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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2021/965

of 9 June 2021

amending Implementing Regulation (EU) 2020/194 as regards the exchange of records held by taxable persons or their intermediaries and the designation of competent authorities responsible for coordinating administrative enquiries

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EU) No 904/2010 of 7 October 2010 on administrative cooperation and combating fraud in the field of value added tax ⁽¹⁾, and in particular Article 47l (a) and (b) thereof,

Whereas:

- (1) Chapter 6 of Title XII of Council Directive 2006/112/EC ⁽²⁾, which provides for special schemes for taxable persons supplying certain services, has been amended by Council Directives (EU) 2017/2455 ⁽³⁾ and (EU) 2019/1995 ⁽⁴⁾ to extend the special schemes.
- (2) By Commission Implementing Regulation (EU) 2020/194 ⁽⁵⁾, detailed rules for the application of Regulation (EU) No 904/2010 as regards the special schemes for taxable persons supplying services to non-taxable persons, making distance sales of goods and certain domestic supplies of goods ('special schemes') were adopted.
- (3) Regulation (EU) No 904/2010 lays down rules for administrative cooperation and the fight against fraud in the field of value added tax (VAT). More specifically, Articles 47i and 47j of that Regulation, as amended by Council Regulation (EU) 2017/2454 ⁽⁶⁾, lay down measures necessary to control the transactions made by taxable persons using one of the special schemes.
- (4) The special schemes allow taxable persons to declare and pay VAT for certain supplies of goods and services in the Member State in which they are established (Member State of identification) instead of having to register, declare and pay VAT in each Member State in which they supply those goods or services (Member State of consumption). The Member State of identification forwards the VAT returns and the payments to the respective Member State of consumption. The Member State of consumption should be able to check the correctness of the declared supplies and to audit the taxable persons by asking them to provide records for those supplies.

⁽¹⁾ OJ L 268, 12.10.2010, p. 1.

⁽²⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

⁽³⁾ Council Directive (EU) 2017/2455 of 5 December 2017 amending Directive 2006/112/EC and Directive 2009/132/EC as regards certain value added tax obligations for supplies of services and distance sales of goods (OJ L 348, 29.12.2017, p. 7).

⁽⁴⁾ Council Directive (EU) 2019/1995 of 21 November 2019 amending Directive 2006/112/EC as regards provisions relating to distance sales of goods and certain domestic supplies of goods (OJ L 310, 2.12.2019, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) 2020/194 of 12 February 2020 laying down detailed rules for the application of Council Regulation (EU) No 904/2010, as regards the special schemes for taxable persons supplying services to non-taxable persons, making distance sales of goods and certain domestic supplies of goods (OJ L 40, 13.2.2020, p. 114).

⁽⁶⁾ Council Regulation (EU) 2017/2454 of 5 December 2017 amending Regulation (EU) No 904/2010 on administrative cooperation and combating fraud in the field of value added tax (OJ L 348, 29.12.2017, p. 1).

- (5) All exchanges of information and records between the Member States should be made by use of a secure network available at Union level.
- (6) In order to facilitate the exchange of information and records pertaining to transactions made by taxable persons using one of the special schemes, the Member State of identification should be able to verify, when receiving a request for information, that the request pertains to a taxable person using one of the special schemes, who is the taxable person concerned by the request and to identify the type of records requested by the Member State of consumption.
- (7) In order to facilitate the provision of information and records to the Member State of identification, taxable persons using one of the special schemes or their intermediaries should be able to use a standard form in a readable format. This would allow the Member State of identification to provide an answer to the Member State of consumption within 30 days of the date the request was made, in accordance with Article 47i(5) of Regulation (EU) No 904/2010.
- (8) Carrying out administrative enquiries about taxable persons making use of one of the special schemes should not create unnecessary administrative burdens for the Member State of identification. To this end, a Member State of identification should inform in advance all the other Member States about administrative enquiries concerning taxable persons making use of one of the special schemes that it intends to carry out. In its notice, the Member State of identification should provide enough details to the other Member States allowing them to identify the taxable person and the scope of the intended administrative enquiry. The notice should grant enough time to the other Member States to provide a reply.
- (9) To permit a correct administrative functioning of the special schemes and facilitate the control and audit of taxable persons making use of them, the Member States should exchange the contact details of the person responsible for coordinating these matters in each Member State to allow an efficient communication.
- (10) Implementing Regulation (EU) 2020/194 should therefore be amended accordingly.
- (11) This Regulation should apply from the same date as the provisions of Chapter 6 of Title XII of Directive 2006/112/EC as amended by Directives (EU) 2017/2455 and (EU) 2019/1995, and the corresponding amendments made to Regulation (EU) No 904/2010 by Regulation (EU) 2017/2454.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Administrative Cooperation,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2020/194 is amended as follows:

- (1) the following Articles 6a, 6b and 6c are inserted:

Article 6a

Exchange of records held by taxable persons or their intermediaries

1. The Member State of consumption shall request records held by a taxable person or intermediary pursuant to Articles 369, 369k and 369x of Directive 2006/112/EC from the Member State of identification using the standard form referred to in Article 1 of Commission Implementing Decision C(2019) 2866 (*). The Member State of consumption shall transmit the standard form by electronic means via the CCN/CSI network.

The Member State of consumption shall include the following information in the standard form:

- (a) a statement indicating that the request is made under Article 47i(1) of Regulation (EU) No 904/2010;
- (b) the name of the taxable person and the name of the intermediary if one is appointed;

- (c) the VAT identification number allocated by the Member State of identification to the taxable person or to the intermediary in respect of the taxable person represented by the intermediary;
- (d) the tax periods covered by the request;
- (e) the type of records requested.

2. The Member State of identification shall transmit the records collected from the taxable person or the latter's intermediary to the Member State of consumption by use of the form referred to in Article 1 of Implementing Decision C(2019) 2866. The standard form shall be transmitted electronically via the CCN/CSI network.

3. The electronic message to be sent by the Member State of identification to the competent authorities of the other Member States pursuant to Article 47j(1) and (2) of Regulation (EU) No 904/2010 shall include the following information:

- (a) a statement indicating that the electronic message is sent under Article 47j(1) or (2) of Regulation (EU) No 904/2010;
- (b) the name of the taxable person and the name of the intermediary if one is appointed;
- (c) the VAT identification number allocated by the Member State of identification to the taxable person or to the intermediary in respect of the taxable person represented by the intermediary;
- (d) the tax periods covered by the intended administrative enquiry;
- (e) the scope of the intended administrative enquiry;
- (f) the date by which the competent authorities of the other Member States are to provide an answer to the electronic message.

The Member State of identification shall send the electronic message to the other Member States by use of the CCN/CSI network.

4. The Member State of consumption shall consult the Member State of identification pursuant to Article 47j(2) of Regulation (EU) No 904/2010 by means of the standard form referred to in Article 1 of Implementing Decision C(2019) 2866 and electronically via the CCN/CSI network. The Member State of consumption shall include the following information in that standard form:

- (a) the name of the taxable person and name of the intermediary if one is appointed;
- (b) the VAT identification number allocated by the Member State of identification to the taxable person or to the intermediary in respect of the taxable person represented by the intermediary;
- (c) the tax periods covered by the intended administrative enquiry;
- (d) the scope of the intended administrative enquiry.

If the Member State of identification agrees to launch an administrative enquiry, that Member State shall inform the other Member States by way of the message referred to in paragraph 3.

Article 6b

Standard form for submitting records held by the taxable person or his/her intermediary to the Member State of identification

The standard form referred to in Article 47i(3) of Regulation (EU) No 904/2010 shall follow the structure set out in Annex IV to this Regulation.

Article 6c

Designation of a competent authority responsible for coordinating administrative enquiries

The contact details of the competent authority responsible for coordinating in each Member State administrative enquiries in relation to taxable persons making use of one of the special schemes shall include the name, department, address, phone number and email address to be used to contact that competent authority.

This information shall be made available to the other Member States and the Commission by use of the CCN/CSI network.

(*) Commission Implementing Decision C(2019) 2866 laying down detailed rules for the application of Council Regulation (EU) No 904/2010 with regard to the standard forms, the automated enquiry of certain information and the service level agreement.;

(2) a new Annex IV, the text of which is set out in the Annex to this Regulation, is added.

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*.

It shall apply from 1 July 2021.

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

Done at Brussels, 9 June 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

ANNEX IV

XML structure for the standard form that may be used by the taxpayer or his intermediary to submit records requested pursuant to Article 47i of Regulation (EU) No 904/2010

This Annex sets out an XML structure for the standard form that taxpayers or their intermediaries may use to submit records requested pursuant to Article 47i of Regulation (EU) No 904/2010.

This structure includes, for each field:

- (a) a field index, in order to indicate the hierarchy of each object/field;
- (b) an indicator '*' to identify if the field is mandatory or not. '**' means that a choice must be made between fields;
- (c) a field name;
- (d) technical notes, to explain exactly what should be filled in and how;
- (e) a format and a dimension to be validated on an XML Schema Definition (XSD) file;
- (f) when relevant, references to Article 63c of Council Implementing Regulation (EU) No 282/2011*.

The proposed structure contains the following tables:

- (1) Header
- (2) MasterFiles
 - (2.1) Customer
- (3) SourceDocuments
 - (3.1) Transactions
 - (3.2) MovementOfGoods

1 – * Header

The table Header contains the general information relating to the taxpayer to whom the records refer.

Field Index	Re-quired	Field Name	Technical notes	Format and dimension to be validated on XSD file	Article 63c
1.1	*	SAF-OSSFileVersion	Identification of the SAF-OSS version being used.	String	
1.2	*	SAF-OSSFileDateCreated	Date of production of SAF-OSS in the format YYYY-MM-DD.	Date	
1.3	*	SAF-OSSFileCountry	Two-letter country code according to ISO 3166-1 alpha 2 standard. Example, CA for Canada. This field must be filled in with the taxable person's country of origin code.	String-2	
1.4	*	OSSVATRegistrationNumber	To be filled in with the VAT Registration Number assigned by the Member State of identification (MSI).	String-12	

1.5	*	CompanyName	Official designation of the company's or taxpayer's name.	N/A	
1.5.1	**	NameFree	The name in free format.	String	
1.5.2	**	NameStruct		N/A	
1.5.2.1		PrecedingTitle	Preceding title, for example "Her Excellency".	String	
1.5.2.2		Title	The list of titles, for example "Mr.", "Ms.", "Doctor". If there is a need to make more than one reference, this element can be generated as many times as necessary.	String	
1.5.2.3	*	FirstName	The first name.	String	
1.5.2.4		MiddleName	The list of middle names. If there is a need to make more than one reference, this element can be generated as many times as necessary.	String	
1.5.2.5		NamePrefix	The name prefix for example "von".	String	
1.5.2.6	*	LastName	The last name/family name.	String	
1.5.2.7		GenerationIdentifier	The list of generation identifiers, for example "Junior", "Senior". If there is a need to make more than one reference, this element can be generated as many times as necessary.	String	
1.5.2.8		Suffix	The list of suffixes, for example, "PhD", "UOM". If there is a need to make more than one reference, this element can be generated as many times as necessary.	String	
1.5.2.9		GeneralSuffix	A general suffix (for example, "Retired").	String	
1.5.2.10		MaidenName	A prior surname, for example before marriage.	String	
1.5.3		NameFree		String	
1.6		BusinessName	Commercial designation of the taxable person.	String	
1.7	*	StartDate	The StartDate element contains the date of the first day of the reporting period for this XML file in the format YYYY-MM-DD.	Date	
1.8	*	EndDate	The EndDate element contains the date of the last day of the reporting period for this XML file in the format YYYY-MM-DD.	Date	

1.9	*	CurrencyCode	Identifies the standard currency to be used in the monetary type fields, which is "EUR".	String-3	
1.10		DataLocation	To be filled in with the identification of the service provider on which the data is kept and/or the identification of the third party that issues documents on behalf of the taxable person. If there is a need to make more than one reference, this element can be generated as many times as necessary.	N/A	
1.10.1		ProviderTaxID	To be filled in with the tax identification number/tax registration number of the service provider and/or the third party that issue(s) documents on behalf of the taxable person.	String	
1.10.2		ProviderName	To be filled in with the name of the service provider and/or the third party that issue(s) documents on behalf of the taxable person.	String	
1.10.3		Country	The field must be filled in according to norm ISO 3166-1-alpha-2 . To be filled in with the country code where data is kept and/or the third party's country of origin code.	String-2	
1.11		HeaderComment	Additional comments.	String	
1.12		Telephone	Country's calling code must be populated in this field. If there is a need to make more than one reference, this element can be generated as many times as necessary.	String-20	
1.13		Email	If there is a need to make more than one reference, this element can be generated as many times as necessary.	String	
1.14		Website		String	

2 – * MasterFiles

2.1 Customer

The table Customer contains a list of customers.

Field Index	Re-quired	Field Name	Technical notes	Format and Dimension to be validated on XSD file	Article 63c
2.1.1	*	CustomerID	The list of clients shall not include more than one registration with the same CustomerID.	String	

2.1.2		CustomerTaxID	To be filled in with the tax identification number/tax registration number, if known.	String	
2.1.3		TaxCountryID	To be filled in with the two-letter country code according to ISO 3166-1 alpha 2 standard of the country that provided the tax identification number/tax registration number.	String-2	
2.1.4		CustomerName	To be filled in if requested and an invoice has been issued.	N/A	1(j) 2(i)
2.1.4.1	*	NameType	Must be filled in with: «indiv» – Individual «alias» – Otherwise called «nick» – Nickname «aka» – Also known as «dba» – Doing business as «legal» – Legal name «atbirth» – At birth «unknown» – If unknown, fill in “unknown”	String	
2.1.4.2	**	NameFree	The name in free format.	String	
2.1.4.3	**	NameStruct		N/A	
2.1.4.3.1		PrecedingTitle	Preceding title, for example “Her Excellency”.	String	
2.1.4.3.2		Title	The list of titles, for example “Mr.”, “Ms.”, “Doctor”. If there is a need to make more than one reference, this element can be generated as many times as necessary.	String	
2.1.4.3.3	*	FirstName	The first name.	String	
2.1.4.3.4		MiddleName	The list of middle names. If there is a need to make more than one reference, this element can be generated as many times as necessary.	String	
2.1.4.3.5		NamePrefix	The name prefix for example “von”.	String	
2.1.4.3.6	*	LastName	The last name/family name.	String	
2.1.4.3.7		GenerationIdentifier	The list of generation identifiers, for example “Junior”, “Senior”. If there is a need to make more than one reference, this element can be generated as many times as necessary.	String	

2.1.4.3.8		Suffix	The list of suffixes, for example, "PhD", UOM. If there is a need to make more than one reference, this element can be generated as many times as necessary.	String	
2.1.4.3.9		GeneralSuffix	A general suffix (for example, "Retired").	String	
2.1.4.3.10		MaidenName	A prior surname, for example before marriage.	String	
2.1.4.4		NameFree		String	
2.1.5		BillingAddress	If there is a need to make more than one reference, this element can be generated as many times as necessary.	N/A	1 (j) 2 (i)
2.1.5.1	*	BillingAddressID	Unique key for each billing address.	Integer	
2.1.5.2	**	AddressFree	The address in free format (this must include the postal code if available). The AddressFree, if present, must contain the address as it should appear on an envelope with each line separated by a carriage return character. If unknown, fill "Unknown"	String	
2.1.5.3	**	AddressStruct		String	
2.1.5.3.1		Street	The street name.	String	
2.1.5.3.2		BuildingIdentifier	The identifier of the building on the street, typically a number.	String	
2.1.5.3.3		SuiteIdentifier	The identifier of an office or similar part of a building.	String	
2.1.5.3.4		FloorIdentifier	The identifier of a floor within a building.	String	
2.1.5.3.5		DistrictName	The name of the district of the address.	String	
2.1.5.3.6		POB	The post office box.	String	
2.1.5.3.7		PostCode	The postal code (this must be provided if available).	String	
2.1.5.3.8	*	City	If unknown, fill "Unknown"	String	
2.1.5.3.9		CountrySubentity	A geographic area of the country larger than district or city, for example a county, department, Land, canton.	String	

