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⁽¹⁾ Text with EEA relevance.

EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2019/247

of 16 October 2018

laying down the list of indicators for the report on the application of Regulation (EC) No 1082/2006 of the European Parliament and of the Council on a European grouping of territorial cooperation (EGTC)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC) ⁽¹⁾, and in particular the second paragraph of Article 17 thereof,

Whereas:

- (1) In its first report on the application of Regulation (EC) No 1082/2006, the Commission proposed a number of amendments ⁽²⁾. Regulation (EU) No 1302/2013 of the European Parliament and of the Council ⁽³⁾ improved, clarified and simplified the establishment and functioning of the European groupings of territorial cooperation ('EGTCs').
- (2) In accordance with the first paragraph of Article 17 of Regulation (EC) No 1082/2006, the Commission is to forward to the European Parliament, the Council and the Committee of the Regions a report on the application of that Regulation, assessing, on the basis of certain indicators, the effectiveness, efficiency, relevance, European added value and scope for simplification of that Regulation.
- (3) The indicators should help the Commission form an opinion on the progress made to date. A cut-off date should be introduced for gathering information for the report and progress should be assessed by comparing the situation at a given baseline and the situation at that cut-off date. Both quantitative and qualitative indicators should be used when compiling the report.
- (4) In accordance with the second subparagraph of Article 3 of Regulation (EU) No 1302/2013, that Regulation applies as of 22 June 2014. In accordance with the transitional provisions in Article 2 of that Regulation, the approval procedure of EGTCs in the process of being established depends on the date of 22 June 2014. The baseline for indicators measuring progress should therefore be the situation on 21 June 2014. The cut-off date for receiving data or information to use the indicator can only be fixed during the preparatory work for the report on the application of the Regulation and should be mentioned in the report.
- (5) The effectiveness indicator should demonstrate how successful Regulation (EC) No 1082/2006 has been in achieving its objectives or making progress in achieving them.
- (6) The efficiency indicator considers the relationship between the resources or inputs used and the changes or results generated. With regard to the approval procedure for the establishment of the EGTCs, information on

⁽¹⁾ OJ L 210, 31.7.2006, p. 19.

⁽²⁾ Report from the Commission to the European Parliament and to the Council 'The application of the Regulation (EC) No 1082/2006 on a European Grouping of Territorial Cooperation (EGTC)' - COM(2011) 462 final, 29.7.2011.

⁽³⁾ Regulation (EU) No 1302/2013 of the European Parliament and of the Council of 17 December 2013 amending Regulation (EC) No 1082/2006 on a European grouping of territorial cooperation (EGTC) as regards the clarification, simplification and improvement of the establishment and functioning of such groupings (OJ L 347, 20.12.2013, p. 303).

different costs for the establishment of different legal bodies for cooperation may only be generated by the national authorities who have previously approved comparable bodies. In assessing the progress of the EGTCs and indirectly the efficiency of Regulation (EC) No 1082/2006 to date, costs for the functioning of those EGTCs should be compared with the costs involved in setting up a different legal body for cooperation. Such a comparison may, however, only be made with the EGTCs that had set up a different legal body for cooperation beforehand.

- (7) The relevance indicator considers the extent to which the objectives and provisions of Regulation (EC) No 1082/2006 correspond to the needs of the prospective members of EGTCs.
- (8) The sustainability indicator, which is linked to relevance, considers the number of registered EGTCs which are actually not performing any activity.
- (9) The European added value indicator considers whether EGTCs were set up because Regulation (EC) No 1082/2006 was adopted, whereas the EGTC members had not been able to set up legal bodies for territorial cooperation under existing international or national law.
- (10) With regard to the scope for further simplification of Regulation (EC) No 1082/2006, the elements for simplification such as of the procedure to set up new EGTCs including tacit approval by national approval authorities, as introduced by Regulation (EU) No 1302/2013 should be assessed,

HAS ADOPTED THIS REGULATION:

Article 1

The indicators to be used for the report on the application of Regulation (EC) No 1082/2006 are set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 16 October 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

List of indicators for the report on the application of Regulation (EC) No 1082/2006 on a European grouping of territorial cooperation (EGTC)

Assessment criterion	Indicator name	Unit
Effectiveness	Conformity of Member States' national rules with this Regulation	Number of Member States having adopted revised implementation rules at the cut-off date for the report
	Increase of EGTCs set up (Baseline: number of EGTCs as of 21 June 2014: X)	Number of EGTCs at the cut-off date for the report
	Increase of EGTC members in existing EGTCs (Baseline: number of EGTC members at first setting-up)	Number of EGTC members at the cut-off date for the report
	Increase of EGTC members per category (Baseline: number of members as of 21 June 2014: X) Sub-indicators per category: — Member States — authorities at national level — regional authorities — local authorities — public undertakings — undertakings entrusted with operations of services of general economic interest — associations consisting of bodies belonging to one or more of these categories — national, regional or local authorities, or bodies or undertakings, equivalent to those above from third countries or overseas countries or territories	Number at the cut-off date for the report
	Increase of services provided as a result of EGTCs (Baseline: number of services provided as of 21 June 2014: X) Sub-indicators per category: — Health — Education and training — Environment, energy, nature protection — Transport — Research — Other	Number at the cut-off date for the report
Efficiency	Costs for the setting-up of an EGTC compared to costs for setting-up comparable structures under international or national law (!)	EUR
	Costs for the functioning of an EGTC compared to costs for the functioning of comparable structures under international or national law	EUR
	Approval procedure for the set-up of EGTC's compared to the approval procedure for comparable bodies under international or national law	Number of months
Relevance	Use of EGTC for the implementation of a cooperation programme (as managing authority) (Baseline: number of EGTC's being a managing Authority as of 21 June 2014: X)	Number of EGTCs designated as managing authority of a cooperation programme at the cut-off date for the report

Assessment criterion	Indicator name	Unit
	Use of EGTC to implement part of a cooperation programme (e.g. sub-programmes, Small-project-funds, people-to-people projects, Integrated Territorial Investments, Joint Action Plans) (Baseline: number of EGTC's being a Managing Authority as of 21 June 2014: X)	Number of EGTCs designated to implement part of a cooperation programme at the cut-off date for the report
	Use of EGTC to implement an operation (Baseline: number of EGTC's being a Managing Authority as of 21 June 2014: X) Sub-indicators per category: — operation under a cooperation programme (cross-border, transnational or interregional) — operation supported by the Union through the European Regional Development Fund under an Investment for Growth and Jobs Goal programme — operation supported by the Union through the European Social Fund — operation supported by the Union through the Cohesion Fund — operation/project supported by the Union outside Cohesion Policy programmes	Number at the cut-off date for the report
	Use of the different options for the choice of the applicable law: — applicable law with regard to the interpretation and enforcement of the convention (Article 8(2)(g)); — applicable law to the organs' acts (Article 8(2)(h)); and — law directly relevant to the EGTC's activities (Article 8(2)(j))	Qualitative
	Use of own staff as a percentage of the total staff ⁽²⁾	Percentage ⁽³⁾
	Motivating factors in choosing to set up an EGTC, for those bodies who have formally entered into an EGTC agreement	Qualitative
Sustainability	EGTCs registered without performing activities	Number
EU added value	Number of territorial cooperation structures and networks which have been set up because the EGTC tool was offered under Regulation (EC) No 1082/2006	Quantitative/qualitative
	Advantages of a legal body set up under EU law compared to legal bodies existing under international or national law	Qualitative
Simplification introduced by the instrument	Average length of time to set up an EGTC (phase 1: up to the submission of the draft convention) before and after the amendment of this Regulation	Months
	Average length of time to set up an EGTC (phase 2: submission of the draft convention up to the final approval) before and after the amendment of this Regulation	Months
	Number of approvals via tacit approval by national authorities other than in the Member State of EGTC's registered office	Number (and qualitative)

⁽¹⁾ E.g. Euroregional Cooperation Grouping (Council of Europe); Euroregions, Eurodistricts; Zweckverband (German law), Consorcio (Spanish law), Groupement local de coopération transfrontalière (French law).

