 1948, son of Saida DHERIF, married to Nadia MAKNI, acting manager of an agricultural undertaking, residing at 20 rue El Achfat — Carthage — Tunis, holder of NIC No 00104253.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
10.	Jalila Bent Mohamed Ben Rhouma TRABELSI	Tunisian, born in Radès 19 February 1953, daughter of Saida DHERIF, married to Mohamed MAHJOUR, managing director, residing at 21 rue d'Aristote — Carthage Salammbô, holder of NIC No 00403106.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
11.	Mohamed Imed Ben Mohamed Naceur Ben Mohamed TRABELSI	Tunisian, born in Tunis 26 August 1974, son of Najia JERIDI, businessman, residing at 124 avenue Habib Bourguiba -Carthage residence, holder of NIC No 05417770.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
12.	Mohamed Adel Ben Mohamed Ben Rehouma TRABELSI	Tunisian, born in Tunis 26 April 1950, son of Saida DHERIF, married to Souad BEN JEMIA, managing director, residing at 3 rue de la Colombe — Gammarth Supérieur, holder of NIC No 00178522.	Person (deceased) whose activities are subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

	Name	Identifying information	Grounds
13.	Mohamed Mourad Ben Mohamed Ben Rehouma TRABELSI	Tunisian, born in Tunis 25 September 1955, son of Saida DHERIF, married to Hela BELHAJ, CEO, residing at 20 rue Ibn Chabat — Salammbô — Carthage -Tunis, holder of NIC No 05150331.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
14.	Samira Bent Mohamed Ben Rhouma TRABELSI	Tunisian, born 27 December 1958, daughter of Saida DHERIF, married to Mohamed Montassar MEHERZI, sales director, residing at 4 rue Taoufik El Hakim — La Marsa, holder of NIC No 00166569.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person, and for complicity in the offence of the receipt by a public official of public funds which he knew were not due, and used for the personal benefit of himself or members of his family.
15.	Mohamed Montassar Ben Kbaier Ben Mohamed MEHERZI	Tunisian, born in La Marsa 5 May 1959, son of Fatma SFAR, married to Samira TRABELSI, CEO, residing at 4 rue Taoufik El Hakim-La Marsa, holder of NIC No 00046988.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
16.	Nefissa Bent Mohamed Ben Rhouma TRABELSI	Tunisian, born 1 February 1960, daughter of Saida DHERIF, married to Habib ZAKIR, residing at 4 rue de la Mouette — Gammarth Supérieur, holder of NIC No 00235016.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.



	Name	Identifying information	Grounds
17.	Habib Ben Kaddour Ben Mustapha BEN ZAKIR	Tunisian, born 5 March 1957, son of Saida BEN ABDALLAH, married to Ne-fissa TRABELSI, property developer, residing at 4 rue Ennawras — Gam-marth Supérieur, holder of NIC No 00547946.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misap-propriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influ-ence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
18.	Moez Ben Moncef Ben Mohamed TRABELSI	Tunisian, born in Tunis 3 July 1973, son of Yamina SOUIEI, managing di-rector, property developer, residing at apartment block Amine El Bouhaira-rue du Lac Turkana-Les Berges du Lac -Tunis, holder of NIC No 05411511.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misap-propriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influ-ence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
19.	Lilia Bent Noureddine Ben Ahmed NACEF	Tunisian, born in Tunis 25 June 1975, daughter of Mounira TRABELSI (sister of Leila TRABELSI), managing director, married to Mourad MEHDoui, resid-ing at 41 rue Garibaldi -Tunis, holder of NIC No 05417907.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misap-propriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influ-ence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
20.	Mourad Ben Hédi Ben Ali MEHDoui	Tunisian, born in Tunis 3 May 1962, son of de Neila BARTAJI, married to Lilia NACEF, CEO, residing at 41 rue Garibaldi — Tunis, holder of NIC No 05189459.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misap-propriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influ-ence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
21.	Houssem Ben Mohamed Naceur Ben Mohamed TRABELSI	Tunisian, born 18 September 1976, son of Najia JERIDI, CEO, residing at housing estate Erriadh.2-Gammarth — Tunis, holder of NIC No 05412560.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misap-propriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influ-ence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

	Name	Identifying information	Grounds
22.	Bouthaina Bent Moncef Ben Mohamed TRABELSI	Tunisian, born 4 December 1971, daughter of Yamina SOUIEI, managing director, residing at 2 rue El Farrouj — La Marsa, holder of NIC No 05418095.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
23.	Nabil Ben Abderrazek Ben Mohamed TRABELSI	Tunisian, born 20 December 1965, son of Radhia MATHLOUTHI, married to Linda CHERNI, office worker at Tunisair, residing at 12 rue Taieb Mhiri-Le Kram — Tunis, holder of NIC No 00300638.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
24.	Mehdi Ben Ridha Ben Mohamed BEN GAIED	Tunisian, born 29 January 1988, son of de Kaouther Feriel HAMZA, CEO of Stafiem — Peugeot, residing at 4 rue Mohamed Makhlouf — El Manar.2-Tunis.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
25.	Mohamed Slim Ben Mohamed Hassen Ben Salah CHIBOUB	Tunisian, born 13 January 1959, son of Leila CHAIBI, married to Dorsaf BEN ALI, CEO, residing at rue du Jardin — Sidi Bousaid — Tunis, holder of NIC No 00400688.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder (ex-President Ben Ali) to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
26.	Dorsaf Bent Zine El Abidine Ben Haj Hamda BEN ALI	Tunisian, born in Le Bardo 5 July 1965, daughter of Naïma EL KEFI, married to Mohamed Slim CHIBOUB, residing at 5 rue El Montazah — Sidi Bousaid — Tunis, holder of NIC No 00589759.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

	Name	Identifying information	Grounds
27.	Sirine Bent Zine El Abidine Ben Haj Hamda BEN ALI	Tunisian, born in Le Bardo 21 August 1971, daughter of Naïma EL KEFI, married to Mohamed Marouene MABROUK, adviser at the Ministry of Foreign Affairs, holder of NIC No 05409131.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
28.	Mohamed Marouen Ben Ali Ben Mohamed MABROUK	Tunisian, born in Tunis 11 March 1972, son of Jaouida El BEJI, married to Sirine BEN ALI, CEO, residing at 8 rue du Commandant Béjaoui — Carthage — Tunis, holder of NIC No 04766495.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
29.	Ghazoua Bent Zine El Abidine Ben Haj Hamda BEN ALI	Tunisian, born in Le Bardo 8 March 1963, daughter of Naïma EL KEFI, married to Slim ZARROUK, medical doctor, residing at 49 avenue Habib Bourguiba — Carthage, holder of NIC No 00589758.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
30.	Slim Ben Mohamed Salah Ben Ahmed ZARROUK	Tunisian, born in Tunis 13 August 1960, son of Maherzia GUEDIRA, married to Ghazoua BEN ALI, CEO, residing at 49 avenue Habib Bourguiba — Carthage, holder of NIC No 00642271.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
31.	Farid Ben Haj Hamda Ben Haj Hassen BEN ALI	Tunisian, born in Hammam-Sousse 22 November 1949, son of Selma HASSEN, press photographer in Germany, residing at 11 rue Sidi el Gharbi — Hammam — Sousse, holder of NIC No 02951793.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

	Name	Identifying information	Grounds
32.	Faouzi Ben Haj Hamda Ben Haj Hassen BEN ALI	Tunisian, born in Hammam-Sousse 13 March 1947, married to Zohra BEN AMMAR, managing director, residing at rue El Moez — Hammam — Sousse, holder of NIC No 02800443.	Person (deceased) whose activities are subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
33.	Hayet Bent Haj Hamda Ben Haj Hassen BEN ALI	Tunisian, born in Hammam-Sousse 16 May 1952, daughter of Selma HASSEN, married to Fathi REFAT, Tunisair representative, residing at 17 avenue de la République.- Hammam-Sousse, holder of NIC No 02914657.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
34.	Najet Bent Haj Hamda Ben Raj Hassen BEN ALI	Tunisian, born in Sousse 18 September 1956, daughter of Selma HASSEN, married to Sadok Habib MHIRI, company manager, residing at avenue de l'Imam Muslim- Khezama ouest-Sousse, holder of NIC No 02804872.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
35.	Slaheddine Ben Haj Hamda Ben Haj Hassen BEN ALI	Tunisian, born 28 October 1938, son of Selma HASSEN, retired, widower of Selma MANSOUR, residing at 255 cité El Bassatine — Monastir, holder of NIC No 02810614.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
36.	Kaïs Ben Slaheddine Ben Haj Hamda BEN ALI	Tunisian, born in Tunis 21 October 1969, son of Selma MANSOUR, married to Monia CHEDLI, managing director, residing at avenue Hédi Nouira — Monastir, holder of NIC No 04180053.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

	Name	Identifying information	Grounds
37.	Hamda Ben Slaheddine Ben Haj Hamda BEN ALI	Tunisian, born in Monastir 29 April 1974, son of Selma MANSOUR, bachelor, company manager, residing at 83 Cap Marina — Monastir, holder of NIC No 04186963.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
38.	Najmeddine Ben Slaheddine Ben Haj Hamda BEN ALI	Tunisian, born in Monastir 12 October 1972, son of Selma MANSOUR, bachelor, commercial exporter and importer, residing at avenue Mohamed Salah Sayadi — Skanes — Monastir, holder of NIC No 04192479.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
39.	Najet Bent Slaheddine Ben Haj Hamda BEN ALI	Tunisian, born in Monastir 8 March 1980, daughter of Selma MANSOUR, married to Zied JAZIRI, company secretary, residing at rue Abu Dhar El Ghafari — Khezama est — Sousse, holder of NIC No 06810509.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
40.	Douraid Ben Hamed Ben Taher BOUAOUINA	Tunisian, born in Hammam — Sousse 8 October 1978, son of Hayet BEN ALI, company director, residing at 17 avenue de la République — Hammam-Sousse, holder of NIC No 05590835.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
41.	Akrem Ben Hamed Ben Taher BOUAOUINA	Tunisian, born in Hammam — Sousse 9 August 1977, son of Hayet BEN ALI, managing director, residing at 17 avenue de la République — Hammam — Sousse, holder of NIC No 05590836.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

	Name	Identifying information	Grounds
42.	Ghazoua Bent Hamed Ben Taher BOUAOUINA	Tunisian, born in Monastir 30 August 1982, daughter of Hayet BEN ALI, married to Badreddine BEN-NOUR, residing at rue Ibn Maja — Khezama est — Sousse, holder of NIC No 08434380.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
43.	Imed Ben Habib Ben Bouali LTAIEF	Tunisian, born in Sousse 13 January 1970, son of Naïma BEN ALI, Tunisair department manager, residing at Résidence les Jardins, apt. 8C Block b — El Menzah 8 — l'Ariana, holder of NIC No 05514395.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
44.	Naoufel Ben Habib Ben Bouali LTAIEF	Tunisian, born in Hammam — Sousse 22 October 1967, son of Naïma BEN ALI, special adviser at the Ministry of Transport, residing at 4 avenue Tahar SFAR — El Manar 2-Tunis, holder of NIC No 05504161.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
45.	Montassar Ben Habib Ben Bouali LTAIEF	Tunisian, born in Sousse 3 January 1973, son of Naïma BEN ALI, married to Lamia JEGHAM, managing director, residing at 13 Ennakhil housing estate — Kantaoui — Hammam — Sousse, holder of NIC No 05539378.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
46.	Mehdi Ben Tijani Ben Haj Hamda Ben Haj Hassen BEN ALI	Tunisian, born in Paris 27 October 1966, son of Paulette HAZAT, company director, residing at Chouket El Arressa, Hammam-Sousse, holder of NIC No 05515496 (dual nationality).	Person subject to judicial investigation by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder (ex-President Ben Ali) to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

	Name	Identifying information	Grounds
47.	Slim Ben Tijani Ben Haj Hamda BEN ALI	Tunisian and French nationality; born in Le Petit Quevilly (76) on 6 April 1971 (or on 16 April according to his Tunisian identity card); son of Tijani BEN ALI born 9 February 1932 and Paulette HAZET (or HAZAT) born 23 February 1936; married to Amel SAIED (or SAID); managing director; residing at Chouket El Arressa, Hammam — Sousse, according to his Tunisian NIC No 00297112; residing at 14, esplanade des Guinandiers à Bailly Romainvilliers (77), according to his French NIC No 111277501841.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
48.	Sofiene Ben Habib Ben Haj Hamda BEN ALI	Tunisian, born in Tunis 28 August 1974, son of Leila DE-ROUICHE, sales director, residing at 23 rue Ali Zlitni, El Manar 2-Tunis, holder of NIC No 04622472.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/112****of 27 January 2016****amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(1)</sup>, and in particular Article 183(b) thereof,Having regard to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 <sup>(2)</sup>, and in particular Article 5(6)(a) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 <sup>(3)</sup> lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin.
- (3) Regulation (EC) No 1484/95 should be amended accordingly.
- (4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 1484/95 is replaced by the text set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 27 January 2016.

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

*Director-General for Agriculture and Rural Development*

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

<sup>(2)</sup> OJ L 150, 20.5.2014, p. 1.

<sup>(3)</sup> Commission Regulation (EC) No 1484/95 of 28 June 1995 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC (OJ L 145, 29.6.1995, p. 47).



## ANNEX

## ‘ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security under Article 3 (EUR/100 kg)	Origin <sup>(1)</sup>
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “70 % chickens”, frozen	137,2	0	AR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “65 % chickens”, frozen	155,1 164,0	0 0	AR BR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	310,0 202,7 303,3 244,7	0 29 0 17	AR BR CL TH
0207 27 10	Turkeys, boneless cuts, frozen	372,9 253,9	0 13	BR CL
0408 91 80	Eggs, not in shell, dried	568,6	0	AR
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	236,6	15	BR

<sup>(1)</sup> Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). The code “ZZ” represents “other origins”.

**COMMISSION REGULATION (EU) 2016/113****of 28 January 2016****imposing a provisional anti-dumping duty on imports of high fatigue performance steel concrete reinforcement bars 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 <sup>(1)</sup> ('the basic Regulation'), and in particular Article 7(4) thereof,

After consulting the Member States,

Whereas:

**1. PROCEDURE****1.1. Initiation**

- (1) On 30 April 2015, the European Commission ('the Commission') announced, by a notice published in the *Official Journal of the European Union* <sup>(2)</sup> ('the notice of initiation'), the initiation of an anti-dumping proceeding ('the anti-dumping proceeding') with regard to imports into the Union of high fatigue performance steel concrete reinforcement bars ('HFP rebars') originating in the People's Republic of China ('PRC' or 'the country concerned').
- (2) The anti-dumping proceeding was initiated following a complaint lodged on 17 March 2015 by the European Steel Association ('Eurofer' or 'the complainant') on behalf of producers representing more than 25 % of the total Union production of HFP rebars. The complaint contained prima facie evidence of dumping of the said product and of material injury resulting therefrom, which was considered sufficient to justify the initiation of an investigation.

**1.2. Registration**

- (3) Following a request by the complainant supported by the required evidence the Commission adopted on 17 December 2015 Regulation (EU) 2015/2386 <sup>(3)</sup> making imports of HFP rebars originating in the PRC subject to registration as of 19 December 2015.

**1.3. Parties concerned by the investigation**

- (4) The Commission officially advised the complainant, other known Union producers, the known exporting producers, known importers and users, and the Chinese authorities of the initiation of the investigation. It informed interested parties in the notice of initiation that it had provisionally chosen United Arab Emirates as a third market economy country ('analogue country') within the meaning of Article 2(7)(a) of the basic Regulation and invited comments on this choice.
- (5) Interested parties were given an opportunity to make their views known in writing and to request a hearing within the time limit set in the notice of initiation. All interested parties, who so requested and showed that there were particular reasons why they should be heard, were granted a hearing.

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

<sup>(2)</sup> OJ C 143, 30.4.2015, p. 12.

<sup>(3)</sup> OJ L 332, 18.12.2015, p. 111.

#### 1.4. Sampling

- (6) In view of the potentially large number of exporting producers in the country concerned, unrelated importers and Union producers involved in the proceeding and in order to complete the investigation within the statutory time limits, the Commission announced in the notice of initiation that it might sample the companies that would be investigated in accordance with Article 17 of the basic Regulation.

##### a) *Sampling of exporting producers*

- (7) In order to enable the Commission to decide whether sampling would be necessary and, if so, to select a sample, all exporting producers in the country concerned were requested to make themselves known to the Commission and to provide information specified in the notice of initiation. In addition, the Commission asked the Chinese authorities to identify and/or contact other exporting producers that could be interested in participating in the investigation.
- (8) In total, three groups of exporting producers provided the requested information, agreed to be included in the sample and asked for individual examination in case they would not be included in the sample. In view of the small number of cooperating companies (in total, the three groups consisting of six producers, three related exporters in China and two related exporters in Singapore), the Commission decided that sampling was not necessary with respect to exporting producers in the country concerned.

##### b) *Sampling of Union producers*

- (9) The Commission announced in the notice of initiation that it had provisionally selected a sample of Union producers. This sample initially consisted of four producers that were known to the Commission prior to the initiation of the investigation to produce HFP rebars in the Union. The Commission selected the sample on the basis of the sales volume to unrelated customers. Interested parties were also invited in the notice of initiation to make their views known on the provisional sample. No comment was received on the proposed sample. The sampled Union producers accounted for 90 % of the estimated total Union production. The sample is considered to be representative of the Union industry.

##### c) *Sampling of importers*

- (10) In order to enable the Commission to decide whether sampling would be necessary and, if so, to select a sample, all unrelated importers were requested to make themselves known to the Commission and to provide information specified in the notice of initiation.
- (11) A total of four unrelated importers provided the requested information and agreed to be included in the sample. In view of the limited number of cooperating importers, the Commission decided that sampling was not necessary.

#### 1.5. Market economy treatment claim forms

- (12) For the purposes of Article 2(7)(b) of the basic Regulation, the Commission sent market economy treatment claim forms to the authorities and to the cooperating exporting producers in the PRC. None of the cooperating exporting producers claimed market economy treatment.

#### 1.6. Questionnaire replies and verification visits

- (13) Questionnaires were sent to all parties known to be concerned and to all other companies that made themselves known within the deadlines set out in the notice of initiation. Questionnaire replies were received from the three cooperating (groups of) exporting producers in PRC, the four sampled Union producers, four unrelated importers, five unrelated users and four related users. Two unrelated importers and three unrelated users subsequently withdrew their cooperation.

- (14) The Commission sought and verified all the information provided by interested parties and deemed necessary for a provisional determination of dumping, resulting injury and Union interest. Verification visits were carried out at the premises of the following parties:
- a) *Union producers*
    - Celsa UK, United Kingdom
    - Megasa Siderur, Spain
    - Riva Acier, France
    - SN Maia, Portugal
  - b) *Unrelated importers in the Union*
    - Ronly Ltd, United Kingdom
  - c) *Users in the Union*
    - Related users:
      - BRC, United Kingdom
      - Express Limited, United Kingdom
      - Rom, United Kingdom
      - Romtech, United Kingdom
    - Unrelated users:
      - Capital, United Kingdom
      - Roe Bros and Northwest Steel, United Kingdom
  - d) *Exporting producers in the PRC*
    - Jiangyin Xicheng Group:
      - Jiangyin Xicheng Steel Co., Ltd
      - Jiangyin Ruihe Metal Products Co., Ltd
      - Wuxi Xijun International Trade Co. Ltd (related exporter in the PRC)
      - Jiangsu Xichuang International Trade Co., Ltd (related exporter in the PRC)
    - Jiangsu Yonggang Group:
      - Jiangsu Yonggang Group Co., Ltd
      - Jiangsu Lianfeng Industrial Co., Ltd
    - Jiangsu Shagang Group:
      - Zhangjiagang Hongchang High Wires Co., Ltd
      - Zhangjiagang Shatai Steel Co., Ltd
      - Jiangsu Shagang International Co., Ltd (related exporter in the PRC)
  - e) *Producer in the analogue country*
    - ArcelorMittal South Africa (South Africa)
- (15) The Commission did not visit the premises of the two related exporters of the cooperating Chinese companies in Singapore, namely Lianfeng International PTE., Ltd (related exporter of Yonggang Group) and Xinsha International PTE, Ltd (related exporter of Shagang Group). Their files and accounts, to the extent requested by the Commission, were however made available for inspection during on spot visits at the premises of their respective related producers in PRC.

### 1.7. Investigation period and period considered

- (16) The investigation of dumping and injury covered the period from 1 April 2014 to 31 March 2015 ('the investigation period' or 'IP'). The examination of trends relevant for the assessment of injury covered the period from 1 January 2011 to the end of the investigation period ('period considered'). Due to the specific circumstances in the market in the 2011 explained in recital (148), the weight of the year 2011 in the injury analysis was reduced, and the developments since 1 January 2012 were given accordingly more emphasis. The indexes are thus based on the year 2012, whenever applicable.

## 2. PRODUCT CONCERNED AND LIKE PRODUCT

### 2.1. Product concerned

- (17) The product subject to this investigation are high fatigue performance iron or steel concrete reinforcing bars and rods made of iron, non-alloy steel or alloy steel (but excluding of stainless steel, high-speed steel and silico-manganese steel), not further worked than hot-rolled, but including those twisted after rolling; these bars and rods contain indentations, ribs, grooves or other deformations produced during the rolling process or are twisted after rolling. The key characteristic of high fatigue performance is the ability to endure repeated stress without breaking and, specifically, the ability to resist in excess of 4,5 million fatigue cycles using a stress ratio (min/max) of 0,2 and a stress range exceeding 150 MPa.
- (18) The product definition corresponds to the requirements of the British Standard BS4449 and is typically distinguishable by CARES certification and markings on the rebars themselves. Therefore, contrary to the view expressed by certain interested parties, there is no problem of practical implementation of the measures.
- (19) The product concerned is the product described in recital (17) above, originating in the PRC, currently falling within CN codes ex 7214 20 00, ex 7228 30 20, ex 7228 30 41, ex 7228 30 49, ex 7228 30 61, ex 7228 30 69, ex 7228 30 70 and ex 7228 30 89.

