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⁽¹⁾ Text with EEA relevance

EN

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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2015/1555

of 28 May 2015

supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for the disclosure of information in relation to the compliance of institutions with the requirement for a countercyclical capital buffer in accordance with Article 440

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 ⁽¹⁾, and in particular Article 440(2) thereof,

Whereas:

- (1) As set out in Article 130(1) of Directive 2013/36/EU of the European Parliament and of the Council ⁽²⁾, Member States are obliged to require institutions to maintain an institution-specific countercyclical capital buffer.
- (2) With a view to ensuring transparency and comparability across institutions, Regulation (EU) No 575/2013 requires institutions to disclose the key elements of the calculation of their countercyclical capital buffer, comprising the geographical distribution of their relevant credit exposures and the final amount of their institution-specific countercyclical capital buffer.
- (3) As set out in Article 130(1) of Directive 2013/36/EU, an institution-specific countercyclical buffer is calculated as the product of its total risk exposure amount in accordance with Article 92(3) of Regulation (EU) No 575/2013 and the institution-specific countercyclical buffer rate.
- (4) As set out in Article 140(1) of Directive 2013/36/EU, an institution-specific countercyclical capital buffer rate consists of the weighted average of the countercyclical buffer rates that apply in the countries where the relevant credit exposures of the institution are located. The distribution by country of relevant credit exposures should be disclosed in a standard format, in accordance with the provisions laid down in Commission Delegated Regulation (EU) No 1152/2014 ⁽³⁾. With a view to fulfilling the requirements of Article 440(1)(a) of Regulation (EU) No 575/2013 which does not set forth a minimum buffer rate, the geographical breakdown of relevant credit exposures should be disclosed even when the applicable countercyclical capital buffer rate for a country is zero.

⁽¹⁾ OJ L 176, 27.6.2013, p. 1.

⁽²⁾ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).

⁽³⁾ Commission Delegated Regulation (EU) No 1152/2014 of 4 June 2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards on the identification of the geographical location of the relevant credit exposures for calculating institution-specific countercyclical capital buffer rates (OJ L 309, 30.10.2014, p. 5).

- (5) For the purpose of the calculation of the institution-specific countercyclical buffer amount, the weights applied to countercyclical buffer rates should be proportionate to the total own funds requirements for credit risk that relates to the relevant credit exposures in each Member State and third country jurisdiction where the institution holds exposures. Therefore, institutions should disclose own funds requirements for all relevant credit exposures.
- (6) As set out in Article 433 of Regulation (EU) No 575/2013, institutions publish their disclosures in relation to countercyclical buffer requirements at least on an annual basis in conjunction with the date of publication of financial statements. As, in accordance with Article 136(7) of Directive 2013/36/EU, the countercyclical capital buffer rate is set by designated authorities on a quarterly basis, the disclosure of information on the compliance of institutions with the requirement for an institution-specific countercyclical capital buffer should refer to the information on the countercyclical capital buffer rate from the last available quarter. The disclosure of information in relation to the countercyclical capital buffer should be based on the countercyclical capital buffer rates that are applicable at the time of the computation of the institution-specific countercyclical capital buffer to which the disclosure relates.
- (7) Pursuant to Article 6(1) in conjunction with Article 440(1) of Regulation (EU) No 575/2013, institutions should disclose the information relating to the countercyclical capital buffer on an individual basis. However, an institution which is either a parent undertaking or a subsidiary, and an institution included in the consolidation pursuant to Article 18 of Regulation (EU) No 575/2013 should not be required to comply with the disclosure requirements laid down in Part Eight of that Regulation on an individual basis as required in Article 6(3) of that Regulation. EU parent institutions and institutions controlled by an EU parent financial holding company or EU parent mixed financial holding company should disclose this information on a consolidated basis, while significant subsidiaries of EU parent institutions or EU parent financial holding company or EU parent mixed financial holding company and subsidiaries which are of material significance for their local markets should disclose this information on individual or sub-consolidated basis, as provided for in Article 13 of Regulation (EU) No 575/2013.
- (8) The requirement to maintain an institution-specific countercyclical capital buffer set out in Article 130 of Directive 2013/36/EU will apply and be phased in from 1 January 2016 unless Member States impose a shorter transitional period pursuant to Article 160(6) of that Directive. In order to ensure that institutions have sufficient time to prepare for the disclosure of information, this Regulation should apply from 1 January 2016.
- (9) This Regulation is based on the draft regulatory technical standards submitted by the European Supervisory Authority (European Banking Authority) to the European Commission.
- (10) The European Banking Authority has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

Pursuant to Article 440 of Regulation (EU) No 575/2013, this Regulation specifies the disclosure requirements for institutions in relation to their compliance with the requirement for a countercyclical capital buffer referred to in Chapter 4 of Title VII of Directive 2013/36/EU.

⁽¹⁾ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

*Article 2***Disclosure of the geographical distribution of credit exposures**

The geographical distribution of an institution's credit exposures relevant for the calculation of countercyclical buffer referred to in Article 440(1)(a) of Regulation (EU) No 575/2013 shall be disclosed in the standard format as set out in Table 1 of Annex I in accordance with the instructions contained in Parts I and II of Annex II and with the provisions laid down in Delegated Regulation (EU) No 1152/2014.