⁽²⁾ 'Own staff' as opposed to staff delegated by members of the EGTC.

⁽³⁾ Percentage based on the number of staff, no need to take account of full-time equivalents.

COMMISSION DELEGATED REGULATION (EU) 2019/248**of 13 November 2018****correcting Regulation (EU) No 63/2011 laying down detailed provisions for the application for a derogation from the specific CO₂ emission targets pursuant to Article 11 of Regulation (EC) No 443/2009 of the European Parliament and of the Council****(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 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles ⁽¹⁾, and in particular Article 11(8) thereof,

Whereas:

- (1) The manufacturer of light-duty vehicles, General Motors Holding LLC, has informed the Commission that the average specific CO₂ emissions in 2007, specified for that manufacturer in Annex IV to Commission Regulation (EU) No 63/2011 ⁽²⁾, are not correct.
- (2) The manufacturer has provided detailed evidence demonstrating that the average specific CO₂ emissions in 2007 were significantly higher than the value indicated in Regulation (EU) No 63/2011. That value was based on the specific CO₂ emissions of vehicles which incorrectly included those of Adam Opel AG, which at the time was connected to General Motors. Those specific CO₂ emissions of Adam Opel AG vehicles contributed to a lower average specific CO₂ emissions of General Motors in 2007. The error has become evident after the change in ownership of General Motors and Adam Opel, which took place on 1 August 2017.
- (3) The Commission considers that the evidence provided by General Motors Holding LLC proves the incorrectness of the average specific CO₂ emissions of that manufacturer in 2007 as indicated in Regulation (EU) No 63/2011.
- (4) Regulation (EU) No 63/2011 should therefore be corrected accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In the table in Annex IV to Regulation (EU) No 63/2011, in the column 'Average emissions, [g/km]', in the row relating to 'General Motors', the value '159,604' is replaced by '283,689'.

*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, 13 November 2018.

*For the Commission**The President*

Jean-Claude JUNCKER

⁽¹⁾ OJ L 140, 5.6.2009, p. 1.⁽²⁾ Commission Regulation (EU) No 63/2011 of 26 January 2011 laying down detailed provisions for the application for a derogation from the specific CO₂ emission targets pursuant to Article 11 of Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 23, 27.1.2011, p. 16).

COMMISSION IMPLEMENTING REGULATION (EU) 2019/249**of 12 February 2019****suspending the tariff preferences for certain GSP beneficiary countries in respect of certain GSP sections in accordance with Regulation (EU) No 978/2012 of the European Parliament and of the Council applying a scheme of generalised tariff preferences for the period of 2020-2022**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EU) No 732/2008 ⁽¹⁾, and in particular Article 8(3) thereof,

After consulting the Generalised Preferences Committee, within the meaning of Article 39 of Regulation (EC) No 978/2012,

Whereas:

- (1) Pursuant to Article 8(1) of Regulation (EU) No 978/2012 the tariff preferences of the general arrangement of the generalised scheme of preferences (GSP) are to be suspended in respect of products of a GSP section originating in a GSP beneficiary country when the average value of Union imports of such products over three consecutive years from that GSP beneficiary country exceeds the thresholds listed in Annex VI of that Regulation.
- (2) In accordance with Article 8(2) of Regulation (EU) No 978/2012 and based on trade statistics concerning calendar years 2012-2014, Commission Implementing Regulation (EU) 2016/330 ⁽²⁾ established the list of product sections for which the tariff preferences were suspended from 1 January 2017 until 31 December 2019.
- (3) Pursuant to Article 8(3) of Regulation (EU) No 978/2012, the Commission is to review that list, every three years, and adopt an implementing act to suspend or re-establish the tariff preferences.
- (4) The revised list should apply for three years as of 1 January 2020. The list is based on trade statistics concerning calendar years 2015-2017 as available on 1 September 2018 and takes into account imports from GSP beneficiary countries listed in Annex II of Regulation (EU) No 978/2012 as applicable on that date. However, the value of imports from GSP beneficiaries which, as from 1 January 2020, no longer benefit from the tariff preferences under point (b) of Article 4(1) of Regulation (EU) No 978/2012 is not taken into account,

HAS ADOPTED THIS REGULATION:

Article 1

The tariff preferences referred to in Article 7 of Regulation (EU) No 978/2012 are suspended in respect of the GSP beneficiary countries concerned, for the list of products of GSP sections set out 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*.

It shall apply from 1 January 2020 until 31 December 2022.

⁽¹⁾ OJ L 303, 31.10.2012, p. 1.⁽²⁾ Commission Implementing Regulation (EU) 2016/330 of 8 March 2016 suspending the tariff preferences for certain GSP beneficiary countries in respect of certain GSP sections in accordance with Regulation (EU) No 978/2012 of the European Parliament and of the Council applying a scheme of generalised tariff preferences (OJ L 62, 9.3.2016, p. 9).

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

Done at Brussels, 12 February 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

The list of GSP sections for which the tariff preferences referred to in Article 7 of Regulation (EU) No 978/2012 are suspended in respect of a GSP beneficiary country concerned:

Column A: name of country

Column B: GSP section (Article 2(j) of GSP Regulation)

Column C: description

A	B	C
India	S-6a	Inorganic and organic chemicals
	S-11a	Textiles
	S-14	Pearls and precious metals
	S-15a	Iron, steel and articles of iron and steel
	S-15b	Base metals (excl. iron and steel), articles of base metals (excl. articles of iron and steel)
	S-17a	Railway or tramway locomotives, rolling-stock
	S-17b	Motor vehicles, bicycles, aircraft and spacecraft, ships and boats
Indonesia	S-1a	Live animals and animal products excluding fish
	S-3	Animal or vegetable oils, fats and waxes
	S-5	Mineral products
	S-9a	Wood and articles of wood; wood charcoal
Kenya	S-2a	Live plants and floricultural products

COMMISSION IMPLEMENTING REGULATION (EU) 2019/250**of 12 February 2019****on the templates for 'EC' declarations and certificates for railway interoperability constituents and subsystems, on the model of declaration of conformity to an authorised railway vehicle type and on the 'EC' verification procedures for subsystems in accordance with Directive (EU) 2016/797 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 201/2011****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union ⁽¹⁾, and in particular Article 9(4), Article 15(9) and Article 24(4) thereof,

Whereas:

- (1) Manufacturers or their authorised representatives, applicants, notified bodies and designated bodies should use harmonised templates for documents that accompany the application for an authorisation for the placing in service of fixed installations or a vehicle authorisation for placing on the market in order to streamline the assessment by the European Union Agency for Railways ('the Agency') or a national safety authority of those applications and in order to facilitate the supervision of the Union rail system by national safety authorities.
- (2) There is a need to facilitate the establishment of 'EC' declarations provided for in Directive (EU) 2016/797. In particular, there is a need to facilitate the establishment of 'EC' declaration of conformity or suitability for use of interoperability constituents, 'EC' declaration of verification of subsystems, intermediate statement of verification of subsystems, declaration of conformity to an authorised vehicle type.
- (3) There is also a need to facilitate the establishment of the technical file that is to accompany the 'EC' declarations by setting templates for 'EC' certificate of conformity or suitability for use of an interoperability constituent, 'EC' certificate of verification of a subsystem delivered by a notified body and certificate delivered by a designated body.
- (4) 'EC' declaration of conformity and 'EC' declaration of suitability for use and their accompanying documents should provide evidence that the interoperability constituents have been subject to the procedures laid down in the corresponding technical specifications for interoperability ('TSI') for assessing conformity or suitability for use and indicate the references of those TSIs and other relevant Union acts.
- (5) An 'EC' declaration of suitability for use of interoperability constituents being issued on the basis of in-service experience should be considered as a supplementary declaration to the 'EC' declaration of conformity of interoperability constituent.
- (6) The nature of information to be provided should allow for one template to be used to accommodate both 'EC' declaration of the conformity of the interoperability constituent and 'EC' declaration of the suitability for use of the interoperability constituent.
- (7) 'EC' declaration of verification of subsystems and its accompanying documents should provide evidence of the completion of the relevant procedures for verification in accordance with the applicable Union law and relevant national rules, and indicate the references of the Directives, TSIs and other relevant Union acts as well as relevant national rules.
- (8) In order to ensure that a subsystem continues to meet the essential requirements over time the 'EC' declaration of verification should reflect any change which affects it and the applicant should have procedures in place to continuously update the 'EC' declaration of verification.