### 2.2. Like product

- (20) The investigation showed that the product concerned and the product produced and sold on the domestic market of PRC and analogue country, as well as the product produced by the Union industry and sold on the Union market have the same basic physical, chemical and technical characteristics and uses. They are therefore provisionally considered to be alike within the meaning of Article 1(4) of the basic Regulation.

## 3. DUMPING

### 3.1. Introduction

- (21) Six Chinese exporting producers belonging to three groups (Jiangyin Xicheng Group, Jiangsu Yonggang Group and Jiangsu Shagang Group) cooperated with the investigation. They represented above 95 % of all the Chinese exports to the Union in the IP. All the companies exported to the Union via related exporters located in PRC and/or Singapore.
- (22) Two of the cooperating groups, Jiangsu Yonggang and Jiangsu Shagang, are related through common ownership of one of the exporting producer of the HFP rebars, which was admitted in the questionnaire replies of both groups. However, the companies claimed that the two groups nevertheless should be treated as separate entities for the purpose of this investigation. The companies stressed, inter alia, no involvement in each other decision making processes, lack of operational link whatsoever, separate production lines and completely independent sales distribution channels in the domestic and international markets.
- (23) With regard to this claim, taking into account the nature and strength of the relation between the groups, namely the fact that one of the companies of one group is the biggest single shareholder in the main producer of the product concerned of the second group, and that the former company's officials are present in the main statutory bodies of the latter company, the Commission preliminarily concludes that both groups should be treated as related. Thus, one weighted average provisional duty for the companies of the both groups shall be applied.

- (24) None of the cooperating exporting producers in the PRC claimed market economy treatment. Therefore, the normal value was determined on the basis of the price or constructed value in a market economy third country ('analogue country') in accordance with Article 2(7)(a) of the basic Regulation.

### 3.2. Analogue country

- (25) In the notice of initiation, the Commission informed interested parties that it proposed United Arab Emirates as an appropriate analogue country and invited them to comment. However, the Commission did not receive any cooperation of known and contacted producers of the product concerned in this country.
- (26) The Commission also examined whether any other market economy country in which HFP rebars are produced, could constitute an appropriate analogue country. According to the information available to the Commission on the basis of the complaint, the submissions from the parties and Eurostat data, the other countries producing HFP rebars are Egypt, Oman, Qatar, Saudi Arabia, South Africa, Turkey, and Ukraine. In total 38 potential producers of the product concerned in these countries were contacted by the Commission.
- (27) The cooperation was received from only one company located in South Africa. This company responded to the analogue country questionnaire and agreed to the on spot verification of its reply. One other producer located in Turkey had initially expressed willingness to cooperate but finally did not submit a questionnaire reply, despite repeated attempts by the Commission to obtain the reply.
- (28) With regard to the South African company in question, China Iron and Steel Association ('CISA') an interested party in this procedure, raised the point that the company was a subsidiary of one of the EU producers who supported the complaint. According to CISA, the objectivity of any data provided by this company would be questionable.
- (29) With regard to this claim it has to be first noted that the Commission was limited with its choice as to the analogue country due to lack of cooperation from other countries. Secondly, the relation between analogue country company and EU producer is irrelevant for the purpose of this investigation. The Commission notes that even if the producers in the analogue countries are related to Union producers, such a link does not invalidate or affect the determination of the normal value based on verified data, which was confirmed by the recent judgment of the Court of Justice in a similar case<sup>(1)</sup>. Furthermore, there is no specific reason for questioning the use of data of this analogue country producer which was properly verified. Furthermore, as far as South Africa is concerned, the domestic market for HFP rebars is relatively open, not protected by import custom duties with regard to product concerned, with internal competition of several domestic producers and imports having a sizeable market share of 13 %. The analogue country producer verified has extensive quantities of domestic and export sales, with a market share on its domestic market in a range of 13-23 %. It produces similar types of the like product to those exported to the Union by the Chinese producers.
- (30) Taking into account the above, the Commission concluded at this stage of the proceeding that South Africa is an appropriate analogue country under Article 2(7)(a) of the basic Regulation.

### 3.3. Normal value

- (31) As mentioned in recital (24) above, the normal value for exporting producers in the PRC was determined on the basis of the constructed value in the analogue country, in this case South Africa, in accordance with Article 2(7)(a) of the basic Regulation.
- (32) For this determination, the Commission first examined whether the total volume of domestic sales of the like product to independent customers made by the cooperating producer in the analogue country was representative, i.e. whether the total volume of such domestic sales represented at least 5 % of the total volume of export sales of the product concerned of each of the respective Chinese cooperating exporters to the Union during the IP in accordance with Article 2(2) of the basic Regulation. On this basis, it was found that the overall domestic sales in the analogue country were representative.

<sup>(1)</sup> C-687/13 of 10 September 2015, para 68.

- (33) Subsequently the Commission made the same comparison for each product type, i.e. it was examined whether the domestic sales of a given type of the product in the analogue country were representative for the purposes of Article 2(2) of the basic Regulation. On this basis, it was found that domestic sales in the analogue country were not representative for any of the product types with regard to any of the Chinese exporters.
- (34) The normal value was thus constructed in line with Article 2(3) and (6) of the basic Regulation by adding to the average cost of manufacturing of the relevant product type the weighted average selling, general and administrative ('SG&A') expenses incurred (1 %-5 %) and the weighted average profit realised (10 %-20 %) by the producer in the analogue country on domestic sales, in the ordinary course of trade, during the investigation period.

#### 3.4. Export price

- (35) The cooperating exporting producers exported to the Union either through related exporters located in China and/or Singapore or through independent trading companies located in China.
- (36) The export price was thus established in accordance with Article 2(8) of the basic Regulation on the basis of export prices actually paid or payable to the first independent customers, whether importers in the Union or trading companies in the PRC.

#### 3.5. Comparison

- (37) The normal value and export price of the cooperating exporting producers were compared on an ex-works basis.
- (38) For the purpose of ensuring a fair comparison between the normal value and the export price, due allowance in the form of adjustments was made for differences affecting prices and price comparability in accordance with Article 2(10) of the basic Regulation.
- (39) On this basis, adjustments were made for transport, ocean freight and insurance costs, handling, loading and ancillary costs, packing costs, credit costs, discounts and commissions where demonstrated to affect price comparability. The total adjustments were in the range of 5 %-10 %.
- (40) China applies a policy of re-imbursing VAT only partially upon export. 4 % VAT are not re-imbursed. To ensure that it was expressed at the same level of taxation as the export price, the normal value was adjusted upward by that part of the VAT charged on exports of HFP rebars that was not refunded to the Chinese exporting producers. <sup>(1)</sup>

#### 3.6. Dumping margins

- (41) As provided by Article 2(11) and (12) of the basic Regulation, for each cooperating group of companies, the weighted average normal value of each type of the like product in the analogue country was compared with the weighted average export price of the corresponding type of the product concerned.
- (42) As explained in recital (23) the Commission concluded that two of the cooperating groups of companies should be treated as related.
- (43) A single dumping margin was therefore established for the exporting producers of the two groups by expressing the sum of their individual dumping amounts as a percentage of the sum of their constructed (due to the presence of related exporters) CIF values at the Union frontier.
- (44) With regard to the country-wide dumping margin, the Commission first established the level of cooperation. To this end, a comparison was made between the total export quantities of the cooperating exporting producers and the total imports from the PRC as derived from the Eurostat import statistics. Since the level of cooperation was high, the country-wide dumping margin was provisionally set-up at the level of the highest dumping margin established for the cooperating exporting producers.

<sup>(1)</sup> That method has been accepted by the General Court in case T-423/09 Dashiqiao v Council/Judgment of 16 Dec 2011, para 34 to 50

- (45) On this basis, the provisional weighted average dumping margins, expressed as a percentage of the CIF Union frontier price, duty unpaid, are as follows:

Company	Provisional dumping margin (%)
Jiangyin Xicheng Steel Co., Ltd	66,0
Jiangyin Ruihe Metal Products Co., Ltd	66,0
Jiangsu Yonggang Group Co., Ltd	51,5
Jiangsu Lianfeng Industrial Co., Ltd	51,5
Zhangjiagang Hongchang High Wires Co., Ltd	51,5
Zhangjiagang Shatai Steel Co., Ltd	51,5
All other companies	66,0

#### 4. UNION INDUSTRY

##### 4.1. Union industry

- (46) The like product was manufactured by 11 Union producers. They are deemed to constitute the Union industry within the meaning of Article 4(1) and Article 5(4) of the basic Regulation and will hereinafter be referred to as the 'Union industry'.
- (47) One interested party requested the Commission to clarify whether the Union industry is limited to a particular region within the meaning of Article 4(1)(b) of the basic Regulation.
- (48) The Commission notes that even though the users of the product concerned are located in UK and Ireland only, the producers of the like product are located in several Member States, not limited to UK and Ireland. Therefore the Union industry is interpreted as referring to the producers in the whole of the Union.

##### 4.2. Union production

- (49) All available information concerning the Union industry, such as information provided in the complaint, data collected from Union producers before and after initiation of the investigation and the questionnaire responses of the sampled Union producers, was used in order to establish the total Union production for the investigation period.
- (50) On this basis, the total Union production was estimated to be around 506 000 tonnes during the IP. This figure includes the production of all Union producers that made themselves known, constituting the entire Union industry.

##### 4.3. Sampling of Union producers

- (51) As indicated in recital (9) above four Union producers were included in the sample representing 90 % of the estimated total Union production of the like product.

##### 4.4. Free and captive markets

- (52) To establish whether the Union industry suffered injury and to determine consumption and the various economic indicators related to the situation of the Union industry, the Commission examined whether and to what extent the subsequent use of the Union industry's production of the like product had to be taken into account in the analysis.
- (53) HFP rebars are used by fabricators who cut and bend the rebars to tailor-made shapes and lengths and deliver them to construction sites. The Commission found that a substantial part (56 %) of the sampled Union producers' production was destined for captive use. In fact, HFP rebars were sold by one Union producer to related companies which did not have a free choice of suppliers.



- (54) The distinction between captive and free market is relevant for the injury analysis because products destined for captive use are not exposed to direct competition from imports, and prices are set within the group and are therefore not reliable. By contrast, production destined for free market sale is in direct competition with imports of the product concerned, and prices are free market prices.
- (55) To provide a picture of the Union industry that is as complete as possible, the Commission obtained data for the entire production of HFP rebars and determined whether the production was destined for captive use or for the free market. For some injury indicators relating to the Union industry, the Commission analysed separately data related to the free and the captive market and made a comparative analysis. These factors are: sales, market share, unit prices, unit cost, profitability, and cash flow. However, other economic indicators could meaningfully be examined only by referring to the whole activity, including the captive use of the Union industry because they depend on the whole activity, whether the production is captive or sold on the free market. These factors are: production, capacity, capacity utilisation, investments, return on investments, employment, productivity, stocks and labour costs. For these factors, analysis of the whole Union industry is warranted in order to establish a complete injury picture of the Union industry, as the data in question cannot be separated out between captive sales and free sales.
- (56) The Commission notes that this analysis is, in line with case-law of the Union Courts and the WTO <sup>(1)</sup>.

## 5. INJURY

### 5.1. Union consumption

- (57) Union consumption was established on the basis of the total sales volume of the Union industry on the Union market and the total imports. The year of 2011 was marked by a low level of Union consumption compared to the rest of the period considered. However, the market situation improved, as shown in the table below and Union consumption increased by 50 % between 2011 and the IP and by 38 % between 2012 and the IP.

	2011	2012	2013	2014	IP
Consumption (in tonnes)	546 359	595 797	628 099	854 328	822 060
<i>Index (2012 = 100)</i>	92	100	105	143	138

Source: European Commission (Customs Surveillance Database), complaint and questionnaire replies

### 5.2. Imports into the Union from the country concerned

#### 5.2.1. Volume and market share of the imports concerned

- (58) During the period considered the imports into the Union from the People's Republic of China, which started only in 2013, were found to have developed in terms of volume and market share as follows:

	2011	2012	2013	2014	IP
Volume (tonnes)			49 480	279 484	292 304
<i>Index (2013 = 100)</i>			100	565	591
Market share on EU consumption (%)			7,9	32,7	35,6
Market share on the free market (%)			11,7	45,9	50,9
<i>Index (2013 = 100)</i>			100	415	451

Source: European Commission (Customs Surveillance Database), complaint and questionnaire replies

<sup>(1)</sup> Case C-315/90 Gimelec v Commission EU:C:1991:447, paragraphs 16 to 29; Report of the WTO Appellate Body 24.7.2001, WT/DS184/AB/R, para 181 to 215.

- (59) Import volumes from China increased considerably over the period considered, from zero to 292 000 tonnes in the IP. The market share of imports from China increased significantly, from 0 % to 36 % during the period considered.

#### 5.2.2. Prices of imports and price undercutting

- (60) The table below shows the average price of imports from China:

	2011	2012	2013	2014	IP
Average price (EUR/tonne)			442	400	401
Index (2013 = 100)			100	90	91

Source: European Commission (Customs Surveillance Database) and questionnaire replies

- (61) The average import prices from China decreased during the period considered, in line with the decrease of worldwide prices of iron ore which is used as raw material in China and in the analogue country (see table in the recital (81) below). The import prices for the IP were established on the basis of the verified export sales prices from the sampled Chinese exporting producers. The average import prices for 2013 and 2014 were established on the basis of the Surveillance Database. The Commission took into account the long time-lag between the invoice dates and the customs clearance dates, which otherwise could have resulted in prices from different periods being compared with each other. The import prices from China remained below both the unrelated and related sales prices of the Union industry during the same period. As can be seen in recital (82) below, in 2013 the average related sale price of the Union industry was 483 EUR/tonne and the average unrelated sale price 456 EUR/tonne. In 2014, the average related sale price of the Union industry was 464 EUR/tonne and the average unrelated sale price 434 EUR/tonne. In the IP, the average related sale price of the Union industry was 458 EUR/tonne and the average unrelated sale price 427 EUR/tonne.
- (62) In order to determine whether there was price undercutting during the IP, and to what extent, the weighted average sales prices per product type of the sampled Union producers charged to unrelated customers on the Union market, adjusted to an ex-works level by deducting the actual delivery costs, commissions and credit notes, were compared to the corresponding weighted average prices per product type of the dumped imports from the sampled Chinese producers to the first independent customer on the Union market, established on a CIF basis. As explained in recital (102) below, undercutting was established in comparison with unrelated sales only, since the comparison only took into account matching product types. The related sales were exclusively composed of product types not being imported from China.
- (63) The result of the comparison, when expressed as a percentage of the sampled Union producers' turnover during the IP, showed an undercutting margin of ranging from 1,7 % to 5,6 %. The lower prices of the dumped imports compared to the Union prices during the period considered explain the significant increase in Chinese import volume and in the market share held by the imports from China from 2013 onwards.

### 5.3. Economic situation of the Union industry

#### 5.3.1. Preliminary remarks

- (64) In accordance with Article 3(5) of the basic Regulation, the examination of the impact of the dumped imports from China on the Union industry included an evaluation of all economic indicators having a bearing on the state of the Union industry during the period considered.
- (65) As mentioned in recital (9), sampling was used for the examination of the possible injury suffered by the Union industry.

- (66) For the purpose of the injury analysis, the Commission distinguished between macroeconomic and microeconomic injury indicators. In this regard, the economic situation of the Union industry is assessed on the basis of (a) macroeconomic indicators, namely production, production capacity, capacity utilisation, sales volume, market share and growth, employment, productivity, magnitude of the actual dumping margin and recovery from past dumping, for which the data was collected at the level of the total Union industry and on the basis of (b) microeconomic indicators, namely average unit prices, unit cost, profitability, cash flow, investments, return on investment and ability to raise capital, stocks and labour costs, for which the data was collected at the level of the sampled Union producers.
- (67) All available information concerning the Union industry including information provided in the complaint, data collected from the Union producers before and after the initiation of the investigation, and the questionnaire responses of the sampled Union producers, was used in order to establish the macroeconomic indicators and in particular the data pertaining to the non-sampled Union producers.
- (68) The microeconomic indicators were established on the basis of information provided by the sampled Union producers in their questionnaire replies.
- (69) As explained in recital (103) below, undercutting and underselling were established on the basis of product types that were comparable with the imports from China, i.e. that fell within the same product code number, and therefore excluded sales to related customers, which were composed only of product types not imported from China. The remaining injury indicators were established on the basis of all product types. Even if the remaining injury indicators would have been established on the basis of the comparable product types only, it would not have altered the trends observed.

### 5.3.2. Macroeconomic indicators

#### (a) Production, production capacity and capacity utilisation

- (70) The trends for Union production, production capacity and the utilization of the capacity developed as follows during the period considered:

	2011	2012	2013	2014	IP
Production volume HFP rebars (tonnes)	533 612	569 599	507 046	516 762	506 361
<i>Index (2012 = 100)</i>	94	100	89	91	89
Production volume all products (tonnes)	5 364 368	5 416 193	5 169 720	5 510 322	5 500 486
<i>Index (2012 = 100)</i>	99	100	95	102	102
Production capacity all products (tonnes)	7 700 405	7 710 620	7 705 934	7 688 851	7 709 741
<i>Index (2012 = 100)</i>	100	100	100	100	100
Capacity utilisation all products (%)	70	70	67	72	71
<i>Index (2012 = 100)</i>	99	100	96	102	102

Source: Complaint, questionnaire replies

- (71) Union production decreased during the period considered, despite increasing Union consumption.
- (72) Since the same machinery can be used to manufacture both the like product and other types of rebars, production capacity and utilisation was calculated for all types of rebars. There is no specific machinery for HFP rebars that could be taken into account to calculate capacity and capacity utilisation for the like product only. Capacity and capacity utilisation remained constant during the period considered, despite increasing Union consumption. The decrease in the production volume of the product concerned was compensated by an increase in the production volume of other products.

(b) Sales volume, market share and growth

- (73) The sales of one Union producer included captive sales to its related companies. Sales volume, market share and growth were therefore assessed separately for captive market (related sales) and free market (unrelated sales).
- (74) The trends concerning sales volumes, market share and growth developed as follows during the period considered:

	2011	2012	2013	2014	IP
Sales volume related sales (tonnes)	255 388	249 832	206 004	246 055	248 213
<i>Index (2012 = 100)</i>	102	100	82	98	99
Market share related sales on EU consumption (%)	46,7	41,9	32,8	28,8	30,2
<i>Index (2012 = 100)</i>	111	100	78	69	72
Sales volume unrelated sales (tonnes)	269 728	319 148	292 521	260 470	261 180
<i>Index (2012 = 100)</i>	85	100	92	82	82
Market share unrelated sales on EU consumption (%)	49,4	53,6	46,6	30,5	31,8
<i>Index (2012 = 100)</i>	92	100	87	57	59

Source: European Commission (Customs Surveillance Database), complaint, questionnaire replies

- (75) After an increase between 2011 and 2012, in the context of an increasing consumption, the sales volume to unrelated customers started to decrease from 2013 onwards, in parallel with the rapid increase of the dumped imports. This is also reflected in the upward trend of closing stocks, which increased overall by 27 % during the period considered and by 28 % from 2012 to the IP.
- (76) Furthermore, the market share of unrelated sales by the Union industry decreased significantly by 18 percentage points since 2011 and by 22 percentage points since 2012, in the context of a steady increase in consumption. This shows that Union industry could not fully benefit from the growth in Union consumption due to the increasing market share of dumped imports.

- (77) The related sales first decreased in 2013, at the same time with the start of the dumped imports from China, but then increased back to their previous level. The market share of the related sales decreased by 17 percentage points since 2011 and by 12 percentage points since 2012. However, the related sales took place in a captive market and were therefore only indirectly affected by the Chinese imports.

(c) Employment and productivity

- (78) Employment decreased from 253 in 2011 to 231 in 2012, and then further decreased to 209 in the IP. The employment in the Union industry was calculated by considering the number of employees working directly with the product concerned, when available, or by allocating total employment of the producers proportionally to the share of output of the product concerned. Productivity, measured as output in tonnes per person employed per year, increased by 15 % from 2011 to 2012. From 2012 to the IP, the productivity first fell in 2013 in line with the decreased output, but then regained its previous levels, suggesting that the Union industry made significant efforts to improve its efficiency while its production remained at the 2013 levels.

	2011	2012	2013	2014	IP
Number of employees	253	231	243	221	209
<i>Index (2012 = 100)</i>	109	100	105	96	90
Productivity (MT/employee)	2 113	2 465	2 090	2 334	2 423
<i>Index (2012 = 100)</i>	86	100	85	95	98

Source: Complaint, questionnaire replies

(d) Magnitude of the actual dumping margin and recovery from past dumping

- (79) The dumping margins of the sampled Chinese exporting producers are considerable (see recital (45) above). Given the sector of the product concerned, the volume, market share and prices of the dumped imports from China, discussed above, the impact on the Union industry of the actual dumping margin cannot be considered to be negligible.
- (80) No imports have taken place previously. As a result, the industry is not still recovering from past dumping practices.

5.3.3. Microeconomic indicators

(a) Average unit selling prices on the Union market and unit cost of production

- (81) The average sales prices of the sampled Union producers to unrelated customers in the Union decreased by 16 % from 2012 to the IP. The price decrease reflects a general lowering trend in the worldwide cost of raw material, both shredded scrap used in the Union and iron ore used in China and in the analogue country, as shown in the table below.

	2011	2012	2013	2014	IP
Scrap price in EUR/tonne (sampled Union producers)	320	308	281	270	260
<i>Index (2012 = 100)</i>	104	100	91	88	85

	2011	2012	2013	2014	IP
Shredded scrap price in EUR/tonne (Union market)	318	285	254	261	251
<i>Index (2012 = 100)</i>	112	100	89	92	88
Iron ore price in EUR/tonne (imports to China)	124	100	96	72	60
<i>Index (2012 = 100)</i>	125	100	96	73	61
Iron ore price in EUR/tonne (imports to China) submitted by the Chinese exporting producers	Not provided	Not provided	[90-110]	[60-80]	[50-70]

Source: Complainant, questionnaire replies, www.indexmundi.com, CISA

- (82) However, the sales prices of the Union industry decreased from 2012 to the IP faster than the raw material prices for shredded scrap, both in absolute and in relative terms. As can be seen in the table below, this resulted in losses from 2013 onwards.