*Article 3***Disclosure of the amount of institution specific countercyclical buffer**

The amount of an institution's specific countercyclical buffer referred to in Article 440(1)(b) of Regulation (EU) No 575/2013 shall be disclosed in the standard format as set out in Table 2 of Annex I in accordance with the instructions contained in Parts I and III of Annex II.

*Article 4***Entry into force and application**

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

It shall apply from 1 January 2016.

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

Done at Brussels, 28 May 2015.

For the Commission
The President
Jean-Claude JUNCKER

STANDARD FORMAT FOR DISCLOSURE OF INFORMATION IN RELATION TO THE COMPLIANCE OF INSTITUTIONS WITH THE REQUIREMENT FOR A COUNTERCYCLICAL CAPITAL BUFFER

Table 1

Geographical distribution of credit exposures relevant for the calculation of the countercyclical capital buffer

Row		General credit exposures		Trading book exposure		Securitisation exposure		Own funds requirements				Own funds requirement weights	Countercyclical capital buffer rate
		Exposure value for SA	Exposure value IRB	Sum of long and short position of trading book	Value of trading book exposure for internal models	Exposure value for SA	Exposure value for IRB	Of which: General credit exposures	Of which: Trading book exposures	Of which: Securitisation exposures	Total		
		010	020	030	040	050	060	070	080	090	100	110	120
010	Breakdown by country												
	Country:001												
	002												
	...												
	NNN												
020													

Table 2

Amount of institution-specific countercyclical capital buffer

Row		Column
		010
010	Total risk exposure amount	
020	Institution specific countercyclical buffer rate	
030	Institution specific countercyclical buffer requirement	

ANNEX II

INSTRUCTIONS FOR DISCLOSURE STANDARD FORMATS

PART I

GENERAL INSTRUCTIONS

Reference data

- (1) Under the field 'Level of application' institutions shall indicate the level of application that forms the basis for the data provided in Tables 1 and 2. When completing this field institutions shall select one of the following, in accordance with Article 6 and 13 of Regulation (EU) No 575/2013:
 - (a) Consolidated;
 - (b) Individual;
 - (c) Sub-consolidated.
- (2) For disclosure on an individual basis in accordance with Part One, Title II of Regulation (EU) No 575/2013, institutions shall complete Tables 1 and 2 of these Instructions on an individual basis in accordance with Part One, Title II, Chapter 1 of Regulation (EU) No 575/2013.
- (3) For disclosure on a consolidated or sub-consolidated basis in accordance with Part One, Title II of Regulation (EU) No 575/2013, institutions shall complete Tables 1 and 2 of these Instructions based on a consolidated basis in accordance with Part One, Title II, Chapter 2 of Regulation (EU) No 575/2013.

PART II

INSTRUCTIONS FOR STANDARD FORMAT 1

Table 1

Geographical distribution of credit exposures relevant for the calculation of the countercyclical capital buffer

The scope of Table 1 is limited to credit exposures relevant for the calculation of CCB in accordance with Article 140(4) of Directive 2013/36/EU.

Legal references and instructions	
Row number	Explanation
010-01X	<p>Breakdown of relevant credit exposures by country</p> <p>List of countries in which the institution has credit exposures relevant for the calculation of the institution-specific countercyclical buffer in accordance with Delegated Regulation (EU) No 1152/2014.</p> <p>The number of rows may vary depending on the number of countries where the institution has its credit exposures relevant for the calculation of the countercyclical buffer.</p> <p>In accordance with Delegated Regulation (EU) No 1152/2014, if trading book exposures or foreign credit exposures of an institution represent less than 2 % of its aggregate risk weighted exposures, the institution may choose to allocate these exposures to the place of institution. If the exposures disclosed for the place of institution include exposures from other countries, these should be clearly identified in a note or footnote to the disclosure table.</p>
020	<p>Total</p> <p>The value as described in accordance with the explanation for columns 010 to 120 of the current Table.</p>