2.1.5.3.10		OtherLocalId	Some other component of the address.	String	
2.1.5.4		AddressFree	The address in free format (this must include the postal code if available). The AddressFree, if present, must contain the address as it should appear on an envelope with each line separated by a carriage return character.	String	
2.1.5.5	*	Country	If country is known, the field must be filled in according to norm ISO 3166-1-alpha-2 . The two-letter country code of the address. If unknown, fill "ZZ"	String – 2	
2.1.6		ShipToAddress	If there is a need to make more than one reference, this element can be generated as many times as necessary. To be filled in with the known different permanent places of delivery associated to the customer file. If a different place of delivery is mentioned in a transportation document or invoice which will not be in the customer file for future use, there is no need for it to be mentioned in this element.	N/A	1 (a) 1 (k) 2 (a) 2 (j)
2.1.6.1	**	AddressFree	The address in free format (this must include the postal code if available). The AddressFree, if present, must contain the address as it should appear on an envelope with each line separated by a carriage return character.	String	
2.1.6.2	**	AddressStruct		String	
2.1.6.2.1		Street	The street name.	String	
2.1.6.2.2		BuildingIdentifier	The identifier of the building on the street, typically a number.	String	
2.1.6.2.3		SuiteIdentifier	The identifier of an office or similar part of a building.	String	
2.1.6.2.4		FloorIdentifier	The identifier of a floor within a building.	String	

2.1.6.2.5		DistrictName	The name of the district of the address.	String	
2.1.6.2.6		POB	The post office box.	String	
2.1.6.2.7		PostCode	The postal code (this must be provided if available).	String	
2.1.6.2.8	*	City		String	
2.1.6.2.9		CountrySubentity	A geographic area of the country larger than district or city, for example a county, department, Land, canton.	String	
2.1.6.2.10		OtherLocalId	Some other component of the address.	String	
2.1.6.3		AddressFree	The address in free format (this must include the postal code if available). The AddressFree, if present, must contain the address as it should appear on an envelope with each line separated by a carriage return character.	String	
2.1.6.4	*	Country	The field must be filled in according to norm ISO 3166-1-alpha-2 . The two letter country code of the address.	String-2	
2.1.7		Telephone	Country's calling code must be populated in this field. If there is a need to make more than one reference, this element can be generated as many times as necessary.	String-20	
2.1.8		Email	If there is a need to make more than one reference, this element can be generated as many times as necessary.	String	

3 – * SourceDocuments

3.1 – Transactions

The table Transactions contains a list of sales invoices/transactions. The cancelled documents/transactions should be shown, making it possible to verify the sequence of the documents' numeration. Except for lines without fiscal relevance, namely technical descriptions, installation instructions and guarantee conditions, all document/transaction lines should be exported.

Field Index	Re-quired	Field Name	Technical notes	Format and Dimension to be validated on XSD file	Article 63c
3.1.1	*	NumberOfEntries	The field must contain the total number of transactions, including cancelled ones.	Integer	

3.1.2	*	TotalDebit	The field must contain the control sum of the DebitAmount field, excluding any cancelled transactions.	Monetary	
3.1.3	*	TotalCredit	The field must contain the control sum of the CreditAmount field, excluding any cancelled transactions.	Monetary	
3.1.4		Transaction	Sales transactions/documents.	N/A	
3.1.4.1	*	TransactionNo	Unique number of the transaction/document.	String	1(j) 2(i) 1(l) 2(k)
3.1.4.2	*	DocumentStatus		N/A	
3.1.4.2.1	*	TransactionStatus	The field must be filled in with: «N» – Normal; «C» – Cancelled document/transaction.	String-1	
3.1.4.2.2	*	TransactionStatus-Date	Date of the last recording of transaction status including hour, minute and second: YYYY-MM-DDThh:mm:ss ± hh:mm	Date and Time	
3.1.4.2.3		Reason	Reason of transaction status change.	String	
3.1.4.3		Period	To be filled in with the quarter of the taxation period: Q1.yyyy, Q2.yyyy, Q3.yyyy, Q4.yyyy. In the import regime fill in the month of the taxation period: M1.yyyy to M12.yyyy.	String-8	
3.1.4.4	*	TransactionDate	Sale transaction's issue date in the format YYYY-MM-DD.	Date	
3.1.4.5	*	TransactionType	The field must be filled in with: «TR» – Sale transaction; «RT» – Return/credit transaction; «IN» – Invoice; «DN» – Debit note; «CN» – Credit note.	String-2	1(l) 2(k) 1(e) 2(e)

3.1.4.6	*	SystemEntryDate	Date of the last time the record was saved before its issuance and must include hour, minute and second: YYYY-MM-DDThh:mm:ss ± hh:mm Date of the transaction's record to the second.	Date and time	
3.1.4.7	*	BillingIndicators		N/A	
3.1.4.7.1	*	PartyBillingIndicator	The field must be filled in with: 0 – If it concerns transactions/invoices issued by the taxable person; 1 – For transactions/invoices issued on behalf of the taxable person by a third party.	Integer	
3.1.4.7.2	*	SourceBilling	Each unique key identifies a different invoicing programme where "0" identifies the transactions/invoices issued by the invoicing programme that generates the SAF-OSS. The remaining keys identify the transactions/invoices issued in other invoicing programmes which have been integrated into the invoicing programme that generates the SAF-OSS.	Integer	
3.1.4.8	*	CustomerID	The unique key of the customers' table [Customer] respecting the rule defined for CustomerID.	String	
3.1.4.9		OSSScheme	To be filled in with: 0 – non-Union scheme; 1 – Union scheme; 2 – import scheme; 9 – Other sales [sales not made under the aforementioned schemes];	Integer	
3.1.4.10		MSC	Information about the place of consumption.	N/A	1 (a) 2 (a)
3.1.4.10.1	*	Country	This field must be filled in according to norm ISO 3166-1-alpha-2 .	String-2	
3.1.4.10.2	*	CustomerLocation	To be filled in with all the evidence used in the decision-making process even if, in the end, only one has been used to determine the country of consumption.	N/A	

			If there is a need to make more than one reference, this element can be generated as many times as necessary.		
3.1.4.10.2.1	*	EvidenceforCustomerLocation	<p>Must be filled in with:</p> <p>A – Billing address of the customer</p> <p>B – IP address or geolocation;</p> <p>C – Bank details;</p> <p>D – Mobile country codes or SIM card used by customer;</p> <p>E – Location of the fixed landline used for service;</p> <p>F – Other means;</p> <p>G – Place of delivery;</p> <p>H – Other payment services;</p> <p>I – ID card/passport.</p>	String-1	1(k)
3.1.4.10.2.2	*	LocationEvidence	<p>To be filled in with the evidence that made it possible to determine the country of consumption according to the field</p> <p>"EvidenceforCustomerLocation", e.g., IP Address, phone number with country calling code, International Bank Account Number (IBAN) or other payment service reference used, etc. When the billing address is used as evidence, this field must be filled in with one of the BillingAddressID's unique keys from the Customer table. If the place of consumption is determined by the place of delivery, this field must be filled in with the string "Place of delivery" and the ShipToAddress element 3.1.4.10.3 must be filled in with the address.</p>	String	
3.1.4.10.2.3	*	LocationEvidenceIndicator	<p>The field must be filled in with:</p> <p>0 – If the evidence is discarded during the decision-making process;</p> <p>1 – If the evidence is used during the decision-making process.</p>	Integer	
3.1.4.10.3		ShipToAddress	Information about the delivery place where goods or services have been made available for the client or anyone the client has assigned.	N/A	1(k) 2(j)

3.1.4.10.3.1	**	AddressFree	The address in free format (this must include the postal code if available). The AddressFree, if present, must contain the address as it should appear on an envelope with each line separated by a carriage return character.	String	
3.1.4.10.3.2	**	AddressStruct		N/A	
3.1.4.10.3.2.1		Street	The street name.	String	
3.1.4.10.3.2.2		BuildingIdentifier	The identifier of the building on the street, typically a number.	String	
3.1.4.10.3.2.3		SuiteIdentifier	The identifier of an office or similar part of a building.	String	
3.1.4.10.3.2.4		FloorIdentifier	The identifier of a floor within a building.	String	
3.1.4.10.3.2.5		DistrictName	The name of the district of the address.	String	
3.1.4.10.3.2.6		POB	The post office box.	String	
3.1.4.10.3.2.7		PostCode	The postal code (this must be provided if available).	String	
3.1.4.10.3.2.8	*	City		String	
3.1.4.10.3.2.9		CountrySubentity	A geographic area of the country larger than district or city, for example a county, department, Land, canton.	String	
3.1.4.10.3.2.10		OtherLocalId	Some other component of the address.	String	
3.1.4.10.3.3		AddressFree	The address in free format (this must include the postal code if available). The AddressFree, if present, must contain the address as it should appear on an envelope with each line separated by a carriage return character.	String	
3.1.4.10.3.4	*	Country	The field must be filled in according to norm ISO 3166-1-alpha-2 . The two-letter country code of the address.	String-2	
3.1.4.10.4		ShipFromAddress	Information about the place of the shipping of the articles sold to the customer.	N/A	1 (k) 2 (j)
3.1.4.10.4.1	**	AddressFree	The address in free format (this must include the postal code if available).	String	

			The AddressFree, if present, must contain the address as it should appear on an envelope with each line separated by a carriage return character.		
3.1.4.10.4.2	**	AddressStruct		N/A	
3.1.4.10.4.2.1		Street	The street name.	String	
3.1.4.10.4.2.2		BuildingIdentifier	The identifier of the building on the street, typically a number.	String	
3.1.4.10.4.2.3		SuiteIdentifier	The identifier of an office or similar part of a building.	String	
3.1.4.10.4.2.4		FloorIdentifier	The identifier of a floor within a building.	String	
3.1.4.10.4.2.5		DistrictName	The name of the district of the address.	String	
3.1.4.10.4.2.6		POB	The post office box.	String	
3.1.4.10.4.2.7		PostCode	The postal code (this must be provided if available).	String	
3.1.4.10.4.2.8	*	City		String	
3.1.4.10.4.2.9		CountrySubentity	A geographic area of the country larger than district or city, for example a county, department, Land, canton.	String	
3.1.4.10.4.2.10		OtherLocalId	Some other component of the address.	String	
3.1.4.10.4.3		AddressFree	The address in free format (this must include the postal code if available). The AddressFree, if present, must contain the address as it should appear on an envelope with each line separated by a carriage return character.	String	
3.1.4.10.4.4	*	Country	The field must be filled in according to norm ISO 3166-1-alpha-2 . The two letter country code of the address.	String-2	
3.1.4.10.5		MovementEndTime	Date and time of the end of goods transport including hour, minute and second: YYYY-MM-DDThh:mm:ss ± hh:mm	Date and time	
3.1.4.10.6		MovementStart-Time	Date and time of the beginning of goods transport including hour, minute and second:	Date and time	

			YYYY-MM-DDThh:mm:ss ± hh:mm		
3.1.4.11	*	Line		N/A	
3.1.4.11.1	*	LineNumber	Lines must be exported following the same order as in the original (and must be unique within the transaction).	Integer	
3.1.4.11.2		MSC	Information about the place of consumption. This element must be filled in whenever the place of consumption differs in each line, otherwise it is possible to fill in solely the element 3.1.4.10 MSC.	N/A	1 (a) 2 (a)
3.1.4.11.2.1	*	Country	This field must be filled in according to norm ISO 3166-1-alpha-2 .	String-2	
3.1.4.11.2.2	*	CustomerLocation	To be filled in with all the evidence used in the decision-making process even if, in the end, only one has been used to determine the country of consumption. If there is a need to make more than one reference, this element can be generated as many times as necessary.	N/A	
3.1.4.11.2.2.1	*	EvidenceforCustomerLocation	Must be filled in with: A – Billing address of the customer; B – IP address or geolocation; C – Bank details; D – Mobile country codes or SIM card used by customer; E – Location of the fixed landline used for service; F – Other means; G – Place of delivery; H – Other payment services; I – ID card/passport.	String-1	1 (k)
3.1.4.11.2.2.2	*	LocationEvidence	To be filled in with the evidence that made possible to determine the country of consumption according to the field "EvidenceforCustomerLocation", e.g., IP Address, phone number with country calling code, International Bank Account Number (IBAN) or other payment service reference used, etc.	String	

			<p>When the billing address is used as evidence, this field must be filled in with one of the BillingAddressID's unique keys from the Customer table.</p> <p>If the place of consumption is determined by the place of delivery, fill in with "Place of delivery" and the ShipToAddress element.</p>		
3.1.4.11.2.2.3	*	LocationEvidenceIndicator	<p>The field must be filled in with:</p> <p>0 – If the evidence is discarded during the decision-making process;</p> <p>1 – If the evidence is used during the decision-making process.</p>	Integer	
3.1.4.11.2.3		ShipToAddress	Information about the delivery place where goods or services have been made available for the client or anyone the client has assigned.	N/A	1 (k) 2 (j)
3.1.4.11.2.3.1	**	AddressFree	<p>The address in free format (this must include the postal code if available).</p> <p>The AddressFree, if present, must contain the address as it should appear on an envelope with each line separated by a carriage return character.</p>	String	
3.1.4.11.2.3.2	**	AddressStruct		N/A	
3.1.4.11.2.3.2.1		Street	The street name.	String	
3.1.4.11.2.3.2.2		BuildingIdentifier	The identifier of the building on the street, typically a number.	String	
3.1.4.11.2.3.2.3		SuiteIdentifier	The identifier of an office or similar part of a building.	String	
3.1.4.11.2.3.2.4		FloorIdentifier	The identifier of a floor within a building.	String	
3.1.4.11.2.3.2.5		DistrictName	The name of the district of the address.	String	
3.1.4.11.2.3.2.6		POB	The post office box.	String	
3.1.4.11.2.3.2.7		PostCode	The postal code (this must be provided if available).	String	
3.1.4.11.2.3.2.8	*	City		String	