⁽¹⁾ OJ L 138, 26.5.2016, p. 44.

- (9) 'EC' verification procedure for a modified subsystem should be in accordance with Article 15 of Directive (EU) 2016/797 and provisions applicable to existing subsystems and vehicles which are set out in TSIs. Existing subsystems may have been placed in service before 'EC' verification procedure was applicable to them and thus without an 'EC' declaration of verification. 'EC' verification procedure regarding changes to those subsystems placed in service without an 'EC' declaration of verification should be limited to the parts of the subsystem that are changed, and their interfaces to the unchanged parts of the subsystem. An 'EC' declaration of verification should then cover the changed subsystem.
- (10) One template should be used to accommodate the 'EC' declaration of verification and potential changes that could affect its elements during the lifecycle of the subsystem.
- (11) Intermediate Statement of Verification of subsystem, its annex and accompanying documentation should provide evidence of the completion of a stage of the relevant verification procedure of a subsystem, or of a part of a subsystem, in accordance with the applicable Union law and relevant national rules. It should also indicate the references of the Directives, TSIs and other relevant Union acts as well as relevant national rules.
- (12) The nature of information to be provided allows for one template to be used to accommodate 'EC' certificate of verification delivered by a notified body for a subsystem, 'EC' certificate of conformity delivered by a notified body for an interoperability constituent, 'EC' certificate of suitability for use delivered by a notified body for an interoperability constituent as well as certificate delivered by a designated body for a subsystem.
- (13) The annexes to the declaration of conformity to an authorised vehicle type should provide evidence of the completion of the relevant procedures for verification in accordance with the applicable Union law and relevant national rules, and indicate the references of the Directives, TSIs and other relevant Union acts as well as relevant national rules.
- (14) On 19 December 2017, the Agency issued a recommendation on 'EC' declaration of verification of subsystems and templates referred to in Article 9(4), Article 15(9) and Article 24(4) of Directive (EU) 2016/797.
- (15) Annexes IV and V to Directive 2008/57/EC of the European Parliament and of the Council ⁽²⁾ on the content of 'EC' declaration of conformity or suitability for use and 'EC' declaration of verification are repealed by Directive (EU) 2016/797, the provisions concerned should therefore be replaced.
- (16) Commission Regulation (EU) No 201/2011 ⁽³⁾ should be repealed.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 51(1) of Directive (EU) 2016/797,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down:

- (a) the template for the 'EC' declaration of conformity or suitability for use of an interoperability constituent as referred to in Article 9(2) of Directive (EU) 2016/797;
- (b) the details of the 'EC' verification procedures of subsystems and the template for the 'EC' declaration of verification as referred to in Article 15(9) of Directive (EU) 2016/797;
- (c) the template for the Intermediate Statement of Verification of the subsystem as referred to in Article 15(9) of Directive (EU) 2016/797;
- (d) the template for the certificates of conformity or suitability for use of an interoperability constituent as referred to in Article 9(2) and the template for the certificates of verification of a subsystem as referred to in Article 15(9) of Directive (EU) 2016/797;
- (e) the model of declaration of conformity to an authorised vehicle type as referred to in Article 24(4) of Directive (EU) 2016/797.

⁽²⁾ 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 (OJ L 191, 18.7.2008, p. 1).

⁽³⁾ 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).

*Article 2***Definitions**

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

- (a) “EC” declaration of conformity’ means the declaration established for an interoperability constituent by the manufacturer or its authorised representative in which the manufacturer or its authorised representative declares on its sole responsibility that the interoperability constituent concerned, which has been subject to the relevant verification procedures, complies with the relevant Union law;
- (b) “EC” declaration of suitability for use’ means the supplementary declaration to the ‘EC’ declaration of conformity of the interoperability constituent established for an interoperability constituent by the manufacturer or its authorised representative in which the manufacturer or its authorised representative declares on its sole responsibility that the interoperability constituent concerned, which has been subject to the relevant verification procedures, satisfies the requirements for suitability for use specified in the relevant TSI;
- (c) “EC” declaration of verification’ means the declaration established for a subsystem by the applicant in which the applicant declares on its sole responsibility that the subsystem concerned, which has been subject to the relevant verification procedures, satisfies the requirements of the relevant Union law and any relevant national rules;
- (d) ‘Subsystem placed in service without an “EC” declaration of verification’ means a subsystem, fixed or mobile, that has been placed in service before ‘EC’ verification procedure was applicable to it in accordance with Council Directive 96/48/EC ⁽⁴⁾, Directive 2001/16/EC of the European Parliament and of the Council ⁽⁵⁾ or Directive 2008/57/EC, and thus without an ‘EC’ declaration of verification.
- (e) ‘Intermediate Statement of Verification’ means the document established either by the notified body selected by the applicant, in the case of TSI requirements, or by a designated body, in the case of requirements stemming from national rules, which registers the results of a stage of the verification procedure;
- (f) “EC” certificate of conformity’ means the certificate delivered for an interoperability constituent by the notified body of the conformity of an interoperability constituent, considered in isolation, with the Union technical specifications to be met;
- (g) “EC” certificate of suitability for use’ means the certificate delivered for an interoperability constituent by the notified body of the suitability for use of an interoperability constituent considered within its railway environment;
- (h) ‘certificate of verification’ means the certificate delivered for a subsystem either by the notified body or by the designated body regarding the verification of conformity respectively with relevant TSIs or with relevant national rules from the design stage to the acceptance stage before the subsystem is placed on the market or in service and which covers verification of the interfaces of the subsystem in question with the system into which it is incorporated;
- (i) “EC” certificate of verification’ means the certificate delivered for a subsystem by the notified body regarding solely the verification of conformity with relevant TSIs;
- (j) ‘declaration of conformity to an authorised vehicle type’ means the declaration established for a vehicle by the applicant in which the applicant declares on its sole responsibility that the vehicle concerned, which has been subject to the relevant verification procedures, conforms to an authorised vehicle type and satisfies the requirements of the relevant Union law and relevant national rules.
- (k) ‘ERADIS ID’ means the alphanumeric code used to identify an ‘EC’ declaration of conformity or suitability for use of interoperability constituent or an ‘EC’ declaration of verification of subsystem and which is established in accordance with Annex VII.

*Article 3***‘EC’ declaration of conformity or ‘EC’ declaration of suitability for use**

1. The manufacturer or its authorised representative shall establish ‘EC’ declaration of conformity of interoperability constituent or ‘EC’ declaration of suitability for use of interoperability constituent in accordance with the template set out in Annex I.

⁽⁴⁾ Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system (OJ L 235, 17.9.1996, p. 6).

⁽⁵⁾ Directive 2001/16/EC of the European Parliament and of the Council of 19 March 2001 on the interoperability of the trans-European conventional rail system (OJ L 110, 20.4.2001, p. 1).

2. An 'EC' declaration of conformity or 'EC' declaration of suitability for use shall be written in one of the official languages of the Union and it shall be in the same language as its accompanying documents.