Legal references and instructions	
Column number	Explanation
010	<p>Exposure value of general credit exposures for SA</p> <p>Exposure value of relevant credit exposures defined in accordance with Article 140(4)(a) of Directive 2013/36/EU, determined in accordance with Article 111 of Regulation (EU) No 575/2013.</p> <p>Geographical breakdown is made in accordance with Delegated Regulation (EU) No 1152/2014.</p> <p>Row 020 (Total): The sum of all relevant credit exposures defined in accordance with Article 140(4)(a) of Directive 2013/36/EU, determined in accordance with Article 111 of Regulation (EU) No 575/2013.</p>
020	<p>Exposure value of general credit exposures for IRB</p> <p>Exposure value of relevant credit exposures defined in accordance with Article 140(4)(a) of Directive 2013/36/EU, determined in accordance with Article 166 of Regulation (EU) No 575/2013.</p> <p>Geographical breakdown is made in accordance with EBA/RTS/2013/15.</p> <p>Row 020 (Total): The sum of all relevant credit exposures defined in accordance with Article 140(4)(a) of Directive 2013/36/EU, determined in accordance with Article 166 of Regulation (EU) No 575/2013.</p>
030	<p>Sum of long and short positions of trading book exposures</p> <p>Sum of long and short positions of relevant credit exposures defined in accordance with Article 140(4)(b) of Directive 2013/36/EU, calculated as the sum of long and short positions determined in accordance with Article 327 of Regulation (EU) No 575/2013.</p> <p>Geographical breakdown is made in accordance with Delegated Regulation (EU) No 1152/2014.</p> <p>Row 020 (Total): The sum of all long and short positions of relevant credit exposures defined in accordance with Article 140(4)(b) of Directive 2013/36/EU, calculated as the sum of long and short positions determined in accordance with Article 327 of Regulation (EU) No 575/2013.</p>
040	<p>Value of trading book exposures for internal models</p> <p>Sum of the following:</p> <ul style="list-style-type: none"> — Fair value of cash positions, that represent relevant credit exposures as defined in Article 140(4)(b) of Directive 2013/36/EU, determined in accordance with Article 104 of Regulation (EU) No 575/2013. — Notional value of derivatives, that represent relevant credit exposures as defined in accordance with Article 140(4)(b) of Directive 2013/36/EU. <p>Geographical breakdown is made in accordance with Delegated Regulation (EU) No 1152/2014.</p> <p>Row 020 (Total): The sum of fair value of all cash positions, that represent relevant credit exposures as defined in Article 140(4)(b) of Directive 2013/36/EU, determined in accordance with Article 104 of Regulation (EU) No 575/2013, and notional value of all derivatives, that represent relevant credit exposures as defined in accordance with Article 140(4)(b) of Directive 2013/36/EU.</p>
050	<p>Exposure value of securitisation exposures for SA</p> <p>Exposure value of relevant credit exposures defined in accordance with Article 140(4)(c) of Directive 2013/36/EU, determined in accordance with Article 246(1)(a) and (c) of Regulation (EU) No 575/2013.</p> <p>Geographical breakdown is made in accordance with Delegated Regulation (EU) No 1152/2014.</p> <p>Row 020 (Total): The sum of all relevant credit exposures defined in accordance with Article 140(4)(c) of Directive 2013/36/EU, determined in accordance with Article 246(1)(a) and (c) of Regulation (EU) No 575/2013.</p>

Legal references and instructions	
Column number	Explanation
060	<p>Exposure value of securitisation exposures for IRB</p> <p>Exposure value of relevant credit exposures defined in accordance with Article 140(4)(c) of Directive 2013/36/EU, determined in accordance with Article 246(1)(b) and (d) of Regulation (EU) No 575/2013.</p> <p>Geographical breakdown is made in accordance with Delegated Regulation (EU) No 1152/2014.</p> <p>Row 020 (Total): The sum of all relevant credit exposures defined in accordance with Article 140(4)(c) of Directive 2013/36/EU, determined in accordance with Article 246(1)(b) and (d) of Regulation (EU) No 575/2013.</p>
070	<p>Own funds requirements: general credit exposures</p> <p>Own funds requirements for relevant credit exposures in the country in question, defined in accordance to Article 140(4)(a) of Directive 2013/36/EU, determined in accordance with Part Three, Title II of Regulation (EU) No 575/2013.</p> <p>Row 020 (Total): The sum of all own funds requirements for relevant credit exposures, defined in accordance to Article 140(4)(a) of Directive 2013/36/EU, determined in accordance with Part Three, Title II of Regulation (EU) No 575/2013.</p>
080	<p>Own funds requirements: trading book exposures</p> <p>Own funds requirements for relevant credit exposures in the country in question, defined in accordance to Article 140(4)(b) of Directive 2013/36/EU, determined in accordance with Part Three, Title IV, Chapter 2 of Regulation (EU) No 575/2013 for specific risk, or in accordance with Part Three, Title IV, Chapter 5 of Regulation (EU) No 575/2013 for incremental default and migration risk.</p> <p>Row 020 (Total): The sum of all own funds requirements for relevant credit exposures, defined in accordance to Article 140(4)(b) of Directive 2013/36/EU, determined in accordance with Part Three, Title IV, Chapter 2 of Regulation (EU) No 575/2013 for specific risk, or in accordance with Part Three, Title IV, Chapter 5 of Regulation (EU) No 575/2013 for incremental default and migration risk.</p>
090	<p>Own funds requirements: securitisation exposures</p> <p>Own funds requirements for relevant credit exposures in the country in question, defined in accordance to Article 140(4)(c) of Directive 2013/36/EU, determined in accordance with Part Three, Title II, Chapter 5 of Regulation (EU) No 575/2013.</p> <p>Row 020 (Total): The sum of all own funds requirements for relevant credit exposures, defined in accordance to Article 140(4)(c) of Directive 2013/36/EU, determined in accordance with Part Three, Title II, Chapter 5 of Regulation (EU) No 575/2013.</p>
100	<p>Own funds requirements — Total</p> <p>The sum of columns 070, 080 and 090.</p> <p>Row 020 (Total): The sum of all own funds requirements for relevant credit exposures, defined in accordance to Article 140(4) of Directive 2013/36/EU.</p>
110	<p>Own funds requirements weights</p> <p>The weight applied to the countercyclical buffer rate in each country, calculated as the total own funds requirements that relates to the relevant credit exposures in the country in question (row 01X, column 100), divided by the total own funds requirements that relates to all credit exposures relevant for the calculation of the countercyclical buffer in accordance with Article 140(4) of Directive 2013/36/EU (row 020, column 100).</p> <p>This value is disclosed as an absolute number with 2 decimal points.</p>