3.1.4.11.2.3.2.9		CountrySubentity	A geographic area of the country larger than district or city, for example a county, department, Land, canton.	String	
3.1.4.11.2.3.2.10		OtherLocalId	Some other component of the address.	String	
3.1.4.11.2.3.3		AddressFree	The address in free format (this must include the postal code if available). The AddressFree, if present, must contain the address as it should appear on an envelope with each line separated by a carriage return character.	String	
3.1.4.11.2.3.4	*	Country	The field must be filled in according to norm ISO 3166-1-alpha-2 . The two-letter country code of the address.	String-2	
3.1.4.11.2.4		ShipFromAddress	Information about the place of the shipping of the articles sold to the customer.	N/A	1 (k) 2 (j)
3.1.4.11.2.4.1	**	AddressFree	The address in free format (this must include the postal code if available). The AddressFree, if present, must contain the address as it should appear on an envelope with each line separated by a carriage return character.	String	
3.1.4.11.2.4.2	**	AddressStruct		N/A	
3.1.4.11.2.4.2.1		Street	The street name.	String	
3.1.4.11.2.4.2.2		BuildingIdentifier	The identifier of the building on the street, typically a number.	String	
3.1.4.11.2.4.2.3		SuiteIdentifier	The identifier of an office or similar part of a building.	String	
3.1.4.11.2.4.2.4		FloorIdentifier	The identifier of a floor within a building.	String	
3.1.4.11.2.4.2.5		DistrictName	The name of the district of the address.	String	
3.1.4.11.2.4.2.6		POB	The post office box.	String	
3.1.4.11.2.4.2.7		PostCode	The postal code (this must be provided if available).	String	
3.1.4.11.2.4.2.8	*	City		String	

3.1.4.11.2.4.2.9		CountrySubentity	A geographic area of the country larger than district or city, for example a county, department, Land, canton.	String	
3.1.4.11.2.4.2.10		OtherLocalId	Some other component of the address.	String	
3.1.4.11.2.4.3		AddressFree	The address in free format (this must include the postal code if available). The AddressFree, if present, must contain the address as it should appear on an envelope with each line separated by a carriage return character.	String	
3.1.4.11.2.4.4	*	Country	The field must be filled in according to norm ISO 3166-1-alpha-2 . The two-letter country code of the address.	String-2	
3.1.4.11.2.5		MovementEndTime	Date and time of the end of goods transport including hour, minute and second: YYYY-MM-DDThh:mm:ss ± hh:mm	Date and time	
3.1.4.11.2.6		MovementStartTime	Date and time of the beginning of goods transport including hour, minute and second: YYYY-MM-DDThh:mm:ss ± hh:mm	Date and time	
3.1.4.11.3		OrderReferences	To be filled in with the order number. If there is a need to make more than one reference, this element can be generated as many times as necessary.	N/A	2(l)
3.1.4.11.3.1	*	OriginatingON	To be filled in with the order/transaction number.	String	
3.1.4.11.3.2		OrderDate	To be filled in with the order date in the format YYYY-MM-DD.	Date	
3.1.4.11.4		DocumentReferences	If there is a need to make more than one reference, this element can be generated as many times as necessary.	N/A	2(m)
3.1.4.11.4.1	*	DocumentType	Must be filled in with: «DN» – Delivery note; «TG» – Transport guide (include here the global transport documents);	String-2	

			<p>«CN» – Consignment note;</p> <p>«RN» – Return note;</p> <p>«OT» – Other.</p>		
3.1.4.11.4.2	*	DocumentReference	To be filled in with the unique consignment number.	String	
3.1.4.11.4.3		DocumentDate	To be filled in in the format YYYY-MM-DD.	Date	
3.1.4.11.5	*	ProductCode	The unique code in the list of goods/services.	String	2(b)
3.1.4.11.6	*	ProductCategory	<p>«BA» radio or television programmes transmitted or retransmitted over a radio or television network;</p> <p>«BB» radio or television programmes distributed via the internet or similar electronic network (IP streaming) if broadcast live or simultaneous to their being transmitted or retransmitted over a radio or television network;</p> <p>«TA» fixed and mobile telephone services for the transmission and switching of voice, data and video, including telephone services with an imaging component, otherwise known as videophone services;</p> <p>«TB» telephone services provided through the internet, including voice over internet Protocol (VoIP);</p> <p>«TC» voice mail, call waiting, call forwarding, caller identification, three-way calling and other call management services;</p> <p>«TD» paging services;</p> <p>«TE» audiotext services;</p> <p>«TF» facsimile, telegraph and telex;</p> <p>«TG» telephone helpdesk services by which assistance is provided to users in case of problems with their radio or television network, internet or similar electronic network;</p> <p>«TH» access to the internet, including the World Wide Web;</p> <p>«TI» private network connections providing telecommunications links for the exclusive use of the client;</p>	String-2	1(b)

			<p>«TJ» private network connections providing telecommunications links for the exclusive use of the client;</p> <p>«TK» the onward supply of the audio and audiovisual output of a media service provider via communications networks by someone other than the media service provider;</p> <p>«SA» website supply, web-hosting, distance maintenance of programmes and equipment;</p> <p>«SB» supply of software and updating thereof;</p> <p>«SC» supply of images, text and information and making available of databases;</p> <p>«SD» supply of music, films and games, including games of chance and gambling games, and of political, cultural, artistic, sporting, scientific and entertainment broadcasts and events;</p> <p>«SE» supply of distance teaching;</p> <p>«GD» – goods;</p> <p>«OS» – other services;</p> <p>«TX» – other taxes besides VAT (e.g. environmental taxes);</p> <p>«OT» other (e.g. freights, insurances, etc.</p>		
3.1.4.11.7		ClassificationCode	<p>To be filled in with the Combined Nomenclature (CN) codes for goods or Classification of Products by Activity (CPA) codes for services.</p> <p>Examples: 92029030 for CN code 611051 for CPA code</p>	String	
3.1.4.11.8	*	Description	Description of the transaction/invoice line.	String	1(b) 2(b)
3.1.4.11.9	*	Quantity		Decimal	1(b) 2(b)
3.1.4.11.10	*	UnitOfMeasure		String	
3.1.4.11.11	*	UnitPrice		Monetary	
3.1.4.11.12	*	DateofSupply	Date of the dispatch of the goods or of the delivery of the service in the format YYYY-MM-DD.	Date	1(c) 2(c)

3.1.4.11.13		References	References to sales correction documents.	N/A	1(e) 2(e)
3.1.4.11.13.1.	*	Reference	In the case of credit or debit notes or equivalent transactions, reference to the invoice/transaction, through the unique identification of the invoice/transaction, if it exists in the respective systems.	String	
3.1.4.11.13.2.		Reason	To be filled in with the credit or debit reason.	String	
3.1.4.11.14	**	DebitAmount	Debit amount entry line in the sales account (issued credit notes).	Monetary	1(d) 1(e) 2(d) 2(e)
3.1.4.11.15	**	CreditAmount	Credit amount entry line in the sales account (issued transactions or invoices and debit notes).	Monetary	1(d) 1(e) 2(d) 2(e)
3.1.4.11.16	*	Tax		N/A	1(f) 2(f)
3.1.4.11.16.1	*	TaxCountryRegion	To be filled in with country or region of the tax. This field must be filled in with the norm ISO 3166-2 . Example: «PT-20» Autonomous Region of the Azores.	String-5	
3.1.4.11.16.2	*	TaxCode	VAT tax rate in MSC: « SPR » – Super reduced tax rate; « INT » – Intermediate tax rate; « RED » – Reduced tax rate; « STD » – Standard tax rate; « NS » – Non-subject to tax; « EXM » – Tax Exempt.	String	
3.1.4.11.16.3	*	VAT Rate	It is required to fill in this field with the applicable a tax rate.	Decimal	
3.1.4.11.17		SettlementAmount	Amount of line discount and proportional global discount.	Monetary	1(d) 1(e) 2(d) 2(e)
3.1.4.12	*	DocumentTotals		N/A	
3.1.4.12.1	*	TaxPayable	Total amount of taxes.	Monetary	1(g) 2(g)
3.1.4.12.2	*	TaxableAmount	To be filled in with total of the document/transaction without taxes.	Monetary	1(d) 2(d)

			This field must not include the amounts relating to taxes.		
3.1.4.12.3	*	GrossTotal	To be filled in with total of the document/transaction with taxes.	Monetary	
3.1.4.12.4	*	Currency	Original currency used when issuing the transaction/invoice.	N/A	1(d) 1(g) 2(d) 2(g)
3.1.4.12.4.1	*	CurrencyCode	The field must be filled in according to norm ISO 4217 .	String-3	
3.1.4.12.4.2	*	CurrencyAmount	Gross Total in the original currency of the document/transaction.	Monetary	
3.1.4.12.4.3	*	ExchangeRate	The exchange rate used in the conversion into EUR must be mentioned.	Decimal	
3.1.4.12.5		Payment		N/A	
3.1.4.12.5.1	*	PaymentType	Type of payment: « AP » – Advanced payment; « PP » – Partial payment; « TP » – Total payment.	String-2	1(i)
3.1.4.12.5.2	*	PaymentDate	To be filled in in the format YYYY-MM-DD.	Date	1(h) 2(h)
3.1.4.12.5.3	*	PaymentAmount		Monetary	1(h) 2(h)
3.1.4.12.5.4		PaymentMechanism	The field must be filled in with: « CD » – Cash on delivery; « CH » – Cheque; « DC » – Debit card; « CC » – Credit card; « BT » – Bank transfer (including direct debit); « GC » – Gift card/voucher; « PP » – E-money (E-wallet and E-money payments); « OT » – Other.	String-2	

3.2 – MovementOfGoods

The table MovementOfGoods contains a list of transportation documents and transactions. Cancelled transportation documents and transactions should be shown, making it possible to verify the sequence of the documents' numeration. Except for lines without fiscal relevance, namely technical descriptions, installation instructions and guarantee conditions, all transportation document and transaction lines should be exported.

Field Index	Re-quired	Field Name	Technical notes	Format and Dimension to be validated on XSD file	Article 63c
3.2.1	*	NumberOfMove-mentLines	The field must contain the total number of transactions, including cancelled ones.	Integer	
3.2.2	*	TotalQuantityIssued	The field must contain the control sum of the quantity field, excluding any cancelled transactions.	Decimal	
3.2.3		StockMovement	Transport transactions/documents.	N/A	
3.2.3.1	*	MovementNo	Unique number of the transaction/document.	String	2(m)
3.2.3.2	*	DocumentStatus		N/A	
3.2.3.2.1	*	MovementStatus	The field must be filled in with: «N» – Normal; «C» – Cancelled document/transaction.	String-1	
3.2.3.2.2	*	MovementStatus-Date	Date of the last recording of transaction status including hour, minute and second: YYYY-MM-DDThh:mm:ss ± hh:mm	Date and Time	
3.2.3.2.3		Reason	Reason of transaction status change.	String	
3.2.3.3		Period	To be filled in with the quarter of the taxation period: Q1.yyyy, Q2.yyyy, Q3.yyyy, Q4.yyyy. In the import regime fill in the month of the taxation period: M1.yyyy to M12.yyyy.	String-8	
3.2.3.4	*	MovementDate	Document/transaction's issue date in the format YYYY-MM-DD.	Date	
3.2.3.5	*	MovementType	Must be filled in with: «DN» – Delivery note; «TG» – Transport guide (include here the global transport documents);	String-2	1(l) 2(k)

			<p>«CN» – Consignment note; «RN» – Return note; «OT» – Other.</p>		
3.2.3.6	*	SystemEntryDate	<p>Date of the last time the record was saved before its issuance, must include hour, minute and second: YYYY-MM-DDThh:mm:ss ± hh:mm</p>	Date and time	
3.2.3.7	*	BillingIndicators		N/A	
3.2.3.7.1	*	PartyBillingIndicator	<p>The field must be filled in with: 0 – If it concerns transactions/documents issued by the taxable person; 1 – For transactions/documents issued on behalf of the taxable person by a third party.</p>	Integer	
3.2.3.7.2	*	SourceBilling	<p>Each unique key identifies a different programme where “0” identifies the transactions/documents issued by the programme that generates the SAF-OSS. The remaining keys identify the transactions/documents issued in other programmes which have been integrated into the programme that generates the SAF-OSS.</p>	Integer	
3.2.3.8	*	CustomerID	<p>The unique key of the customers' table [Customer] respecting the rule defined for CustomerID.</p>	String	
3.2.3.9		OSSScheme	<p>To be filled in with: 1 – Union scheme; 2 – import scheme; 9 – Other movements of goods [Movement of goods not related to aforementioned schemes]</p>	Integer	
3.2.3.10		ShipToAddress	<p>Information about the place where the transport ends and goods have been made available for the client or anyone the client has assigned.</p>	N/A	1 (a) 1 (k) 2 (a) 2 (j)
3.2.3.10.1	**	AddressFree	<p>The address in free format (this must include the postal code if available).</p>	String	

			The AddressFree, if present, must contain the address as it should appear on an envelope with each line separated by a carriage return character.		
3.2.3.10.2	**	AddressStruct		N/A	
3.2.3.10.2.1		Street	The street name.	String	
3.2.3.10.2.2		BuildingIdentifier	The identifier of the building on the street, typically a number.	String	
3.2.3.10.2.3		SuiteIdentifier	The identifier of an office or similar part of a building.	String	
3.2.3.10.2.4		FloorIdentifier	The identifier of a floor within a building.	String	
3.2.3.10.2.5		DistrictName	The name of the district of the address.	String	
3.2.3.10.2.6		POB	The post office box.	String	
3.2.3.10.2.7		PostCode	The postal code (this must be provided if available).	String	
3.2.3.10.2.8	*	City		String	
3.2.3.10.2.9		CountrySubentity	A geographic area of the country larger than district or city, for example a county, department, Land, canton.	String	
3.2.3.10.2.10		OtherLocalId	Some other component of the address.	String	
3.2.3.10.3		AddressFree	The address in free format (this must include the postal code if available). The AddressFree, if present, must contain the address as it should appear on an envelope with each line separated by a carriage return character.	String	
3.2.3.10.4	*	Country	The field must be filled in according to norm ISO 3166-1-alpha-2 . The two-letter country code of the address.	String-2	
3.2.3.11		ShipFromAddress	Information about the place where the dispatch or the transport begins.	N/A	1(k) 2(j)
3.2.3.11.1	**	AddressFree	The address in free format (this must include the postal code if available).	String	

			The AddressFree, if present, must contain the address, as it should appear on an envelope with each line separated by a carriage return character.		
3.2.3.11.2	**	AddressStruct		N/A	
3.2.3.11.2.1		Street	The street name.	String	
3.2.3.11.2.2		BuildingIdentifier	The identifier of the building on the street, typically a number.	String	
3.2.3.11.2.3		SuiteIdentifier	The identifier of an office or similar part of a building.	String	
3.2.3.11.2.4		FloorIdentifier	The identifier of a floor within a building.	String	
3.2.3.11.2.5		DistrictName	The name of the district of the address.	String	
3.2.3.11.2.6		POB	The post office box.	String	
3.2.3.11.2.7		PostCode	The postal code (this must be provided if available).	String	
3.2.3.11.2.8	*	City		String	
3.2.3.11.2.9		CountrySubentity	A geographic area of the country larger than district or city, for example a county, department, Land, canton.	String	
3.2.3.11.2.10		OtherLocalId	Some other component of the address.	String	
3.2.3.11.3		AddressFree	The address in free format (this must include the postal code if available). The AddressFree, if present, must contain the address as it should appear on an envelope with each line separated by a carriage return character.	String	
3.2.3.11.4	*	Country	The field must be filled in according to norm ISO 3166-1-alpha-2 The two-letter country code of the address.	String-2	
3.2.3.12		MovementEndTime	Date and time of the end of goods transport including hour, minute and second: YYYY-MM-DDThh:mm:ss ± hh:mm	Date and time	
3.2.3.13		MovementStartTime	Date and time of the beginning of goods transport including hour, minute and second: YYYY-MM-DDThh:mm:ss ± hh:mm	Date and time	