Article 4

Accompanying documents for 'EC' declaration of conformity or 'EC' declaration of suitability for use

An 'EC' declaration of conformity or suitability for use of interoperability constituents shall be accompanied by the following documents:

- (a) 'EC' certificate of conformity and, where appropriate, 'EC' certificate of suitability for use;
- (b) technical documentation in accordance with Commission Decision 2010/713/EU ⁽⁶⁾.

Article 5

'EC' declaration of verification

1. An 'EC' declaration of verification shall be based on the information resulting from the verification procedures for subsystems set out in Article 15 of Directive (EU) 2016/797 and Annex IV to that Directive. One 'EC' declaration of verification shall comprise the verification in respect with Union law and, where appropriate, national rules.
2. The applicant shall establish 'EC' declaration of verification in accordance with the template set out in Annex II, and in accordance with the template set out in Annex III when it relates to a subsystem initially placed in service without an 'EC' declaration of verification.
3. An 'EC' declaration of verification shall be written in one of the official languages of the Union and it shall be in the same language as its accompanying documents.

Article 6

Verification procedure in case of a change to a subsystem

1. In the event of a change to a subsystem, the applicant shall analyse the change and assess the impact on the 'EC' declaration of verification.
2. Where the validity of an element of the relevant 'EC' declaration of verification is impacted by that change, the applicant shall update the 'EC' declaration of verification or shall establish a new 'EC' declaration of verification. A new 'EC' declaration of verification shall be established whenever a new authorisation according to criteria set out in Articles 18(6) and 21(12) of Directive (EU) 2016/797 is required.
3. Where a change affects a basic parameter, the applicant shall assess the need for, and where required carry out the 'EC' verification procedure set out in Article 15 of Directive (EU) 2016/797 and Annex IV to that Directive for the changed subsystem.

Article 7

Verification procedure in case of a change to a subsystem placed in service without an 'EC' declaration of verification

1. In the event of a change to a subsystem placed in service without an 'EC' declaration of verification, the applicant shall analyse the change and assess the impact on the existing design and maintenance documentation.
2. Where a change is made to a subsystem that affects a basic parameter, the applicant shall assess the need for, and where required carry out the 'EC' verification procedure in accordance with Article 15 of Directive (EU) 2016/797.
3. The conformity assessment body shall only assess the parts of the subsystem that are changed, and assess the interfaces to the unchanged parts of the subsystem.

⁽⁶⁾ 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).

4. An 'EC' declaration of verification shall be established by the applicant for the whole subsystem by declaring under its sole responsibility that:
- (a) the changed part and the interfaces to the unchanged parts of the subsystem have been subject to the relevant verification procedures and comply with the relevant Union law and any relevant national rules.
 - (b) the unchanged part has been brought into use in the railway system and has been maintained in its design operating state since the date of bringing into use in the railway system until the date of the establishment of EC declaration of verification.

Article 8

Intermediate Statement of Verification

1. An intermediate Statement of Verification shall be based on the same relevant conformity assessment modules as those used for the issuing of a certificate of verification for a subsystem.
2. The notified body or the designated body shall establish the Intermediate Statement of Verification in accordance with the template set out in Annex IV.
3. The Intermediate Statement of Verification shall be written in one of the official languages of the Union and it shall be in the same language as its accompanying documents.

Article 9

Certificate of conformity or suitability for use and of verification

Certificate of verification of subsystem, 'EC' certificate of verification and 'EC' certificate of conformity or suitability for use of interoperability constituents shall be established in accordance with the template set out in Annex V.

Article 10

Declaration of conformity to an authorised vehicle type

1. An applicant shall establish a declaration of conformity to an authorised vehicle type in accordance with the model structure set out in Annex VI.
2. A declaration of conformity to an authorised vehicle type shall be written in one of the official languages of the Union and it shall be in the same language as its accompanying documents.

Article 11

Repeal

Regulation (EU) No 201/2011 is repealed with effect from 16 June 2019.

The Annex to Regulation (EU) No 201/2011 shall continue to apply to declaration of conformity to type as referred to in Article 26(4) of Directive 2008/57/EC until 16 June 2020 in the Member States that have notified the Agency and the Commission in accordance with Article 57(2) of Directive (EU) 2016/797.

Article 12

Entry into force and application

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

It shall apply from 16 June 2019 in the Member States that have not notified the Agency and the Commission in accordance with Article 57(2) of Directive (EU) 2016/797.

Article 11 shall apply from 16 June 2019 in the Member States that have notified the Agency and the Commission of an intention to extend the transposition period of Directive (EU) 2016/797 in accordance with Article 57(2) thereof.

It shall apply in all Member States from 16 June 2020.

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

Done at Brussels, 12 February 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

TEMPLATE FOR 'EC' DECLARATION OF CONFORMITY OR SUITABILITY FOR USE OF INTEROPERABILITY CONSTITUENTS

'EC' declaration of conformity or suitability for use of interoperability constituent

'EC' declaration identification number [ERADIS ID] ⁽¹⁾

We, Manufacturer or Authorised representative

[Business name]

[Complete postal address]

Declare under our sole responsibility that the following interoperability constituent ⁽²⁾:

[Name/short description of interoperability constituent, unique identification of the interoperability constituent]

to which this declaration refers complies with the relevant Union law:

[Title(s) of the Directive(s); Title(s) of the TSI(s); Title(s) of European Specifications]

has been assessed by the following Notified Body:

[Business name]

[Registration number]

[Full address]

In accordance with the following approval(s) and/or certificate(s):

[Approval(s), date of issue][Certificate number(s), date of issue]

The following conditions of use and other restrictions apply ⁽³⁾:

[List or reference to the list of conditions of use and other restrictions]

The following procedures have been followed in order to declare conformity:

[The modules chosen by manufacturer for the assessment of the interoperability constituent]

List of Annexes

[Titles of the Annexes (Technical documentation or technical file accompanying the 'EC' declaration of conformity or suitability for use)] ⁽⁴⁾

Done on:

[Date DD/MM/YYYY]

Signature of Manufacturer/Authorised representative

[First Name, Surname]

⁽¹⁾ The information in square brackets [] is provided to support the user in correctly and exhaustively compiling the template.

⁽²⁾ The description of the interoperability constituent shall enable unique identification and allow for traceability.

⁽³⁾ When a reference to a list of conditions of use and other restrictions is made, such list shall be accessible to the authorising entity.

⁽⁴⁾ Technical documentation in accordance with Decision 2010/713/EU.

ANNEX II

TEMPLATE FOR 'EC' DECLARATION OF VERIFICATION OF SUBSYSTEM

'EC' declaration of verification of subsystem

'EC' declaration identification number [ERADIS ID] ⁽¹⁾

We, Applicant:

[Business name]

[Complete postal address]

Declare under our sole responsibility that the following subsystem ⁽²⁾:

[Name/short description of the subsystem, unique identification of the subsystem]

to which this declaration refers has been subject to the relevant verification procedures and complies with the relevant Union law and any relevant national rules:

[Reference to: the Directive(s); TSI(s); Relevant national rules;]

has been assessed by the following conformity assessment bodies:

Notified Body:	Designated Body:	Assessment body [Risk assessment]:
<i>Business name</i>	<i>Business name</i>	<i>Business name</i>
<i>Registration number</i>	<i>Identification number</i>	<i>Identification number</i>
<i>Full address</i>	<i>Full address</i>	<i>Full address</i>

In accordance with the following certificate(s) and or report(s):

[Certificate(s) number(s), report(s) number(s), date(s) of issue]

The following conditions of use and other restrictions apply ⁽³⁾:

[List or reference to the list of conditions of use and other restrictions]

The following procedures have been followed in order to declare conformity:

[The modules chosen by applicant for the verification of the subsystem]

Identification of the technical file accompanying this declaration

[Reference to the technical file accompanying the 'EC' declaration of verification of subsystem in accordance with Article 15(4) of Directive (EU) 2016/797]

Reference to former 'EC' declaration of verification (where applicable)

[Yes/No]

Done on:

[date DD/MM/YYYY]

Signature of Applicant

First Name, Surname

⁽¹⁾ The information in square brackets [] is provided to support the user in correctly and exhaustively compiling the template.