	2011	2012	2013	2014	IP
Average unit selling price in the Union to related customers	529	540	483	464	458
<i>Index (2012 = 100)</i>	98	100	89	86	85
Average unit selling price in the Union to unrelated customers	505	507	456	434	427
<i>Index (2012 = 100)</i>	100	100	90	86	84
Unit cost of goods sold for related sales (EUR/tonne)	544	527	490	479	470
<i>Index (2012 = 100)</i>	103	100	93	91	89
Unit cost of goods sold for unrelated sales (EUR/tonne)	515	502	469	448	439
<i>Index (2012 = 100)</i>	103	100	93	89	87

Source: Questionnaire replies

(b) Profitability, cash flow, investments, return on investments and ability to raise capital

- (83) During the period considered the Union producers' cash flow, investment, return on investment and their ability to raise capital developed as follows:

	2011	2012	2013	2014	IP
Profitability of sales in the Union to related customers (% of sales turnover)	- 2,8	+ 2,5	- 1,5	- 3,2	- 2,7
Profitability of sales in the Union to unrelated customers adjusted for comparable product types (% of sales turnover)	- 3,5	+ 1,6	- 2,5	- 3,1	- 2,4
Cash flow related sales (EUR)	- 336 830	6 965 666	1 619 217	619 310	1 582 626
Cash flow unrelated sales (EUR)	14 899 504	5 240 507	600 099	- 389 019	- 946 642
Investments (EUR)	7 176 323	6 546 524	5 880 627	4 504 181	5 030 792
Index (2012 = 100)	110	100	90	69	77
Return on investments (%)	- 83	71	- 76	- 144	- 110

Source: Questionnaire replies

- (84) The profitability of the sampled Union producers was established separately for related and unrelated sales. Profitability was expressed as the pre-tax net profit of the sales of the like product to customers in the Union as a percentage of the turnover of those sales.
- (85) For their related sales, the sampled Union producers were loss-making in 2011, but started to recover in 2012 in line with the increase in Union consumption. In 2012 a profit of +2,5 % on the related sales was made. The related sales became again loss-making from 2013 onwards. However, the related sales prices do not necessarily reflect market prices, since the prices are set in an agreement between related parties. The profits of related sales could therefore not be considered to reflect the profitability of the Union industry.
- (86) For their unrelated sales, a similar trend as for the related sales was followed. The unrelated sales were loss-making before 2012, profitable in 2012 and then loss-making from 2013 onwards.
- (87) Cash flow, which is the ability of the industry to self-finance its activities, was initially positive for unrelated sales but became negative since 2014, in line with the continuing losses. Cash flow from related sales was negative in 2011 but positive in the rest of the period considered. However, since the related sales prices do not necessarily reflect market prices, the cash flow from related sales could not be considered to reflect the cash flow situation of the Union industry.
- (88) The evolution of profitability and cash flow during the period considered limited the ability of the sampled Union producers to invest in their activities and undermined their development. However, due to the nature of the industry, investments are used to manufacture various products, including products outside the scope of the investigation. For this reason it was not possible to directly establish investments and return on investment, which is profit in percentage of the net book value of investments, specifically for the product under investigation. Instead the overall investments of the industry were presumed to be allocated to the product concerned in line with share of turnover.

- (89) In light of the above, it can be concluded that the financial performance of the sampled Union producers remained negative during the IP.

(c) Stocks

- (90) The level of stocks of the sampled Union producers increased by 27 % during the period considered; their increase coincided with losses in market share.

	2011	2012	2013	2014	IP
Closing stocks (tonnes)	56 934	56 537	57 280	69 942	72 473
<i>Index (2012 = 100)</i>	101	100	101	124	128

Source: Questionnaire replies

(d) Labour costs

- (91) The average labour costs of the sampled Union producers increased modestly during the period considered. At the same time the average productivity improved. Labour costs represented 13 % of the total costs of production. Therefore labour costs do not represent a determining factor in the cost of production.

	2011	2012	2013	2014	IP
Average labour costs per employee (EUR)	104 161	112 246	108 249	127 588	138 047
<i>Index (2012 = 100)</i>	93	100	96	114	123

Source: Questionnaire replies

#### 5.4. Conclusion on injury

- (92) The investigation showed that the Union industry did not benefit from the increase in consumption during the period considered. Initially, from 2011 to 2012, there is no injury, not least because there were no imports, but subsequently, from 2013 onwards, its economic situation deteriorated when compared with the 2012 levels. Indeed, certain indicators such as production and sales volume of the Union industry stagnated despite a continued increase in Union consumption. The market share of the Union industry dropped significantly, since the increased Union consumption was met by the rapid increase of Chinese imports.
- (93) Furthermore, certain injury indicators related to the financial performance, namely profitability and cash flow of the Union industry were seriously affected (drop of profitability by 4 percentage points) by the price pressure which prevailed in the Union market. The Union industry was not able to maintain its prices at a level necessary to reach a profitability in line with the year 2012 and became loss-making as a consequence.
- (94) In light of the foregoing, it is provisionally concluded that the Union industry suffered material injury within the meaning of Article 3(5) of the basic Regulation.

## 6. CAUSATION

### 6.1. Introduction

- (95) In accordance with Article 3(6) and (7) of the basic Regulation, the Commission examined whether the dumped imports from China had caused injury to the Union industry to a degree sufficient to be considered as material. Known factors other than the dumped imports, which could at the same time be injuring the Union industry, were also examined to ensure that the possible injury caused by these other factors was not attributed to the dumped imports.



## 6.2. Effect of the dumped imports

- (96) The investigation showed that the Union consumption increased by 50 % over the period considered and at the same time the volume of imports originating in China increased significantly. As explained in recitals (58)-(59), the imports from China increased from zero in 2012 to 292 000 tonnes in the IP. The increase of dumped imports coincided with a drastic drop in the market share of the Union industry: as explained in recitals (74)-(76), the Union industry's unrelated sales dropped from 319 000 tonnes in 2012 to 261 000 tonnes in the IP.
- (97) With regard to the price pressure prevailing on the Union market during the period considered, it was found that the average import prices from China remained constantly lower than the average sales prices of the Union industry. By undercutting the Union industry, Chinese imports increased their market share from zero in 2012 to 36 % of the Union consumption in the IP. In the free market, the market share of Chinese imports increased from zero in 2012 to 51 % in the IP. The market share of the Union industry in the free market decreased from 92 % in 2012 to 46 % in the IP. The loss in market share reveals that the Union industry could not benefit from the increased consumption.
- (98) Due to the price pressure exerted by the increasing volumes of Chinese imports, the Union industry was not able to cover its costs. The Union industry was loss-making in 2011, and narrowly profitable before the start of the dumping in 2012. The Union industry became loss-making from 2013 onwards, at the same time when the dumped imports started to enter the Union market.
- (99) Based on the above, it is concluded that the surge of dumped imports from China at prices constantly undercutting those of the Union industry caused material injury suffered by the Union industry.

## 6.3. Effect of other factors

### 6.3.1. Export performance of the Union industry

- (100) There are hardly any exports by the Union industry. Exports to third countries decreased from 1 % to 0 % of sales during the period considered. It can be therefore concluded that the export activity of the Union industry could not be a cause of the material injury found.

### 6.3.2. Sales to related parties

- (101) Chinese exporters have alleged that the causal link is broken because the sales of one of the Union producers are almost exclusively made to related parties in a captive market. Thus any injury would be caused by low transfer prices set between related companies, not by the Chinese imports.
- (102) First, the Commission observes that only one of the Union producers in the sample sells in a captive market and furthermore also has non-captive sales of the like product.
- (103) Second, the investigation showed that the prices to related parties were higher than the sales prices in the free market. It was also found that the related sales concerned product types not imported from China. Undercutting and underselling were established on the basis of matching product types only, by comparing the Chinese import prices and the sales prices of the Union producers of matching product types. Thus the related sales did not affect the determination of undercutting and underselling. Finally, the development of injury indicators which were analysed separately for free and captive sales showed a comparable trend. On that basis, the argument made by the Chinese exporters has been taken into account but it does not affect the findings.

## 6.3.3. Imports from third countries

Country		2011	2012	2013	2014	IP
The PRC	Volume (tonnes)			49 480	279 484	292 304
	<i>Index (2013 = 100)</i>			100	565	591
	Market share on EU consumption (%)			7,9	32,7	35,6
	<i>Index (2013 = 100)</i>			100	415	451
	Av. price			442	400	401
	<i>Index (2013 = 100)</i>			100	90	91
Turkey	Volume (tonnes)	8 726	1 182	74 965	65 299	16 323
	<i>Index (2012 = 100)</i>	738	100	6 342	5 525	1 381
	Market share on EU consumption (%)	1,6	0,2	11,9	7,6	2,0
	<i>Index (2012 = 100)</i>	805	100	6 016	3 853	1 001
	Av. price	697	508	463	565	691
	<i>Index (2012 = 100)</i>	137	100	91	111	136
Total of all third countries except China	Volume (tonnes)	21 243	26 817	80 094	68 319	20 362
	<i>Index (2012 = 100)</i>	79	100	299	255	76
	Market share on EU consumption (%)	3,9	4,5	12,8	8,0	2,5
	<i>Index (2012 = 100)</i>	86	100	283	178	55
	Av. price	657	610	488	659	570
	<i>Index (2012 = 100)</i>	108	100	80	108	94

Source: European Commission (Customs Surveillance Database), complaint and questionnaire replies

- (104) The dumped imports from China constituted 93 % of all imports into the Union market during the IP. There were other sources of imports, including Turkey that had to be examined in the context of the causal link.
- (105) The investigation showed that the average sales prices of Turkish exporting producers remained above the sales prices of the Chinese exporting producers and those of the Union industry during the period considered. Moreover, the market share of Turkish imports decreased from 12 % in 2013 to 2,0 % during the IP.
- (106) On the basis of above, it is concluded that the impact of these imports is not such as to break the causal link between Chinese imports and the material injury suffered by the Union industry.

## 6.3.4. The economic crisis

- (107) As explained in recital (83), the Union industry was loss-making in 2011, when the effects of the economic crisis were visible in the low consumption of rebars. The situation of the industry improved in 2012 and it became profitable. The industry then became again loss-making since 2013, in parallel with the start of the low-priced imports from China.

- (108) Hence, the economic crisis cannot explain the difficulties of the industry that have reappeared since 2013. Therefore, it cannot be considered to have an impact such as to break the causal link between the dumped imports and the material injury that the Union industry suffered during the IP.

#### 6.3.5. *Cost of the main raw material*

- (109) The Chinese exporters claimed that the injury suffered by the Union industry is a result of the use of scrap as a main raw material, whereas the Chinese producers are using iron ore.
- (110) However, the price information supplied by the Chinese exporters shows that the prices of scrap broadly follow the trends of the prices of iron ore in the world markets. As shown in recital (81), the prices of both scrap and iron ore have decreased by roughly the same amount in terms of price per tonne. The fact that the decrease is different in percentage terms is not relevant for determining causality because the impact on production costs is determined by the development of the price per tonne in absolute terms. Furthermore, the difference of costs in absolute terms between iron ore and scrap reflects the fact that the transformation process into steel is different depending on the raw material used. The costs of two different raw materials are thus not directly comparable. Alleged differences in the development of the cost of raw material could therefore not break the causal link between the material injury found and the dumped imports. This claim must therefore be rejected.

#### 6.4. **Conclusion on causation**

- (111) It has been demonstrated that there was a substantial increase in the volume and market share of the dumped imports originating in China in the period considered. In addition, it was found that these imports were constantly undercutting the prices charged by the Union industry on the Union market and in particular during the IP.
- (112) This increase in volume and market share of the dumped imports from China coincided with the deterioration of the financial situation of the Union industry as of 2013. Thus, despite the recovery in consumption, the Union industry was unable to increase its sales and prices, and consequently financial indicators such as profitability remained negative.
- (113) The examination of the other known factors which could have caused injury to the Union industry revealed that these factors were not such as to break the causal link established between the dumped imports from China and the injury suffered by the Union industry.
- (114) Based on the above analysis, which had distinguished and separated the effects of all known factors on the situation of the Union industry from the injurious effects of the dumped imports, it is provisionally concluded that the dumped imports from China have caused material injury to the Union industry within the meaning of Article 3(6) of the basic Regulation.

### 7. **UNION INTEREST**

#### 7.1. **General considerations**

- (115) In accordance with Article 21 of the basic Regulation it has been examined whether, despite the provisional finding of injurious dumping, compelling reasons exist for concluding that it is not in the Union interest to adopt measures in this particular case. The analysis of the Union interest was based on an appreciation of all the various interests involved, including those of the Union industry, importers, and users.
- (116) CISA, an interested party, claimed that imposing measures for the entire Union would be unnecessary since imports from China are directed only to UK and Ireland.
- (117) The Commission notes that even though the consumption is limited to UK and Ireland, the Union industry is located in several Member States and therefore the Union interest must be assessed concerning the entire Union. As there are intra-Union trade flows of the product concerned between UK, Ireland and the other Member States, measures must be imposed for the entire Union in order for them to be efficient.

## 7.2. Interest of the Union industry

- (118) The Union industry is composed of 11 known producers representing all of the Union production of the like product. The producers are located in different Member States of the Union, employing directly 209 people in relation to the like product during the IP.
- (119) It has been established that the Union industry suffered material injury caused by the dumped imports from China. It is recalled that the Union industry could not fully benefit from the growing consumption and the financial situation of the Union industry remained fragile.
- (120) It is expected that the imposition of anti-dumping duties will restore fair trade conditions on the Union market, allowing the Union industry to align its prices of the like product to the costs of production.
- (121) It can also be expected that the imposition of measures will enable the Union industry to regain at least part of the market share lost during the period considered, with a positive impact on its profitability and overall financial situation. The imposition of measures would enable the industry to maintain and further develop its efforts to be cost efficient.
- (122) Should measures not be imposed, further losses in market share could be expected and the Union industry's profitability would deteriorate.
- (123) One Union producer made its sales predominantly in a captive market which is not directly affected by the imports from China. Indirectly, however, it may benefit from the growing market in the absence of dumped imports where the prices would be set according to sound market conditions.
- (124) It is, therefore, provisionally concluded that the imposition of anti-dumping measures on imports originating in China would be in the interest of the Union industry.

## 7.3. Interest of users

- (125) Questionnaires were sent to 11 users in the Union. Nine users replied to the questionnaires, but three of them subsequently withdrew their cooperation. The likely effect of the proposed measures was assessed on the basis of questionnaire replies received from the other users and the total Union market for the product concerned and the like product.
- (126) Four of the cooperating users were related to one Union producer. They only purchased the product concerned from their parent company. The imposition of the measures would therefore have no direct impact on their purchases. Indirectly, their position in the downstream market might improve given that their competitors would no longer be able to purchase low-priced dumped imports from China.
- (127) The two cooperating unrelated users represented around 33 % of total imports from China of the product concerned during the IP. On average, purchases from China constituted around 88 % of their total purchases of the product concerned. Cost of the product concerned represented typically 75 % of the sales incorporating the product concerned. During the IP, the average percentage of the turnover incorporating the product concerned represented 76 % of their total turnover.
- (128) The investigation showed that, during the IP, the average profitability of the cooperating unrelated users on the sales incorporating the product concerned was 1 % on turnover.
- (129) Assuming the worst case scenario for the unrelated users, i.e. that no price increase could be passed on to the distribution chain and that they would continue purchasing from China in previous volumes, the impact of the duty on the users' profitability, considering their narrow profits, high share of Chinese imports, and high share of the product concerned in their overall costs, would mean that the users would become loss-making.
- (130) However, it should be pointed out that since the product concerned is standardised, users could easily change their sources of supply as far as the product quality is concerned. The imposition of measures should not preclude the possibility for importing the product concerned from other countries and even from China once trade distorting effects due to dumping have been removed.

- (131) The unrelated users claimed that the current high volumes of imports from China could not be easily replaced by other sources, and that they would therefore face a situation of shortage of supply. This would make them lose market shares to the related users.
- (132) However, given the moderate level of the duties, they are unlikely to completely eliminate imports from China, which could continue to enter the Union market at fair prices. The investigation has shown that there is sufficient spare capacity in the Union industry for the independent users to replace any decrease in the Chinese imports.
- (133) Certain importers and users claimed that the imposition of measures would lead to one Union producer located in the UK and its related users reaching a monopolistic situation by eliminating the competing independent users who would no longer have access to raw materials at competitive prices.
- (134) The Commission notes, firstly, that the acquisitions of the downstream users has been approved by both the UK and the Irish competition authorities. They have in that context assessed potential monopolistic behaviour.
- (135) Secondly, as explained in recital (130) above, there are alternative sources of supply available to the independent users, which will ensure that independent users can continue to compete on the UK market.
- (136) Taken the above into consideration, even if certain users are likely to be impacted more negatively than others by the measures on Chinese imports, the Commission takes at this point in time the view that overall impact on users is limited, as well as possible restrictive effects on competition.

#### **7.4. Interest of importers**

- (137) Limited cooperation was obtained from unrelated importers. Three importers provided sampling information, but only two cooperated. They accounted for around 37 % of total imports from China during the IP. The importers oppose the imposition of measures since China is by far their most important supplier of the product concerned.
- (138) However, the importers should be in a position to pass on at least part of any price increases due to the imposition of measures to their customers. The importers could also shift to other sources of supply.
- (139) On this basis, it is provisionally concluded that the imposition of anti-dumping measures will not have substantially negative effects on the interest of importers.

#### **7.5. Conclusion on Union interest**

- (140) In view of the above, it is provisionally concluded that overall, based on the information concerning the Union interest, there are no compelling reasons against the imposition of measures on imports of the product concerned from China.
- (141) Any negative effects on the unrelated users are mitigated by the availability of alternative sources of supply.
- (142) Moreover, when considering the overall impact of the anti-dumping measures on the Union market, the positive effects, in particular on the Union industry, appear to outweigh the potential negative impacts on the other interest groups.

### **8. PROPOSAL FOR PROVISIONAL ANTI-DUMPING MEASURES**

- (143) In view of the conclusions reached with regard to dumping, injury, causation and Union interest, provisional anti-dumping measures should be imposed in order to prevent further injury being caused to the Union industry by the dumped imports.

### 8.1. Injury elimination level

- (144) For the purpose of determining the level of these measures, account was taken of the dumping margins found and the amount of duty necessary to eliminate the injury suffered by the Union industry.
- (145) When calculating the amount of duty necessary to remove the effects of the injurious dumping, it was considered that any measure should allow the Union industry to cover its costs of production and obtain a profit before tax that could be reasonably achieved by an industry of this type in the sector under normal conditions of competition, i.e. in the absence of dumped imports, on sales of the like product in the Union.
- (146) In order to determine the target profit, the Commission considered the profits made in the unrelated sales which are used for the purpose of determining the injury elimination level.
- (147) The target profit margin was provisionally set at 1,65 %, in line with the 2012 profits from the unrelated sales. As the dumped imports started in 2013, it is considered that the 2012 level of profits reflects what could be reasonably achieved under normal conditions of competition, i.e. in the absence of dumped imports.
- (148) By contrast, the year 2011 was not considered to be a suitable reference year for normal conditions of competition: as explained in recital (107), the Union industry was still recovering from the impact of the economic crisis and was loss-making. The complainants have shown that the demand for steel in the UK was estimated at an exceptionally low level in 2011 (25 % lower than in 2007) Also the production costs were very high due to a peak in the price of scrap in 2011, as shown in recital (81). Finally, the complainants alleged that the rebars market in the UK was temporary disrupted by the sell-off of the stock of one UK producer, Thamesteel, before its liquidation in January 2012, which led to a temporary surge of supply volumes and discounted prices in 2011. For these reasons, the year 2011 could not be considered to be a period under normal market conditions and did not affect the setting of the target profit.
- (149) On this basis, the injury elimination level was calculated as a comparison of the weighted average price of the dumped imports, as established for the price undercutting calculations in recital (62) above, and the non-injurious price of the Union industry for the like product.
- (150) Any difference resulting from this comparison was then expressed as a percentage of the average total CIF import price.
- (151) As explained in recital (23) the Commission concluded that two of the cooperating groups of companies should be treated as related. A single injury margin was therefore established for the exporting producers of the two groups by expressing the sum of their individual underselling values as a percentage of the sum of their constructed CIF values on the Union frontier.

### 8.2. Provisional measures

- (152) In the light of the foregoing, it is considered that, in accordance with Article 7(2) of the basic Regulation, provisional anti-dumping duties should be imposed in respect of imports of HFP rebars originating in PRC at the level of the lower of the dumping and the injury margins, in accordance with the lesser duty rule.
- (153) As mentioned in recital (3) above the Commission made imports of the product concerned originating in the PRC subject to registration by Regulation (EU) 2015/2386 in view of the possible retroactive application of any anti-dumping measures under Article 10(4) of the basic Regulation.
- (154) In view of the above findings, the registration of imports in accordance with Article 14(5) of the basic Regulation should be discontinued.
- (155) No decision on a possible retroactive application of anti-dumping measures can be taken at this stage of the proceeding.

- (156) On the basis of the above, the provisional anti-dumping duty rates have been established by comparing the injury margins and the dumping margins. Consequently, the proposed anti-dumping duties are as follows:

Company	Injury margin (%)	Dumping margin (%)	Provisional anti-dumping duty rate (%)
Jiangyin Xicheng Steel Co., Ltd Jiangyin	9,2	66,0	9,2
Jiangyin Ruihe Metal Products Co., Ltd Jiangyin	9,2	66,0	9,2
Jiangsu Yonggang Group Co., Ltd Zhangjiagang	13,0	51,5	13,0
Jiangsu Lianfeng Industrial Co., Ltd Zhangjiagang	13,0	51,5	13,0
Zhangjiagang Hongchang High Wires Co., Ltd Zhangjiagang	13,0	51,5	13,0
Zhangjiagang Shatai Steel Co., Ltd Zhangjiagang	13,0	51,5	13,0
All other companies	13,0	66,0	13,0

- (157) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of the present investigation. Therefore, they reflect the situation found during that investigation with respect to these companies. These duty rates (as opposed to the country-wide duty applicable to 'all other companies') are thus exclusively applicable to imports of product concerned originating in PRC and produced by the companies and thus by the specific legal entities mentioned. Imported product concerned produced by any other company not specifically mentioned in the operative part of this Regulation with its name and address, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.
- (158) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission <sup>(1)</sup> forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with, for example, that name change or that change in the production and sales entities. If appropriate, the Regulation will accordingly be amended by updating the list of companies benefiting from individual duty rates.
- (159) To minimise the risks of circumvention due to a difference in duty rates, special measures are needed to ensure the application of the individual anti-dumping duties. The companies with individual anti-dumping duties must present a valid commercial invoice to the customs authorities of the Member States. The invoice must conform to the requirements set out in Article 1(3) hereof. Imports not accompanied by that invoice should be subject to the anti-dumping duty applicable to 'all other companies'.
- (160) In order to ensure a proper enforcement of the anti-dumping duty, the residual duty level should not only apply to the non-cooperating exporting producers but also to those producers which did not have any exports to the Union during the IP.