3.2.3.14	*	Line		N/A	
3.2.3.14.1	*	LineNumber	Lines must be exported following the same order as in the original (and must be unique within the transaction).	Integer	
3.2.3.14.2		ShipToAddress	Information about the place where the transport ends and goods have been made available to the client or anyone the client has assigned.	N/A	1 (k) 2 (j)
3.2.3.14.2.1	**	AddressFree	The address in free format (this must include the postal code if available). The AddressFree, if present, must contain the address as it should appear on an envelope with each line separated by a carriage return character.	String	
3.2.3.14.2.2	**	AddressStruct		N/A	
3.2.3.14.2.2.1		Street	The street name.	String	
3.2.3.14.2.2.2		BuildingIdentifier	The identifier of the building on the street, typically a number.	String	
3.2.3.14.2.2.3		SuiteIdentifier	The identifier of an office or similar part of a building.	String	
3.2.3.14.2.2.4		FloorIdentifier	The identifier of a floor within a building.	String	
3.2.3.14.2.2.5		DistrictName	The name of the district of the address.	String	
3.2.3.14.2.2.6		POB	The post office box.	String	
3.2.3.14.2.2.7		PostCode	The postal code (this must be provided if available).	String	
3.2.3.14.2.2.8	*	City		String	
3.2.3.14.2.2.9		CountrySubentity	A geographic area of the country larger than district or city, for example a county, department, Land, canton.	String	
3.2.3.14.2.2.10		OtherLocalId	Some other component of the address.	String	
3.2.3.14.2.3		AddressFree	The address in free format (this must include the postal code if available). The AddressFree, if present, must contain the address as it should appear on an envelope with each line separated by a carriage return character.	String	

3.2.3.14.2.4	*	Country	The field must be filled in according to norm ISO 3166-1-alpha-2 The two-letter country code of the address.	String-2	
3.2.3.14.3		ShipFromAddress	Information about the place where the dispatch or the transport begins.	N/A	1 (k) 2 (j)
3.2.3.14.3.1	**	AddressFree	The address in free format (this must include the postal code if available). The AddressFree, if present, must contain the address as it should appear on an envelope with each line separated by a carriage return character.	String	
3.2.3.14.3.2	**	AddressStruct		N/A	
3.2.3.14.3.2.1		Street	The street name.	String	
3.2.3.14.3.2.2		BuildingIdentifier	The identifier of the building on the street, typically a number.	String	
3.2.3.14.3.2.3		SuiteIdentifier	The identifier of an office or similar part of a building.	String	
3.2.3.14.3.2.4		FloorIdentifier	The identifier of a floor within a building.	String	
3.2.3.14.3.2.5		DistrictName	The name of the district of the address.	String	
3.2.3.14.3.2.6		POB	The post office box.	String	
3.2.3.14.3.2.7		PostCode	The postal code (this must be provided if available).	String	
3.2.3.14.3.2.8	*	City		String	
3.2.3.14.3.2.9		CountrySubentity	A geographic area of the country larger than district or city, for example a county, department, Land, canton.	String	
3.2.3.14.3.2.10		OtherLocalId	Some other component of the address.	String	
3.2.3.14.3.3		AddressFree	The address in free format (this must include the postal code if available). The AddressFree, if present, must contain the address as it should appear on an envelope with each line separated by a carriage return character.	String	
3.2.3.14.3.4	*	Country	The field must be filled in according to norm ISO 3166-1-alpha-2	String – 2	

			The two-letter country code of the address.		
3.2.3.14.4		MovementEndTime	Date and time of the end of goods transport including hour, minute and second: YYYY-MM-DDThh:mm:ss ± hh:mm	Date and time	
3.2.3.14.5		MovementStart-Time	Date and time of the beginning of goods transport including hour, minute and second: YYYY-MM-DDThh:mm:ss ± hh:mm	Date and time	
3.2.3.14.6		OrderReferences	To be filled in with the order number. If there is a need to make more than one reference, this element can be generated as many times as necessary.	N/A	2(l)
3.2.3.14.6.1	*	OriginatingON	To be filled in with the order/transaction number.	String	
3.2.3.14.6.2		OrderDate	To be filled in with the order date in the format YYYY-MM-DD.	Date	
3.2.3.14.7	*	ProductCode	The unique code in the list of goods.	String	1(b) 2(b)
3.2.3.14.8	*	ProductCategory	Must be filled in with: « GD » – goods « TX » – other taxes besides VAT (e.g. environmental taxes) « OT » – other (e.g. freights, insurances, etc.)	String-2	
3.2.3.14.9		ClassificationCode	To be filled in with the CN codes for goods (CPA codes for services, if mentioned)	String	
3.2.3.14.10	*	Description	Description of the transaction/document line.	String	1(b) 2(b)
3.2.3.14.11	*	Quantity		Decimal	1(b) 2(b)
3.2.3.14.12	*	UnitOfMeasure		String	
3.2.3.14.13	*	UnitPrice	When not valued in the database, must be filled in with "0.00".	Monetary	
3.2.3.14.14	*	DateofSupply	Date of the dispatch of the goods in the format YYYY-MM-DD.	Date	1(c) 2(c)
3.2.3.14.15	**	DebitAmount	To fill in for entry of goods. When not valued in the database, it must be filled in with "0.00".	Monetary	1(l) 2(k)

3.2.3.14.16	**	CreditAmount	To fill in for exit of goods. When not valued in the database, it must be filled in with "0.00".	Monetary	
3.2.3.14.17		Tax		N/A	1(f) 2(f) 1(l) 2(k)
3.2.3.14.17.1	*	TaxCountryRegion	To be filled in with country or region of the tax. This field must be filled in with the norm ISO 3166-2 Example: «PT-20» – Autonomous Region of the Azores.	String-5	
3.2.3.14.17.2	*	TaxCode	VAT tax rate in MSC: « SPR » – Super reduced tax rate; « INT » – Intermediate tax rate; « RED » – Reduced tax rate; « STD » – Standard tax rate; « NS » – Non-subject to tax; « EXM » – Tax Exempt.	String	
3.2.3.14.17.3	*	VAT Rate	It is required to fill in this field with the applicable tax rate.	Decimal	
3.2.3.14.18		SettlementAmount	Amount of line discount and proportional global discount.	Monetary	1(d) 1(e) 2(d) 2(e)
3.2.3.15	*	DocumentTotals		N/A	
3.2.3.15.1	*	TaxPayable	Total amount of taxes. When not valued in the database, it must be filled in with "0.00".	Monetary	1(g) 2(g)
3.2.3.15.2	*	TaxableAmount	Total of the document/transaction without taxes. This field must not include the amounts relating to taxes. When not valued in the database, it must be filled in with "0.00".	Monetary	1(d) 2(d)
3.2.3.15.3	*	GrossTotal	Total of the document/transaction with taxes. When not valued in the database, it must be filled in with "0.00".	Monetary	

3.2.3.15.4	*	Currency	Original currency used when issuing the transaction/invoice.	N/A	1(d) 1(g) 2(d) 2(g)
3.2.3.15.4.1	*	CurrencyCode	The field must be filled in according to norm ISO 4217 .	String-3	
3.2.3.15.4.2	*	CurrencyAmount	Gross Total in the original currency of the document/transaction.	Monetary	
3.2.3.15.4.3	*	ExchangeRate	The exchange rate used in the conversion into EUR must be mentioned.	Decimal	

* Council Implementing Regulation (EU) No 282/2011 of 15 March 2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax (OJ L 77, 23.3.2011, p. 1).'

COMMISSION IMPLEMENTING REGULATION (EU) 2021/966**of 11 June 2021****granting Cabo Verde a temporary derogation from the rules on preferential origin laid down in Delegated Regulation (EU) 2015/2446, in respect of prepared or preserved tuna fillets, prepared or preserved mackerel fillets and prepared or preserved frigate tuna or frigate mackerel fillets**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 64(6) and Article 66, point (b), thereof,

Whereas:

- (1) Cabo Verde is a country benefiting from the special incentive arrangement for sustainable development and good governance provided under Article 1(2), point (b), of Regulation (EU) No 978/2012 of the European Parliament and of the Council ⁽²⁾, referred to as the Generalised System of Preferences (GSP+). The rules on preferential origin for the purposes of the Generalised System of Preferences (GSP), other than procedural rules, are laid down in Commission Delegated Regulation (EU) 2015/2446 ⁽³⁾.
- (2) By letter dated 18 March 2020, Cabo Verde submitted a request for a prolongation of the temporary derogations from the rules on preferential origin laid down in Delegated Regulation (EU) 2015/2446, which had been granted by Commission Implementing Regulations (EU) 2019/561 ⁽⁴⁾ and (EU) 2019/620 ⁽⁵⁾. The request concerned an annual volume of 5 000 tonnes of prepared or preserved tuna fillets, 3 000 tonnes of prepared or preserved mackerel fillets and 1 000 tonnes of prepared or preserved frigate tuna or frigate mackerel fillets. Under the requested derogation, those products would be considered as originating in Cabo Verde even if they were produced from non-originating fish.
- (3) Cabo Verde supported its request for a prolongation of those derogations by relying on the arguments put forward in previous requests, which they allege to be still relevant, namely, low quantities of tuna and mackerel caught in its territorial waters, scarce fishing opportunities outside its territorial waters and a limited duration of the fishing season. Another element highlighted in the request is that Cabo Verde has recently developed its port infrastructure. As a result, larger quantities of fish can be handled to provide supply to the local fish processing industry to maintain

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ 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 (EC) No 732/2008 (OJ L 303, 31.10.2012, p. 1).

⁽³⁾ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) 2019/561 of 8 April 2019 granting Cape Verde a temporary derogation from the rules on preferential origin laid down in Delegated Regulation (EU) 2015/2446, in respect of prepared or preserved fillets of tuna (OJ L 98, 9.4.2019, p. 13).

⁽⁵⁾ Commission Implementing Regulation (EU) 2019/620 of 17 April 2019 granting Cape Verde a temporary derogation from the rules on preferential origin laid down in Delegated Regulation (EU) 2015/2446, in respect of prepared or preserved mackerel fillets and prepared or preserved frigate tuna or frigate mackerel fillets (OJ L 108, 23.4.2019, p. 1).

its production capacities. Lastly, the request emphasised the difficulties that Cabo Verde faces as a result of delays in the entry into application of the Economic Partnership Agreement between the European Union and West Africa. Cabo Verde develops an argumentation to emphasise its need for a derogation from the GSP rules on preferential origin in order to compensate for the fact that it is not yet possible to rely on the origin quotas or cumulation rules under the Economic Partnership Agreement which is not yet provisionally applied.

- (4) The derogation provided for in Article 64(6) of Regulation (EU) No 952/2013 (Union Customs Code) is of temporary nature and subject to improved compliance with the rules of origin for products concerned and with the requirement regarding the administrative cooperation. In order to be able to manage such a derogation from the rules on preferential origin, the requesting country has to comply with the rules of origin for the products concerned and with the procedures related thereto and has to ensure good administrative cooperation.
- (5) In this respect, the monitoring actions performed by the European Commission over the past few years in the context of the derogation granted pursuant to Article 64(6) of Regulation (EU) No 952/2013 have revealed certain shortcomings regarding Cabo Verde's administrative cooperation with the customs authorities of the Members States in the verification of proofs of origin. Such shortcomings may have resulted on a refusal of the requested derogation on the grounds put forward by Cabo Verde. However, after the submission of that request, Cabo Verde and in particular its fishery industry, had to face a deep crisis due to loss of income caused by the COVID-19 pandemic. The Commission is entitled by Article 64(6) of the code to take into account this new situation, to decide about granting a derogation on its own initiative.
- (6) Cabo Verde should therefore be granted a temporary derogation from the requirement under the rules on preferential origin that the products are considered as originating in the beneficiary country only where incorporating materials of Chapters 3 and 16 of the Combined Nomenclature are wholly obtained in that country. In the first year of its application, the derogation should be granted for an annual volume of 5 000 tonnes prepared or preserved tuna fillets, 3 000 tonnes of prepared or preserved mackerel fillets and for an annual volume of 1 000 tonnes of prepared or preserved frigate tuna or frigate mackerel fillets. In order to take into account the commercial interests of the European Union and to maintain a fair competition between its domestic fisheries industry and the one of third countries, the annual volume should decrease in the following years according to the volumes provided for in Annexes I and II, except for prepared or preserved frigate tuna or frigate mackerel fillets. The duration of the derogation should be limited to a period of three years in order to allow Cabo Verde to recover from the COVID-19 crisis and to endeavour to complete necessary structural adjustments in the fishery sector, with a view to complying with the rules of origin for the products concerned. However, the derogation should be granted on the condition that the customs authorities of Cabo Verde carry out quantitative checks on exports of the products subject to derogation and that they communicate to the Commission a statement of the quantities in respect of which statements on origin have been issued pursuant to this Regulation and serial numbers of those statements.
- (7) Moreover, Cabo Verde should benefit from a derogation provided under the GSP preferential rules of origin for tuna and mackerel on the condition that it reports regularly to the competent services of the Commission on the measures it has taken in order to improve compliance with the rules concerning the origin of the products and with the related procedures and to provide administrative cooperation as required for the implementation of the preferential arrangements under the GSP referred to in Article 1(2) of Regulation (EU) No 978/2012. Those reports should be submitted following a precise time schedule, whereby any delays in meeting the set deadlines should lead to the suspension of the derogation to be notified to the competent authorities of Cabo Verde following a reminder and an invitation to submit the reports within ten working days. Any such suspension shall not prolong the time period provided for in the Regulation and its Annexes I and II. The elements to be included in those reports should be listed in an Annex to this Regulation.
- (8) The quantities set out in the Annexes to this Regulation should be managed in accordance with Articles 49 to 54 of Commission Implementing Regulation (EU) 2015/2447 ⁽⁶⁾ which govern the management of tariff quotas.

⁽⁶⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

- (9) The measures provided for in this Regulation should enter into force on the day following that of its publication and be applied retroactively as from 1 January 2021, in order to take into account the difficult situation of Cabo Verde and to allow that country to apply the derogation to products imported in the EU since that date.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 41, point (b), and Article 45 of Delegated Regulation (EU) 2015/2446, products referred to in Annexes I and II, produced in Cabo Verde from non-originating fish shall be regarded as originating in Cabo Verde in accordance with Articles 2, 3 and 4 of this Regulation.

Article 2

1. The derogation shall apply to products that have been exported from Cabo Verde and declared for release for free circulation in the Union during the period from 1 January 2021 until 31 December 2023.
2. The derogation shall apply to products up to the annual quantities listed in Annex I (tuna) and Annex II (mackerel and frigate mackerel).
3. Application of the derogation is subject to compliance with the conditions laid down in Article 43 of Delegated Regulation (EU) 2015/2446.

Article 3

The quantities set out in Annexes I and II to this Regulation shall be managed in accordance with Articles 49 to 54 of Commission Implementing Regulation (EU) 2015/2447, which govern the management of tariff quotas.

Article 4

The derogation is granted on the following conditions:

- (1) The customs authorities of Cabo Verde shall take the necessary steps to carry out quantitative checks on exports of the products referred to in Article 1.
- (2) The following mention shall be entered on the statements on origin made out by the registered exporters: 'Derogation – Commission Implementing Regulation (EU) 2021/966'.
- (3) The competent authorities of Cabo Verde shall communicate to the Commission a statement of the quantities in respect of which statements on origin have been made out pursuant to this Regulation and the copies of those proofs. Those reports shall be communicated to the Commission 6 months, 18 months and 30 months after the entry into force of this Regulation.
- (4). The competent authorities of Cabo Verde shall communicate to the Commission, at the same time as the reports referred to in paragraph 3, a report containing a detailed information on the measures taken by them in order to:
 - (a) ensure compliance with the rules concerning the origin of the products and with the related procedures;
 - (b) provide administrative cooperation as required for the implementation of the preferential arrangements under the GSP.