Legal references and instructions	
Column number	Explanation
120	<p>Countercyclical capital buffer rate</p> <p>Countercyclical capital buffer rate applicable in the country in question, and set in accordance with Articles 136, 137, 138 and 139 of Directive 2013/36/EU. This column does not include countercyclical capital buffer rates that were set, but are not yet applicable at the time of computation of the institution-specific countercyclical capital buffer to which the disclosure relates.</p> <p>This value is disclosed as percentage with the same number of decimal points as set in accordance with Articles 136, 137, 138 and 139 of Directive 2013/36/EU.</p>

PART III

INSTRUCTIONS FOR STANDARD FORMAT 2

Table 2

Amount of institution-specific countercyclical capital buffer

Institutions shall apply the instructions provided in this section in order to complete Table 2 Amount of institution-specific countercyclical capital buffer.

Legal references and instructions	
Row number	Explanation
010	<p>Total risk exposure amount</p> <p>Total risk exposure amount calculated in accordance with Article 92(3) of Regulation (EU) No 575/2013.</p>
020	<p>Institution-specific countercyclical capital buffer rate</p> <p>Institution-specific countercyclical capital buffer rate, determined in accordance with Article 140(1) of Directive 2013/36/EU.</p> <p>The institution-specific countercyclical capital buffer rate is calculated as the weighted average of the countercyclical buffer rates that apply in the countries where the relevant credit exposures of the institution are located and reported in rows 010 to 01X of column 120 of Table 1.</p> <p>The weight applied to the countercyclical buffer rate in each country is the share of own funds requirements in total own funds requirements relating to relevant credit exposures in the territory in question, and is disclosed in Table 1 column 110.</p> <p>This value is disclosed as percentage with 2 decimal points.</p>
030	<p>Institution-specific countercyclical capital buffer requirement</p> <p>Institution-specific countercyclical capital buffer requirement, calculated as the institution-specific countercyclical buffer rate, as reported in row 020 of this Table, applied to the total risk exposure amount as reported in row 010 of this Table.</p>

Legal references and instructions	
Column number	Explanation
010	The value as described in accordance with the explanation for rows 010 to 030 of the current Table.

COMMISSION DELEGATED REGULATION (EU) 2015/1556**of 11 June 2015****supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for the transitional treatment of equity exposures under the IRB approach****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 ⁽¹⁾, and in particular the third subparagraph of Article 495(3) thereof,

Whereas:

- (1) It is necessary to specify the conditions under which the competent authorities may exempt from the IRB treatment certain categories of equity exposures held by institutions and EU subsidiaries of institutions in their respective Member State as at 31 December 2007.
- (2) Those conditions should be laid down in a harmonised manner so as not to have a disproportionately negative effect on the smooth transition of the national legal orders from the regime established by the transposition of Directive 2006/48/EC of the European Parliament and of the Council ⁽²⁾ and especially of its Article 154(6), to the regime established by Regulation (EU) No 575/2013.
- (3) In setting out those conditions, due regard should be had, to the extent possible, to the legitimate expectations of the institutions which were granted the exemption under the former regime, which applied until 31 December 2013. Hence, competent authorities should be allowed to afford that exemption to those institutions. Other institutions should not be afforded that exemption.
- (4) This Regulation is based on the draft regulatory technical standards submitted by the European Banking Authority to the Commission.
- (5) The European Banking Authority has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council ⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Competent authorities may afford to institutions and EU subsidiaries of institutions the exemption from the IRB treatment referred to in Article 495(1) of Regulation (EU) No 575/2013 only with regard to those categories of their equity exposures that on 31 December 2013 were already benefiting from an exemption from the IRB treatment.

⁽¹⁾ OJ L 176, 27.6.2013, p. 1.

⁽²⁾ Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions (OJ L 177, 30.6.2006, p. 1).

⁽³⁾ Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

Article 2

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

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

Done at Brussels, 11 June 2015.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION DELEGATED REGULATION (EU) 2015/1557
of 13 July 2015
amending Regulation (EC) No 543/2009 of the European Parliament and of the Council of
concerning crop statistics
(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 543/2009 of the European Parliament and of the Council of 18 June 2009 concerning crop statistics and repealing Council Regulations (EEC) No 837/90 and (EEC) No 959/93 ⁽¹⁾, and in particular Article 6(2) thereof,

Whereas:

- (1) Regulation (EC) No 543/2009 establishes the framework for the production of comparable Union statistics on annual crops.
- (2) Following a periodic review of the implementation of Regulation (EC) No 543/2009, in the interests of comparability it is deemed necessary to update some of the variable names and definitions so that they are applied and understood in a uniform manner.
- (3) Listed variables that have become obsolete should be discontinued.
- (4) Given that national production data should be comparable, the degree of humidity should be added to the production of some classes for plants that are harvested green.
- (5) Regulation (EC) No 543/2009 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 543/2009 is replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 13 July 2015.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ OJ L 167, 29.6.2009, p. 1.