<sup>(1)</sup> European Commission, Directorate-General for Trade, Directorate H, CHAR 04/039, 1049 Brussels, Belgium.

## 9. FINAL PROVISION

- (161) In the interests of sound administration, the Commission will invite the interested parties to submit written comments and/or to request a hearing with the Commission and/or the Hearing Officer in trade proceedings within a fixed deadline.
- (162) The findings concerning the imposition of provisional duties are provisional and may be amended at the definitive stage of the investigation.

HAS ADOPTED THIS REGULATION:

## Article 1

1. A provisional anti-dumping duty is hereby imposed on imports high fatigue performance iron or steel concrete reinforcing bars and rods made of iron, non-alloy steel or alloy steel (but excluding of stainless steel, high-speed steel and silico-manganese steel), not further worked than hot-rolled, but including those twisted after rolling; these bars and rods contain indentations, ribs, grooves or other deformations produced during the rolling process or are twisted after rolling; the key characteristic of high fatigue performance is the ability to endure repeated stress without breaking and, specifically, the ability to resist in excess of 4,5 million fatigue cycles using a stress ratio (min/max) of 0,2 and a stress range exceeding 150 MPa, currently falling within CN codes ex 7214 20 00, ex 7228 30 20, ex 7228 30 41, ex 7228 30 49, ex 7228 30 61, ex 7228 30 69, ex 7228 30 70 and ex 7228 30 89 (TARIC codes 7214 20 00 10, 7228 30 20 10, 7228 30 41 10, 7228 30 49 10, 7228 30 61 10, 7228 30 69 10, 7228 30 70 10 and 7228 30 89 10) and originating in the People's Republic of China.

2. The rates of the provisional 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:

Company	Duty (%)	TARIC additional code
Jiangyin Xicheng Steel Co., Ltd, Jiangyin	9,2	C060
Jiangyin Ruihe Metal Products Co., Ltd, Jiangyin	9,2	C061
Jiangsu Yonggang Group Co., Ltd, Zhangjiagang	13,0	C062
Jiangsu Lianfeng Industrial Co., Ltd, Zhangjiagang	13,0	C063
Zhangjiagang Hongchang High Wires Co., Ltd, Zhangjiagang	13,0	C064
Zhangjiagang Shatai Steel Co., Ltd, Zhangjiagang	13,0	C065
All other companies	13,0	C999

3. The application of the individual duty rate 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, on which shall appear a declaration dated and signed by an official of the entity issuing such invoice, identified by his/her name and function, drafted as follows: 'I, the undersigned, certify that the (volume) of (product concerned) sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in the People's Republic of China. I declare that the information provided in this invoice is complete and correct.' If no such invoice is presented, the duty rate applicable to 'all other companies' shall apply.



4. The release for free circulation in the Union of the product referred to in paragraph 1 shall be subject to the provision of a security equivalent to the amount of the provisional duty.
5. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

*Article 2*

1. Within 25 calendar days of the date of entry into force of this Regulation, interested parties may:
  - (a) Request disclosure of the essential facts and considerations on the basis of which this Regulation was adopted;
  - (b) Submit their written comments to the Commission; and
  - (c) Request a hearing with the Commission and/or the Hearing Officer in trade proceedings.
2. Within 25 calendar days of the date of entry into force of this Regulation, the parties referred to in Article 21(4) of Regulation (EC) No 1225/2009 may comment on the application of the provisional measures.

*Article 3*

1. Customs authorities are hereby directed to discontinue the registration of imports established in accordance with Article 1 of Regulation (EU) 2015/2386.
2. Data collected regarding products which were entered for consumption not more than 90 days prior to the date of entry into force of this regulation shall be kept until the entry into force of possible definitive measures, or the termination of this proceeding.

*Article 4*

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

Article 1 of this Regulation shall apply for a period of six months.

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

Done at Brussels, 28 January 2016.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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**COMMISSION REGULATION (EU) 2016/114****of 28 January 2016****implementing Regulation (EC) No 1177/2003 of the European Parliament and of the Council concerning Community statistics on income and living conditions (EU-SILC) as regards the 2017 list of target secondary variables on health and children's health****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1177/2003 of the European Parliament and of the Council of 16 June 2003 concerning Community statistics on income and living conditions (EU-SILC) <sup>(1)</sup>, and in particular Article 15(2)(f), in combination with Article 15(1), thereof,

Whereas:

- (1) Regulation (EC) No 1177/2003 established a common framework for the systematic production of European statistics on income and living conditions, in order to ensure that comparable and up-to-date cross-sectional and longitudinal data on income and on the level and composition of poverty and social exclusion are available at national and Union level.
- (2) Pursuant to point (f) of Article 15(2) of Regulation (EC) No 1177/2003, implementing measures should be adopted each year to specify the target secondary areas and variables to be included that year in the cross-sectional component of EU-SILC. Implementing measures specifying the target secondary variables and their identifiers for the 2017 module on health and children's health should be adopted.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The list of target secondary variables and identifiers for the 2017 module on health and children's health, part of the cross-sectional component of EU-SILC, shall be laid down in the Annex.

*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, 28 January 2016.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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<sup>(1)</sup> OJ L 165, 3.7.2003, p. 1.

## ANNEX

For the purposes of this Regulation, the following units, modes of data collection, reference periods and data transmission apply:

**1. Units**

The target variables relate to different types of units:

information on financial burden applies at household level and refers to the household as a whole;

information on health is to be provided for each current household member or, if applicable, for all selected respondents aged 16 and over;

information on general health and limitation in activities because due to health problems is to be provided for each child aged 0-15;

information on unmet need for dental or medical examination or treatment for children applies at household level and refers to all children aged 0-15 living in the household as a whole;

age refers to the age at the time of the interview.

**2. Modes of data collection**

For variables applying at household level the mode of data collection is personal interview with the household respondent.

For variables applying at individual level, the mode of data collection is personal interview with all current household members aged 16 and over or, where applicable, with each selected respondent.

For children's variables, the mode of data collection is personal interview with the household respondent.

Given the type of information to be collected, only personal interviews (proxy interviews as an exception for anyone temporarily absent or incapacitated) are acceptable.

The body mass index (BMI) variable can be computed from height and weight collected during the interview or directly collected from the interviewee using a show card. Only the BMI value has to be transmitted to Eurostat.

**3. Reference period**

The target variables relate to the different types of reference period:

current reference period for the BMI variable, the general health for children and the limitation in activities because of health problems for children;

a typical week for the variables related to physical activity;

a typical week in a given season for the frequency of eating fruit and vegetables;

last 12 months for all other variables.

**4. Data transmission**

The target secondary variables should be sent to the Commission (Eurostat) in the household data file (H-file), in the personal register file (R-file) and in the personal data file (P-file) after the target primary variables.

Variable identifier	Target variable
<b>Health</b>	
HS200	<i>Financial burden of medical care</i> Heavy burden Somewhat burden Not a burden at all
HS200_F	Filled Missing Not applicable (no one in the household needed medical care) Not applicable (RB010# 2017)
HS210	<i>Financial burden of dental care</i> Heavy burden Somewhat burden Not a burden at all
HS210_F	Filled Missing Not applicable (no one in the household needed dental care) Not applicable (RB010# 2017)
HS220	<i>Financial burden of medicines</i> Heavy burden Somewhat burden Not a burden at all
HS220_F	Filled Missing Not applicable (no one in the household needed medicines) Not applicable (RB010# 2017)
PH080	<i>Number of visits to a dentist or orthodontist</i> None 1-2 times 3-5 times 6-9 times 10 times or more
PH080_F	Filled Missing Not selected respondent Not applicable (RB010# 2017)

Variable identifier	Target variable
PH090	<i>Number of consultations of a general practitioner or family doctor</i> None 1-2 times 3-5 times 6-9 times 10 times or more
PH090_F	Filled Missing Not selected respondent Not applicable (RB010≠ 2017)
PH100	<i>Number of consultations of a medical or surgical specialist</i> None 1-2 times 3-5 times 6-9 times 10 times or more
PH100_F	Filled Missing Not selected respondent Not applicable (RB010≠ 2017)
PH110	<i>Body mass index (BMI)</i> BMI number
PH110_F	Filled Missing Not selected respondent Not applicable (RB010≠ 2017)
PH120	<i>Type of physical activity when working</i> Mostly sitting Mostly standing Mostly walking or tasks of moderate physical effort Mostly heavy labour or physically demanding work
PH120_F	Filled Missing Not applicable (not performing any working tasks) Not selected respondent Not applicable (RB010≠ 2017)

Variable identifier	Target variable
PH130	<i>Time spent on physical activities (excluding working) in a typical week</i> HH/MM (hours/minutes) per week
PH130_F	Filled Missing Not selected respondent Not applicable (RB010# 2017)
PH140	<i>Frequency of eating fruit</i> Twice or more a day Once a day 4 to 6 times a week 1 to 3 times a week Less than once a week Never
PH140_F	Filled Missing Not selected respondent Not applicable (RB010# 2017)
PH150	<i>Frequency of eating vegetables or salad</i> Twice or more a day Once a day 4 to 6 times a week 1 to 3 times a week Less than once a week Never
PH150_F	Filled Missing Not selected respondent Not applicable (RB010# 2017)
<b>Children's health</b>	
RC010	<i>General health (child)</i> Very good Good Fair Bad Very bad
RC010_F	Filled Missing Not applicable (child is more than 15) Not applicable (RB010# 2017)

Variable identifier	Target variable
RC020	<i>Limitation in activities because of health problems (child)</i> Severely limited Limited but not severely Not limited at all
RC020_F	Filled Missing Not applicable (child is more than 15) Not applicable (RB010≠ 2017)
HC010	<i>Unmet need for medical examination or treatment (children)</i> Yes (there was at least one occasion where at least one of the children did not have a medical examination or treatment) No (the child(ren) had a medical examination or treatment each time it was needed)
HC010_F	Filled Missing Not applicable (none of the children really needed any medical examination or treatment) Not applicable (no children aged 0-15 in the household) Not applicable (RB010≠ 2017)
HC020	<i>Main reason for unmet need for medical examination or treatment (children)</i> Could not afford to (too expensive) Waiting list Could not make the time because of work, care of other children or of other people Too far to travel or no means of transport Other reason
HC020_F	Filled Missing Not applicable (HC010 not equal to yes) Not applicable (no children aged 0-15 in the household) Not applicable (RB010≠ 2017)
HC030	<i>Unmet need for dental examination or treatment (children)</i> Yes (there was at least one occasion where at least one of the children did not have a dental examination or treatment) No (the child(ren) had a dental examination or treatment each time it was needed)
HC030_F	Filled Missing Not applicable (none of the children really needed any dental examination or treatment) Not applicable (no children aged 0-15 in the household) Not applicable (RB010≠ 2017)

Variable identifier	Target variable
HC040	<i>Main reason for unmet need for dental examination or treatment (children)</i> Could not afford to (too expensive) Waiting list Could not make the time because of work, care of other children or of other persons Too far to travel or no means of transport Other reason
HC040_F	Filled Missing Not applicable (HC030 not equal to yes) Not applicable (no children aged 0-15 in the household) Not applicable (RB010≠ 2017)



**COMMISSION IMPLEMENTING REGULATION (EU) 2016/115****of 28 January 2016**

**withdrawing the acceptance of the undertaking for one exporting producer under Implementing Decision 2013/707/EU confirming the acceptance of an undertaking offered in connection with the anti-dumping and anti-subsidy proceedings concerning imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China for the period of application of definitive measures**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union ('the Treaty'),

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 <sup>(1)</sup> ('the basic anti-dumping Regulation'), and in particular Article 8 thereof,

Having regard to Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community <sup>(2)</sup> ('the basic anti-subsidy Regulation'), and in particular Article 13 thereof,

Informing the Member States,

Whereas:

**A. UNDERTAKING AND OTHER EXISTING MEASURES**

- (1) By Regulation (EU) No 513/2013 <sup>(3)</sup>, the European Commission ('the Commission') imposed a provisional anti-dumping duty on imports into the European Union ('the Union') of crystalline silicon photovoltaic modules ('modules') and key components (i.e. cells and wafers) originating in or consigned from the People's Republic of China ('the PRC').
- (2) A group of exporting producers gave a mandate to the China Chamber of Commerce for Import and Export of Machinery and Electronic Products ('CCCME') to submit a price undertaking on their behalf to the Commission, which they did. It is clear from the terms of that price undertaking that it constitutes a bundle of individual price undertakings for each exporting producer, which is, for reasons of practicality of administration, coordinated by the CCCME.
- (3) By Decision 2013/423/EU <sup>(4)</sup>, the Commission accepted that price undertaking with regard to the provisional anti-dumping duty. By Regulation (EU) No 748/2013 <sup>(5)</sup>, the Commission amended Regulation (EU) No 513/2013 to introduce the technical changes necessary due to the acceptance of the undertaking with regard to the provisional anti-dumping duty.
- (4) By Implementing Regulation (EU) No 1238/2013 <sup>(6)</sup>, the Council imposed a definitive anti-dumping duty on imports into the Union of modules and cells originating in or consigned from the PRC ('the products concerned'). By Implementing Regulation (EU) No 1239/2013 <sup>(7)</sup>, the Council also imposed a definitive countervailing duty on imports into the Union of the product concerned.
- (5) Following the notification of an amended version of the price undertaking by a group of exporting producers ('the exporting producers') together with the CCCME, the Commission confirmed by Implementing Decision 2013/707/EU <sup>(8)</sup> the acceptance of the price undertaking as amended ('the undertaking') for the period of application of definitive measures. The Annex to this Decision lists the exporting producers for whom the

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

<sup>(2)</sup> OJ L 188, 18.7.2009, p. 93.

<sup>(3)</sup> OJ L 152, 5.6.2013, p. 5.

<sup>(4)</sup> OJ L 209, 3.8.2013, p. 26.

<sup>(5)</sup> OJ L 209, 3.8.2013, p. 1.

<sup>(6)</sup> OJ L 325, 5.12.2013, p. 1.

<sup>(7)</sup> OJ L 325, 5.12.2013, p. 66.

<sup>(8)</sup> OJ L 325, 5.12.2013, p. 214.

undertaking was accepted, including Changzhou Trina Solar Energy Co. Ltd, Trina Solar (Changzhou) Science & Technology Co. Ltd, Changzhou Youze Technology Co. Ltd, Trina Solar Energy (Shanghai) Co. Ltd and Yancheng Trina Solar Energy Technology Co. Ltd together with their related companies in the European Union, jointly covered by the TARIC additional code: B791 ('Trina Solar').

- (6) By Implementing Decision 2014/657/EU <sup>(1)</sup> the Commission accepted a proposal by the group of the exporting producers together with the CCCME for clarifications concerning the implementation of the undertaking for the product concerned covered by the undertaking, that is modules and cells originating in or consigned from the PRC, currently falling within CN codes ex 8541 40 90 (TARIC codes 8541 40 90 21, 8541 40 90 29, 8541 40 90 31 and 8541 40 90 39) produced by the exporting producers ('product covered'). The anti-dumping and countervailing duties referred to in recital 4 above, together with the undertaking, are jointly referred to as 'measures'.
- (7) By Implementing Regulation (EU) 2015/866 <sup>(2)</sup> the Commission withdrew the acceptance of the undertaking for three exporting producers.
- (8) By Implementing Regulation (EU) 2015/1403 <sup>(3)</sup> the Commission withdrew the acceptance of the undertaking for another exporting producer.
- (9) By Implementing Regulation (EU) 2015/2018 <sup>(4)</sup> the Commission withdrew the acceptance of the undertaking for two exporting producers.
- (10) The Commission initiated an expiry review investigation under Article 11(2) of the basic anti-dumping Regulation by a Notice of Initiation published in the *Official Journal of the European Union* <sup>(5)</sup> on 5 December 2015.
- (11) The Commission initiated an expiry review investigation under Article 18 of the basic anti-subsidy Regulation by a Notice of Initiation published in the *Official Journal of the European Union* <sup>(6)</sup> on 5 December 2015.
- (12) The Commission also initiated a partial interim review under Article 11(3) of the basic anti-dumping Regulation and Article 19 of the basic anti-subsidy Regulation by a Notice of Initiation published in the *Official Journal of the European Union* <sup>(7)</sup> on 5 December 2015.

#### B. TERMS OF THE UNDERTAKING AND VOLUNTARY WITHDRAWAL BY TRINA SOLAR

- (13) As per the undertaking, any exporting producer may voluntarily withdraw its undertaking at any time during its application.
- (14) Trina Solar notified the Commission in December 2015 that it wished to withdraw its undertaking.

#### C. WITHDRAWAL OF THE ACCEPTANCE OF THE UNDERTAKING AND IMPOSITIONS OF DEFINITIVE DUTIES

- (15) Therefore, in accordance with Article 8(9) of the basic anti-dumping Regulation, Article 13(9) of the basic anti-subsidy Regulation and also in accordance with the terms of the undertaking, the Commission has concluded that the acceptance of the undertaking for Trina Solar shall be withdrawn.
- (16) Accordingly, pursuant to Article 8(9) of the basic anti-dumping Regulation and Article 13(9) of the basic anti-subsidy Regulation, the definitive anti-dumping duty imposed by Article 1 of Implementing Regulation (EU) No 1238/2013 and the definitive countervailing duty imposed by Article 1 of Implementing Regulation (EU) No 1239/2013 automatically apply to imports originating in or consigned from the PRC of the product concerned and produced by Trina Solar (TARIC additional code: B791) as of the day of entry into force of this Regulation.
- (17) For information purposes the table in Annex to this Regulation lists the exporting producers for whom the acceptance of the undertaking by Implementing Decision 2013/707/EU is not affected,

<sup>(1)</sup> OJ L 270, 11.9.2014, p. 6.

<sup>(2)</sup> OJ L 139, 5.6.2015, p. 30.

<sup>(3)</sup> OJ L 218, 19.8.2015, p. 1.

<sup>(4)</sup> OJ L 295, 12.11.2015, p. 23.

<sup>(5)</sup> OJ C 405, 5.12.2015, p. 8.

<sup>(6)</sup> OJ C 405, 5.12.2015, p. 20.

<sup>(7)</sup> OJ C 405, 5.12.2015, p. 33.

HAS ADOPTED THIS REGULATION:

*Article 1*

Acceptance of the undertaking in relation to Changzhou Trina Solar Energy Co. Ltd, Trina Solar (Changzhou) Science & Technology Co. Ltd, Changzhou Youze Technology Co. Ltd, Trina Solar Energy (Shanghai) Co. Ltd and Yancheng Trina Solar Energy Technology Co. Ltd together with their related companies in the European Union, jointly covered by the TARIC additional code: B791 is hereby withdrawn.