⁽²⁾ The description of the subsystem shall enable unique identification and allow for traceability.

⁽³⁾ When a reference to a list of conditions of use and other restrictions is made, such list shall be accessible to the authorising entity.

ANNEX III

TEMPLATE FOR 'EC' DECLARATION OF VERIFICATION FOR SUBSYSTEM INITIALLY PLACED IN SERVICE WITHOUT AN 'EC' DECLARATION

'EC' declaration of verification of subsystem

'EC' declaration identification number [ERADIS ID] ⁽¹⁾

We, Applicant:

[Business name]

[Complete postal address]

Declare under our sole responsibility that for the subsystem to which this declaration refers ⁽²⁾:

[Name/short description of the subsystem, unique identification of the subsystem]

The changed part of the subsystem:

[Name/short description of the parts of the subsystem]

has been subject to the relevant verification procedures and complies with the relevant Union law and any relevant national rules:

[Reference to: the Directive(s); TSI(s); Relevant national rules;]

has been assessed by the following conformity assessment bodies:

Notified Body:	Designated Body:	Assessment body [Risk assessment]:
Business name	Business name	Business name
Registration number	Identification number	Identification number
Full address	Full address	Full address

In accordance with the following certificate(s) and or report(s):

[Certificate(s) number(s), report(s) number(s), date(s) of issue]

The unchanged part of the subsystem to which this declaration refers has been brought into use in the railway system and has been maintained in its design operating state since the date of bringing into use in the railway system until the date of the establishing the 'EC' declaration of verification.

The following conditions of use and other restrictions apply ⁽³⁾:

[List or reference to the list of conditions of use and other restrictions]

The following procedures have been followed in order to declare conformity:

[The modules chosen by applicant for the verification of the subsystem]

Identification of the technical file accompanying this declaration

[Reference to the technical file accompanying the 'EC' declaration of verification of subsystem in accordance with Article 15(4) of Directive (EU) 2016/797]

Reference to former 'EC' declaration of verification (where applicable)

[Yes/No]

⁽¹⁾ The information in square brackets [] is provided to support the user in correctly and exhaustively compiling the template.

⁽²⁾ The description of the subsystem shall enable unique identification and allow for traceability.

⁽³⁾ When a reference to a list of conditions of use and other restrictions is made, such list shall be accessible to the authorising entity.

Done on:

[date DD/MM/YYYY]

Signature of Applicant

First Name, Surname

ANNEX IV

TEMPLATE FOR INTERMEDIATE STATEMENT OF VERIFICATION

Intermediate Statement of Verification

Number [unique ISV identification number ensuring traceability of the document] ⁽¹⁾

Object of Assessment ⁽²⁾:

[Unique Identification of the subsystem or of the part of the subsystem: identification of whole or of the part of the subsystem, and stages of verification in accordance with point 2.2.3 of Annex IV to Directive (EU) 2016/797]

Applicant, where applicable also Manufacturer and Manufacturing locations:

[Name(s), Address(es)]

Assessment Requirements:

[Reference to: the Directive(s), the TSI(s), the non-application of TSI(s), the relevant National Rules, European specifications, other Acceptable Means of Compliance]

Module(s) applied:

[The modules as chosen by the applicant for the assessment of the subsystem or of a part of the subsystem, and stages of verification]

Assessment/Audit result:

[Including reference to the assessment/audit report]

The following conditions and limits of use apply ⁽³⁾:

[List or reference to the list of conditions and limits of use]

Annex of ISV ⁽⁴⁾ (where applicable)

[Yes/No]

Documentation accompanying this ISV:

[reference to accompanying documents; list or file of documents used for the assessment]

Validity:

[Time and conditions of validity of ISV]

Done on:

[date DD/MM/YYYY]

Notified Body

Signature

First Name, Surname

Business name

Registration number

Complete postal address

Designated Body

Signature

First Name, Surname

Business name

Identification number

Complete postal address

[OR]

⁽¹⁾ The information in square brackets [] is provided to support the user in compiling the template.

⁽²⁾ The description of the subsystem or part of the subsystem shall enable unique identification and allow for traceability.

⁽³⁾ When a reference to a list of conditions of use and other restrictions is made, such list shall be accessible to the authorising entity.

⁽⁴⁾ It is good practice to issue ISV as a single page document; if the relevant information for the ISV does not fit all on one page, the Annex provides sufficient space for any other relevant information to be considered.

Annex to Intermediate Statement of Verification [where applicable]

Number [unique ISV identification number]

Object of Assessment:

[Unique Identification of the subsystem or of the part of the subsystem: identification of whole or of the part of the subsystem, and stages of verification in accordance with point 2.2.3 of Annex IV to Directive (EU) 2016/797]

Done on:

[date DD/MM/YYYY]

Notified Body

Signature

First Name, Surname

Business name

Registration number

Complete postal address

Designated Body

Signature

First Name, Surname

Business name

Identification number

Complete postal address

[OR]

Page n/nn

ANNEX V

TEMPLATE FOR CERTIFICATE

['EC'] ⁽¹⁾ Certificate of [conformity/suitability for use/verification]Number [unique certificate identification number] ⁽²⁾Object of Assessment ⁽³⁾:*[Unique Identification of the Interoperability Constituent or of the Subsystem]*

Applicant, where applicable also Manufacturer and manufacturing locations:

[Name(s), Address(es)]

Assessment Requirements:

[Reference to: the Directive(s), the TSI(s), the relevant National Rules, European specifications, other Acceptable Means of Compliance]

Module(s) applied:

[The module(s) as chosen by the applicant for the assessment of the Interoperability Constituent or of the Subsystem]

Assessment/Audit result:

*[Including reference to the assessment/audit report]*The following conditions and limits of use apply ⁽⁴⁾:*[List or reference to the list of conditions and limits of use]*Annex ⁽⁵⁾ (where applicable):*[Yes/No]*Documentation accompanying this ['EC'] ⁽¹⁾ Certificate:*[reference to accompanying documents; list or file of documents used for the assessment]*

Validity:

[Time and conditions of validity of certificate]

Done on:

*[date DD/MM/YYYY]***Notified Body**

Signature

First Name, Surname

Business name

Registration number

Complete postal address

Designated Body

Signature

First Name, Surname

Business name

Identification number

Complete postal address

[OR]

page 1/[nn]

⁽¹⁾ 'EC' applies only to certificates issued by a Notified Body including certificates covering both Notified Body and Designated Body tasks when it is the same entity. 'EC' is to be omitted on certificates issued by a Designated Body.

⁽²⁾ The information in square brackets [] is just provided to support the user in correctly and exhaustively compiling the template.

⁽³⁾ The description of the interoperability constituent or the subsystem shall enable unique identification and allow for traceability.

⁽⁴⁾ When a reference to a list of conditions of use and other restrictions is made, such list shall be accessible to the authorising entity

⁽⁵⁾ It is good practice to issue certificates as a single page document; if the relevant information for the certificate does not fit all on one page, the Annex provides sufficient space for any other relevant information to be considered.

Annex to the [‘EC’] ⁽⁶⁾ certificate [where applicable ⁽⁷⁾]

Number [unique certificate identification number]

Object of Assessment:

[Unique Identification of the Interoperability Constituent or of the Subsystem]

Done on:

*[date DD/MM/YYYY]***Notified Body***Signature**First Name, Surname**Business name**Registration number**Complete postal address***Designated Body***Signature**First Name, Surname**Business name**Identification number**Complete postal address*

[OR]

page n/nn

⁽⁶⁾ ‘EC’ applies only to certificates issued by a Notified Body including certificates covering both Notified Body and Designated Body tasks when it is the same entity. ‘EC’ is to be omitted on certificates issued by a Designated Body.