The required information to be reported by the competent authorities of Cabo Verde is listed in Annex III.

Article 5

If the competent authorities fail to fulfil their reporting obligation laid down in Article 4(3) and (4), within the time-limits set therein, the Commission shall send a reminder to the competent authorities of Cabo Verde, requesting them to submit the required information within 10 working days. If the competent authorities of Cabo Verde do not respond to that request within the set deadline, the Commission may suspend the derogation provided for in this Regulation. Any such suspension shall not prolong the time period provided for in this Regulation and its Annex I and Annex II. That suspension shall be notified to the competent authorities of Cabo Verde and published in the Official Journal, C series.

Article 6

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 2021.

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

Done at Brussels, 11 June 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Order No	CN code	TARIC code	Description of goods	Periods	Annual quantity (in tonnes net weight)
09.1602	1604 14 21 00	10	Prepared or preserved fillets and loins of skipjack (<i>Katsuwonus pelamis</i>)	1.1.2021 to 31.12.2021	5 000 tonnes
	1604 14 26 90			1.1.2022 to 31.12.2022	
	1604 14 28 00				
	1604 20 70 50		1.1.2023 to 31.12.2023	3 500 tonnes	
	1604 20 70 55				
	1604 14 31 90		Prepared or preserved fillets and loins of yellowfin tuna (<i>Thunnus albacares</i>)	2 500 tonnes	
	1604 14 36 90				
	1604 14 38 00				
	1604 20 70 99				
	0304 87 00 90				
	1604 14 41 20		Prepared or preserved fillets and loins of bigeye tuna (<i>Thunnus obesus</i>)		
	1604 14 46 29				
	1604 14 48 20				
	1604 20 70 45				
	0304 87 00 20		Prepared white tuna (<i>Thunnus alalunga</i>)		
	1604 14 41 30				
1604 14 48 30					

ANNEX II

Order No	CN code		Description of goods	Periods	Annual quantity (in tonnes net weight)
09.1647	1604 15 11 ex 1604 19 97		Prepared or preserved fillets of mackerel (<i>Scomber scombrus</i> , <i>Scomber japonicus</i> , <i>Scomber colias</i>)	1.1.2021 to 31.12.2021	3 000 tonnes
				1.1.2022 to 31.12.2022	2 500 tonnes
				1.1.2023 to 31.12.2023	2 000 tonnes
09.1648	1604 20 90 ex 1604 19 97		Prepared or preserved fillets of frigate tuna or frigate mackerel (<i>Auxis thazard</i> , <i>Auxis rochei</i>)	1.1.2021 to 31.12.2021	1 000 tonnes
				1.1.2022 to 31.12.2022	1 000 tonnes
				1.1.2023 to 31.12.2023	1 000 tonnes

ANNEX III

Measures to be reported by the competent authorities of Cabo Verde as referred to in Article 4(4)

The report referred to in Article 4(4) shall contain a detailed description of the measures taken by the competent authorities of Cabo Verde to ensure that:

- (a) verifications of the originating status of products at the request of the customs authorities of the Member States are carried out for each and every request within the deadlines laid down in Article 109 of Implementing Regulation (EU) 2015/2447;
- (b) verifications of the originating status of products of sea fishing referred to in Article 44(1), point (h), of Commission Delegated Regulation (EU) 2015/2446 include a check on the place of catch, and that the verifications of the originating status of other products taken from the sea outside the territorial sea referred to in Article 44(1), point (h), of that Delegated Regulation include a check on the vessel ownership conditions;
- (c) controls referred to in Article 108(1), point (b), of Implementing Regulation (EU) 2015/2447 are carried out on exporters at intervals determined on the basis of appropriate risk analysis criteria in accordance with Article 108(2) of that Implementing Regulation;
- (d) exporters and government officials in Cabo Verde are properly informed of the rules on preferential origin for the purposes of the GSP and of the related procedures through adequate instructions, trainings, seminars and/or web-based information.

The report on measures referred to in point (a) above shall contain for each origin verification request received from the customs authorities of the Member States the following elements:

- the reference and date of the origin verification request;
- the Member State having sent the request [*the requesting Member State*];
- the date of receipt of the request by the competent authorities of Cabo Verde;
- the products concerned (HS code and description of the products);
- the date when the reply was sent to the requesting Member State;
- the reasons for any delay in replying to the request, as appropriate;
- the assessment of the request by the competent authorities of Cabo Verde (i.e. whether the origin declared in the statement on origin was confirmed or not).

The report on measures referred to in point (c) above shall contain the following elements:

- the number of controls performed;
- risk analysis criteria used by the competent authorities to assess the risks and to determine intervals between regular checks on exporters;
- the methodology followed during the controls;
- information on whether the competent authorities have required (some) exporters to provide copies or a list of the statements on origin they have made out, with a view to carry out the controls referred to in Article 108(1), point (b), in accordance with Article 108(2) of Implementing Regulation (EU) 2015/2447;
- information on whether the controls have shown that the exporters in Cabo Verde understand applicable rules of origin and related procedures;
- any corrective measures taken and/or penalties imposed on the exporter for having made out an incorrect statement on origin.

The report on measures referred to in point (d) above shall include the instructions, documents and training materials on rules on preferential origin for the purposes of the GSP and on the related procedures, used to inform exporters and government officials of Cabo Verde.

The reports referred to in Article 4(3) and (4) shall update the information provided in the preceding reports.

COMMISSION IMPLEMENTING REGULATION (EU) 2021/967**of 16 June 2021****concerning the renewal of the authorisation of manganese chelate of hydroxy analogue of methionine as a feed additive for all animal species, and repealing Regulation (EU) No 350/2010****(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting and renewing such authorisation.
- (2) Manganese chelate of hydroxy analogue of methionine was authorised for 10 years as a feed additive for all animal species by Commission Regulation (EU) No 350/2010 ⁽²⁾.
- (3) In accordance with Article 14(1) of Regulation (EC) No 1831/2003, an application was submitted for the renewal of the authorisation of manganese chelate of hydroxy analogue of methionine as feed additive for all animal species in the additive category 'nutritional additives'. That application was accompanied by the particulars and documents required under Article 14(2) of Regulation (EC) No 1831/2003.
- (4) It results from the opinion of the European Food Safety Authority ('the Authority') of 30 September 2020 ⁽³⁾ that, under the proposed conditions of use, manganese chelate of hydroxy analogue of methionine does not have an adverse effect on animal health, consumer safety or the environment. The Authority also concluded for the additive a risk for the user by inhalation and that it is a skin sensitizer. Therefore, the Commission considers that appropriate protective measures should be taken to prevent adverse effects on human health, in particular as regards the users of the additive. The proof of the efficacy of the additive, on which the initial authorisation was based, withstands in a renewal procedure. The Authority also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of manganese chelate of hydroxy analogue of methionine shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the authorisation of this additive should be renewed.
- (6) As a consequence of the renewal of the authorisation of manganese chelate of hydroxy analogue of methionine as feed additive, Regulation (EU) No 350/2010 should be repealed.
- (7) Since safety reasons do not require the immediate application of the modifications to the conditions of authorisation for manganese chelate of hydroxy analogue of methionine, it is appropriate to allow a transitional period for interested parties to prepare themselves to meet the new requirements resulting from the renewal of the authorisation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Commission Regulation (EU) No 350/2010 of 23 April 2010 concerning the authorisation of manganese chelate of hydroxy analogue of methionine as a feed additive for all animal species (OJ L 104, 24.4.2010, p. 34).

⁽³⁾ EFSA Journal 2020;18(11):6281

HAS ADOPTED THIS REGULATION:

Article 1

The authorisation of the additive specified in the Annex, belonging to the additive category 'nutritional additives' and to the functional group 'compounds of trace elements', is renewed subject to the conditions laid down in that Annex.

Article 2

1. Manganese chelate of hydroxy analogue of methionine and premixtures containing this additive, which are produced and labelled before 7 January 2022 in accordance with the rules applicable before 7 July 2021 may continue to be placed on the market and used until the existing stocks are exhausted.
2. Feed materials and compound feed containing manganese chelate of hydroxy analogue of methionine, which are produced and labelled before 7 July 2022 in accordance with the rules applicable before 7 July 2021 may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for food-producing animals.
3. Feed materials and compound feed containing manganese chelate of hydroxy analogue of methionine, which are produced and labelled before 7 July 2023 in accordance with the rules applicable before 7 July 2021 may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for non-food-producing animals.

Article 3

Regulation (EU) No 350/2010 is repealed.

Article 4

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 June 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Content of element (Mn) in mg/kg of complete feed with a moisture content of 12 %			

Category of nutritional additives. Functional group: compounds of trace elements

3b510	-	Manganese chelate of hydroxy analogue of methionine	<p><i>Characterisation of the additive:</i> Manganese chelate of hydroxy analogue of methionine containing 14 % manganese and 76 % (2-hydroxy-4-methylthio) butanoic acid. Maximum content of nickel: 170 ppm. Solid form.</p> <p><i>Analytical method (1):</i> For the quantification of the hydroxy analogue of methionine content in the feed additive: — Titrimetry, potentiometric titration after oxidation reduction reaction; For the quantification of total manganese in the feed additive and premixtures: — Atomic Absorption Spectrometry, AAS (EN ISO 6869); or — Inductively Coupled Plasma – Atomic Emission Spectrometry, ICP-AES (EN 15510); or — Inductively Coupled Plasma – Atomic Emission Spectrometry after pressure digestion, ICP-AES (EN 15621);</p>	All species	-	-	Fish: 100 (total) Other species: 150 (total)	<ol style="list-style-type: none"> The additive shall be incorporated into feed in the form of a premixture. Manganese chelate of hydroxy analogue of methionine may be placed on the market and used as an additive consisting of a preparation. For users of the additive and premixtures, feed business operators shall establish operational procedures and appropriate organisational measures to address the potential risks by inhalation, dermal contact or eyes contact, in particular due to the content of heavy metals including nickel. Where risks cannot be reduced to an acceptable level by these procedures and measures, the additive and premixtures shall be used with appropriate personal protective equipment. 	7 July 2031
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		<p>For the quantification of total manganese in feed materials and compound feed:</p> <ul style="list-style-type: none"> — Atomic Absorption Spectrometry, AAS (Commission Regulation (EC) No 152/2009, Annex IV-C); or — Atomic Absorption Spectrometry, AAS (EN ISO 6869); or — Inductively Coupled Plasma – Atomic Emission Spectrometry, ICP-AES (EN 15510); or — Inductively Coupled Plasma – Atomic Emission Spectrometry after pressure digestion, ICP-AES (EN 15621). 						
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(¹) Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2021/968**of 16 June 2021****concerning the renewal of the authorisation of zinc chelate of hydroxy analogue of methionine as a feed additive for all animal species, and repealing Regulation (EU) No 335/2010****(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting and renewing such authorisation.
- (2) Zinc chelate of hydroxy analogue of methionine was authorised for 10 years as a feed additive for all animal species by Commission Regulation (EU) No 335/2010 ⁽²⁾.
- (3) In accordance with Article 14(1) of Regulation (EC) No 1831/2003, an application was submitted for the renewal of the authorisation of zinc chelate of hydroxy analogue of methionine as feed additive for all animal species in the additive category 'nutritional additives'. The application was accompanied by the particulars and documents required under Article 14(2) of Regulation (EC) No 1831/2003.
- (4) It results from the opinion of the European Food Safety Authority ('the Authority') of 18 November 2020 ⁽³⁾ that, under the proposed conditions of use, zinc chelate of hydroxy analogue of methionine does not have an adverse effect on animal health, consumer safety or the environment. The Authority also concluded for the additive a risk for the user by inhalation and that it is a skin sensitizer. Therefore, the Commission considers that appropriate protective measures should be taken to prevent adverse effects on human health, in particular as regards the users of the additive. The proof of the efficacy of the additive, on which the initial authorisation was based, withstands in a renewal procedure. The Authority also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of zinc chelate of hydroxy analogue of methionine shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the authorisation of this additive should be renewed.
- (6) As a consequence of the renewal of the authorisation of zinc chelate of hydroxy analogue of methionine as feed additive, Regulation (EU) No 335/2010 should be repealed.
- (7) The authorisation holder signalled some modifications in the manufacturing process. Since safety reasons do not require the immediate application of these modifications to the conditions of authorisation for zinc chelate of hydroxy analogue of methionine, it is appropriate to allow a transitional period for interested parties to prepare themselves to meet the new requirements resulting from the renewal of the authorisation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Commission Regulation (EU) No 335/2010 of 22 April 2010 concerning the authorisation of zinc chelate of hydroxy analogue of methionine as a feed additive for all animal species (OJ L 102, 23.4.2010, p. 22).

⁽³⁾ EFSA Journal 2020;18(12):6337.

HAS ADOPTED THIS REGULATION:

Article 1

The authorisation of the additive specified in the Annex, belonging to the additive category 'nutritional additives' and to the functional group 'compounds of trace elements', is renewed subject to the conditions laid down in that Annex.

Article 2

1. Zinc chelate of hydroxy analogue of methionine and premixtures containing this additive, which are produced and labelled before 7 January 2022 in accordance with the rules applicable before 7 July 2021 may continue to be placed on the market and used until the existing stocks are exhausted.
2. Feed materials and compound feed containing zinc chelate of hydroxy analogue of methionine, which are produced and labelled before 7 July 2022 in accordance with the rules applicable before 7 July 2021 may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for food-producing animals.
3. Feed materials and compound feed containing zinc chelate of hydroxy analogue of methionine, which are produced and labelled before 7 July 2023 in accordance with the rules applicable before 7 July 2021 may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for non-food-producing animals.

Article 3

Regulation (EU) No 335/2010 is repealed.

Article 4

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 June 2021.