*Article 2*

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

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

Done at Brussels, 28 January 2016.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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## ANNEX

List of companies:

Name of the company	TARIC additional code
Jiangsu Aide Solar Energy Technology Co. Ltd	B798
Alternative Energy (AE) Solar Co. Ltd	B799
Anhui Chaoqun Power Co. Ltd	B800
Anji DaSol Solar Energy Science & Technology Co. Ltd	B802
Anhui Schutten Solar Energy Co. Ltd Quanjiao Jingkun Trade Co. Ltd	B801
Anhui Titan PV Co. Ltd	B803
Xi'an SunOasis (Prime) Company Limited TBEA SOLAR CO. LTD XINJIANG SANG'O SOLAR EQUIPMENT	B804
Changzhou NESL Solartech Co. Ltd	B806
Changzhou Shangyou Lianyi Electronic Co. Ltd	B807
CHINALAND SOLAR ENERGY CO. LTD	B808
ChangZhou EGing Photovoltaic Technology Co. Ltd	B811
CIXI CITY RIXING ELECTRONICS CO. LTD ANHUI RINENG ZHONGTIAN SEMICONDUCTOR DEVELOPMENT CO. LTD HUOSHAN KEBO ENERGY & TECHNOLOGY CO. LTD	B812
CNPV Dongying Solar Power Co. Ltd	B813
CSG PVtech Co. Ltd	B814
China Sunergy (Nanjing) Co. Ltd CEEG Nanjing Renewable Energy Co. Ltd CEEG (Shanghai) Solar Science Technology Co. Ltd China Sunergy (Yangzhou) Co. Ltd China Sunergy (Shanghai) Co. Ltd	B809
Delsolar (Wujiang) Ltd	B792
Dongfang Electric (Yixing) MAGI Solar Power Technology Co. Ltd	B816
EOPLLY New Energy Technology Co. Ltd SHANGHAI EBEST SOLAR ENERGY TECHNOLOGY CO. LTD JIANGSU EOPLLY IMPORT & EXPORT CO. LTD	B817

Name of the company	TARIC additional code
Era Solar Co. Ltd	B818
GD Solar Co. Ltd	B820
Greenway Solar-Tech (Shanghai) Co. Ltd Greenway Solar-Tech (Huaian) Co. Ltd	B821
Konca Solar Cell Co. Ltd Suzhou GCL Photovoltaic Technology Co. Ltd Jiangsu GCL Silicon Material Technology Development Co. Ltd Jiangsu Zhongneng Polysilicon Technology Development Co. Ltd GCL-Poly (Suzhou) Energy Limited GCL-Poly Solar Power System Integration (Taicang) Co. Ltd GCL SOLAR POWER (SUZHOU) LIMITED	B850
Guodian Jintech Solar Energy Co. Ltd	B822
Hangzhou Bluesun New Material Co. Ltd	B824
Hanwha SolarOne (Qidong) Co. Ltd	B826
Hengdian Group DMEGC Magnetics Co. Ltd	B827
HENGJI PV-TECH ENERGY CO. LTD	B828
Himin Clean Energy Holdings Co. Ltd	B829
Jetion Solar (China) Co. Ltd Junfeng Solar (Jiangsu) Co. Ltd Jetion Solar (Jiangyin) Co. Ltd	B830
Jiangsu Green Power PV Co. Ltd	B831
Jiangsu Hosun Solar Power Co. Ltd	B832
Jiangsu Jiasheng Photovoltaic Technology Co. Ltd	B833
Jiangsu Runda PV Co. Ltd	B834
Jiangsu Sainty Photovoltaic Systems Co. Ltd Jiangsu Sainty Machinery Imp. And Exp. Corp. Ltd	B835
Jiangsu Seraphim Solar System Co. Ltd	B836
Jiangsu Shunfeng Photovoltaic Technology Co. Ltd Changzhou Shunfeng Photovoltaic Materials Co. Ltd Jiangsu Shunfeng Photovoltaic Electronic Power Co. Ltd	B837
Jiangsu Sinski PV Co. Ltd	B838
Jiangsu Sunlink PV Technology Co. Ltd	B839

Name of the company	TARIC additional code
Jiangsu Zhongchao Solar Technology Co. Ltd	B840
Jiangxi Risun Solar Energy Co. Ltd	B841
Jiangxi LDK Solar Hi-Tech Co. Ltd LDK Solar Hi-Tech (Nanchang) Co. Ltd LDK Solar Hi-Tech (Suzhou) Co. Ltd	B793
Jiangyin Hareon Power Co. Ltd Hareon Solar Technology Co. Ltd Taicang Hareon Solar Co. Ltd Hefei Hareon Solar Technology Co. Ltd Jiangyin Xinhui Solar Energy Co. Ltd Altusvia Energy (Taicang) Co. Ltd	B842
Jiangyin Shine Science and Technology Co. Ltd	B843
JingAo Solar Co. Ltd Shanghai JA Solar Technology Co. Ltd JA Solar Technology Yangzhou Co. Ltd Hefei JA Solar Technology Co. Ltd Shanghai JA Solar PV Technology Co. Ltd	B794
Jinko Solar Co. Ltd Jinko Solar Import and Export Co. Ltd ZHEJIANG JINKO SOLAR CO. LTD ZHEJIANG JINKO SOLAR TRADING CO. LTD	B845
Jinzhou Yangguang Energy Co. Ltd Jinzhou Huachang Photovoltaic Technology Co. Ltd Jinzhou Jinmao Photovoltaic Technology Co. Ltd Jinzhou Rixin Silicon Materials Co. Ltd Jinzhou Youhua Silicon Materials Co. Ltd	B795
Juli New Energy Co. Ltd	B846
Jumao Photonic (Xiamen) Co. Ltd	B847
King-PV Technology Co. Ltd	B848
Kinve Solar Power Co. Ltd (Maanshan)	B849
Lightway Green New Energy Co. Ltd Lightway Green New Energy(Zhuozhou) Co. Ltd	B851
MOTTECH (SUZHOU) RENEWABLE ENERGY CO. LTD	B852

Name of the company	TARIC additional code
Nanjing Daqo New Energy Co. Ltd	B853
NICE SUN PV CO. LTD LEVO SOLAR TECHNOLOGY CO. LTD	B854
Ningbo Huashun Solar Energy Technology Co. Ltd	B856
Ningbo Jinshi Solar Electrical Science & Technology Co. Ltd	B857
Ningbo Komaes Solar Technology Co. Ltd	B858
Ningbo Osda Solar Co. Ltd	B859
Ningbo Qixin Solar Electrical Appliance Co. Ltd	B860
Ningbo South New Energy Technology Co. Ltd	B861
Ningbo Sunbe Electric Ind Co. Ltd	B862
Ningbo Ulica Solar Science & Technology Co. Ltd	B863
Perfectenergy (Shanghai) Co. Ltd	B864
Perlight Solar Co. Ltd	B865
Phono Solar Technology Co. Ltd Sumec Hardware & Tools Co. Ltd	B866
RISEN ENERGY CO. LTD	B868
SHANDONG LINUO PHOTOVOLTAIC HI-TECH CO. LTD	B869
SHANGHAI ALEX SOLAR ENERGY SCIENCE & TECHNOLOGY CO. LTD SHANGHAI ALEX NEW ENERGY CO. LTD	B870
Shanghai BYD Co. Ltd BYD(Shangluo)Industrial Co. Ltd	B871
Shanghai Chaori Solar Energy Science & Technology Co. Ltd Shanghai Chaori International Trading Co. Ltd	B872
Propsolar (Zhejiang) New Energy Technology Co. Ltd Shanghai Propsolar New Energy Co. Ltd	B873
SHANGHAI SHANGHONG ENERGY TECHNOLOGY CO. LTD	B874
SHANGHAI SOLAR ENERGY S&T CO. LTD Shanghai Shenzhou New Energy Development Co. Ltd Lianyungang Shenzhou New Energy Co. Ltd	B875
Shanghai ST Solar Co. Ltd Jiangsu ST Solar Co. Ltd	B876

Name of the company	TARIC additional code
Shenzhen Sacred Industry Co.Ltd	B878
Shenzhen Topray Solar Co. Ltd Shanxi Topray Solar Co. Ltd Leshan Topray Cell Co. Ltd	B880
Sopray Energy Co. Ltd Shanghai Sopray New Energy Co. Ltd	B881
SUN EARTH SOLAR POWER CO. LTD NINGBO SUN EARTH SOLAR POWER CO. LTD Ningbo Sun Earth Solar Energy Co. Ltd	B882
SUZHOU SHENGLONG PV-TECH CO. LTD	B883
TDG Holding Co. Ltd	B884
Tianwei New Energy Holdings Co. Ltd Tianwei New Energy (Chengdu) PV Module Co. Ltd Tianwei New Energy (Yangzhou) Co. Ltd	B885
Wenzhou Jingri Electrical and Mechanical Co. Ltd	B886
Shanghai Topsolar Green Energy Co. Ltd	B877
Shenzhen Sungold Solar Co. Ltd	B879
Wuhu Zhongfu PV Co. Ltd	B889
Wuxi Saijing Solar Co. Ltd	B890
Wuxi Shangpin Solar Energy Science and Technology Co. Ltd	B891
Wuxi Solar Innova PV Co. Ltd	B892
Wuxi Suntech Power Co. Ltd Suntech Power Co. Ltd Wuxi Sunshine Power Co. Ltd Luoyang Suntech Power Co. Ltd Zhenjiang Rietech New Energy Science Technology Co. Ltd Zhenjiang Ren De New Energy Science Technology Co. Ltd	B796
Wuxi Taichang Electronic Co. Ltd Wuxi Machinery & Equipment Import & Export Co. Ltd Wuxi Taichen Machinery & Equipment Co. Ltd	B893
Xi'an Huanghe Photovoltaic Technology Co. Ltd State-run Huanghe Machine-Building Factory Import and Export Corporation Shanghai Huanghe Fengjia Photovoltaic Technology Co. Ltd	B896



Name of the company	TARIC additional code
Xi'an LONGi Silicon Materials Corp. Wuxi LONGi Silicon Materials Co. Ltd	B897
Years Solar Co. Ltd	B898
Yingli Energy (China) Co. Ltd Baoding Tianwei Yingli New Energy Resources Co. Ltd Hainan Yingli New Energy Resources Co. Ltd Hengshui Yingli New Energy Resources Co. Ltd Tianjin Yingli New Energy Resources Co. Ltd Lixian Yingli New Energy Resources Co. Ltd Baoding Jiasheng Photovoltaic Technology Co. Ltd Beijing Tianneng Yingli New Energy Resources Co. Ltd Yingli Energy (Beijing) Co. Ltd	B797
Yuhuan BLD Solar Technology Co. Ltd Zhejiang BLD Solar Technology Co. Ltd	B899
Yuhuan Sinosola Science & Technology Co.Ltd	B900
Zhangjiagang City SEG PV Co. Ltd	B902
Zhejiang Fengsheng Electrical Co. Ltd	B903
Zhejiang Global Photovoltaic Technology Co. Ltd	B904
Zhejiang Heda Solar Technology Co. Ltd	B905
Zhejiang Jiutai New Energy Co. Ltd Zhejiang Topoint Photovoltaic Co. Ltd	B906
Zhejiang Kingdom Solar Energy Technic Co. Ltd	B907
Zhejiang Koly Energy Co. Ltd	B908
Zhejiang Mega Solar Energy Co. Ltd Zhejiang Fortune Photovoltaic Co. Ltd	B910
Zhejiang Shuqimeng Photovoltaic Technology Co. Ltd	B911
Zhejiang Shinew Photoelectronic Technology Co. Ltd	B912
Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company Zhejiang Yauchong Light Energy Science & Technology Co. Ltd	B914
Zhejiang Sunrupu New Energy Co. Ltd	B915
Zhejiang Tianming Solar Technology Co. Ltd	B916

Name of the company	TARIC additional code
Zhejiang Trunsun Solar Co. Ltd Zhejiang Beyondsun PV Co. Ltd	B917
Zhejiang Wanxiang Solar Co. Ltd WANXIANG IMPORT & EXPORT Co. LTD	B918
Zhejiang Xiongtai Photovoltaic Technology Co. Ltd	B919
ZHEJIANG YUANZHONG SOLAR CO. LTD	B920
Zhongli Talesun Solar Co. Ltd	B922

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/116****of 28 January 2016****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 Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(1)</sup>,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors <sup>(2)</sup>, and in particular Article 136(1) thereof,

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 28 January 2016.

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

*Director-General for Agriculture and Rural Development*

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

<sup>(2)</sup> OJ L 157, 15.6.2011, p. 1.

## ANNEX

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

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	IL	236,2
	MA	82,1
	TN	116,3
	TR	87,7
	ZZ	130,6
0707 00 05	MA	86,8
	TR	158,2
	ZZ	122,5
0709 93 10	MA	49,1
	TR	161,3
	ZZ	105,2
0805 10 20	EG	50,3
	MA	61,6
	TN	54,4
	TR	60,6
	ZZ	56,7
0805 20 10	IL	147,6
	MA	82,6
	ZZ	115,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	121,6
	JM	154,6
	MA	86,4
	TR	94,9
	ZZ	114,4
	ZZ	92,8
0805 50 10	TR	92,8
	ZZ	92,8
0808 10 80	CL	88,0
	US	160,6
	ZZ	124,3
0808 30 90	CN	57,3
	TR	200,0
	ZA	84,4
	ZZ	113,9

<sup>(1)</sup> Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/117****of 28 January 2016****on the issue of licences for importing rice under the tariff quotas opened for the January 2016 subperiod by Implementing Regulation (EU) No 1273/2011**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Commission Implementing Regulation (EU) No 1273/2011 <sup>(2)</sup> opened and provided for the administration of certain import tariff quotas for rice and broken rice, broken down by country of origin and split into several subperiods in accordance with Annex I to that Implementing Regulation.
- (2) January is the first subperiod for the quotas provided for under Article 1(1)(a) to (d) of Implementing Regulation (EU) No 1273/2011.
- (3) The notifications sent in accordance with point (a) of Article 8 of Implementing Regulation (EU) No 1273/2011 show that, for the quotas with order number 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 and 09.4166, the applications lodged in the first 10 working days of January 2016 under Article 4(1) of that Implementing Regulation cover a quantity greater than that 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 quotas concerned, calculated in accordance with Article 7(2) of Commission Regulation (EC) No 1301/2006 <sup>(3)</sup>.
- (4) Those notifications also show that, for the quotas with order number 09.4127 — 09.4128 — 09.4148 — 09.4149 — 09.4150 — 09.4152 — 09.4153 and 09.4154, the applications lodged in the first 10 working days of January 2016 under Article 4(1) of Implementing Regulation (EU) No 1273/2011 cover a quantity less than that available.
- (5) The total quantity available for the following subperiod should also be fixed for the quotas with order number 09.4127 — 09.4128 — 09.4148 — 09.4149 — 09.4150 — 09.4152 — 09.4153 — 09.4154 — 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 and 09.4166, in accordance with the first subparagraph of Article 5 of Implementing Regulation (EU) No 1273/2011.
- (6) In order to ensure sound management of the procedure of issuing import licences, this Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. For import licence applications for rice under the quotas with order number 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 and 09.4166 referred to in Implementing Regulation (EU) No 1273/2011 lodged in the first 10 working days of January 2016, licences shall be issued for the quantity requested, multiplied by the allocation coefficient set out in the Annex to this Regulation.

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

<sup>(2)</sup> Commission Implementing Regulation (EU) No 1273/2011 of 7 December 2011 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice (OJ L 325, 8.12.2011, p. 6).

<sup>(3)</sup> Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

2. The total quantity available for the following subperiod under the quotas with order number 09.4127 — 09.4128 — 09.4148 — 09.4149 — 09.4150 — 09.4152 — 09.4153 — 09.4154 — 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 and 09.4166 referred to in Implementing Regulation (EU) No 1273/2011 is set out in the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 28 January 2016.

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

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## ANNEX

**Quantities to be allocated for the January 2016 subperiod and quantities available for the following subperiod  
under Implementing Regulation (EU) No 1273/2011**

- (a) Quota of wholly milled or semi-milled rice covered by CN code 1006 30 as provided for in Article 1(1)(a) of Implementing Regulation (EU) No 1273/2011

Origin	Order number	Allocation coefficient for the January 2016 subperiod	Total quantity available for April 2016 subperiod (kg)
United States	09.4127	— <sup>(1)</sup>	24 049 050
Thailand	09.4128	— <sup>(1)</sup>	10 104 831
Australia	09.4129	— <sup>(2)</sup>	1 019 000
Other origins	09.4130	— <sup>(2)</sup>	1 805 000

<sup>(1)</sup> Applications cover quantities less than or equal to the quantities available: all applications are therefore acceptable.

<sup>(2)</sup> No quantity available for this subperiod.

- (b) Quota of husked rice covered by CN code 1006 20 as provided for in Article 1(1)(b) of Implementing Regulation (EU) No 1273/2011

Origin	Order number	Allocation coefficient for the January 2016 subperiod	Total quantity available for July 2016 subperiod (kg)
All countries	09.4148	— <sup>(1)</sup>	578 000

<sup>(1)</sup> Applications cover quantities less than or equal to the quantities available: all applications are therefore acceptable.

- (c) Quota of broken rice covered by CN code 1006 40 00 as provided for in Article 1(1)(c) of Implementing Regulation (EU) No 1273/2011

Origin	Order number	Allocation coefficient for the January 2016 subperiod	Total quantity available for July 2016 subperiod (kg)
Thailand	09.4149	— <sup>(1)</sup>	49 768 810
Australia	09.4150	— <sup>(2)</sup>	16 000 000
Guyana	09.4152	— <sup>(2)</sup>	11 000 000
United States	09.4153	— <sup>(2)</sup>	9 000 000
Other origins	09.4154	— <sup>(1)</sup>	10 460 000

<sup>(1)</sup> Applications cover quantities less than or equal to the quantities available: all applications are therefore acceptable.

<sup>(2)</sup> No quantity available for this subperiod.

- (d) Quota of wholly milled or semi-milled rice covered by CN code 1006 30 as provided for in Article 1(1)(d) of Implementing Regulation (EU) No 1273/2011

Origin	Order number	Allocation coefficient for the January 2016 subperiod (%)	Total quantity available for July 2016 subperiod (kg)
Thailand	09.4112	0,791841	0
United States	09.4116	1,749886	0
India	09.4117	0,994524	0
Pakistan	09.4118	0,777752	0
Other origins	09.4119	0,725775	0
All countries	09.4166	0,577781	17 011 014



## DECISIONS

### POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2016/118

of 20 January 2016

#### concerning the implementation by EUNAVFOR MED operation SOPHIA of United Nations Security Council Resolution 2240 (2015) (EUNAVFOR MED operation SOPHIA/1/2016)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Decision (CFSP) 2015/778 of 18 May 2015 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA) <sup>(1)</sup>, and in particular Article 6(1) thereof,

Whereas:

- (1) Council Decision (CFSP) 2015/778 provides that the European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA) (the 'operation') is to be conducted in different phases.
- (2) On 14 September 2015, the Council concluded that all the conditions had been met for the operation to move to a part of the second phase of the operation on the high seas. On 28 September 2015, the Political and Security Committee adopted Decision (CFSP) 2015/1772 <sup>(2)</sup> concerning the transition by EUNAVFOR MED operation SOPHIA to the second phase of the operation, as provided for in point (b)(i) of Article 2(2) of Decision (CFSP) 2015/778 which also approved adapted Rules of Engagement for that phase of the operation.
- (3) On 9 October 2015, the United Nations Security Council (UNSC) adopted Resolution 2240 (2015). That resolution reinforces the authority to take measures against the smuggling of migrants and human trafficking from the territory of Libya and off its coast. In particular, in paragraphs 7, 8 and 10 it authorises Member States, acting nationally or through regional organisations that are engaged in the fight against migrant smuggling and human trafficking, for a period of one year, 'to inspect on the high seas off the coast of Libya vessels that they have reasonable grounds to suspect are being used for migrant smuggling or human trafficking from Libya, provided that such Member States and regional organisations make good faith efforts to obtain the consent of the vessel's flag State prior to using the authority outlined in this paragraph'. It also authorises Member States 'to seize vessels inspected under the authority of paragraph 7 that are confirmed as being used for migrant smuggling or human trafficking from Libya, and underscores that further action with regard to such vessels inspected under the authority of paragraph 7, including disposal, will be taken in accordance with applicable international law with due consideration of the interests of any third parties who have acted in good faith' and 'to use all measures commensurate to the specific circumstances in confronting migrant smugglers or human traffickers in carrying out activities under paragraphs 7 and 8 and in full compliance with international human rights law, as applicable'.
- (4) On 16 October 2015, the Operation Commander of EUNAVFOR MED operation SOPHIA indicated that the operation was ready to implement UNSC Resolution 2240 (2015).
- (5) Following agreement by the Political and Security Committee, the Council on 18 January 2016 concluded that the conditions have been met for the operation to implement the authority given by UNSC Resolution 2240 (2015) on the high seas off the coast of Libya, in accordance with Council Decision (CFSP) 2015/778.
- (6) The operation should therefore be authorised to conduct boarding, search, seizure and diversion, on the high seas, of vessels suspected of being used for human smuggling or trafficking under the conditions set out in UNSC Resolution 2240 (2015) and adapted Rules of Engagement should be approved to that effect.

<sup>(1)</sup> OJ L 122, 19.5.2015, p. 31.

<sup>(2)</sup> OJ L 258, 3.10.2015, p. 5.

- (7) Transition to subsequent phases of the operation, including measures in the territorial and internal waters of a coastal State pursuant to point (b)(ii) of Article 2(2) of Decision (CFSP) 2015/778, will be subject to a further assessment by the Council as to whether the conditions for that transition have been met, taking into account any applicable UNSC Resolution and consent by the coastal states concerned, and the decision by the Political and Security Committee on when to make the transition, in accordance with Decision (CFSP) 2015/778 and Council Decision (CFSP) 2015/972 <sup>(1)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

The European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA) is hereby authorised to conduct boarding, search, seizure and diversion, on the high seas, of vessels suspected of being used for human smuggling or trafficking under the conditions set out in UNSC Resolution 2240 (2015), in accordance with Decision (CFSP) 2015/778, for the period set out in that Resolution including any subsequent extensions of that period by the Security Council.

*Article 2*

The adapted Rules of Engagement to give effect to the authorisation in Article 1 are hereby approved.

*Article 3*

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 20 January 2016.

*For the Political and Security Committee*  
*The Chairperson*  
W. STEVENS

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<sup>(1)</sup> OJ L 157, 23.6.2015, p. 51.

**COUNCIL DECISION (CFSP) 2016/119**  
**of 28 January 2016**  
**amending Decision 2011/72/CFSP concerning restrictive measures directed against certain persons**  
**and entities in view of the situation in Tunisia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

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

Whereas:

- (1) On 31 January 2011, the Council adopted Decision 2011/72/CFSP <sup>(1)</sup> concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia.
- (2) The restrictive measures set out in Decision 2011/72/CFSP apply until 31 January 2016. On the basis of a review of that Decision, the restrictive measures should be extended until 31 January 2017. The entries for 48 persons should be amended.
- (3) Decision 2011/72/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2011/72/CFSP is amended as follows:

- (1) Article 5 is replaced by the following:

*'Article 5*

This Decision shall apply until 31 January 2017. It shall be kept under constant review. It may be renewed or amended, as appropriate, if the Council deems that its objectives have not been met.;

- (2) the Annex to Decision 2011/72/CFSP is replaced by the text appearing in the Annex to this Decision.

*Article 2*

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

Done at Brussels, 28 January 2016.

*For the Council*  
*The President*  
A.G. KOENDERS

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<sup>(1)</sup> Council Decision 2011/72/CFSP of 31 January 2011 concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia (OJ L 28, 2.2.2011, p. 62).