⁽⁷⁾ It is good practice to issue certificates as a single page document; if the relevant information for the certificate does not fit all on one page, the Annex provides sufficient space for any other relevant information to be considered.

ANNEX VI

MODEL OF DECLARATION OF CONFORMITY TO AN AUTHORISED VEHICLE TYPE

Declaration of conformity to an authorised vehicle type

We,

Applicant

[Business name] ⁽¹⁾

[Full address]

Declare under our sole responsibility that vehicle [*European Vehicle Number/pre-reserved Vehicle Number/agreed means of identification*] ⁽²⁾ to which this declaration refers

- conforms to authorised vehicle type [*ERATV identification of the type/version/variant of vehicle*]
- complies with the relevant Union law and relevant national rules, as indicated in the annexes to this declaration,
- has undergone all verification procedures necessary for establishing this declaration.

List of annexes ⁽³⁾

[*Titles of the annexes*]

Signed for and on behalf of [*name of the applicant*]

Done at [*place*], [*date DD/MM/YYYY*]

[*name, function*] [*signature*]

⁽¹⁾ The information in square brackets [] is to support the user in correctly and exhaustively compiling the template.

⁽²⁾ For an existing vehicle, the existing European Vehicle Number (EVN) at the time of establishing this declaration shall be used to identify the vehicle.

For a new vehicle, if at the moment of establishing this declaration the vehicle has not yet been assigned a pre-reserved Vehicle Number in accordance with Commission Implementing Decision (EU) 2018/1614 (OJ L 268, 26.10.2018, p. 53), the vehicle shall be identified by another identification system agreed by the applicant and the authorising entity.

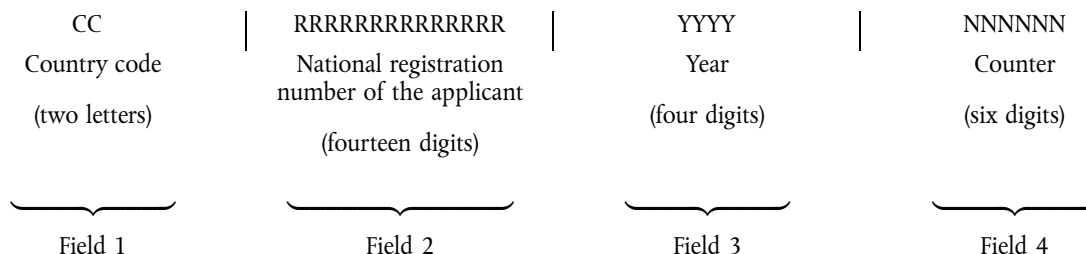
In accordance with point 3 of Section 3.2.1 of Annex II to that Decision, the reserved Vehicle Number shall become the EVN at the time of the registration.

⁽³⁾ Annexes shall include copies of EC declaration(s) of verification of subsystem(s).

ANNEX VII

STRUCTURE AND CONTENT OF THE 'EC' DECLARATION IDENTIFICATION NUMBER

Each 'EC' declaration of conformity or suitability for use of interoperability constituent and 'EC' declaration of verification of subsystem shall receive an alphanumeric code consisting of 2 letters and 24 digits with the following structure:

**FIELD 1 — Country code (two letters)**

The country code shall be assigned based on standard ISO 3166.

FIELD 2 — National registration number of the applicant (fourteen digits number)

The national registration number of the applicant shall be the legal registration/identification number, given either by Tax Office or by Commercial Register or some other authority that registers companies in the Member State.

If number is shorter than fourteen digits, the first digits should be left blank-00, like in case of counter.

FIELD 3 — Year (four digits)

This field shall indicate the year in which the document was issued.

FIELD 4 — Counter (six digits)

The counter shall a progressive number incremented by one unit each time a declaration is issued.

Every year the counter restarts from zero.

The counter shall be related to the issuing body.

COMMISSION IMPLEMENTING REGULATION (EU) 2019/251**of 12 February 2019****concerning the definitive anti-dumping duties imposed on imports from Hubei Xinyegang Steel Co., Ltd and amending Implementing Regulation (EU) 2015/2272 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes of iron or steel originating in the People's Republic of China**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 266 thereof,

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ (the 'basic Regulation'), and in particular Article 11(2) thereof,

Whereas:

BACKGROUND AND COURT JUDGMENTS

- (1) Council Regulation (EC) No 926/2009 ⁽²⁾ imposed definitive anti-dumping duties on imports of certain seamless pipes and tubes of iron or steel ('SPT') originating in the People's Republic of China ('PRC').
- (2) In December 2009, Hubei Xinyegang Steel Co., Ltd ('Hubei'), one of the exporting producers of SPT in the PRC, brought an action for annulment of Regulation (EC) No 926/2009, before the General Court. By judgment of 29 January 2014 in Case T-528/09 ⁽³⁾, the General Court annulled Regulation (EC) No 926/2009 to the extent that it imposes anti-dumping duties on exports of SPT produced by Hubei and collects provisional duties imposed on those exports.
- (3) In April 2014, a number of Union producers of SPT appealed that judgment before the Court of Justice of the European Union in cases C-186/14 P and C-193/14 P ⁽⁴⁾.
- (4) Meanwhile, on 7 December 2015, following a request for an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 ⁽⁵⁾, the Commission, by Implementing Regulation (EU) 2015/2272 ⁽⁶⁾, extended the duties on imports of SPT from the PRC, including those applicable to SPT produced by Hubei.
- (5) On 7 April 2016, in its judgment in Joined Cases C-186/14 P and C-193/14 P, the Court of Justice of the European Union dismissed the appeals brought against the judgment of General Court in Case T-528/09, thereby confirming the ruling of the General Court.
- (6) On 3 June 2016, in order to give effect to the abovementioned judgments, the Commission's services removed Hubei's name from the group of companies listed under TARIC additional code A 950 and listed Hubei separately under TARIC additional code C 129 (the so-called 'Commission decision of 3 June 2016'). That modification of the TARIC code reflected the Court's annulment of anti-dumping duties on imports of SPT produced by Hubei.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Council Regulation (EC) No 926/2009 of 24 September 2009 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain seamless pipes and tubes of iron or steel originating in the People's Republic of China (OJ L 262, 6.10.2009, p. 19).

⁽³⁾ Judgment of the General Court (Second Chamber) of 29 January 2014 in Case T-528/09, *Hubei Xinyegang Steel Co. Ltd v Council of the European Union*, ECLI:EU:T:2014:35.

⁽⁴⁾ Judgment of the Court (Second Chamber) of 7 April 2016 in Joined Cases C-186/14 P and C-193/14 P, *ArcelorMittal Tubular Products Ostrava a.s. and Others v Hubei Xinyegang Steel Co. Ltd and Council of the European Union v Hubei Xinyegang Steel Co. Ltd*, ECLI:EU:C:2016:209.

⁽⁵⁾ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ L 343, 22.12.2009, p. 51).

⁽⁶⁾ Commission Implementing Regulation (EU) 2015/2272 of 7 December 2015 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes of iron or steel originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 (OJ L 322, 8.12.2015, p. 21).