Table 1

Crops from arable land**PART A**

Transmission deadlines Variables	Area under cultivation (1 000 hectares)						Harvested production (1 000 tonnes)				Yield (100 kg/ha)
	31 Jan year n	30 June year n	31 Aug year n	30 Sept year n	31 Jan year n + 1	30 Sept year n + 1	30 Sept year n	31 Oct year n	31 Jan year n + 1	30 Sept year n + 1	31 Aug year n
Deadline number	1	2	3	4	5	6	7	8	9	10	11
	MS above threshold	MS above threshold	MS above threshold	All MSs	All MSs	All MSs	All MSs	All MSs	All MSs	All MSs	MS above threshold
Cereals for the production of grain (including seed) (*)	—	—	—	—	x	R	—	—	x	R	—
Cereals (excluding rice) for the production of grain (including seed) (*)	—	—	—	—	x	x	—	—	x	x	—
Common wheat and spelt (*)	—	x	x	x	x	R	x	x	x	R	x
Common winter wheat and spelt (*)	x	x	x	x	x	x	x	x	x	x	x
Durum wheat (*)	x	x	x	x	x	R	x	x	x	R	x
Rye and winter cereal mixtures (maslin) (*)	x	x	x	x	x	R	x	x	x	R	x
Barley (*)	—	x	x	x	x	R	x	x	x	R	x
Winter barley (*)	x	x	x	x	x	x	x	x	x	x	x
Oats (*)	—	x	x	x	x	x	x	x	x	x	x
Spring cereal mixtures (mixed grain other than maslin) (*)	—	—	—	—	x	x	—	—	x	x	—
Grain maize and corn-cob-mix (*)	—	x	x	x	x	R	x	x	x	R	x
Triticale (*)	x	x	x	x	x	x	x	x	x	x	x
Sorghum (*)	—	x	x	x	x	x	x	x	x	x	x
Other cereals n.e.c. (buckwheat, millet, canary seed, etc.) (*)	—	—	—	—	x	x	—	—	x	x	—
Rice (*)	—	x	x	x	x	x	x	x	x	x	x
Rice Indica	—	—	—	—	x	x	—	—	x	x	—
Rice Japonica	—	—	—	—	x	x	—	—	x	x	—

PART B

Transmission deadlines Variables Deadline number	Area under cultivation (1 000 hectares)						Harvested production (1 000 tonnes)				Yield (100 kg/ha)
	31 Jan	30 June	31 Aug	30 Sept	31 March	30 Sept	30 Sept	31 Oct	31 March	30 Sept	31 Aug
	year n	year n	year n	year n	year n + 1	year n + 1	year n	year n	year n + 1	year n + 1	year n
	1	2	3	4	5	6	7	8	9	10	11
	MS above threshold	MS above threshold	MS above threshold	All MSs	All MSs	All MSs	All MSs	All MSs	All MSs	All MSs	MS above threshold
Dry pulses and protein crops for the production of grain (including seed and mixtures of cereals and pulses) (*)	—	—	—	—	x	R	—	—	x	x	—
Field peas (*)	—	x	x	x	x	x	x	x	x	x	x
Broad and field beans (*)	—	x	x	x	x	x	—	x	x	x	—
Sweet lupins (*)	—	—	—	—	x	x	—	—	x	x	—
Other dry pulses and protein crops n.e.c.	—	—	—	—	x	x	—	—	—	—	—
Root crops	—	—	—	—	x	x	—	—	—	—	—
Potatoes (including seed potatoes)	—	x	x	x	x	x	—	x	x	x	—
Sugar beet (excluding seed)	—	x	x	x	x	R	—	x	x	R	—
Other root crops n.e.c.	—	—	—	—	x	x	—	—	—	—	—
Industrial crops	—	—	—	—	x	x	—	—	—	—	—
Rape and turnip rape seeds (*)	—	x	x	x	x	R	x	x	x	R	x
Winter rape and turnip rape seeds	x	x	x	x	x	x	x	x	x	x	x
Sunflower seed (*)	—	x	x	x	x	R	x	x	x	R	x
Soya (*)	—	x	x	x	x	R	x	x	x	R	x
Linseed (oil flax) (*)	—	—	—	—	x	R	—	—	x	x	—
Cotton seed (*)	—	—	—	—	—	—	—	—	x	x	—
Other oilseed crops n.e.c. (*)	—	—	—	—	x	x	—	—	—	—	—
Fibre flax	—	—	—	—	x	R	—	—	x	x	—
Hemp	—	—	—	—	x	x	—	—	x	x	—
Cotton fibre	—	—	—	—	x	R	—	—	x	x	—
Tobacco	—	—	—	—	x	R	—	—	x	R	—