## ANNEX

## LIST OF PERSONS AND ENTITIES REFERRED TO IN ARTICLE 1

	Name	Identifying information	Grounds
1.	Zine El Abidine Ben Haj Hamda Ben Haj Hassen BEN ALI	Ex-president of Tunisia, born in Hamman-Sousse 3 September 1936, son of Selma HASSEN, married to Leïla TRABELSI, holder of national identity card (NIC) No 00354671.	Person subject to judicial investigations by the Tunisian authorities for misappropriation of public monies by a public office-holder, misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person and for the offence of the receipt by a public official of public funds which he knew were not due, and used for the personal benefit of himself or members of his family.
2.	Leïla Bent Mohamed Ben Rhouma TRABELSI	Tunisian, born in Tunis 24 October 1956, daughter of Saida DHERIF, married to Zine El Abidine BEN ALI, holder of NIC No 00683530.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person, and for complicity in the offence of the receipt by a public official of public funds which he knew were not due, and used for the personal benefit of himself or members of his family.
3.	Moncef Ben Mohamed Ben Rhouma TRABELSI	Tunisian, born in Tunis 4 March 1944, son of Saida DHERIF, married to Yamina SOUIEI, managing director, residing at 11 rue de France — Radès Ben Arous, holder of NIC No 05000799.	Person (deceased) whose activities are subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
4.	Mohamed Ben Moncef Ben Mohamed TRABELSI	Tunisian, born in Sabha-Lybie 7 January 1980, son of Yamina SOUIEI, managing director, married to Inès LEJRI, residing at Résidence de l'Étoile du Nord — suite B- 7th floor — apt. No 25 — Centre urbain du nord — Cité El Khadra — Tunis, holder of NIC No 04524472.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder (former CEO of Banque Nationale Agricole) to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

	Name	Identifying information	Grounds
5.	Fahd Mohamed Sakher Ben Moncef Ben Mohamed Hfaiez MATERI	Tunisian, born in Tunis 2 December 1981, son of Naïma BOUTIBA, married to Nesrine BEN ALI, holder of NIC No 04682068.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of Tunisian public monies by a public office-holder (ex-President Ben Ali), complicity in the misuse of office by a public office-holder (ex-President Ben Ali) to procure an unjustified advantage for a third party and to cause a loss to the administration, exerting wrongful influence over a public office-holder ex-President Ben Ali with a view to obtaining directly or indirectly an advantage for another person, and for complicity in the offence of the receipt by a public official of public funds which he knew were not due, and used for the personal benefit of himself or members of his family.
6.	Nesrine Bent Zine El Abidine Ben Haj Hamda BEN ALI	Tunisian, born in Tunis 16 January 1987, daughter of Leïla TRABELSI, married to Fahd Mohamed Sakher MATERI, holder of NIC No 00299177.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person and for complicity in the offence of the receipt by a public official of public funds which he knew were not due, and used for the personal benefit of himself or members of his family.
7.	Halima Bent Zine El Abidine Ben Haj Hamda BEN ALI	Tunisian, born in Tunis 17 July 1992, daughter of Leïla TRABELSI, residing at the Presidential Palace, holder of NIC No 09006300.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
8.	Belhassen Ben Mohamed Ben Rhouma TRABELSI	Tunisian, born in Tunis 5 November 1962, son of Saida DHERIF, managing director, residing at 32 rue Hédi Karray — El Menzah — Tunis, holder of NIC No 00777029.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

	Name	Identifying information	Grounds
9.	Mohamed Naceur Ben Mohamed Ben Rhouma TRABELSI	Tunisian, born in Tunis 24 June 1948, son of Saida DHERIF, married to Nadia MAKNI, acting manager of an agricultural undertaking, residing at 20 rue El Achfat — Carthage — Tunis, holder of NIC No 00104253.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
10.	Jalila Bent Mohamed Ben Rhouma TRABELSI	Tunisian, born in Radès 19 February 1953, daughter of Saida DHERIF, married to Mohamed MAHJOUR, managing director, residing at 21 rue d'Aristote — Carthage Salammbô, holder of NIC No 00403106.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
11.	Mohamed Imed Ben Mohamed Naceur Ben Mohamed TRABELSI	Tunisian, born in Tunis 26 August 1974, son of Najia JERIDI, businessman, residing at 124 avenue Habib Bourguiba -Carthage residence, holder of NIC No 05417770.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
12.	Mohamed Adel Ben Mohamed Ben Rehouma TRABELSI	Tunisian, born in Tunis 26 April 1950, son of Saida DHERIF, married to Souad BEN JEMIA, managing director, residing at 3 rue de la Colombe — Gammarth Supérieur, holder of NIC No 00178522.	Person (deceased) whose activities are subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

	Name	Identifying information	Grounds
13.	Mohamed Mourad Ben Mohamed Ben Rehouma TRABELSI	Tunisian, born in Tunis 25 September 1955, son of Saida DHERIF, married to Hela BELHAJ, CEO, residing at 20 rue Ibn Chabat — Salammbô — Carthage -Tunis, holder of NIC No 05150331.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
14.	Samira Bent Mohamed Ben Rhouma TRABELSI	Tunisian, born 27 December 1958, daughter of Saida DHERIF, married to Mohamed Montassar MEHERZI, sales director, residing at 4 rue Taoufik El Hakim — La Marsa, holder of NIC No 00166569.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person, and for complicity in the offence of the receipt by a public official of public funds which he knew were not due, and used for the personal benefit of himself or members of his family.
15.	Mohamed Montassar Ben Kbaier Ben Mohamed MEHERZI	Tunisian, born in La Marsa 5 May 1959, son of Fatma SFAR, married to Samira TRABELSI, CEO, residing at 4 rue Taoufik El Hakim-La Marsa, holder of NIC No 00046988.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
16.	Nefissa Bent Mohamed Ben Rhouma TRABELSI	Tunisian, born 1 February 1960, daughter of Saida DHERIF, married to Habib ZAKIR, residing at 4 rue de la Mouette — Gammarth Supérieur, holder of NIC No 00235016.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

	Name	Identifying information	Grounds
17.	Habib Ben Kaddour Ben Mustapha BEN ZAKIR	Tunisian, born 5 March 1957, son of Saida BEN ABDALLAH, married to Nefissa TRABELSI, property developer, residing at 4 rue Ennawras — Gammarth Supérieur, holder of NIC No 00547946.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
18.	Moez Ben Moncef Ben Mohamed TRABELSI	Tunisian, born in Tunis 3 July 1973, son of Yamina SOUEI, managing director, property developer, residing at apartment block Amine El Bouhaira-rue du Lac Turkana-Les Berges du Lac-Tunis, holder of NIC No 05411511.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
19.	Lilia Bent Noureddine Ben Ahmed NACEF	Tunisian, born in Tunis 25 June 1975, daughter of Mounira TRABELSI (sister of Leila TRABELSI), managing director, married to Mourad MEHDoui, residing at 41 rue Garibaldi -Tunis, holder of NIC No 05417907.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
20.	Mourad Ben Hédi Ben Ali MEHDoui	Tunisian, born in Tunis 3 May 1962, son of de Neila BARTAJI, married to Lilia NACEF, CEO, residing at 41 rue Garibaldi — Tunis, holder of NIC No 05189459.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
21.	Houssem Ben Mohamed Naceur Ben Mohamed TRABELSI	Tunisian, born 18 September 1976, son of Najia JERIDI, CEO, residing at housing estate Erriadh.2-Gammarth — Tunis, holder of NIC No 05412560.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.



	Name	Identifying information	Grounds
22.	Bouthaina Bent Moncef Ben Mohamed TRABELSI	Tunisian, born 4 December 1971, daughter of Yamina SOUIEI, managing director, residing at 2 rue El Farrouj — La Marsa, holder of NIC No 05418095.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
23.	Nabil Ben Abderrazek Ben Mohamed TRABELSI	Tunisian, born 20 December 1965, son of Radhia MATHLOUTHI, married to Linda CHERNI, office worker at Tunisair, residing at 12 rue Taieb Mhiri-Le Kram — Tunis, holder of NIC No 00300638.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
24.	Mehdi Ben Ridha Ben Mohamed BEN GAIED	Tunisian, born 29 January 1988, son of de Kaouther Feriel HAMZA, CEO of Stafiem — Peugeot, residing at 4 rue Mohamed Makhlouf — El Manar.2-Tunis.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
25.	Mohamed Slim Ben Mohamed Hassen Ben Salah CHIBOUB	Tunisian, born 13 January 1959, son of Leila CHAIBI, married to Dorsaf BEN ALI, CEO, residing at rue du Jardin — Sidi Bousaid — Tunis, holder of NIC No 00400688.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder (ex-President Ben Ali) to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
26.	Dorsaf Bent Zine El Abidine Ben Haj Hamda BEN ALI	Tunisian, born in Le Bardo 5 July 1965, daughter of Naïma EL KEFI, married to Mohamed Slim CHIBOUB, residing at 5 rue El Montazah — Sidi Bousaid — Tunis, holder of NIC No 00589759.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

	Name	Identifying information	Grounds
27.	Sirine Bent Zine El Abidine Ben Haj Hamda BEN ALI	Tunisian, born in Le Bardo 21 August 1971, daughter of Naïma EL KEFI, married to Mohamed Marouene MABROUK, adviser at the Ministry of Foreign Affairs, holder of NIC No 05409131.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
28.	Mohamed Marouen Ben Ali Ben Mohamed MABROUK	Tunisian, born in Tunis 11 March 1972, son of Jaouida El BEJI, married to Sirine BEN ALI, CEO, residing at 8 rue du Commandant Béjaoui — Carthage — Tunis, holder of NIC No 04766495.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
29.	Ghazoua Bent Zine El Abidine Ben Haj Hamda BEN ALI	Tunisian, born in Le Bardo 8 March 1963, daughter of Naïma EL KEFI, married to Slim ZARROUK, medical doctor, residing at 49 avenue Habib Bourguiba — Carthage, holder of NIC No 00589758.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
30.	Slim Ben Mohamed Salah Ben Ahmed ZARROUK	Tunisian, born in Tunis 13 August 1960, son of Maherzia GUEDIRA, married to Ghazoua BEN ALI, CEO, residing at 49 avenue Habib Bourguiba — Carthage, holder of NIC No 00642271.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
31.	Farid Ben Haj Hamda Ben Haj Hassen BEN ALI	Tunisian, born in Hammam-Sousse 22 November 1949, son of Selma HASSEN, press photographer in Germany, residing at 11 rue Sidi el Gharbi — Hammam — Sousse, holder of NIC No 02951793.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

	Name	Identifying information	Grounds
32.	Faouzi Ben Haj Hamda Ben Haj Hassen BEN ALI	Tunisian, born in Hammam-Sousse 13 March 1947, married to Zohra BEN AMMAR, managing director, residing at rue El Moez — Hammam — Sousse, holder of NIC No 02800443.	Person (deceased) whose activities are subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
33.	Hayet Bent Haj Hamda Ben Haj Hassen BEN ALI	Tunisian, born in Hammam-Sousse 16 May 1952, daughter of Selma HASSEN, married to Fathi REFAT, Tunisair representative, residing at 17 avenue de la République.- Hammam-Sousse, holder of NIC No 02914657.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
34.	Najet Bent Haj Hamda Ben Raj Hassen BEN ALI	Tunisian, born in Sousse 18 September 1956, daughter of Selma HASSEN, married to Sadok Habib MHIRI, company manager, residing at avenue de l'Imam Muslim- Khezama ouest-Sousse, holder of NIC No 02804872.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
35.	Slaheddine Ben Haj Hamda Ben Haj Hassen BEN ALI	Tunisian, born 28 October 1938, son of Selma HASSEN, retired, widower of Selma MANSOUR, residing at 255 cité El Bassatine — Monastir, holder of NIC No 02810614.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
36.	Kaïs Ben Slaheddine Ben Haj Hamda BEN ALI	Tunisian, born in Tunis 21 October 1969, son of Selma MANSOUR, married to Monia CHEDLI, managing director, residing at avenue Hédi Nouira — Monastir, holder of NIC No 04180053.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

	Name	Identifying information	Grounds
37.	Hamda Ben Slaheddine Ben Haj Hamda BEN ALI	Tunisian, born in Monastir 29 April 1974, son of Selma MANSOUR, bachelor, company man- ager, residing at 83 Cap Marina — Monastir, holder of NIC No 04186963.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misap- propriation of public monies by a public office- holder, complicity in the misuse of office by a public office-holder to procure an unjustified ad- vantage for a third party and to cause a loss to the administration, and exerting wrongful influ- ence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
38.	Najmeddine Ben Slaheddine Ben Haj Hamda BEN ALI	Tunisian, born in Monastir 12 Octo- ber 1972, son of Selma MANSOUR, bachelor, commercial exporter and importer, residing at avenue Mohamed Salah Sayadi — Skanes — Monastir, holder of NIC No 04192479.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misap- propriation of public monies by a public office- holder, complicity in the misuse of office by a public office-holder to procure an unjustified ad- vantage for a third party and to cause a loss to the administration, and exerting wrongful influ- ence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
39.	Najet Bent Slaheddine Ben Haj Hamda BEN ALI	Tunisian, born in Monastir 8 March 1980, daughter of Selma MANSOUR, married to Zied JAZIRI, company secretary, residing at rue Abu Dhar El Ghafari — Khezama est — Sousse, holder of NIC No 06810509.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misap- propriation of public monies by a public office- holder, complicity in the misuse of office by a public office-holder to procure an unjustified ad- vantage for a third party and to cause a loss to the administration, and exerting wrongful influ- ence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
40.	Douraid Ben Hamed Ben Taher BOUAOUINA	Tunisian, born in Hammam — Sousse 8 October 1978, son of Hayet BEN ALI, company director, residing at 17 avenue de la République — Hammam-Sousse, holder of NIC No 05590835.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misap- propriation of public monies by a public office- holder, complicity in the misuse of office by a public office-holder to procure an unjustified ad- vantage for a third party and to cause a loss to the administration, and exerting wrongful influ- ence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
41.	Akrem Ben Hamed Ben Taher BOUAOUINA	Tunisian, born in Hammam — Sousse 9 August 1977, son of Hayet BEN ALI, managing director, residing at 17 avenue de la République — Hammam — Sousse, holder of NIC No 05590836.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misap- propriation of public monies by a public office- holder, complicity in the misuse of office by a public office-holder to procure an unjustified ad- vantage for a third party and to cause a loss to the administration, and exerting wrongful influ- ence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

	Name	Identifying information	Grounds
42.	Ghazoua Bent Hamed Ben Taher BOUAOUINA	Tunisian, born in Monastir 30 August 1982, daughter of Hayet BEN ALI, married to Badreddine BENNOUR, residing at rue Ibn Maja — Khezama est — Sousse, holder of NIC No 08434380.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
43.	Imed Ben Habib Ben Bouali LTAIEF	Tunisian, born in Sousse 13 January 1970, son of Naïma BEN ALI, Tunisair department manager, residing at Résidence les Jardins, apt. 8C Block b — El Menzah 8 — l'Ariana, holder of NIC No 05514395.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
44.	Naoufel Ben Habib Ben Bouali LTAIEF	Tunisian, born in Hammam — Sousse 22 October 1967, son of Naïma BEN ALI, special adviser at the Ministry of Transport, residing at 4 avenue Tahar SFAR — El Manar 2-Tunis, holder of NIC No 05504161.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
45.	Montassar Ben Habib Ben Bouali LTAIEF	Tunisian, born in Sousse 3 January 1973, son of Naïma BEN ALI, married to Lamia JEGHAM, managing director, residing at 13 Ennakhil housing estate — Kantaoui — Hammam — Sousse, holder of NIC No 05539378.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
46.	Mehdi Ben Tijani Ben Haj Hamda Ben Haj Hassen BEN ALI	Tunisian, born in Paris 27 October 1966, son of Paulette HAZAT, company director, residing at Chouket El Arressa, Hammam-Sousse, holder of NIC No 05515496 (dual nationality).	Person subject to judicial investigation by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder (ex-President Ben Ali) to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

	Name	Identifying information	Grounds
47.	Slim Ben Tijani Ben Haj Hamda BEN ALI	Tunisian and French nationality; born in Le Petit Quevilly (76) on 6 April 1971 (or on 16 April according to his Tunisian identity card); son of Tijani BEN ALI born 9 February 1932 and Paulette HAZET (or HAZAT) born 23 February 1936; married to Amel SAIED (or SAID); managing director; residing at Chouket El Arressa, Hammam — Sousse, according to his Tunisian NIC No 00297112; residing at 14, esplanade des Guinandiers à Bailly Romainvilliers (77), according to his French NIC No 111277501841.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.
48.	Sofiène Ben Habib Ben Haj Hamda BEN ALI	Tunisian, born in Tunis 28 August 1974, son of Leila DEROUICHE, sales director, residing at 23 rue Ali Zlitni, El Manar 2-Tunis, holder of NIC No 04622472.	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of public monies by a public office-holder, complicity in the misuse of office by a public office-holder to procure an unjustified advantage for a third party and to cause a loss to the administration, and exerting wrongful influence over a public office-holder with a view to obtaining directly or indirectly an advantage for another person.

**COMMISSION IMPLEMENTING DECISION (EU) 2016/120****of 28 January 2016****on the identification of the extensible Business Reporting Language 2.1 for referencing in public procurement****(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 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council <sup>(1)</sup>, and in particular Article 13(1) thereof,

After consulting the European multi-stakeholder platform on ICT standardisation and sectoral experts,

Whereas:

- (1) Standardisation plays an important role in supporting the Europe 2020 strategy, as set out in the Communication from the Commission entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth' <sup>(2)</sup>. Several flagship initiatives of the Europe 2020 strategy underline the importance of voluntary standardisation in product or services markets to assure the compatibility and interoperability between products and services, foster technological development and support innovation.
- (2) The completion of the Digital Single Market is a key priority for the European Union as highlighted in the Communication from the Commission entitled 'Annual Growth Strategy 2015' <sup>(3)</sup>. The Commission in its Communication on a Digital Single Market Strategy for Europe <sup>(4)</sup> highlighted the role of standardisation and interoperability in creating a European Digital Economy with a long-term growth potential.
- (3) In the digital society standardisation deliverables become indispensable to ensure the interoperability between devices, applications, data repositories, services and networks. The Communication from the Commission entitled 'A strategic vision for European standards: moving forward to enhance and accelerate the sustainable growth of the European economy by 2020' <sup>(5)</sup> recognises the specificity of standardisation in the field of information and communication technologies (ICT) where solutions, applications and services are often developed by global ICT Fora and Consortia that have emerged as leading ICT standards development organisations.
- (4) Regulation (EU) No 1025/2012 aims at modernising and improving the European standardisation framework. It establishes a system whereby the Commission may decide to identify the most relevant and most widely accepted ICT technical specifications issued by organisations that are not European, international or national standardisation organisations. The possibility of using the full range of ICT technical specifications when procuring hardware, software and information technology services will enable interoperability between devices, services and applications, will help public administrations to avoid lock-in that occurs when the public procurer cannot change a provider after the expiration of the procurement contract because using ICT proprietary solutions, and will encourage competition in the supply of interoperable ICT solutions.
- (5) For the ICT technical specifications to be eligible for referencing in public procurement they must comply with the requirements set out in Annex II to Regulation (EU) No 1025/2012. Compliance with those requirements guarantees the public authorities that the ICT technical specifications are established in accordance with the principles of openness, fairness, objectivity and non-discrimination that are recognised by the World Trade Organisation in the field of standardisation.

<sup>(1)</sup> OJ L 316, 14.11.2012, p. 12.

<sup>(2)</sup> COM(2010) 2020 final of 3 March 2010.

<sup>(3)</sup> COM(2014) 902 final of 28 November 2014.

<sup>(4)</sup> COM(2015) 192 final of 6 May 2015.

<sup>(5)</sup> COM(2011) 311 final of 1 June 2011.

- (6) The decision to identify the ICT specification is to be adopted after consultation of the European multi-stakeholder platform on ICT standardisation set up by Commission Decision 2011/C-349/04 <sup>(1)</sup> complemented by other forms of consultation of sectoral experts.
- (7) On 26 February 2015, the European multi-stakeholder platform on ICT standardisation evaluated the eXtensible Business Reporting Language version 2.1 (XBRL 2.1) against the requirements set out in Annex II to Regulation (EU) No 1025/2012 and gave a positive advice to their identification for referencing in public procurement. The evaluation of XBRL 2.1 was subsequently submitted to consultation of sectoral experts that confirmed the positive advice to its identification.
- (8) XBRL 2.1 is a technical specification for digital business reporting, managed by a global not for profit consortium, XBRL International. The consortium is made up of approximately 600 public and private sector organisational members from around the world. The goal of this consortium is to improve reporting in the public interest.
- (9) XBRL 2.1 can be applied to a very wide range of business and financial data. It streamlines the preparation of business and financial reports for internal and external decision making. By using XBRL 2.1, companies and other producers of financial data and business reports can automate the processes of data collection.
- (10) The XBRL 2.1 should therefore be identified as ICT technical specification eligible for referencing in public procurement,

HAS ADOPTED THIS DECISION:

*Article 1*

The eXtensible Business Reporting Language version 2.1 is eligible for referencing in public procurement.

*Article 2*

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

Done at Brussels, 28 January 2016.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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<sup>(1)</sup> Commission Decision 2011/C-349/04 of 28 November 2011 setting up the European multi-stakeholder platform on ICT standardisation (OJ C 349, 30.11.2011, p. 4).



# ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

## DECISION No 2/2016 OF THE EU-SWITZERLAND JOINT COMMITTEE of 3 December 2015

### amending Protocol 3 to the Agreement between the European Economic Community and the Swiss Confederation concerning the definition of the concept of 'originating products' and methods of administrative cooperation [2016/121]

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Swiss Confederation, signed in Brussels on 22 July 1972 <sup>(1)</sup> ('the Agreement'), and in particular its Article 11,

Having regard to Protocol 3 to the Agreement concerning the definition of the concept of 'originating products' and methods of administrative cooperation, ('Protocol 3'),

Whereas:

- (1) Article 11 of the Agreement refers to Protocol 3, which lays down the rules of origin and provides for cumulation of origin between the EU, Switzerland (including Liechtenstein), Iceland, Norway, Turkey, the Faroe Islands and the participants in the Barcelona Process <sup>(2)</sup>.
- (2) Article 39 of Protocol 3 provides that the Joint Committee provided for in Article 29 of the Agreement may decide to amend the provisions of this protocol.
- (3) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin <sup>(3)</sup> ('the Convention'), aims to replace the protocols on rules of origin currently in force among the countries of the pan-Euro-Mediterranean area with a single legal act.
- (4) The EU and Switzerland signed the Convention on 15 June 2011.
- (5) The EU and Switzerland deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 28 November 2011, respectively. Consequently, in application of its Article 10(3), the Convention entered into force in relation to the EU and Switzerland on 1 May 2012 and 1 January 2012, respectively.
- (6) The Convention has included the participants in the Stabilisation and Association Process and the Republic of Moldova in the pan-Euro-Mediterranean zone of cumulation of origin.
- (7) Protocol 3 to the Agreement should therefore be amended so as to make reference to the Convention,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Protocol 3 to the Agreement, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, shall be replaced by the text set out in the Annex to this Decision.

<sup>(1)</sup> OJ L 300, 31.12.1972, p. 189.

<sup>(2)</sup> Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, the West Bank and the Gaza Strip, Syria and Tunisia.

<sup>(3)</sup> OJ L 54, 26.2.2013, p. 4.

*Article 2*

This Decision shall enter into force on the day of its adoption.

It shall apply from 1 February 2016.

Done at Brussels, 3 December 2015.