PROCEEDINGS BEFORE THE GENERAL COURT IN CASE T-364/16

- (7) On 7 June 2016, a number of Union producers of SPT lodged an application at the General Court for the annulment of the changes made to the TARIC database. By judgment of 18 October 2018, in Case T-364/16 ⁽⁷⁾ the General Court annulled the so-called Commission decision of 3 June 2016 to take Hubei out of the list of companies listed under TARIC additional code A 950 and to list it under TARIC additional code C 129.
- (8) By its judgment in Case T-364/16, the General Court confirmed that the Commission was correct to take the view that compliance with the earlier judgments of 7 April 2016, and of 29 January 2014, in accordance with Article 266 of the Treaty on the Functioning of the European Union, implied that the anti-dumping duties laid down by Implementing Regulation (EU) 2015/2272 were no longer to be collected on the goods produced by Hubei ⁽⁸⁾.
- (9) Nevertheless, the General Court considered that the annulment of Regulation (EC) No 926/2009, to the extent that it concerns Hubei, cannot automatically entail the elimination from the EU legal order of the provisions of Implementing Regulation (EU) 2015/2272, which were not annulled by the Courts of the European Union ⁽⁹⁾. Therefore, since Implementing Regulation (EU) 2015/2272 must be presumed to be lawful, the Commission should have amended or repealed it by means of a regulation ⁽¹⁰⁾.

AMENDMENT OF THE ANTI-DUMPING MEASURES

- (10) In view of the General Court's findings in Case T-364/16, and in accordance with the rule of equivalence of form, Implementing Regulation (EU) 2015/2272 should be amended so as to remove Hubei from the scope of the anti-dumping measures applicable to imports of SPT from the PRC with retroactive effect to the date of entry into force of the said regulation.
- (11) Repayment or remission should be requested from national customs authorities in accordance with applicable customs legislation.
- (12) In view of the recent case-law of the Court of Justice ⁽¹¹⁾, it is appropriate to provide for the rate of default interest to be paid in case of reimbursement of definitive duties. That is because the relevant provisions in force concerning customs duties do not provide for such an interest rate and the application of national rules would lead to undue distortions between economic operators depending on which Member State is chosen for customs clearance.
- (13) On 13 December 2018, the Commission disclosed its intention to amend Implementing Regulation (EU) 2015/2272 to remove Hubei from the list of companies on whose products anti-dumping duties are imposed and the reasoning underlying that amendment to the interested parties. No comments were received.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EU) 2016/1036,

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive anti-dumping duties incurred on imports from Hubei Xinyegang Steel Co., Ltd to the Union of the product concerned pursuant to Implementing Regulation (EU) 2015/2272, shall be repaid or remitted. The repayment or remission shall be requested from national customs authorities in accordance with applicable customs legislation.
2. The default interest to be paid in case of reimbursement that gives rise to a right to payment of default interest shall be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union*, in force on the first calendar day of the month in which the deadline falls, increased by one percentage point.

⁽⁷⁾ Judgment of the General Court (Seventh Chamber) of 18 October 2018 in Case T-364/16, *ArcelorMittal Tubular Products Ostrava a.s. and Others v European Commission*, ECLI:EU:T:2018:696.

⁽⁸⁾ Case T-364/16, §67.

⁽⁹⁾ Case T-364/16, §65.

⁽¹⁰⁾ Case T-364/16, §68.

⁽¹¹⁾ Judgment of the Court (Third Chamber) of 18 January 2017, *Wortmann v Hauptzollamt Bielefeld*, EU:C:2017:19, paragraphs 35 to 39.

Article 2

Implementing Regulation (EU) 2015/2272 is amended as follows:

(1) Article 1(2) is replaced by the following:

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

Company	AD duty rate (%)	TARIC additional code
Shandong Luxing Steel Pipe Co., Ltd, Qingzhou City, the PRC	17,7	A949
Other cooperating companies listed in the Annex	27,2	A950
All other companies	39,2	A999

For products described in paragraph 1 and manufactured by Hubei Xinyegang Steel Co., Ltd, no anti-dumping duty shall apply. The TARIC additional code established for Hubei Xinyegang Steel Co., Ltd is C129.’

(2) The table in the Annex is replaced by the following:

‘Company Name	City
Hebei Hongling Seamless Steel Pipes Manufacturing Co., Ltd	Handan
Hengyang Valin MPM Co., Ltd	Hengyang
Hengyang Valin Steel Tube Co., Ltd	Hengyang
Jiangsu Huacheng Industry Group Co., Ltd	Zhangjiagang
Jiangyin City Seamless Steel Tube Factory	Jiangyin
Jiangyin Metal Tube Making Factory	Jiangyin
Pangang Group Chengdu Iron & Steel Co., Ltd	Chengdu
Shenyang Xinda Co., Ltd	Shenyang
Suzhou Seamless Steel Tube Works	Suzhou
Tianjin Pipe (Group) Corporation (TPCO)	Tianjin
Wuxi Dexin Steel Tube Co., Ltd	Wuxi
Wuxi Dongwu Pipe Industry Co., Ltd	Wuxi
Wuxi Seamless Oil Pipe Co., Ltd	Wuxi
Zhangjiagang City Yiyang Pipe Producing Co., Ltd	Zhangjiagang
Zhangjiagang Yichen Steel Tube Co., Ltd	Zhangjiagang’

Article 3

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

Article 2 shall apply from 9 December 2015.

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

Done at Brussels, 12 February 2019.

For the Commission
The President
Jean-Claude JUNCKER

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2019/252

of 11 February 2019

amending Decision 2005/240/EC authorising methods for grading pig carcasses in Poland

(notified under document C(2019) 811)

(Only the Polish text is authentic)

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 ⁽¹⁾, and in particular Article 20(p) and (t) thereof,

Whereas:

- (1) Point 1 of Section B.IV of Annex IV to Regulation (EU) No 1308/2013 provides that, for the classification of pig carcasses, the lean-meat content has to be assessed by means of grading methods authorised by the Commission and only statistically proven assessment methods based on the physical measurement of one or more anatomical parts of the pig carcass may be authorised. The authorisation of grading methods should be subject to compliance with a maximum tolerance for statistical error in assessment. That tolerance is defined in Part A of Annex V to Commission Delegated Regulation (EU) 2017/1182 ⁽²⁾.
- (2) By Commission Decision 2005/240/EC ⁽³⁾, the use of eight methods for grading pig carcasses was authorised in Poland. By that Decision Poland was also authorised to provide for a presentation of pig carcasses with the flare fat, kidneys and/or diaphragm.
- (3) Poland has requested the Commission to authorise three new methods for grading pig carcasses in its territory and has presented a detailed description of the dissection trials, indicating the principles on which these methods are based, the results of its dissection trials and the equations used for assessing the percentage of lean meat in the protocol provided for in Article 11(3) of Delegated Regulation (EU) 2017/1182.
- (4) Examination of that request has revealed that the conditions for authorising the new grading methods are fulfilled. Those grading methods should therefore be authorised in Poland.
- (5) In accordance with Article 20(t) of Regulation (EU) No 1308/2013 Poland has also requested to be authorised to provide for a presentation of pig carcasses different from the standard presentation defined in Section B.III of Annex IV to that Regulation. Due to current normal commercial practices, pig carcasses are presented in Poland with the flare fat, kidneys and/or diaphragm and without the external auditory canal. Therefore, the recorded weight of the carcasses does not correspond to the weight for standard presentation.
- (6) Examination of that request revealed that the conditions for authorising a different presentation of pig carcasses in Poland are fulfilled. Poland should therefore be authorised to provide for a presentation of pig carcasses with the flare fat, kidneys and/or diaphragm and without the external auditory canal. The weight recorded for the carcasses should be adjusted accordingly to the weight for standard presentation.
- (7) Decision 2005/240/EC should therefore be amended accordingly.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Delegated Regulation (EU) 2017/1182 of 20 April 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the Union scales for the classification of beef, pig and sheep carcasses and as regards the reporting of market prices of certain categories of carcasses and live animals (OJ L 171, 4.7.2017, p. 74).

⁽³⁾ Commission Decision 2005/240/EC of 11 March 2005 authorising methods for grading pig carcasses in Poland (OJ L 74, 19.3.2005, p. 62).