Transmission deadlines Variables	Area under cultivation (1 000 hectares)						Harvested production (1 000 tonnes)				Yield (100 kg/ha)
	31 Jan	30 June	31 Aug	30 Sept	31 March	30 Sept	30 Sept	31 Oct	31 March	30 Sept	31 Aug
Deadline number	1	2	3	4	5	6	7	8	9	10	11
	MS above threshold	MS above threshold	MS above threshold	All MSs	All MSs	All MSs	All MSs	All MSs	All MSs	All MSs	MS above threshold
Hops	—	—	—	—	x	x	—	—	x	x	—
Aromatic medicinal and culinary plants	—	—	—	—	x	x	—	—	—	—	—
Energy crops n.e.c.	—	—	—	—	x	x	—	—	x	x	—
Plants harvested green from arable land	—	—	—	—	x	x	—	—	—	—	—
Temporary grasses and grazings	—	—	—	—	x	x	—	—	—	—	—
Leguminous plants harvested green	—	—	—	—	x	x	—	—	—	—	—
Green maize (*)	—	x	x	x	x	x	x	x	x	x	x
Other cereals harvested green (excluding green maize) (*)	—	—	—	—	x	x	—	—	x	x	—

n.e.c. = not elsewhere classified

(*) Figures on production for these products shall be given in average degree of humidity, which each Member State shall communicate to the Commission in January/March of year n + 1 (column 9).

NB: Estimates for columns 1, 2, 3 and 11 are compulsory for Member States with average national production per year in the last three years above:

3 000 000 tonnes for common wheat and spelt,

1 000 000 tonnes for durum wheat,

900 000 tonnes for barley,

100 000 tonnes for rye and winter cereal mixtures (maslin),

1 500 000 tonnes for grain maize and corn-cob-mix,

200 000 tonnes for triticale,

150 000 tonnes for oats,

150 000 tonnes for sorghum,

150 000 tonnes for rice,

70 000 tonnes for field peas,

50 000 tonnes for broad and field beans,

300 000 tonnes for rape and turnip rape seeds,

200 000 tonnes for sunflower seed,

60 000 tonnes for soya,

700 000 tonnes for potatoes (including seed potatoes),

2 500 000 tonnes for sugar beet (excluding seed),

and 4 500 000 tonnes for green maize.

Table 2

Fresh vegetables (including melons), strawberries and cultivated mushrooms

Variables	Harvested area (1 000 hectares)	Harvested production (1 000 tonnes)
	31 March year n + 1	31 March year n + 1
Deadline number	1	2
Fresh vegetables (including melons) and strawberries	x	—
Brassicas	—	—
Cauliflower and broccoli	x	x
Cabbages	x	x
Leafy and stalked vegetables (excluding brassicas)	—	—
Leeks	x	x
Celery	x	x
Lettuces	x	x
Lettuces under glass or high accessible cover ⁽¹⁾	x	—
Endives	x	x
Spinach	x	x
Asparagus	x	x
Chicory for fresh consumption	x	x
Artichokes	x	x
Vegetables cultivated for fruit (including melons)	—	—
Tomatoes	x	x
Tomatoes for fresh consumption	x	x
Tomatoes under glass or high accessible cover ⁽¹⁾	x	—
Cucumbers	x	x
Cucumbers under glass or high accessible cover ⁽¹⁾	x	—
Gherkins	x	x
Eggplants	x	x
Courgettes and marrows	x	x
Muskmelons	x	x

Variables	Transmission deadlines	Harvested area (1 000 hectares)	Harvested production (1 000 tonnes)
	Deadline number	31 March year n + 1	31 March year n + 1
Watermelons	1	x	x
Peppers (capsicum)	1	x	x
Peppers (capsicum) under glass or high accessible cover ⁽¹⁾	1	x	—
Root, tuber and bulb vegetables	—	—	—
Carrots	1	x	x
Onions	1	x	x
Shallots	1	x	x
Celeriac	1	x	x
Radishes	1	x	x
Garlic	1	x	x
Fresh pulses	1	x	—
Fresh peas	1	x	x
Fresh beans	1	x	x
Strawberries	1	x	x
Strawberries under glass or high accessible cover ⁽¹⁾	1	x	—
Cultivated mushrooms	1	x	x

⁽¹⁾ Estimates are compulsory for Member States with a national harvested area of 500 ha or more.

Table 3

Permanent crops for human consumption

Variables	Production area (1 000 hectares)	Harvested production (1 000 tonnes)	
	31 March year n + 1	31 March year n + 1	30 September year n + 1
Deadline number	1	2	3
Permanent crops for human consumption	x	—	—
Fruits from temperate climate zones	—	—	—
Apples	x	x	—
Apples for fresh consumption	—	x	—

	Production area (1 000 hectares)	Harvested production (1 000 tonnes)	
Transmission deadlines	31 March year n + 1	31 March year n + 1	30 September year n + 1
Variables			
Deadline number	1	2	3
Pears	x	x	—
Peaches	x	x	—
Nectarines	x	x	—
Apricots	x	x	—
Cherries	x	x	—
Sour cherries	x	x	—
Plums	x	x	—
Fruits from subtropical and tropical climate zones	—	—	—
Figs	x	x	—
Kiwis	x	x	—
Avocados	x	x	—
Bananas	x	x	—
Berries (excluding strawberries)	—	—	—
Blackcurrants	x	x	—
Raspberries	x	x	—
Nuts ⁽¹⁾	—	—	—
Walnuts	x	x	—
Hazelnuts	x	x	—
Almonds	x	x	—
Chestnuts	x	x	—
Citrus fruits ⁽¹⁾	x	—	—
Oranges	x	—	x
Small citrus fruits	x	—	x
Satsumas	x	—	x
Clementines	x	—	x
Lemons and acid limes	x	—	x
Pomelos and grapefruit	x	—	x