*For the Joint Committee*

*The Chairman*

Luc DEVIGNE

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## ANNEX

**PROTOCOL 3****concerning the definition of the concept of “originating products” and methods of administrative cooperation***Article 1***Applicable rules of origin**

For the purpose of implementing this Agreement, Appendix I and the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin <sup>(1)</sup> (“the Convention”), shall apply.

All references to the “relevant agreement” in Appendix I to the Convention and in the relevant provisions of Appendix II to the Convention shall be construed so as to mean this Agreement.

*Article 2***Dispute settlement**

Where disputes arise in relation to the verification procedures of Article 32 of Appendix I to the Convention that cannot be settled between the customs authorities requesting the verification and the customs authorities responsible for carrying out this verification, they shall be submitted to the Joint Committee.

In all cases the settlement of disputes between the importer and the customs authorities of the importing country shall take place under the legislation of that country.

*Article 3***Amendments to the Protocol**

The Joint Committee may decide to amend the provisions of this Protocol.

*Article 4***Withdrawal from the Convention**

1. Should either the EU or Switzerland give notice in writing to the depositary of the Convention of their intention to withdraw from the Convention according to its Article 9, the EU and Switzerland shall immediately enter into negotiations on rules of origin for the purpose of implementing this Agreement.
2. Until the entry into force of such newly negotiated rules of origin, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention, applicable at the moment of withdrawal, shall continue to apply to this Agreement. However, as of the moment of withdrawal, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention shall be construed so as to allow bilateral cumulation between the European Union and Switzerland only.

*Article 5***Transitional provisions — cumulation**

Notwithstanding Articles 16(5) and 21(3) of Appendix I to the Convention, where cumulation involves only EFTA States, the Faroe Islands, the EU, Turkey, the participants in the Stabilisation and Association Process and the Republic of Moldova, the proof of origin may be a movement certificate EUR.1 or an origin declaration.’

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<sup>(1)</sup> OJ L 54, 26.2.2013, p. 4.

**DECISION No 1/2016 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT  
COMMITTEE**

**of 16 December 2015**

**amending Annexes 1, 3, 4 and 7 to the Agreement between the European Community and the  
Swiss Confederation on the carriage of goods and passengers by rail and road [2016/122]**

THE COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road (hereinafter 'the Agreement'), and in particular Article 52(4) thereof,

Whereas:

- (1) The first indent of Article 52(4) of the Agreement provides for the Joint Committee to adopt decisions revising Annexes 1, 3, 4 and 7.
- (2) Annex 1 was last amended by Decision 1/2013 of the Joint Committee of 6 December 2013 <sup>(1)</sup>.
- (3) New legal acts of the European Union have been adopted in the areas covered by the Agreement. The text of Annexes 1, 3, 4 and 7 should be amended to take account of the changes in the relevant legislation of the European Union. For the sake of legal clarity and simplification, it is preferable to replace Annexes 1, 3, 4 and 7 to the Agreement by the Annexes to this Decision,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. Annex 1 to the Agreement is hereby replaced by the text of Annex 1 to this Decision.
2. Annex 3 to the Agreement is hereby replaced by the text of Annex 2 to this Decision.
3. Annex 4 to the Agreement is hereby replaced by the text of Annex 3 to this Decision.
4. Annex 7 to the Agreement is hereby replaced by the text of Annex 4 to this Decision.

*Article 2*

For the carriage of goods by motor vehicles registered in Switzerland the permissible laden mass of which, including that of trailers, is between 3,5 and 6 tonnes, the licence requirement laid down in Article 3 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council <sup>(2)</sup> shall apply as of 1 January 2018.

*Article 3*

The references in Article 9 of the Agreement to Council Regulation (EEC) No 881/92 <sup>(3)</sup> shall be deemed to refer to Regulation (EC) No 1072/2009 and the references in Article 17 of the Agreement to Council Regulation (EEC) No 684/92 <sup>(4)</sup> shall be deemed to refer to Regulation (EC) No 1073/2009 of the European Parliament and of the Council <sup>(5)</sup>.

<sup>(1)</sup> OJ L 352, 24.12.2013, p. 79.

<sup>(2)</sup> Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

<sup>(3)</sup> Council Regulation (EEC) No 881/92 of 26 March 1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States (OJ L 95, 9.4.1992, p. 1).

<sup>(4)</sup> Council Regulation (EEC) No 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus (OJ L 74, 20.3.1992, p. 1).

<sup>(5)</sup> Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p. 88).

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*Article 4*

This Decision shall enter into force on 1 January 2016.

Done at Brussels, 16 December 2015.

*For the European Union*  
*The President*  
Fotis KARAMITSOS

*For the Swiss Confederation*  
*The Head of the Swiss Delegation*  
Peter FÜGLISTALER

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## ANNEX 1

## ANNEX 1

**APPLICABLE PROVISIONS**

In accordance with Article 52(6) of this Agreement, Switzerland shall apply legal provisions equivalent to the following:

**Relevant provisions of Union law**

## SECTION 1 — ADMISSION TO THE OCCUPATION

- Directive 2006/1/EC of the European Parliament and of the Council of 18 January 2006 on the use of vehicles hired without drivers for the carriage of goods by road (OJ L 33, 4.2.2006, p. 82).
- Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51), as last amended by Council Regulation (EU) No 517/2013 of 13 May 2013 (OJ L 158, 10.6.2013, p. 1).
- Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72), as last amended by Council Regulation (EU) No 517/2013 of 13 May 2013 (OJ L 158, 10.6.2013, p. 1).

For the purposes of this Agreement,

- (a) the European Union and the Swiss Confederation shall exempt from the obligation to hold a driver attestation all citizens of the Swiss Confederation, of an EU Member State and of a Member State of the European Economic Area;
  - (b) the Swiss Confederation may not exempt citizens of States other than those mentioned in point (a) from the obligation to hold a driver attestation without prior consultation with and approval by the European Union;
  - (c) the provisions of Chapter III to Regulation (EC) No 1072/2009 (on cabotage) shall not apply.
- Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p. 88), as last amended by Council Regulation (EU) No 517/2013 of 13 May 2013 (OJ L 158, 10.6.2013, p. 1).

For the purposes of this Agreement, the provisions of Chapter V to Regulation (EC) No 1073/2009 (on cabotage) shall not apply.

- Commission Decision 2009/992/EU of 17 December 2009 on minimum requirements for the data to be entered in the national electronic register of road transport undertakings (OJ L 339, 22.12.2009, p. 36).
- Commission Regulation (EU) No 1213/2010 of 16 December 2010 establishing common rules concerning the interconnection of national electronic registers on road transport undertakings (OJ L 335, 18.12.2010, p. 21).
- Commission Regulation (EU) No 361/2014 of 9 April 2014 laying down detailed rules for the application of Regulation (EC) No 1073/2009 as regards documents for the international carriage of passengers by coach and bus and repealing Commission Regulation (EC) No 2121/98 (OJ L 107, 10.4.2014, p. 39).

## SECTION 2 — SOCIAL STANDARDS

- Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport (OJ L 370, 31.12.1985, p. 8), as last amended by Commission Regulation (EU) No 1161/2014 of 30 October 2014 (OJ L 311, 31.10.2014, p. 19).

- Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).
- Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4).
- Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1), as amended by Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 300, 14.11.2009, p. 88).
- Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35), as last amended by Commission Directive 2009/5/EC of 30 January 2009 (OJ L 29, 31.1.2009, p. 45).
- Commission Regulation (EU) No 581/2010 of 1 July 2010 on the maximum periods for the downloading of relevant data from vehicle units and from driver cards (OJ L 168, 2.7.2010, p. 16).

### SECTION 3 — TECHNICAL STANDARDS

#### *Motorised vehicles*

- Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (OJ L 42, 23.2.1970, p. 16), as last amended by Commission Directive 2007/34/EC of 14 June 2007 (OJ L 155, 15.6.2007, p. 49).
- Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (OJ L 36, 9.2.1988, p. 33), as last amended by Commission Directive 2001/27/EC of 10 April 2001 (OJ L 107, 18.4.2001, p. 10).
- Council Directive 91/671/EEC of 16 December 1991 on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3,5 tonnes (OJ L 373, 31.12.1991, p. 26), as last amended by Commission Implementing Directive 2014/37/EU of 27 February 2014 (OJ L 59, 28.2.2014, p. 32).
- Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (OJ L 57, 2.3.1992, p. 27), as amended by Directive 2002/85/EC of the European Parliament and of the Council of 5 November 2002 (OJ L 327, 4.12.2002, p. 8).
- Council Directive 92/24/EEC of 31 March 1992 relating to speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles (OJ L 129, 14.5.1992, p. 154), as amended by Directive 2004/11/EC of the European Parliament and of the Council of 11 February 2004 (OJ L 44, 14.2.2004, p. 19).
- Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (OJ L 235, 17.9.1996, p. 59), as amended by Directive 2002/7/EC of the European Parliament and of the Council of 18 February 2002 (OJ L 67, 9.3.2002, p. 47).
- Council Regulation (EC) No 2411/98 of 3 November 1998 on the recognition in intra-Community traffic of the distinguishing sign of the Member State in which motor vehicles and their trailers are registered (OJ L 299, 10.11.1998, p. 1).
- Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community (OJ L 203, 10.8.2000, p. 1), as last amended by Commission Directive 2010/47/EU of 5 July 2010 (OJ L 173, 8.7.2010, p. 33).

- Directive 2005/55/EC of the European Parliament and of the Council of 28 September 2005 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (OJ L 275, 20.10.2005, p. 1), as last amended by Commission Directive 2008/74/EC of 18 July 2008 (OJ L 192, 19.7.2008, p. 51).
- Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers (recast), OJ L 141, 6.6.2009, p. 12.
- Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (OJ L 188, 18.7.2009, p. 1), as last amended by Commission Regulation (EU) No 133/2014 of 31 January 2014 (OJ L 47, 18.2.2014, p. 1).
- Commission Regulation (EU) No 582/2011 of 25 May 2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) and amending Annexes I and III to Directive 2007/46/EC of the European Parliament and of the Council (OJ L 167, 25.6.2011, p. 1), as last amended by Commission Regulation (EU) No 627/2014 of 12 June 2014 (OJ L 174, 13.6.2014, p. 28).

#### *Transportation of dangerous goods*

- Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road (OJ L 249, 17.10.1995, p. 35), as last amended by Council Directive 2008/54/EC of the European Parliament and of the Council of 17 June 2008 (OJ L 162, 21.6.2008, p. 11).
- Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13), as last amended by Commission Directive 2014/103/EU of 21 November 2014 (OJ L 335, 22.11.2014, p. 15).

For the purposes of this Agreement the following derogations to Directive 2008/68/EC shall apply in Switzerland:

#### 1. Road transport

Derogations for Switzerland under Article 6(2)(a) of Directive 2008/68/EC of 24 September 2008 on the inland transport of dangerous goods

#### **RO — a — CH — 1**

Subject: Transport of diesel fuel and heating oil with UN number 1202 in tank containers.

Reference to Annex I, Section I.1, to this Directive: points 1.1.3.6 and 6.8.

Content of the Annex to the Directive: Exemptions related to the quantities transported per transport unit; regulations concerning the construction of tanks.

Content of the national legislation: Tank containers which are not constructed according to point 6.8 but according to national legislation, which have a capacity of less than or equal to 1 210 l and which are used to transport heating oil or diesel fuel with UN number 1202 may benefit from the exemptions in point 1.1.3.6 ADR.

Initial reference to the national legislation: Appendix 1, points 1.1.3.6.3(b) and 6.14, of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Date of expiration: 1 January 2017.



**RO — a — CH — 2**

Subject: Exemption from the requirement to carry a transport document for certain quantities of dangerous goods as defined in point 1.1.3.6.

Reference to Annex I, Section I.1, to this Directive: points 1.1.3.6 and 5.4.1.

Content of the Annex to the Directive: Requirement to have a transport document.

Content of the national legislation: The transport of uncleaned empty containers belonging to Transport Category 4 and filled or empty gas cylinders for breathing apparatuses for use by emergency services or as diving equipment, in quantities not exceeding the limits set in point 1.1.3.6, is not subject to the obligation to carry the transport document provided for in point 5.4.1.

Initial reference to the national legislation: Appendix 1, point 1.1.3.6.3(c) of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Date of expiration: 1 January 2017.

**RO — a — CH — 3**

Subject: Transport of uncleaned empty tanks by companies servicing storage facilities for liquids hazardous to water.

Reference to Annex I, Section I.1, to this Directive: points 6.5, 6.8, 8.2 and 9.

Content of the Annex to the Directive: Construction, equipping and inspection of tanks and vehicles; driver training.

Content of the national legislation: Vehicles and uncleaned empty tanks/containers used by companies servicing storage facilities for liquids hazardous to water to contain liquids while stationary tanks are being serviced are not subject to the construction, equipping and inspection regulations or to the labelling and orange-plate identification regulations stipulated by the ADR. They are subject to particular labelling and identification regulations, and the driver of the vehicle is not required to have undertaken the training described in point 8.2.

Initial reference to the national legislation: Appendix 1, point 1.1.3.6.3.10, of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Date of expiration: 1 January 2017.

Derogations for Switzerland under Article 6(2)(b)(i) of Directive 2008/68/EC of 24 September 2008 on the inland transport of dangerous goods.

**RO — bi — CH — 1**

Subject: Transport of domestic waste containing dangerous goods to waste disposal installations.

Reference to Annex I, Section I.1, to this Directive: points 2, 4.1.10, 5.2 and 5.4.

Content of the Annex to the Directive: Classification, combined packaging, marking and labelling, documentation.

Content of the national legislation: The rules include provisions relating to the simplified classification of domestic waste containing (domestic) dangerous goods by an expert recognised by the competent authority, to the use of appropriate receptacles and to driver training. Domestic waste which cannot be classified by the expert may be transported to a treatment centre in small quantities identified by package and by transport unit.

Initial reference to the national legislation: Appendix 1, point 1.1.3.7, of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Comments: These rules may only be applied to the transport of domestic waste containing dangerous goods between public treatment sites and waste disposal installations.

Date of expiration: 1 January 2017.

### **RO — bi — CH — 2**

Subject: Return transport of fireworks.

Reference to Annex I, Section I.1, to this Directive: points 2.1.2 and 5.4.

Content of the Annex to the Directive: Classification and documentation.

Content of the national legislation: With the aim of facilitating the return transport of fireworks with UN numbers 0335, 0336 and 0337 from retailers to suppliers, exemptions regarding the indication of the net mass and product classification in the transport document are provided for.

Initial reference to the national legislation: Appendix 1, point 1.1.3.8, of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Comments: Detailed checking of the exact contents of each item of unsold product in each package is practically impossible for products intended for retail trade.

Date of expiration: 1 January 2017.

### **RO — bi — CH — 3**

Subject: ADR training certificate for journeys undertaken with the purpose of transporting vehicles which have broken down, journeys related to repairs, journeys made to the examination of tank vehicles/tanks, and journeys with tank vehicles made by experts responsible for the examination of the vehicle in question.

Reference to Annex I, Section I.1, to this Directive: point 8.2.1.

Content of the Annex to the Directive: Drivers of vehicles must attend training courses.

Content of the national legislation: ADR training and certificates are not required for journeys undertaken with the purpose of transporting vehicles that have broken down or test drives related to repairs, journeys with tank vehicles made to the examination of the tank vehicle or its tank, and journeys made by experts responsible for the examination of tank vehicles.

Initial reference to the national legislation: Instructions of 30 September 2008 of the Federal Department of Environment, Transport, Energy and Communication (DETEC) on the carriage of dangerous goods by road.

Comments: In some cases, vehicles which have broken down or are undergoing repairs and tank vehicles being prepared for technical inspection or being checked at the time of the inspection still contain dangerous goods.

The requirements in points 1.3 and 8.2.3 are still applicable.

Date of expiration: 1 January 2017.

## 2. Railway transport

Derogations for Switzerland under Article 6(2)(a) of Directive 2008/68/EC of 24 September 2008 on the inland transport of dangerous goods

### **RA — a — CH — 1**

Subject: Transport of diesel fuel and heating oil with UN number 1202 in tank containers.

Reference to Annex II, Section II.1, to this Directive: point 6.8.

Content of the Annex to the Directive: Regulations concerning the construction of tanks.

Content of the national legislation: Tank containers which are not constructed according to point 6.8 but according to national legislation, which have a capacity of less than or equal to 1 210 l and which are used to transport heating oil or diesel fuel with UN number 1202 are authorised.

Initial reference to the national legislation: Annex to the DETEC Ordinance of 3 December 1996 relating to the transport of dangerous goods by rail and cableway installation (RSD, RS 742.401.6) and Appendix 1, Chapter 6.14, of the Ordinance relating to the carriage of dangerous goods by road (SDR, RS 741.621).

Date of expiration: 1 January 2017.

#### **RA — a — CH — 2**

Subject: Transport document.

Reference to Annex II, Section II.1, to this Directive: point 5.4.1.1.1.

Content of the Annex to the Directive: General information required in the transport document.

Content of the national legislation: Use of a collective term in the transport document and an annexed list containing the information prescribed as stipulated above.

Initial reference to the national legislation: Annex to the DETEC Ordinance of 3 December 1996 relating to the transport of dangerous goods by rail and cableway installation (RSD, RS 742.401.6).

Date of expiration: 1 January 2017.

- Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L 165, 30.6.2010, p. 1).

#### **SECTION 4 — ACCESS AND TRANSIT RIGHTS WITH REGARD TO RAILWAYS**

- Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways (OJ L 237, 24.8.1991, p. 25).
- Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings (OJ L 143, 27.6.1995, p. 70).
- Council Directive 95/19/EC of 19 June 1995 on the allocation of railway infrastructure capacity and the charging of infrastructure fees (OJ L 143, 27.6.1995, p. 75).
- Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (OJ L 164, 30.4.2004, p. 44), as last amended by Commission Directive 2014/88/EU of 9 July 2014 (OJ L 201, 10.7.2014, p. 9).
- Commission Regulation (EC) No 653/2007 of 13 June 2007 on the use of a common European format for safety certificates and application documents in accordance with Article 10 of Directive 2004/49/EC of the European Parliament and of the Council and on the validity of safety certificates delivered under Directive 2001/14/EC (OJ L 153, 14.6.2007, p. 9), as amended by Commission Regulation (EU) No 445/2011 of 10 May 2011 (OJ L 122, 11.5.2011, p. 22).
- Commission Decision 2007/756/EC of 9 November 2007 adopting a common specification of the national vehicle register provided for under Articles 14(4) and (5) of Directives 96/48/EC and 2001/16/EC (OJ L 305, 23.11.2007, p. 30), as amended by Commission Decision 2011/107/EU of 10 February 2011 (OJ L 43, 17.2.2011, p. 33).

- Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (Recast) (OJ L 191, 18.7.2008, p. 1), as last amended by Commission Directive 2014/38/EU of 10 March 2014 (OJ L 70, 11.3.2014, p. 20).
- Commission Regulation (EC) No 352/2009 of 24 April 2009 on the adoption of a common safety method on risk evaluation and assessment as referred to in Article 6(3)(a) of Directive 2004/49/EC of the European Parliament and of the Council (OJ L 108, 29.4.2009, p. 4).
- Commission Decision 2010/713/EU of 9 November 2010 on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the technical specifications for interoperability adopted under Directive 2008/57/EC of the European Parliament and of the Council (OJ L 319, 4.12.2010, p. 1).
- Commission Regulation (EU) No 1158/2010 of 9 December 2010 on a common safety method for assessing conformity with the requirements for obtaining railway safety certificates (OJ L 326, 10.12.2010, p. 11).
- Commission Regulation (EU) No 1169/2010 of 10 December 2010 on a common safety method for assessing conformity with the requirements for obtaining a railway safety authorisation (OJ L 327, 11.12.2010, p. 13).
- Commission Regulation (EU) No 201/2011 of 1 March 2011 on the model of declaration of conformity to an authorised type of railway vehicle (OJ L 57, 2.3.2011, p. 8).
- Commission Decision 2011/275/EU of 26 April 2011 concerning a technical specification for interoperability relating to the “infrastructure” subsystem of the trans-European conventional rail system (OJ L 126, 14.5.2011, p. 53), as amended by Commission Decision 2012/464/EU of 23 July 2012 (OJ L 217, 14.8.2012, p. 20).
- Commission Regulation (EU) No 445/2011 of 10 May 2011 on a system of certification of the entity in charge of maintenance for freight wagons and amending Regulation (EC) No 653/2007 (OJ L 122, 11.5.2011, p. 22).
- Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem “telematics applications for passenger services” of the trans-European rail system (OJ L 123, 12.5.2011, p. 11), as last amended by Commission Regulation (EU) 2015/302 of 25 February 2015 (OJ L 55, 26.2.2015, p. 2).
- Commission Implementing Decision 2011/633/EU of 15 September 2011 on the common specifications of the register of railway infrastructure (OJ L 256, 1.10.2011, p. 1).
- Commission Implementing Decision 2011/665/EU of 4 October 2011 on the European register of authorized types of railway vehicles (OJ L 264, 8.10.2011, p. 32).
- Commission Decision 2012/88/EU of 25 January 2012 on the technical specification for interoperability relating to the control-command and signalling subsystems of the trans-European rail system (OJ L 51, 23.2.2012, p. 1), as last amended by Commission Decision (EU) 2015/14 of 5 January 2015 (OJ L 3, 7.1.2015, p. 44).
- Commission Decision 2012/757/EU of 14 November 2012 concerning the technical specification for interoperability relating to the “operation and traffic management” subsystem of the rail system in the European Union and amending Decision 2007/756/EC (OJ L 345, 15.12.2012, p. 1), as amended by Commission Decision 2013/710/EU of 2 December 2013 (OJ L 323, 4.12.2013, p. 35).
- Commission Regulation (EU) No 1077/2012 of 16 November 2012 on a common safety method for supervision by national safety authorities after issuing a safety certificate or safety authorisation (OJ L 320, 17.11.2012, p. 3).
- Commission Regulation (EU) No 1078/2012 of 16 November 2012 on a common safety method for monitoring to be applied by railway undertakings, infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance (OJ L 320, 17.11.2012, p. 8).
- Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem “rolling stock — freight wagons” of the rail system in the European Union and repealing Decision 2006/861/EC (OJ L 104, 12.4.2013, p. 1), as amended by Commission Regulation (EU) No 1236/2013 (OJ L 322, 3.12.2013, p. 23).

- Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (OJ L 356, 12.12.2014, p. 110).
- Commission Regulation (EU) No 1301/2014 of 18 November 2014 on the technical specifications for interoperability relating to the "energy" subsystem of the rail system in the Union (OJ L 356, 12.12.2014, p. 179).
- Commission Regulation (EU) No 1302/2014 of 18 November 2014 concerning a technical specification for interoperability relating to the "rolling stock — locomotives and passenger rolling stock" subsystem of the rail system in the European Union (OJ L 356, 12.12.2014, p. 228).
- Commission Regulation (EU) No 1303/2014 of 18 November 2014 concerning the technical specification for interoperability relating to "safety in railway tunnels" of the rail system of the European Union (OJ L 356, 12.12.2014, p. 394).
- Commission Regulation (EU) No 1304/2014 of 26 November 2014 on the technical specification for interoperability relating to the subsystem "rolling stock — noise" amending Decision 2008/232/EC and repealing Decision 2011/229/EU (OJ L 356, 12.12.2014, p. 421).
- Commission Regulation (EU) No 1305/2014 of 11 December 2014 on the technical specification for interoperability relating to the telematics applications for freight subsystem of the rail system in the European Union and repealing the Regulation (EC) No 62/2006 (OJ L 356, 12.12.2014, p. 438).

#### SECTION 5 — OTHER FIELDS

- Council Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils (OJ L 316, 31.10.1992, p. 19).
  - Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the trans-European road network (OJ L 167, 30.4.2004, p. 39).
  - Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59).'
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ANNEX 2

ANNEX 3

**EUROPEAN COMMUNITY**

(a)

(Colour Pantone light blue 290, or as close as possible to this colour, format DIN A4 cellulose paper  
100 g/m<sup>2</sup> or more)

(First page of the licence)

(Text in the official language(s) or one of the official languages of the Member State issuing the licence)

Distinguishing sign of the Member State <sup>(1)</sup>  
issuing the licence

Name of the competent authority or body

LICENCE No ...

or

CERTIFIED TRUE COPY No ...

for the international carriage of goods by road for hire or reward

This licence entitles <sup>(2)</sup>.....  
 .....  
 .....

to engage in the international carriage of goods by road for hire or reward by any route, for journeys or parts of  
 journeys carried out for hire or reward within the territory of the Community, as laid down in Regulation (EC)  
 No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the  
 international road haulage market and in accordance with the general provisions of this licence.

Comments:.....  
 .....

This licence is valid from..... to.....

Issued in....., on.....

..... <sup>(3)</sup>

<sup>(1)</sup> The distinguishing signs of the Member States are: Belgium, (BG) Bulgaria, (CZ) Czech Republic, (DK) Denmark, (D) Germany, (EST) Estonia, (IRL) Ireland, (GR) Greece, (E) Spain, (F) France, (HR) Croatia, (I) Italy, (CY) Cyprus, (LV) Latvia, (LT) Lithuania, (L) Luxembourg, (H) Hungary, (MT) Malta, (NL) Netherlands, (A) Austria, (PL) Poland, (P) Portugal, (RO) Romania, (SLO) Slovenia, (SK) Slovakia, (FIN) Finland, (S) Sweden, (UK) United Kingdom.

<sup>(2)</sup> Name or business name and full address of the haulier.

<sup>(3)</sup> Signature and seal of the competent authority or body issuing the licence.

(b)

(Second page of the licence)

(Text in the official language(s) or one of the official languages of the Member State issuing the licence)

#### GENERAL PROVISIONS

This licence is issued pursuant to Regulation (EC) No 1072/2009.

It entitles the holder to engage in the international carriage of goods by road for hire or reward by any route for journeys or parts of journeys carried out within the territory of the Community and, where appropriate, subject to the conditions laid down herein:

- where the point of departure and the point of arrival are situated in two different Member States, with or without transit through one or more Member States or third countries,
  - from a Member State to a third country or vice versa, with or without transit through one or more Member States or third countries,
  - between third countries with transit through the territory of one or more Member States,
- and unladen journeys in connection with such carriage.

In the case of carriage from a Member State to a third country or vice versa, this licence is valid for that part of the journey carried out within the territory of the Community. It shall be valid in the Member State of loading or unloading only after the conclusion of the necessary agreement between the Community and the third country in question in accordance with Regulation (EC) No 1072/2009.

The licence is personal to the holder and is non-transferable.

It may be withdrawn by the competent authority of the Member State which issued it, in particular where the holder has:

- not complied with all the conditions for using the licence,
- supplied incorrect information with regard to the data needed for the issue or extension of the licence.

The original of the licence must be kept by the haulage undertaking.

A certified copy of the licence must be kept in the vehicle <sup>(1)</sup>. In the case of a coupled combination of vehicles it must accompany the motor vehicle. It shall cover the coupled combination of vehicles even where the trailer or semi-trailer is not registered or authorised to use the roads in the name of the licence holder or where it is registered or authorised to use the roads in another State.

The licence must be presented at the request of any authorised inspecting officer.

The holder must, on the territory of each Member State, comply with the laws, regulations and administrative measures in force in that State, particularly with regard to transport and traffic.'

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<sup>(1)</sup> 'Vehicle' means a motor vehicle registered in a Member State, or a coupled combination of vehicles the motor vehicle of which at least is registered in a Member State, used exclusively for the carriage of goods.

## ANNEX 3

## ANNEX 4

**TYPES OF CARRIAGE AND UNLADEN JOURNEYS IN CONNECTION WITH SUCH CARRIAGE EXEMPT FROM ANY SYSTEM OF LICENCES AND FROM ANY CARRIAGE AUTHORISATION**

1. Carriage of mail as a universal service.
2. Carriage of vehicles which have suffered damage or breakdown.
3. Carriage of goods in motor vehicles the permissible laden mass of which, including that of trailers, does not exceed 3,5 tonnes.
4. Carriage of goods in motor vehicles provided the following conditions are fulfilled:
  - (a) the goods carried are the property of the undertaking or have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by the undertaking;
  - (b) the purpose of the journey is to carry the goods to or from the undertaking or to move them, either inside or outside the undertaking for its own requirements;
  - (c) motor vehicles used for such carriage are driven by personnel employed by, or put at the disposal of, the undertaking under a contractual obligation;
  - (d) the vehicles carrying the goods are owned by the undertaking or have been bought by it on deferred terms or hired provided that in the latter case they meet the conditions of Directive 2006/1/EC of the European Parliament and of the Council <sup>(1)</sup>.

This provision shall not apply to the use of a replacement vehicle during a short breakdown of the vehicle normally used;

  - (e) the carriage must be no more than ancillary to the overall activities of the undertaking.
5. Carriage of medicinal products, appliances, equipment and other articles required for medical care in emergency relief, in particular for natural disasters.'

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<sup>(1)</sup> Directive 2006/1/EC of the European Parliament and of the Council of 18 January 2006 on the use of vehicles hired without drivers for the carriage of goods by road (OJ L 33, 4.2.2006, p. 82).



ANNEX 4

ANNEX 7

## INTERNATIONAL CARRIAGE OF PASSENGERS BY COACH AND BUS

### Article 1

#### Definitions

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

#### 1. Scheduled services

1.1. Regular services are services which provide for the carriage of passengers at specified intervals along specified routes, passengers being taken up and set down at predetermined stopping points. Regular services shall be open to all, subject, where appropriate, to compulsory reservation.

The regular nature of the service is not affected by any adjustment to the service operating conditions.

1.2. Services, by whomsoever organised, which provide for the carriage of specified categories of passengers to the exclusion of other passengers, in so far as such services are operated under the conditions specified in point 1.1, shall be deemed to be regular services. Such services are hereinafter called "special regular services".

Special regular services shall include:

- (a) the carriage of workers between home and work;
- (b) carriage to and from the educational institution for school pupils and students.

The fact that a special service may be varied according to the needs of users shall not affect its classification as a regular service.

1.3. The organisation of parallel or temporary services, serving the same public as existing regular services, the non-serving of certain stops and the serving of additional stops on existing regular services shall be governed by the same rules as existing regular services.

#### 2. Occasional services

2.1. Occasional services are services which do not meet the definition of regular services, including special regular services, and which are characterised above all by the fact that they carry groups of passengers assembled at the initiative of the customer or of the carrier himself.

The organisation of parallel or temporary services comparable to existing regular services and serving the same public as the latter shall be subject to authorisation in accordance with the procedure laid down in section I.

2.2. The services referred to in point 2 shall not cease to be occasional services solely because they are provided at certain intervals.

2.3. Occasional services may be provided by a group of carriers acting on behalf of the same contractor.

The names of such carriers and, where appropriate, the connection points en route shall be communicated to the competent authorities of the EU Member States concerned and of Switzerland, in accordance with procedures to be determined by the Joint Committee.

### 3. Carriage on own account

Own-account transport operations means operations carried out for non-commercial and non-profit-making purposes by a natural or legal person, whereby:

- the transport activity is only an ancillary activity for that natural or legal person,
- the vehicles used are the property of that natural or legal person or have been obtained by that person on deferred terms or have been the subject of a long-term leasing contract and are driven by a member of the staff of the natural or legal person or by the natural person himself or by personnel employed by, or put at the disposal of, the undertaking under a contractual obligation.

#### Section I

#### REGULAR SERVICES SUBJECT TO AUTHORISATION

#### Article 2

#### **Type of authorisation**

1. Authorisations shall be issued in the name of the transport undertaking; they may not be transferred by the latter to third parties. However, the carrier who has received the authorisation may, with the consent of the authority referred to in Article 3(1) of this Annex, operate the service through a subcontractor. In this case, the name of the latter undertaking and its role as subcontractor shall be indicated in the authorisation. The subcontractor must fulfil the conditions laid down in Article 17 of the Agreement.

In the case of undertakings associated for the purpose of operating a regular service, the authorisation shall be issued in the names of all the undertakings. It shall be given to the undertaking that manages the operation and copies shall be given to the others. The authorisation shall state the names of all the operators.

2. The maximum period of validity of the authorisation is five years.
3. Authorisations shall specify the following:
  - (a) the type of service;
  - (b) the route of the service, giving in particular the point of departure and the point of arrival;
  - (c) the period of validity of the authorisation;
  - (d) the stops and the timetable.
4. Authorisations shall conform to the model set out in Commission Regulation (EU) No 361/2014 <sup>(1)</sup>.
5. Authorisations shall entitle their holder(s) to operate regular services in the territories of the Contracting Parties.
6. The operator of a regular service may use additional vehicles to deal with temporary and exceptional situations.

In this event, the carrier must ensure that the following documents are on board the vehicle:

- a copy of the authorisation of the regular service;
- a copy of the contract between the operator of the regular service and the undertaking providing the additional vehicles or an equivalent document;
- a certified copy of the Community licence in the case of EU carriers, or of a similar Swiss licence in the case of Swiss carriers, issued to the operator providing the additional vehicles for the service.

<sup>(1)</sup> Commission Regulation (EU) No 361/2014 of 9 April 2014 laying down detailed rules for the application of Regulation (EC) No 1073/2009 as regards documents for the international carriage of passengers by coach and bus and repealing Commission Regulation (EC) No 2121/98 (OJ L 107, 10.4.2014, p. 39).

*Article 3***Submission of application for authorisation**

1. EU operators applying for authorisation shall submit their applications in accordance with the provisions of Article 7 of Regulation (EC) No 1073/2009 of the European Parliament and of the Council <sup>(1)</sup>, and Swiss operators applying for authorisation shall submit their applications in accordance with chapter 3 of the Ordinance of 4 November 2009 on the carriage of passengers (*Ordonnance sur le transport de voyageurs — OTV*) <sup>(2)</sup>. In the case of services exempt from authorisation in Switzerland but subject to authorisation in the European Union, Swiss operators applying for authorisation shall submit their applications to the competent Swiss authorities if the place of departure of such services is in Switzerland.
2. Applications shall conform to the model set out in Regulation (EU) No 361/2014.
3. Persons applying for authorisation shall provide any additional information they consider relevant or which is requested by the issuing authority. In particular, applicants should provide a driving schedule which makes it possible to check whether the service complies with legislation on driving and rest periods. EU carriers should also submit a copy of the Community licence for the international carriage of passengers by road for hire or reward, and Swiss carriers a copy of a similar Swiss licence, issued to the operator of the regular service.

*Article 4***Authorisation procedure**

1. Authorisations shall be issued in agreement with the competent authorities of the Contracting Parties on whose territories passengers are picked up or set down. The authorising authority shall forward to such authorities, as well as to the competent authorities of EU Member States whose territories are crossed without passengers being picked up or set down, a copy of the application, together with copies of any other relevant documentation, and its assessment.
2. The competent authorities of Switzerland and of the EU Member States whose agreement has been requested shall notify the issuing authority of their decision within two months. This time limit shall be calculated from the date of receipt of the request for agreement which is shown in the acknowledgement of receipt. If, within this period, the issuing authority has received no reply, the authorities consulted shall be deemed to have given their agreement, and the issuing authority shall issue the authorisation. If the decision received from the competent authorities of the Contracting Parties whose agreement has been requested is negative, it shall contain a proper statement of reasons.
3. Subject to paragraphs 7 and 8, the issuing authority shall take a decision within four months of the date on which the carrier submits the application.
4. Authorisation shall be granted unless:
  - (a) the applicant is unable to provide the service which is the subject of the application with equipment directly available to him;
  - (b) in the past, the applicant has failed to comply with national or international legislation on road transport, and in particular the conditions and requirements relating to authorisations for international road passenger services, or has committed serious breaches of legislation in regard to road haulage, in particular the rules applicable to vehicles and driving and rest periods for drivers;
  - (c) in the case of an application for renewal of authorisation, the conditions of authorisation have not been complied with;
  - (d) the competent authority of a Contracting Party decides on the basis of a detailed analysis that the service concerned would seriously affect the viability of a comparable service covered by one or more public service contracts conforming to the Contracting Party's applicable law on the direct sections concerned. In such a case, the competent authority shall set up criteria, on a non-discriminatory basis, for determining whether the service applied for would seriously affect the viability of the abovementioned comparable service and shall communicate them to the Joint Committee, upon its request.

<sup>(1)</sup> Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p. 88).

<sup>(2)</sup> RS/SR/745.11.

- (e) the competent authority of a Contracting Party decides on the basis of a detailed analysis that the principal purpose of the service is not to carry passengers between stops located in the Contracting Parties.

In the event that an existing international coach and bus service is seriously affecting the viability of a comparable service covered by one or more public service contracts conforming to a Contracting Party's applicable law on the direct sections concerned, due to exceptional reasons which could not have been foreseen at the time of granting the authorisation, the competent authority of a Contracting Party may, with the agreement of the Joint Committee, suspend or withdraw the authorisation to run the international coach and bus service after having given 6 months' notice to the carrier.

The fact that a carrier offers lower prices than are offered by other road carriers, or that the route in question is already being operated by other road carriers, may not in itself constitute justification for refusing the application.

5. The issuing authority may refuse applications only for reasons compatible with this Agreement.
6. If the procedure for reaching the agreement referred to in paragraph 1 does not result in an agreement being reached, the matter may be referred to the Joint Committee.
7. The Joint Committee shall, as swiftly as possible, take a decision which shall take effect within 30 days of its being notified to Switzerland and the EU Member States concerned.
8. Once the procedure laid down in this Article has been completed, the issuing authority shall inform all the authorities referred to in paragraph 1 and shall, where appropriate, send them a copy of the authorisation.

#### Article 5

##### **Issuing and renewing authorisations**

1. Once the procedure laid down in Article 4 has been completed, the issuing authority shall either grant the authorisation or shall formally refuse the application.
2. A decision refusing an application must state the reasons for that refusal. The Contracting Parties shall ensure that carriers have the opportunity to invoke their rights if their application is refused.
3. Article 4 of this Annex shall apply, *mutatis mutandis*, to applications for the renewal of authorisations or for alteration of the conditions under which the services subject to authorisation must be operated.

In the event of a minor alteration to the operating conditions, in particular the adjustment of fares or timetables, the issuing authority need only inform the competent authorities of the other Contracting Party of the changes in question.

#### Article 6

##### **Lapse of an authorisation**

The procedure to be followed in respect of the lapse of an authorisation shall be as laid down in Article 10 of Regulation (EC) No 1073/2009 and in Article 46 of the OTV.

#### Article 7

##### **Obligations of carriers**

1. Save in the event of *force majeure*, the operator of a regular service shall, until the authorisation expires, take all measures to guarantee a transport service that meets the required standards of continuity, regularity and capacity and complies with the other conditions laid down by the competent authority in accordance with Article 2(3) of this Annex.
2. The carrier shall display the route of the service, the bus stops, the timetable, the fares and the conditions of carriage in such a way as to ensure that such information is readily available to all users.
3. It shall be possible for Switzerland and the EU Member States concerned, by common agreement and in agreement with the holder of the authorisation, to make changes to the operating conditions governing a regular service.

## Section II

## OCCASIONAL SERVICES AND OTHER SERVICES EXEMPT FROM AUTHORISATION

## Article 8

**Control document**

1. The services referred to in Article 18(1) of the Agreement shall be carried out under cover of a control document (journey form).
2. A carrier operating occasional services must fill out a journey form before each journey.
3. The books of journey forms shall be supplied by the competent authorities of Switzerland or the EU Member State where the carrier is established or by bodies appointed by those authorities.
4. The model for the control document and the way in which it is to be used shall be as laid down in Regulation (EU) No 361/2014.
5. In the case of the services covered by Article 18(2) of the Agreement, the contract or a certified true copy of it shall serve as a control document.

## Article 9

**Certification**

The certificate referred to in Article 18(6) of the Agreement shall be issued by the competent authority of Switzerland or the EU Member State where the vehicle is registered.

It shall conform to the model set out in Regulation (EU) No 361/2014.

## Section III

## CONTROLS AND PENALTIES

## Article 10

**Transport tickets**

1. Carriers operating a regular service, excluding special regular services, shall issue either individual or collective transport tickets indicating:
  - the points of departure and arrival and, where appropriate, the return journey;
  - the period of validity of the ticket,
  - the fare of transport.
2. The transport ticket provided for in paragraph 1 shall be presented at the request of any authorised inspecting officer.

## Article 11

**Inspections on the road and in undertakings**

1. In the case of carriage for hire or reward, the following documents must be carried on board the vehicle and must be presented at the request of any authorised inspecting officer: a certified true copy of the Community licence for EU carriers or of the similar Swiss licence for Swiss carriers and, depending on the type of service, either the authorisation (or a certified copy thereof) or the journey form.

In the case of own-account transport operations, the certificate (or a certified copy thereof) must be carried on board the vehicle and must be presented at the request of any authorised inspecting officer.

2. Carriers operating international carriage of passengers by coach and bus shall allow all inspections intended to ensure that operations are being conducted correctly, in particular as regards driving and rest periods.

*Article 12***Mutual assistance and penalties**

1. The competent authorities of the Contracting Parties shall assist one another in ensuring the application and monitoring of the provisions laid down in this Annex. They shall exchange information via the national contact points established pursuant to Article 18 of Regulation (EC) No 1071/2009 <sup>(1)</sup>.
2. The competent authorities of the Contracting Party in which the carrier is established shall withdraw the Community licence for EU carriers or the similar Swiss licence for Swiss carriers if the holder:
  - (a) no longer meets the conditions laid down in Article 17(1) of the Agreement; or
  - (b) has provided inaccurate information on the data needed for issuing the Community licence for EU carriers or the similar Swiss licence for Swiss carriers.
3. The issuing authority shall withdraw an authorisation if the holder no longer meets the conditions for issuing that authorisation under this Agreement, in particular if the competent authorities of the Contracting Party in which the carrier is established request such withdrawal. The issuing authority shall immediately inform the competent authorities of the other Contracting Party.
4. If a carrier commits a serious breach of transport regulations and road safety rules, in particular with regard to the rules applicable to vehicles, driving and rest periods for drivers and the unauthorised operation of the parallel or temporary services referred to in Article 1(2.1), the competent authorities of the Contracting Party in which that carrier is established may, in particular, withdraw their Community licence for EU carriers or the similar Swiss licence for Swiss carriers, or may temporarily and/or partially withdraw the certified copies of their Community licence for EU carriers or similar Swiss licence for Swiss carriers.

These penalties shall be determined according to the seriousness of the offence committed by the holder of the Community licence for EU carriers or the similar Swiss licence for Swiss carriers, and according to the total number of certified copies of the licence they possess in connection with their international transport operations.

The competent authorities of the Contracting Party of establishment shall communicate to the competent authorities of the Contracting Party in which the infringements were ascertained, as soon as possible and at the latest within six weeks of their final decision on the matter, which, if any, of the penalties provided for above have been imposed. If such penalties are not imposed, the competent authorities of the Contracting Party of establishment shall state the reasons therefor.

5. Where the competent authorities of a Contracting Party are aware of a serious infringement of this Annex or of road transport legislation attributable to a non-resident carrier, the Contracting Party within the territory of which the infringement is ascertained shall transmit to the competent authorities of the carrier's Contracting Party of establishment, as soon as possible and at the latest within six weeks of their final decision, the following information:
  - (a) a description of the infringement and the date and time when it was committed;
  - (b) the category, type and seriousness of the infringement; and
  - (c) the penalties imposed and the penalties executed.

The competent authorities of the host Contracting Party may request that the competent authorities of the Contracting Party of establishment impose administrative penalties in accordance with paragraph 4.

6. The Contracting Parties shall ensure that carriers have the right to appeal against any administrative penalty imposed on them pursuant to this Article.

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<sup>(1)</sup> Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).

*Article 13***Entry in the national electronic registers**

The Contracting Parties shall ensure that serious infringements of road transport legislation attributable to carriers established in their territory, which have led to the imposition of a penalty by the competent authorities of a Member State of the European Union or Switzerland, as well as any temporary or permanent withdrawal of the Community licence for EU carriers or the similar Swiss licence for Swiss carriers, or of the certified true copy of the Community licence or the similar Swiss licence, are recorded in the national electronic register of road transport undertakings. Entries in the register which concern a temporary or permanent withdrawal of a Community licence for EU carriers or of a similar Swiss licence for Swiss carriers shall remain in the database for at least two years from the time of the expiry of the period of withdrawal, in the case of temporary withdrawal, or from the date of withdrawal, in the case of permanent withdrawal.'

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