For the Commission
The President
Ursula VON DER LEYEN

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Content of element (Zn) in mg/kg of complete feed with a moisture content of 12 %			
Category: nutritional additives. Functional group: compounds of trace elements									
3b610	-	Zinc chelate of hydroxy analogue of methionine	<p>Characterisation of the additive: Zinc chelate of hydroxy analogue of methionine containing 17 % zinc and 79 % (2-hydroxy-4-methylthio) butanoic acid. Maximum content of nickel: 1,7 ppm. Solid form.</p> <p>Analytical method⁽¹⁾: For the quantification of the hydroxy analogue of methionine content in the feed additive: — Titrimetry, potentiometric titration after oxidation reduction reaction; For the quantification of total zinc in the feed additive: — Inductively coupled plasma atomic emission spectrometry, ICP-AES (EN 15510 or EN 15621) or — Atomic absorption spectrometry, AAS (ISO 6869) For the quantification of total zinc in premixtures: — Inductively coupled plasma atomic emission spectrometry, ICP-AES (EN 15510 or EN 15621) or — Atomic absorption spectrometry, AAS (ISO 6869) or — Inductively coupled plasma mass spectrometry, ICP-MS (EN 17053);</p>	All species	-	-	Dogs and cats: 200 (total) Salmonids and milk replacers for calves: 180 (total) Piglets, sows, rabbits and all fish other than salmonids: 150 (total) Other species and categories: 120 (total)	<ol style="list-style-type: none"> The additive shall be incorporated into feed in the form of a pre-mixture. Zinc chelate of hydroxy analogue of methionine may be placed on the market and used as an additive consisting of a preparation. For users of the additive and premixtures, feed business operators shall establish operational procedures and appropriate organisational measures to address the potential risks by inhalation, dermal contact or eyes contact, in particular due to the content of heavy metals including nickel. Where risks cannot be reduced to an acceptable level by 	7.7.2031

			<p>For the quantification of total zinc in feed materials and compound feed:</p> <ul style="list-style-type: none"> — Inductively coupled plasma atomic emission spectrometry, ICP-AES (EN 15510 or EN 15621) or — Atomic absorption spectrometry, AAS (Commission Regulation (EC) No 152/2009 (Annex IV-C) or ISO 6869) or — Inductively coupled plasma mass spectrometry, ICP-MS (EN 17053). 					<p>these procedures and measures, the additive and premixtures shall be used with appropriate personal protective equipment.</p>	
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(⁴) Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2021/969**of 16 June 2021****concerning the authorisation of L-threonine produced by *Escherichia coli* CGMCC 13325 as a feed additive for all animal species****(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of L-threonine produced by *Escherichia coli* CGMCC 13325 as a feed additive for use in feed for all animal species. That application was accompanied by the particulars and documents required under Article 7(3) of that Regulation.
- (3) The application concerns the authorisation of L-threonine produced by *Escherichia coli* CGMCC 13325 as a feed additive for all animal species to be classified in the additive category 'nutritional additives'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 18 November 2020 ⁽²⁾ that, under the proposed conditions of use, L-threonine produced by *Escherichia coli* CGMCC 13325 does not have an adverse effect on animal health, consumer health or the environment. It could not conclude on the potential of L-threonine produced by *Escherichia coli* CGMCC 13325 to be a skin sensitiser and irritant to the skin and eyes, and stated an inhalation risk to endotoxins for the users of the additive. Therefore, appropriate protective measures should be taken to prevent adverse effects on human health, in particular as regards the users of the additive. The Authority also concluded that the additive is an efficacious source of the amino acid L-threonine for all animal species and that in order to be as efficacious in ruminants as in non-ruminant species, the additive needs to be protected against degradation in the rumen. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of L-threonine produced by *Escherichia coli* CGMCC 13325 shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of this additive should be authorised as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The substance specified in the Annex, belonging to the additive category 'nutritional additives' and to the functional group 'amino acids, their salts and analogues', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ EFSA Journal 2020;18(12):6332.

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 June 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method.	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg/kg of complete feed with a moisture content of 12 %			

Category of nutritional additives. Functional group: amino acids, their salts and analogues.

3c411	-	L-threonine	<p>Additive composition: Powder with a minimum of 98 % L-threonine and a maximum moisture content of 1 %</p> <p>Characterisation of the active substance: L-threonine produced by fermentation with <i>Escherichia coli</i> CGMCC 13325 Chemical formula: C₄H₉NO₃ CAS Number: 72-19-5.</p> <p>Analytical methods ⁽¹⁾: For the determination of L-threonine in the feed additive: — Food Chemical Codex 'L-threonine monograph', and — ion exchange chromatography coupled with post-column derivatisation and optical detection (IEC-VIS/FLD) – EN ISO 17180.</p>	All species	-	-	-	<ol style="list-style-type: none"> L-threonine may be placed on the market and used as an additive consisting of a preparation. L-threonine may be used via water for drinking. The labelling of the additive shall indicate the moisture content. The endotoxin content of the additive and its dusting potential shall ensure a maximal endotoxin exposure of 1 600 IU endotoxins/m³ air ⁽²⁾. The labelling of the additive and premixtures shall indicate the following: 'The supplementation with L-threonine, in particular via water for drinking, should take into account all essential and conditionally essential amino acids in order to avoid imbalances.' 	7.7.2031
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			<p>For the determination of threonine in premixtures:</p> <ul style="list-style-type: none"> — ion exchange chromatography coupled with post-column derivatisation and optical detection (IEC-VIS/FLD) – EN ISO 17180, and — ion exchange chromatography coupled with post-column derivatisation and optical detection (IEC-VIS), Commission Regulation (EC) No 152/2009 (Annex III, F). <p>For the determination of threonine in compound feed and feed materials:</p> <ul style="list-style-type: none"> — ion exchange chromatography coupled with post-column derivatisation and optical detection (IEC-VIS): Commission Regulation (EC) No 152/2009 (Annex III, F). <p>For the determination of threonine in water:</p> <ul style="list-style-type: none"> — ion exchange chromatography coupled with post-column derivatisation and optical detection (IEC-VIS/FLD). 					<p>6. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address the potential risks by inhalation, eye or dermal contact. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with appropriate personal protective equipment, including breathing, skin and eye protection.</p>
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⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

⁽²⁾ Exposure calculated based on the endotoxin level and the dusting potential of the additive according to the method used by EFSA (*EFSA Journal* 2015;13(2):4015); analytical method: European Pharmacopoeia 2.6.14. (bacterial endotoxins).

COMMISSION IMPLEMENTING REGULATION (EU) 2021/970**of 16 June 2021****making imports of certain iron or steel fasteners originating in the People's Republic of China subject to registration**

THE EUROPEAN COMMISSION,

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

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 14(5) thereof,

After informing the Member States,

Whereas:

- (1) On 21 December 2020, the European Commission ('the Commission') announced, by a notice published in the *Official Journal of the European Union* ⁽²⁾ ('the notice of initiation'), the initiation of an anti-dumping proceeding with regard to imports into the Union of certain iron or steel fasteners originating in the People's Republic of China ('the anti-dumping proceeding'), following a complaint lodged on 6 November 2020 by the European Industrial Fasteners Institute ('EIFI' or 'the complainant') on behalf of producers representing more than 25 % of the total Union production of iron or steel fasteners.

1. PRODUCT SUBJECT TO REGISTRATION

- (2) The product subject to registration ('the product concerned') is certain fasteners of iron or steel, other than of stainless steel, i.e. wood screws (excluding coach screws), self-tapping screws, other screws and bolts with heads (whether or not with their nuts or washers, but excluding screws and bolts for fixing railway track construction material), and washers, originating in the People's Republic of China ('China' or 'the country concerned'). This product is currently classified under CN codes 7318 12 90, 7318 14 91, 7318 14 99, 7318 15 58, 7318 15 68, 7318 15 82, 7318 15 88, ex 7318 15 95 (TARIC codes 7318 15 95 19 and 7318 15 95 89), ex 7318 21 00 (TARIC codes 7318 21 00 31, 7318 21 00 39, 7318 21 00 95 and 7318 21 00 98) and ex 7318 22 00 (TARIC codes 7318 22 00 31, 7318 22 00 39, 7318 22 00 95 and 7318 22 00 98). The CN and TARIC codes are given for information only.

2. REQUEST

- (3) On 22 January 2021, the complainant submitted a registration request pursuant to Article 14(5) of the basic Regulation. The complainant requested that imports of the product concerned be made subject to registration so that measures may be applied against those imports retroactively from the date of such registration, provided all conditions set out in the basic Regulation are met.
- (4) On 11 March 2021, the complainant provided updated import statistics in support of its request for registration.
- (5) Two importers/distributors of fasteners (Roth Blaas Srl and Eurotec GmbH) and one association representing fasteners distributors (European Fasteners Distributor Association or 'EFDA'), submitted comments in reaction to the request. EFDA requested a hearing which took place on 9 March 2021. Roth Blaas Srl and Eurotec GmbH also requested a hearing which took place on 11 May 2021.

3. GROUNDS FOR REGISTRATION

- (6) According to Article 14(5) of the basic Regulation, the Commission may direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports from the date of such registration, provided all conditions set out in the basic Regulation are met. Imports may be made subject to registration following a request from the Union industry, which contains sufficient evidence to justify such action.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ C 442, 21.12.2020, p. 6.

- (7) The complainant alleged that, on the basis of the available statistics, there had been a substantial rise in imports in the period following the investigation period (July 2019 to June 2020) (IP) of the current investigation, which was likely to seriously undermine the remedial effect of the potential definitive duties. Moreover, the complainant argued that also in view of the history of dumping on the product concerned ⁽³⁾, the importers were, or should have been, aware of the dumping practices from the countries concerned.
- (8) The Commission examined the request in the light of Article 10(4) of the basic Regulation. The Commission verified whether the importers were aware of, or should have been aware of, the dumping as regards the extent of the dumping and the injury alleged or found. It also analysed whether there was a further substantial rise in imports which, in the light of its timing and volume and other circumstances, was likely to seriously undermine the remedial effect of the definitive anti-dumping duty to be applied.

3.1. Awareness of the importers of the dumping, the extent thereof and the alleged injury or a history of dumping

- (9) At this stage, the Commission has at its disposal sufficient evidence that imports of the product concerned from China are being dumped. The complaint provided sufficient evidence of dumping, based on a comparison of the normal value with the export price (at ex-works level) of the product concerned when sold for export to the Union. As a whole, and given the extent of the alleged dumping margins ranging from 126 % to 270 %, this evidence provided sufficient support that the exporting producers practice dumping.
- (10) The complaint also provided sufficient evidence of alleged injury to the Union industry, including a negative development of key performance indicators of the Union industry.
- (11) That information was contained both in the non-confidential version of the complaint and in the Notice of initiation for this proceeding published on 21 December 2020 ⁽⁴⁾. By its publication in the *Official Journal of the European Union*, the Notice of initiation is a public document accessible to all importers. Furthermore, as interested parties in the investigation, importers have access to the non-confidential version of the complaint and the non-confidential file. Therefore, the Commission considered that, on this basis, importers were aware, or should have been aware, of the dumping and of its extent thereof, as well as of the alleged injury.
- (12) The two importers mentioned in recital 5 claimed that there was no evidence that importers were aware of, or should have been aware of, the extent of the alleged dumping and injury. The two importers claimed in particular that the evidence provided by the complainant on dumping and resulting injury was merely limited to the one provided in the complaint and that 'awareness' would require 'positive knowledge' of the fact that imports were dumped, the extent of the dumping and the extent of the injury caused by such dumping. EFDA and the China Chamber of Commerce for Import and Export of Machinery and Electronic Products ('CCCME') asserted in addition that there was no proof that importers were aware that a complaint was being prepared by EIFI, or that an investigation was being initiated, and therefore there was no proof that importers were aware of the injurious dumping taking place.
- (13) The same parties claimed that there was no history of dumping pointing out that the injurious dumping established in 2009 ⁽⁵⁾ was found to be not in line with the WTO anti-dumping Agreement by the WTO Dispute Settlement Body ⁽⁶⁾.

⁽³⁾ Council Regulation (EC) No 91/2009 of 26 January 2009 imposing a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China (OJ L 29, 31.1.2009, p. 1) and Commission Implementing Regulation (EU) 2015/519 of 26 March 2015 imposing a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China, as extended to imports of certain iron or steel fasteners consigned from Malaysia, whether declared as originating in Malaysia or not, following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 (OJ L 82, 27.3.2015, p. 78).

⁽⁴⁾ Notice of initiation of an anti-dumping proceeding concerning imports of certain iron or steel fasteners originating in the People's Republic of China (OJ C 442, 21.12.2020, p. 6).

⁽⁵⁾ Council Regulation (EC) No 91/2009 of 26 January 2009 imposing a definitive anti-dumping duty on imports of certain iron or steel fasteners originating in the People's Republic of China (OJ L 29, 31.1.2009, p. 1).

⁽⁶⁾ WTO dispute settlement body: Report of the Panel, WT/DS397/RW, 7 August 2015 and Report of the Appellate Body, AB-2015-7, WT/DS397/AB/RW, 18 January 2016.

- (14) As set out in recital 11, with the publication of the notice of initiation in the *Official Journal of the European Union*, importers were made aware, or at least should have been aware of the dumping. The Notice of Initiation is a public document accessible to all interested parties including the importers. Furthermore, as interested parties, the importers have access to the non-confidential version of the complaint. Contrary to these parties' assertion, there is no requirement in the basic Regulation that there be 'positive knowledge' of dumping, nor that there be proof that they were actually aware of the filing of the complaint and/or the initiation of the investigation, because Article 10(4)(c) states 'or should have been aware' so as to cover clearly the situations where importers are not actually aware but should have been aware of dumping. Further to the publication of the Notice of initiation the Commission considers that importers were indeed in the position to have positive knowledge about the evidence available on injurious dumping, or at least should have been aware of such evidence. These claims were therefore rejected.
- (15) Moreover, in contrast to what was suggested by the interested parties concerned, Article 10(4) of the basic Regulation does not require that a positive finding of injurious dumping was made by the Commission in the past. It is sufficient that importers were aware or should have been aware of the dumping, the extent thereof and the alleged injury. This was indeed the case in the present investigation as outlined in recital 14. Therefore, this claim was also rejected.
- (16) With regard to history of dumping, since the Commission considers that the requirement of awareness of dumping by importers is met, it is not necessary to analyse whether this requirement that there be history of dumping is met, because this is an alternative requirement to the awareness one under Article 10(4)(c) of the basic Regulation. Therefore, this claim is without object.
- (17) On this basis, the Commission thus concluded that the criterion for registration in Article 10(4)(c) of the basic Regulation was met.