	Production area (1 000 hectares)	Harvested production (1 000 tonnes)	
Transmission deadlines	31 March year n + 1	31 March year n + 1	30 September year n + 1
Variables			
Deadline number	1	2	3
Grapes ⁽¹⁾	x	x	—
Grapes for wines	x	x	—
Grapes for wines with protected designation of origin (PDO)	x	x	—
Grapes for wines with protected geographical indication (PGI)	x	x	—
Grapes for other wines n.e.c. (without PDO/PGI)	x	x	—
Grapes for table use	x	x	—
Grapes for raisins	x	x	—
Olives ⁽¹⁾	—	—	—
Olives for table use	x	x	—
Olives for oil	x	x	—

n.e.c. = not elsewhere classified

⁽¹⁾ Estimates are compulsory for Member States with a national production area of 500 ha or more.

Table 4

Agricultural land use

	Main area (1 000 hectares)
Variables	30 Sept year n + 1
Utilised agricultural area	R
Arable land	R
Cereals for the production of grain (including seed)	x
Dry pulses and protein crops for the production of grain (including seed and mixtures of cereals and pulses)	x
Potatoes (including seed potatoes)	x
Sugar beet (excluding seed)	x
Industrial crops	x
Plants harvested green from arable land	x

Variables	Transmission deadline	Main area (1 000 hectares)
		30 Sept year n + 1
Fresh vegetables (including melons) and strawberries		x
Flowers and ornamental plants (excluding nurseries)		x
Other arable land crops n.e.c.		x
Fallow land		R
Permanent grassland		R
Permanent crops		x
Fruits, berries and nuts (excluding citrus fruits, grapes and strawberries)		R
Grapes		R
Olives		R
Nurseries		x

n.e.c. = not elsewhere classified

COMMISSION DELEGATED REGULATION (EU) 2015/1558**of 22 July 2015****supplementing Regulation (EU) 2015/1017 of the European Parliament and of the Council by the establishment of a scoreboard of indicators for the application of the EU guarantee**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2015/1017 of the European Parliament and of the Council of 25 June 2015 on the European Fund for Strategic Investments, the European Investment Advisory Hub and the European Investment Project Portal and amending Regulations (EU) No 1291/2013 and (EU) No 1316/2013 — the European Fund for Strategic Investments ⁽¹⁾, and in particular Article 7(14) thereof,

Whereas:

- (1) The European Investment Bank ('EIB') projects supported by the EU guarantee under the European Fund for Strategic Investments ('EFSI') should be assessed in accordance with the EIB's appraisal and due diligence procedures including the 3-Pillar value added assessment framework ('3PVA').
- (2) The assessment of such projects should be carried out by reference to a scoreboard of indicators that builds on the EIB's 3PVA. The use of such a scoreboard should allow for the efficient implementation of the EFSI while ensuring high quality appraisal standards.
- (3) The scoreboard of indicators should be used to ensure that the EU guarantee is directed towards projects with higher added value.
- (4) Where the EIB governing bodies decide to revise the EIB's 3PVA, the Commission and the EIB should promptly examine the need to review and amend, where necessary, the scoreboard of indicators in light of the revised 3PVA,

HAS ADOPTED THIS REGULATION:

Article 1

A scoreboard of indicators, referred to in Article 7 of Regulation (EU) 2015/1017, to be used by the Investment Committee of the EFSI to ensure an independent and transparent assessment of the potential and actual use of the EU guarantee is set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 22 July 2015.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ OJ L 169, 1.7.2015, p. 1.

ANNEX

Scoreboard of indicators**1. General principles**

A scoreboard of indicators (the 'Scoreboard') shall be used by the Investment Committee established in accordance with paragraphs (7) to (12) of Article 7 of Regulation (EU) 2015/1017 to assess the value added of an operation to be potentially supported by the EIB under the EU guarantee ⁽¹⁾. It will be a tool for the investment committee to prioritise the use of the EU guarantee for operations that display higher scores and added value. The EIB shall calculate the scores and indicators *ex ante* and monitor the results at project completion. The Investment Committee shall receive the scores obtained under the relevant pillars and the value of each indicator.

The Scoreboard has four Pillars:

- Pillar 1 — Contribution to EFSI policy objectives
- Pillar 2 — Quality and Soundness of the project
- Pillar 3 — Technical and financial contribution
- Pillar 4 — Complementary indicators

Due to their distinct scope, each pillar shall be assessed individually without aggregation into one single rating. The Investment Committee shall assign equal importance to each pillar, when prioritising projects irrespective of whether the individual pillar presents a numerical score or whether it is composed of unscored qualitative and quantitative indicators. In accordance with Article 7(14) of the EFSI Regulation, this scoreboard is to be used by the Investment Committee to ensure an independent and transparent assessment of the potential and actual use of the EU guarantee. This is without prejudice, and complementary, to the examination of potential projects by the Investment Committee under Article 7(7) of the EFSI Regulation.