- (8) Modifications of the apparatus or grading methods should not be allowed, unless they are explicitly authorised by Commission Implementing Decision.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2005/240/EC is amended as follows:

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

'Article 1

The use of the following methods is authorised for grading pig carcasses pursuant to point 1 of Section B.IV of Annex IV to Regulation (EU) No 1308/2013 of the European Parliament and of the Council (*) in Poland:

- (a) the “Capteur Gras/Maigre — Sydel (CGM)” apparatus and the assessment methods related thereto, details of which are given in Part 1 of the Annex;
- (b) the “Ultra FOM 300” apparatus and the assessment methods related thereto, details of which are given in Part 2 of the Annex;
- (c) the “Fully automatic ultrasonic carcass grading (Autofom)” apparatus and the assessment methods related thereto, details of which are given in Part 3 of the Annex;
- (d) the “IM-03” apparatus and the assessment methods related thereto, details of which are given in Part 4 of the Annex;
- (e) the “Autofom III” apparatus and the assessment methods related thereto, details of which are given in Part 5 of the Annex;
- (f) the “CSB Image-Meater (CSB)” apparatus and the assessment methods related thereto, details of which are given in Part 6 of the Annex;
- (g) the “Fat-O-Meater II (FOM II)” apparatus and the assessment methods related thereto, details of which are given in Part 7 of the Annex;
- (h) the “manual method (ZP)” and the assessment methods related thereto, details of which are given in Part 8 of the Annex;
- (i) the “gmSCAN” apparatus and the assessment methods related thereto, details of which are given in Part 9 of the Annex;
- (j) the “ESTIMEAT” apparatus and the assessment methods related thereto, details of which are given in Part 10 of the Annex;
- (k) the “MEAT3D” apparatus and the assessment methods related thereto, details of which are given in Part 11 of the Annex.

As regards the apparatus “Ultra FOM 300”, referred to in point (b) of the first subparagraph, after the end of the measurement procedure it must be possible to verify on the carcass that the apparatus measured the values of measurement F1 and F2 on the site provided for in the Annex, Part 2, point 3. The corresponding marking of the measurement site must be made at the same time as the measurement procedure.

The manual method ZP, referred to in point (h) of the first subparagraph, shall only be authorised for abattoirs having a slaughter line with a capacity to process no more than 40 pigs per hour.

(*) 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 (OJ L 347, 20.12.2013, p. 671);

(2) Article 2 is replaced by the following:

'Article 2

Notwithstanding the standard presentation referred to Section B.III of Annex IV to Regulation (EU) No 1308/2013, the flare fat, the kidneys and the diaphragm need not be removed from pig carcasses before being weighed and graded whereas the external auditory canal may be removed. In order to establish quotations for pig carcasses on a comparable basis, the recorded hot weight shall be:

(a) reduced:

(1) for diaphragm by 0,23 %;

(2) for flare fat and kidneys by:

— 1,90 % for carcasses grade S and E,

— 2,11 % for carcasses grade U,

— 2,54 % for carcasses grade R,

— 3,12 % for carcasses grade O,

— 3,35 % for carcasses grade P;

(b) increased by 260 grams per carcass for both external auditory canals.;

(3) the Annex is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Republic of Poland.

Done at Brussels, 11 February 2019.

For the Commission
Phil HOGAN
Member of the Commission

ANNEX

In the Annex to Decision 2005/240/EC the following Parts 9, 10 and 11 are added:

Part 9

gmSCAN

1. The rules provided for in this part shall apply when the grading of pig carcasses is carried out by means of the apparatus known as "gmSCAN".
2. The gmSCAN uses magnetic induction to determine the dielectric properties of the carcasses without contact. The measurement system is formed by a number of transmitter coils that generate a variable and low intensity magnetic field. The receiver coils convert the signal from the perturbation of magnetic field caused by the carcass into a complex electric signal, related to the dielectric parameters of the muscle and fat tissue of the carcass.
3. The lean meat content of a carcass shall be calculated according to the following formula:

$$\hat{Y} = 44,589 - 0,190 \times CW + 2\,341,210 \times (Q1/CW) - 936,097 \times (Q2/CW) + 1\,495,516 \times (Q3/CW)$$

where:

\hat{Y} = the estimated percentage of lean meat in a carcass;

CW = warm carcass weight (in kilograms);

Q1, Q2 and Q3 = Magnetic Induction response (Volts) from the ham, middle and shoulder area, respectively.

This formula shall be valid for carcasses weighing between 60 and 120 kilograms (warm weight).

Part 10

ESTIMEAT

1. The rules provided for in this part shall apply when the grading of pig carcasses is carried out by means of the apparatus known as "ESTIMEAT".
2. ESTIMEAT uses a depth camera to produce a three-dimensional picture of the carcass and to estimate carcass shape parameters. 130 cross sections are produced and for each cross section, the following parameters are determined in order to calculate the lean meat content: surface size, circuit, convexities.
3. The lean meat content of a carcass shall be calculated according to the following formula:

$$\hat{Y} = 38,39317497 + 508,24 \times X1 - 148,557 \times X2 - 3,63439 \times X3 + 2,481331 \times X4 + 8,353825 \times X5 + 2,75896 \times X6 + 268,8835 \times X7$$

where:

\hat{Y} = the estimated percentage of lean meat in a carcass;

X1 = summary error of fitting points of cross section to circle with R_{sf} radius at point P-66;

X2 = outside convexity of carcass between maximum convexity of ham and shoulder at point Z-80;

X3 = summary error of fitting points of cross section to circle with R radius at point P-58/summary error of fitting points of cross section to circle with R radius at point P-67;

X4 = summary error of fitting points of cross section to circle with R_{sf} radius at point P-103/summary error of fitting points of cross section to circle with R_{sf} radius at point P-111;

X5 = cross section partial depth at point P-49 in 3/10 of the section width/cross section partial depth at point P-49 in 5/10 of the section width;

X6 = cross section maximum depth at point P-18/cross section maximum depth at point P-49;

X7 = partial error in points of cross section to circle with R radius at point P-72 in the 4/10 of the cross sectional area.

This formula shall be valid for carcasses weighing between 60 and 120 kilograms (warm weight).

Part 11

MEAT3D

1. The rules provided for in this part shall apply when the grading of pig carcasses is carried out by means of the apparatus known as "MEAT3D".
2. MEAT3D uses a scanner to produce a three-dimensional image of the carcass and to estimate carcass shape parameters. A specific frame is used for positioning the half carcass of pig during the scanning process. 130 cross sections are produced and for each cross section, the following parameters are determined in order to calculate the lean meat content: surface size, circuit, convexities.
3. The lean meat content of a carcass shall be calculated according to the following formula:

$$\hat{Y} = 50,36925112 + 0,543385 \times X1 - 9,06185 \times X2 - 10,83 \times X3 + 488,8033 \times X4 - 2,56922 \times X5 + 17,34226 \times X6 - 2,00088 \times X7$$

where:

\hat{Y} = the estimated percentage of lean meat in a carcass;

X1 = summary error of fitting points of cross section to circle with R_{sf} radius at point P-49/summary error of fitting points of cross section to circle with R_{sf} radius at point P-23;

X2 = summary error of fitting points of cross section to circle with R radius at point P-79/maximum value of carcass convexities in locations P_50 –P99;

X3 = the radius of curvature of cross section at point P-68/the radius of curvature of cross section at point P-51;

X4 = partial error in points of cross section to circle with R radius at point P-70 in the 3/10 of the cross sectional area;

X5 = summary error of fitting points of cross section to circle with R_{sf} radius at point P-55/summary error of fitting points of cross section to circle with R_{sf} radius at point P-71;

X6 = cross section partial depth at point P-62 in 3/10 of the section width/cross section partial depth at point P-62 in 6/10 of the section width;

X7 = cross section partial depth at point P-33 in 2/10 of the section width/maximum value of ham.

This formula shall be valid for carcasses weighing between 60 and 120 kilograms (warm weight).'

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