3.2. Further substantial rise in imports

- (18) The Commission analysed this criterion in Article 10(4)(d) of the basic Regulation based on the statistical data concerning imports of the product concerned from China available in the Surveillance 2 database. For assessing whether a further substantial increase had taken place since the initiation of the investigation, the Commission first defined the periods to be compared. On the one hand, it assessed the import data from China following the initiation of the anti-dumping investigation (i.e. the point in time as of when importers were aware, or should have been aware, of dumping practices) until the most recent period available, i.e. the period between January 2021 and April 2021. On the other hand, the Commission considered the Chinese imports for the same period during the IP, as well as the monthly average import volumes in the full IP.
- (19) The comparison shows that the monthly average import volume from China developed as follows:

Table 1

Import volumes from the countries concerned (tonnes)

Import volumes (monthly average)	Investigation Period (July 2019 – June 2020)	January – April 2020	January – April 2021	Delta	
				January – April 2021 v Investigation period	January – April 2021 v January–April 2020
China	20 040	18 583	26 528	+ 32 %	+ 43 %

Source: Surveillance 2 database

- (20) On the basis of these statistical data, the Commission found that the average monthly volume of imports of the product concerned from China in the period from January 2021 to March 2021, i.e. after initiation of the anti-dumping investigation, was 32 % higher than the average monthly imports during the IP and 43 % higher than during the same period of the preceding year during the IP.
- (21) EFDA claimed that there was no substantial rise in imports, pointing to the complaint that showed a decrease in imports from China between 2019 and the IP and asserting that any increase after the IP would only reflect historical trade flows and any increase in 2020 only the recuperation of the market following the stagnation due to the COVID19 pandemic. EFDA also claimed that given the lack of supply of standard fasteners in the Union, importers were forced to import these products from China, as the only viable source of supply. They added that as also the Union industry itself imported standard fasteners, it caused the increase in imports at least partly itself. Finally, EFDA argued that Chinese imports only replaced imports from other third countries.
- (22) Similarly, the CCCME argued that there was no increase of imports between 2019 and the IP and claimed that even though there has been an increase of imports between 2019 and 2020 such increase cannot be considered as substantial, in particular considering that the overall imports (China and other third countries) decreased during this period. The CCCME also claimed that the data provided by the complainant in its request for registration were not representative, as they concerned shipments that were already ordered and shipped prior to the end of the IP and prior to the initiation of the investigation. The CCCME also alleged that Union industry at least partly caused the increase of imports itself.
- (23) The two abovementioned importers claimed that the increase in imports was not significant and in any event justified by an increase in the demand for fasteners following a stagnation in the Union market in the first half of 2020 due to the COVID-19 pandemic. They further claimed that due to the COVID-19 pandemic there has been a reduction in freight offers and available container space causing a significant increase in freight costs. This made shipments from China increasingly difficult and stockpiling not a viable option.
- (24) EFDA asserted that there was no stockpiling in the Union, to the contrary EFDA members were in fact having difficulties to meet their customers' demands in the Union, given the difficult supply situation further described in recital 44.
- (25) As set out in recital 18, the Commission considered that in order to assess an increase in imports, the period after the initiation of the current investigation (January 2021 to March 2021) should be taken as reference as only from that period onwards importers were aware, or should have been aware, of dumping practices. As shown in the above Table 1, the comparison of the import trend in the three months after the initiation with the same period in the IP on the one hand and with the monthly average during the IP on the other hand, clearly shows a significant increase of imports of more than 30 % in either case.
- (26) The argument concerning the Union demand of the product concerned as a result of the COVID-19 pandemic is not directly relevant in assessing whether a substantial increase of imports took place pursuant to Article 10(4) of the basic Regulation, which is an objective criterion and does not require an assessment of the reasons for such increase. In any event, even if this argument was relevant, the Commission notes that imports of the product concerned from China after initiation (January to March 2021) also rose by 35 % as compared to the same period in 2019 (pre-pandemic). The statistics available therefore in any event do not confirm the allegations made that the increase of imports merely represent the recuperation of the previously stagnation in the Union market. Rather, the increase of imports is equally apparent in comparison to the import volume during the first 3 months of 2019, i.e. when the market was not affected by the pandemic.
- (27) As for the claim concerning the supply situation in the Union, this is also a consideration not directly relevant in the context of the objective criterion concerning the rise in imports under Article 10(4)(d) of the basic Regulation for the registration of imports. These kinds of considerations may be relevant and assessed in the context of the Union interest in accordance with Article 21 of the basic Regulation. Therefore, this claim was irrelevant and did not need to be addressed in this context.

- (28) Regarding the argument that stockpiling would not be a viable option due to the increased transport cost, this claim is not supported by the import statistics, which clearly show a significant increase of imports in the first three months after the initiation of the investigation, as shown above in Table 1. In any event this claim would have no bearing on the requirement of further rise of imports, which is an objective criterion. Therefore, this claim was dismissed.
- (29) In view of the above considerations, the Commission concluded that the second criterion for registration was also met.

3.3. Undermining of the remedial effect of the duty

- (30) The Commission has at its disposal sufficient evidence that additional injury would be caused by a continued rise in imports from China, also in light of its timing, volume and other circumstances, thereby likely to seriously undermine the remedial effects of possible definitive anti-dumping duties.
- (31) As established in recitals 18 to 29, there is sufficient evidence of a substantial rise in imports taken as a whole of the product concerned in the period following the initiation of the investigation. The substantial magnitude of this increase already points to a likely undermining of the remedial effect of a definitive duty if the legal conditions are met.
- (32) With regard to import prices, according to the Surveillance 2 database, the average import price from the country concerned has increased by 6,0 % when comparing the period of January 2021 to April 2021 to the same period in the preceding year, and has increased by 7,3 % when compared to the monthly average in the investigation period, as reflected in Table 2 below.

Table 2

Import prices from the country concerned (EUR/tonne)

Average import price	Investigation Period (July 2019 – June 2020)	January – April 2020	January – April 2021	Price increase (%) January- April 2021 v Investigation period	Price increase (%) January – April 2021 v January 2020 – April 2020
China	1 484	1 465	1 573	6,0 %	7,3 %

- (33) However, this price increase has to be seen in the context of an increase of both the main raw material for the product concerned and of the internationally freight costs, both starting from the second half of 2020 as detailed below.
- (34) Concerning the raw materials, the product concerned is mostly made of steel, namely hot rolled coils. According to the information available at this stage, steel represents around 70 % of the total cost of manufacturing of fasteners. The price of steel has increased globally between April 2020 and April 2021, above 50 % in all the main markets ⁽⁷⁾. China is no exception and the increase of prices of hot rolled coils between April 2020 and April 2021 is 74 % ⁽⁸⁾. The increase in price of the product concerned imported from China in the first three months of 2021 (i.e. 6,1 % compared to the same period of 2020 or 4,9 % compared to the average monthly value in the IP), is significantly lower than the global rise in the cost of the main raw material, namely hot rolled coils (74 %). Therefore, seen in this context, this price increase is largely insufficient to recover the massive increase in the price of the raw materials, pointing to significant price depression and hence likely to substantially undermine the remedial effect of the possible definitive anti-dumping duty.

⁽⁷⁾ <https://www.fitchratings.com/research/corporate-finance/global-steel-price-rally-will-be-short-lived-02-02-2021> ; <https://tradingeconomics.com/commodity/steel> ; <https://ihsmarkit.com/solutions/steel-forecast.html>

⁽⁸⁾ <https://www.investing.com/commodities/shfe-hot-rolled-coil-futures-historical-data>

- (35) Concerning freight, the interested parties stated that in the second half of 2020 the global shipping costs, and in particular those between Asia and Europe, became exceptionally expensive. Evidence of this increase, often reaching 150 %, is publicly available ⁽⁹⁾. Freight costs account for around 3 % of the invoice price to Europe, based on the unverified replies of the sampled exporting producers. This suggests that more than half of the observed price increase of the imports of the product concerned would be already explained by the evolution of the freight costs. Taking this other factor into account would suggest that the price of the product concerned actually decreased, as the impact of freight is for the benefit of the provider of the shipping services and is also beyond the pricing power of the exporting producers.
- (36) In addition, the price increase occurred in a context where the *prima facie* evidence showed an undercutting margin ranging from 27 % to 72 % and an underselling margin ranging from 41 % to 251 %. Therefore, import price levels remained at significantly injurious levels and even decreased in relative terms, in light of the global cost increase of steel and freight.
- (37) The significant additional import volumes recorded after the initiation of the investigation are also very likely to lead to an increase of market share from the Chinese imports.
- (38) The two abovementioned importers, EFDA and the CCCME claimed that it is doubtful that the Union industry suffered material injury and that such injury would be caused by the Chinese imports. The two importers asserted that there would not be any evidence of material injury in the complaint. EFDA and the CCCME referred to the General Court ⁽¹⁰⁾ claiming that when assessing whether imports 'seriously undermine the remedial effect of the duties', the Commission should assess whether the Union industry suffered material injury, while there is no such evidence in the complaint.
- (39) The CCCME argued in addition, that any increase in imports could not 'seriously undermine the remedial effect of the duties', as the Union industry is producing predominantly special fasteners that were not in competition with the imports from China that are predominantly standard fasteners.
- (40) Regarding these claims, the Commission, as set out in the notice of initiation, considered that there is sufficient *prima facie* evidence in the complaint showing that the Union industry suffered material injury from Chinese imports of the product concerned and these arguments were therefore rejected.
- (41) Regarding the claim of the CCCME that Chinese imports were not in competition with the sales of the Union industry on the Union market, this was not supported by any evidence and contradicts the *prima facie* evidence supplied in the complaint, which showed an increase in dumped imports from China that coincided with the deterioration of the situation of the Union industry, as set out in the notice of initiation. This claim was therefore rejected.
- (42) On the basis of the above, the Commission concluded that all of the above elements point to the fact that the further rise in imports from China after the initiation of the investigation, also in light of its timing, volume and other circumstances, is likely to seriously undermine the remedial effects of possible definitive anti-dumping duties. Therefore, this criterion in Article 10(4)(d) of the basic Regulation was also met.

3.4. Other arguments raised by the interested parties

- (43) The two abovementioned importers claimed that the evidence needed for registration should be of a higher standard than the evidence required for initiation, in particular in view of a potential retroactive application of the duties.
- (44) EFDA claimed that a retroactive collection of the definitive duties would be contrary to the Union interest. They argued that first, the Union industry would be unable to supply standard fasteners, and therefore those standard fasteners needed to be sourced from China. In this context, EFDA asserted that sourcing fasteners from China would become increasingly difficult due the long delivery terms, the refusal of Chinese exporters to supply fasteners awaiting the outcome of the current investigation, the lack of spare capacity in China, and the shortage of

⁽⁹⁾ <https://www.ft.com/content/ad5e1a80-cecf-4b18-9035-ee50be9adfc6>

⁽¹⁰⁾ Judgment in *Stemcor London and Samac Steel Supplies v Commission*, T-749/16, ECLI:EU:T:2019:310, para. 83.

containers from Asia which was aggravated by the blocking of the Suez Canal. EFDA also pointed to an overall shortage of raw materials for fasteners producers in the Union and the fact that no other viable sources of supply than China would be available. Second, EFDA asserted that due to this poor supply situation, the registration of imports and the imposition of provisional measures would have a detrimental effect on the downstream industry and there is no need to retroactively collect definitive duties as of the the date of registration.

- (45) Similarly, the CCCME claimed that standard fasteners are hardly available in the Union and no other viable sources of supply than China existed.
- (46) Regarding the standard of the evidence for registration, the Commission analysed statistical data from the Surveillance 2 database as well as other information at its disposal that showed a substantial increase in imports at very likely injurious price levels. This evidence is fully reliable and these parties have not substantiated how this evidence would not be reliable or what better evidence would be available that has not been used. This claim was therefore rejected.
- (47) Regarding the standard of evidence required in the context of Article 10(4) of the basic Regulation, the Commission based its conclusions on the best information available at this stage, including the complaint that lead to the initiation of the investigation. It is not required to have positive findings in this regard, as such findings by definition could never be made prior to the imposition of provisional measures. Any other approach would completely deprive the registration tool of its *effet utile*. Regarding the other claims put forward by EFDA, they concern either the retroactive collection of definitive duties and/or the imposition of provisional measures. The Commission notes that the decision to impose provisional measures and subsequently the decision to possibly collect retroactively duties based on this registration regulation will only be taken at a later stage in the proceeding. These claims are therefore considered irrelevant in the context of this registration regulation. The same goes for claims regarding the Union interest, which the Commission notes to be one of the conditions to impose provisional or definitive anti-dumping measures in accordance with Article 21 of the basic Regulation, but does not need to be analysed when assessing the need for the registration of imports or the retroactive application of such definitive duties. Therefore, this claim was irrelevant and did not need to be addressed in this context.
- (48) EFDA pointed that Article 14(5a) of the basic Regulation specifically requires that the conditions of Article 10(4)(c) and (d) of the basic Regulation are met. In other words, it argued that a Commission decision to register imports should take into account these criteria also when imports are registered under Article 14(5) of the basic Regulation, that is when based on a request by the Union industry.
- (49) It is noted that, as set out in recital 8, in line with the legislation and its constant practice when applying Article 14(5) the Commission did examine the request for registration in light of Article 10(4) of the basic Regulation, which sets out the substantive conditions to proceed with registration. As described in detail in recitals 9 to 42, Article 10(4)(c) and (d) of the basic Regulation were indeed considered to be met and EFDA's claims in this regard were therefore rejected.

3.5. Rights of defence and disclosure

- (50) EFDA and the CCCME claimed that certain additional information provided by EIFI concerning its request for registration was only made available to the interested parties several weeks later, which would have deprived them from exercising their legitimate rights of defence.
- (51) The CCCME also claimed that the Commission should disclose any decision to register imports sufficiently in advance and thus allow interested parties to comment on such decision.
- (52) The Commission notes that the non-confidential information provided by the complainant was indeed made available to interested parties that provided additional comments. The Commission accepted and assessed all these comments before taking a decision. Therefore, the Commission considered that the parties' rights of defence were fully granted in this respect.
- (53) Regarding the request for prior disclosure, it is noted that such step is not foreseen in or required by the basic Regulation. In accordance with Article 14(5) of the basic Regulation the Commission may direct customs authorities to take appropriate steps to register imports following a request containing sufficient evidence to justify such action. It is also noted that by Article 1(3) of this Regulation interested parties are indeed given the

opportunity to provide comments and to be heard within 21 days from the date of its publication. Finally, the Commission also points out that any decision to apply definitive anti-dumping measures retroactively will be disclosed to interested parties in accordance with Article 10(5) of the basic Regulation. This request was therefore denied.

4. PROCEDURE

- (54) The Commission has concluded that there is sufficient evidence to justify making imports of the product concerned subject to registration in accordance with Article 14(5) of the basic Regulation.
- (55) All interested parties are invited to make their views known in writing and to provide supporting evidence. The Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

5. REGISTRATION

- (56) Under Article 14(5) of the basic Regulation imports of the product concerned should be made subject to registration for the purpose of ensuring that, should the investigations result in findings leading to the imposition of anti-dumping duties, those duties can, if the necessary conditions are fulfilled, be levied retroactively on the registered imports in accordance with the applicable legal provisions.
- (57) Any future liability would emanate from the findings of the anti-dumping investigation.
- (58) The allegations in the complaint requesting the initiation of an anti-dumping investigation estimate dumping margins ranging from 126 % to 270 % and an injury elimination level of ranging from 41 % to 251 % for the product concerned. The amount of possible future liability would normally be set at the lower of those levels according to Article 7(2) of the basic Regulation.

6. PROCESSING OF PERSONAL DATA

- (59) Any personal data collected in the context of this registration will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data ⁽¹¹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The customs authorities are hereby directed, under Article 14(5) of Regulation (EU) 2016/1036, to take the appropriate steps to register imports of certain fasteners of iron or steel, other than of stainless steel, i.e. wood screws (excluding coach screws), self-tapping screws, other screws and bolts with heads (whether or not with their nuts or washers, but excluding screws and bolts for fixing railway track construction material), and washers. These products are currently falling under CN codes 7318 12 90, 7318 14 91, 7318 14 99, 7318 15 58, 7318 15 68, 7318 15 82, 7318 15 88, ex 7318 15 95 (TARIC codes 7318 15 95 19 and 7318 15 95 89), ex 7318 21 00 (TARIC codes 7318 21 00 31, 7318 21 00 39, 7318 21 00 95 and 7318 21 00 98) and ex 7318 22 00 (TARIC codes 7318 22 00 31, 7318 22 00 39, 7318 22 00 95 and 7318 22 00 98) and are originating in the People's Republic of China.
2. Registration shall expire nine months following the date of entry into force of this Regulation.
3. All interested parties are invited to make their views known in writing, to provide supporting evidence or to request to be heard within 21 days from the date of publication of this Regulation.

⁽¹¹⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

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, 16 June 2021.

For the Commission
The President
Ursula VON DER LEYEN

DIRECTIVES

COMMISSION IMPLEMENTING DIRECTIVE (EU) 2021/971

of 16 June 2021

amending Annex I to Council Directive 66/401/EEC on the marketing of fodder plant seed, Annex I to Council Directive 66/402/EEC on the marketing of cereal seed, Annex I to Council Directive 2002/54/EC on the marketing of beet seed, Annex I to Council Directive 2002/55/EC on the marketing of vegetable seed and Annex I to Council Directive 2002/57/EC on the marketing of seed of oil and fibre plants, as regards the use of biochemical and molecular techniques

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽¹⁾, and in particular Article 21a thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed ⁽²⁾, and in particular Article 21b thereof,

Having regard to Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed ⁽³⁾, and in particular Article 27 thereof,

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed ⁽⁴⁾, and in particular Article 45 thereof,

Having regard to Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants ⁽⁵⁾, and in particular Article 24 thereof,

Whereas:

- (1) In accordance with Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC, seed of the respective species may only be marketed in the Union if it has been examined and certified officially or under official supervision, in accordance with the rules for certification regarding generation of pre-basic seed, basic seed or certified seed.
- (2) In accordance with Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC, the examination for certification is based on visual phenotypic observation of the crop in the field by the certification authority of each Member State or under its supervision and in official post-control. The aforementioned Directives, however, do not explicitly refer to the use of any other technique to check varietal identity in the field or in post control in the context of certification a fact that may create lack of clarity with regard to its implementation.
- (3) Biochemical and molecular techniques ('BMT') make it possible to indicate information on the genetic structure of living organisms. The use of BMT enables certification authorities to identify the plant variety on the basis of laboratory analysis instead of visual phenotypic observation of the plants in the field.
- (4) BMT in plant breeding and seed testing are developing fast and their use in the seed sector is increasingly important. In the Seed Schemes of the Organisation for Economic Cooperation and Development (OECD) ⁽⁶⁾, procedures, measures and techniques have been laid down to enable the use of BMT as a supplementary tool for field inspections and control plot testing, when there are doubts as regards the seed varietal identity, for the purposes of phenotypic examination.

⁽¹⁾ OJ 125, 11.7.1966, p. 2298.

⁽²⁾ OJ 125, 11.7.1966, p. 2309.

⁽³⁾ OJ L 193, 20.7.2002, p. 12.

⁽⁴⁾ OJ L 193, 20.7.2002, p. 33.

⁽⁵⁾ OJ L 193, 20.7.2002, p. 74.

⁽⁶⁾ OECD Seed Schemes; Rules and Regulation 2021, Common Rules and Regulation 7.4.5, p. 3, <https://www.oecd.org/agriculture/seeds/documents/oecd-seed-schemes-rules-and-regulations.pdf>, and OECD Seed Schemes; Guidelines for control plot tests and field inspection for seed crops, July 2019, Part III, p. 31, <https://www.oecd.org/agriculture/seeds/documents/guidelines-control-plot-and-field-inspection.pdf>

- (5) Bearing in mind that the use of BMT facilitates the further analysis of seed and plants, it is appropriate to amend Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC to explicitly allow the use of BMT as a supplementary method for the examination of the identity of the variety concerned, in case field inspections and official post control have left some doubt. This is necessary in order for Union law to be adapted to the development of scientific and technical knowledge and to align the Union legislation with the applicable international standards incorporated into the OECD Seed Schemes.
- (6) In order to ensure their consistent and systematic application in accordance with the most updated scientific and technical evidence, Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC should only refer to BMTs recognised by the International Union for the Protection of New Varieties of Plants (UPOV), the OECD and the International Seed Testing Association (ISTA), as those organisations set the relevant officially recognised international BMT standards in this respect.
- (7) The relevant Annexes to Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC should therefore be amended accordingly, to ensure clarity that BMT may be also used in case there is still doubt as to the varietal identity of the seed.
- (8) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC

Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC are amended as follows:

- (1) Annex I to Directive 66/401/EEC is amended in accordance with Part A of the Annex to this Directive;
- (2) Annex I to Directive 66/402/EEC is amended in accordance with Part B of the Annex to this Directive;
- (3) Annex I to Directive 2002/54/EC is amended in accordance with Part C of the Annex to this Directive;
- (4) Annex I to Directive 2002/55/EC is amended in accordance with Part D of the Annex to this Directive;
- (5) Annex I to Directive 2002/57/EC is amended in accordance with Part E of the Annex to this Directive.

Article 2

Transposition

1. Member States shall adopt and publish, by 31 August 2022 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 September 2022.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

Entry into force

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

*Article 4***Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 16 June 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Amendments to Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC, as referred to in Article 1

PART A

Amendment to Annex I to Directive 66/401/EEC

In Annex I to Directive 66/401/EEC, the following point 7 is added:

- '7. In the case where, following the implementation of points 4 and 6, there is still doubt as to the varietal identity of the seed, the certification authority may use, for the examination of that identity, an internationally recognised and reproducible biochemical or molecular technique, in accordance with the applicable international standards.'

PART B

Amendment to Annex I to Directive 66/402/EEC

In Annex I to Directive 66/402/EEC, the following point 8 is added:

- '8. In the case where, following the implementation of points 3 and 7, there is still doubt as to the varietal identity of the seed, the certification authority may use, for the examination of that identity, an internationally recognised and reproducible biochemical or molecular technique, in accordance with the applicable international standards.'

PART C

Amendment to Annex I to Directive 2002/54/EC

In Part A. Crop of Annex I to Directive 2002/54/EC, the following point 5a is inserted between points 5 and 6:

- '5a. In the case where, following the implementation of points 2 to 5, there is still doubt as to the varietal identity of the seed, the certification authority may use, for the examination of that identity, an internationally recognised and reproducible biochemical or molecular technique, in accordance with the applicable international standards.'

PART D

Amendment to Annex I to Directive 2002/55/EC

In Annex I to Directive 2002/55/EC, the following point 3a is inserted between points 3 and 4:

- '3a. In the case where, following the implementation of points 1, 2 and 3, there is still doubt as to the varietal identity of the seed, the certification authority may use, for the examination of that identity, an internationally recognised and reproducible biochemical or molecular technique, in accordance with the applicable international standards.'

PART E

Amendment to Annex I to Directive 2002/57/EC

In Annex I to Directive 2002/57/EC, the following point 3a is inserted between points 3 and 4:

- '3a. In the case where, following the implementation of points 1 and 3, there is still doubt left as to the varietal identity of the seed, the certification authority may use, for the examination of that identity, an internationally recognised and reproducible biochemical or molecular technique, in accordance with the applicable international standards.'
-

DECISIONS

COUNCIL DECISION (EU) 2021/972

of 14 June 2021

on the position to be taken on behalf of the European Union within the General Council of the World Trade Organization on the European Union request for an extension of the WTO waiver permitting autonomous trade preferences to the Western Balkans

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Pursuant to paragraph 2 of Article II of the Agreement establishing the World Trade Organization ('WTO Agreement'), the agreements and associated legal instruments included in Annexes 1, 2 and 3 ('Multilateral Trade Agreements') thereto, including the General Agreement on Tariffs and Trade 1994 (GATT 1994), are integral parts of the WTO Agreement, binding on all Members of the World Trade Organization (WTO), including the Union.
- (2) Pursuant to paragraph 1 of Article IV of the WTO Agreement, the WTO may adopt decisions on all matters under any of the Multilateral Trade Agreements.
- (3) In accordance with paragraph 3 of Article IX of the WTO Agreement, in exceptional circumstances, the WTO may decide to waive an obligation imposed on a Member by the WTO Agreement or by any of the Multilateral Trade Agreements.
- (4) The Union was first granted a waiver of its obligations under paragraph 1 of Article I of GATT 1994 on 8 December 2000 until 31 December 2006, which was last extended on 7 December 2016 until 31 December 2021, to the extent necessary to permit the Union to afford preferential treatment to eligible products originating in the Western Balkans (Albania, Bosnia and Herzegovina, Kosovo *, Montenegro, North Macedonia, and Serbia).
- (5) On 16 December 2020, Regulation (EU) 2020/2172 of the European Parliament and of the Council ⁽¹⁾ extended further the period of application of autonomous trade preferences to the Western Balkans until 31 December 2025.
- (6) In the absence of a waiver of WTO obligations, the Union's application of autonomous trade preferences to the Western Balkans until 31 December 2025 would need to be extended to all other Members of the WTO.
- (7) The request to extend the waiver of WTO obligations under paragraph 1 of Article I and Article XIII of GATT 1994 permitting autonomous trade preferences to the Western Balkans is justified considering the persistent difficult economic situation in the region and that the preferential treatment with regard to eligible products the Union affords those countries is intended to promote economic development in a manner consistent with the objectives of GATT 1994 and not to create barriers for the trade of other WTO Members.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

⁽¹⁾ Regulation (EU) 2020/2172 of the European Parliament and of the Council of 16 December 2020 amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process (OJ L 432, 21.12.2020, p. 7).

- (8) It is appropriate to establish the position to be taken on behalf of the Union in the General Council of the WTO, as the extension of the WTO waiver on autonomous trade preferences granted by the Union to the Western Balkans will be binding on Members of the WTO,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the European Union within the General Council of the World Trade Organization shall be to request an extension of the existing WTO waiver on the autonomous trade preferences granted by the Union to the Western Balkans until 31 December 2026 and to support the adoption of that request.

That position shall be expressed by the Commission.

Article 2

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

Done at Luxembourg, 14 June 2021.

For the Council
The President
A. MENDES GODINHO

CORRIGENDA

Corrigendum to Commission Regulation (EU) 2021/850 of 26 May 2021 amending and correcting Annex II and amending Annexes III, IV and VI to Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products

(Official Journal of the European Union L 188, 28 May 2021)

On page 44, the Annex to Regulation (EU) 2021/850 is replaced with the following

‘ANNEX

Regulation (EC) No 1223/2009 is amended as follows:

(1) in Annex II the following entries are added:

Reference number	Substance identification		
	Chemical name/INN	CAS number	EC number
a	b	c	d
“1645	Cobalt	7440-48-4	231-158-0
1646	Metaldehyde (ISO); 2,4,6,8-tetramethyl- 1,3,5,7-tetraoxacyclooctane	108-62-3	203-600-2
1647	Methylmercuric chloride	115-09-3	204-064-2
1648	Benzo[rst]pentaphene	189-55-9	205-877-5
1649	Dibenzo[b,def]chrysene; dibenzo[a,h]pyrene	189-64-0	205-878-0
1650	Ethanol, 2,2'-iminobis-, N- (C13-15-branched and linear alkyl) derivs.	97925-95-6	308-208-6
1651	Cyflumetofen (ISO); 2-methoxyethyl (RS)-2- (4-tert-butylphenyl)-2-cyano-3-oxo-3-(a,a,a-trifluoro-o-tolyl)propionate	400882-07-7	-
1652	Diisohexyl phthalate	71850-09-4	276-090-2
1653	halosulfuron-methyl (ISO); methyl 3-chloro-5-[[4,6- dimethoxypyrimidin-2-yl) carbamoyl]sulfamoyl]-1- methyl-1H-pyrazole-4- carboxylate	100784-20-1	-
1654	2-methylimidazole	693-98-1	211-765-7
1655	Metaflumizone (ISO); (EZ)-2'-[2-(4-cyanophenyl)-1-(a,a,a -trifluoro-m- tolyl)ethylidene]- [4-(trifluoromethoxy)phenyl] carbanilohydrazide [E-isomer ≥ 90 %, Z-isomer ≤ 10 % relative content]; [1] (E)-2'-[2-(4-cyanophenyl)- 1-(a,a,a -trifluoro-m-tolyl) ethylidene]- [4-(trifluoromethoxy)phenyl]carbanilohydrazide [2]	139968-49-3 [1] 852403-68-0 [2]	-
1656	Dibutylbis(pentane-2,4- dionato-O,O')tin	22673-19-4	245-152-0”

(2) Annex III is amended as follows:

(a) entry 98 is replaced by the following:

Reference number	Substance identification				Restrictions			Wording of conditions of use and warnings
	Chemical Name/INN	Name of Common Ingredients Glossary	CAS number	EC number	Product type, Body parts	Maximum concentration in ready for use preparation	Other	
a	b	c	d	e	f	g	h	i
"98	Benzoic acid, 2-hydroxy- ⁽¹⁾	Salicylic acid	69-72-7	200-712-3	(a) Rinse-off hair products (b) Other products except body lotion, eye shadow, mascara, eyeliner, lipstick, roll-on deodorant (c) Body lotion, eye shadow, mascara, eyeliner, lipstick, roll-on deodorant	(a) 3,0 % (b) 2,0 % (c) 0,5 %	(a) (b) (c) Not to be used in preparations for children under 3 years of age. Not to be used in applications that may lead to exposure of the end-user's lungs by inhalation. Not to be used in oral products. For purposes other than inhibiting the development of micro-organisms in the product. This purpose has to be apparent from the presentation of the product. These levels are inclusive of any use of salicylic acid.	(a) (b) (c) Not to be used for children under 3 years of age ⁽²⁾

⁽¹⁾ For use as a preservative see Annex V, No 3.

⁽²⁾ Solely for products which might be used for children under 3 years of age.”;

(b) the following entry is added:

Reference number	Substance identification				Restrictions			Wording of conditions of use and warnings
	Chemical Name/INN	Name of Common Ingredients Glossary	CAS number	EC number	Product type, Body parts	Maximum concentration in ready for use preparation	Other	
a	b	c	d	e	f	g	h	i
"321	Titanium dioxide in powder form containing 1 % or more of particles with aerodynamic diameter $\leq 10 \mu\text{m}$	Titanium Dioxide	13463-6-7-7/ 1317-70--0/ 1317-80--2	236-675-5/ 215-280-1/ 215-282-2	(a) face products in loose powder form (b) hair aerosol spray products (c) other products	(a) 25 %; (b) 1,4 % for general consumers, and 1.1 % for professional use.	(a) (b) Only in the pigmentary form (c) Not to be used in applications that may lead to exposure of the end-user's lungs by inhalation"	

(3) in Annex IV, entry 143 is replaced by the following:

Reference number	Substance identification				Conditions				Wording of conditions of use and warnings
	Chemical Name	Colour index Number/Name of Common Ingredients Glossary	CAS number	EC number	Colour	Product type, Body parts	Maximum concentration in ready for use preparation	Other	
a	b	c	d	e	f	g	h	i	j
"143	Titanium dioxide ⁽¹⁾	77891		236-675-5	White			— Purity criteria as set out in Commission Directive 95/45/E (E 171) — Titanium dioxide in powder form containing 1 % or more of particles with aerodynamic diameter $\leq 10 \mu\text{m}$, to be used in compliance with Annex III, No 321	

⁽¹⁾ For use as a UV filter, see Annex VI, No 27.;

(4) in Annex VI, entry 27 is replaced by the following:

Reference number	Substance identification				Conditions			Wording of conditions of use and warnings
	Chemical name/INN/XAN	Name of Common Ingredients Glossary	CAS number	EC number	Product type, body parts	Maximum concentration in ready for use preparation	Other	
a	b	c	d	e	f	g	h	i
"27	Titanium dioxide (*)	Titanium Dioxide	13463-67-7/ 1317-70-0/ 1317-80-2	236-675-5/ 215-280-1/ 215-282-2		25 % (*)	Titanium dioxide in powder form containing 1 % or more of particles with aerodynamic diameter ≤ 10 µm, to be used in compliance with Annex III, No 321. For the product types under letter (c) of column (f) in Annex III, No 321, the maximum concentration in ready for use preparation provided in column (g) of this entry applies.'	

(*) For use as a colorant, see Annex IV, No 143."

Corrigendum to Commission Delegated Regulation (EU) 2020/217 of 4 October 2019 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures and correcting that Regulation

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On page 11, in Annex III, point 2(c), line 022-006-002, first column:

for: '022-006-002',

read: '022-006-00-2'.

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