2. The Scoreboard

Each EFSI operation shall be rated on each of the 4 pillars. The rating is calculated on the basis of the points obtained on a number of indicators within each pillar, using the following scale:

Points	Pillar 2 rating	Pillar 1 and 3 rating
0-49	Marginal	Low
50-99	Acceptable	Moderate
100-149	Good	Significant
≥ 150	Excellent	High

Pillar 4 will include complementary indicators of a quantitative or qualitative nature and will not be consolidated in an individual rating.

Pillar 1 — Contribution to EFSI policy objectives

Pillar 1 shall assess the consistency with and the contribution of the operation to the realisation of the EFSI general objectives as set out in Article 9(2) of Regulation (EU) 2015/1017. The methodology to assess the overall Pillar 1 rating shall be based on the contribution of the operation ranging from 'low', 'moderate', 'significant' to 'high'.

⁽¹⁾ The Scoreboard does not cover operations under Article 10(2)(b) of Regulation (EU) 2015/1017.

The assessment builds on the following dimensions:

- ‘Contribution to EFSI objectives’: All projects must contribute to at least one of the general objectives under EFSI. Projects with a low policy priority, such as a ‘non-priority’ road TEN, shall receive a low rating.
- ‘Key objectives’: Article 9(2) of Regulation (EU) 2015/1017, for each of the general policy objectives, identifies a number of key policy areas, which are considered to be of particular importance. Projects in these key policy areas would move up one notch in the rating scale. Specific features of the project leading to particularly high contribution such as demonstration projects or projects that provide a major contribution to Europe 2020 objectives shall also be considered in the rating. Projects that meet multiple objectives, including horizontal ones such as cohesion and climate, will move up additional rating notches.

A single indicator with four rating levels shall be used. To calculate the overall rating, up to 50 points are allocated for each rating notch. When added together (without weighting), the project is then categorised as ‘low’ (less than 50 points), ‘moderate’ (50 to 99 points), ‘significant’ (100 to 149 points) to ‘high’ (150 points and above).

Pillar 2 — Quality and soundness of the project

Pillar 2 is built up from a number of indicators to evaluate the quality and soundness of the operation. A different approach is outlined for investments in individual projects or for those made through multi-beneficiary intermediated loans.

The following dimensions and resulting indicators are foreseen are to be applied in assessing ‘individual projects’:

- ‘Growth’ (indicator 1 — ranging between 0 and 100 points): The contribution of a project to sustainable growth comes from its socioeconomic impact in terms of costs and benefits. Where possible the economic rate of return (‘ERR’) is quantified using best practice in the economics profession. It considers the project’s socioeconomic costs and benefits, including its spillover effects (e.g. positive Research, Development and Innovation, long term climate benefits or impact on the labour market or negative environmental effects). However, there are also projects whose ERR is difficult to estimate. For example, a number of sectors are driven by compliance with EU standards and the primary issue is to ensure that a least cost solution is adopted rather than to assess the overall economic return (an example is water and waste treatment). For these sectors the assessment of quality is based upon sector benchmarks. For operations grouping framework loans the assessment is based predominantly on the investment strategy and criteria used by the promoter.

In general, the required hurdle rate of return for EIB financing is 5 %. For a standard project an ERR of 5-7 % is considered ‘acceptable’, 7-10 % ‘good’, while a project with an ERR above 10 % is considered ‘excellent’. However, the classification of results is also based upon some sectorial considerations. Those sectors currently considered being less environmentally sustainable (such as certain transport modes) would only be financed if they are considered ‘good’ from an economic interest point of view, meaning a minimum ERR of 7 %. Conversely, for selected projects with long-term climate benefits, projects shall be considered possible for financing if they produce an ERR in the 3,5-5 % range — with the introduction of a ‘marginal’ category. The rating attributed to private sector projects, due to their risk-return profile, is set at ‘marginal’ for a rate of return of 5-7 %, ‘acceptable’ for 7-10 %, ‘good’ for 10-15 %, and ‘excellent’ for ERRs above 15 %. The ERR shall be calculated taking fully into account positive and negative externalities, including on environmental and climate change aspects. The hurdle rate may be adjusted by the Steering Board if there is evidence of it being out of line with its economically justifiable level and taking into account the long term economic situation.

- ‘Promoter capabilities’ (indicator 2 ranging between 0 and 30 points). These capabilities are assessed through a qualitative judgement on the promoter’s ability to deliver the project in a timely, efficient manner also considering the relevant institutional context and any technical assistance to be provided. This is particularly important for framework loans, where prioritisation criteria, project implementation and control capacity/capability and monitoring and control systems shall be assessed, as well as management of environmental, competition and public procurement requirements.

- ‘Sustainability’ (indicator 3 — ranging between 0 and 30 points): The EIB standards require that projects not only are economically viable and thus contribute to growth, but also that they are sustainable in environmental and social terms. It is critical that high environmental and social standards are maintained. These are assessed through the detailed guidelines set out in the Environmental and Social Practices Handbook ⁽¹⁾.
- ‘Employment’ (indicator 4 — ranging between 0 and 40 points): The employment indicator covers employment during construction and during operation. The employment needed during construction is estimated using industry specific coefficients. The assessment of employment during operation is to be achieved through judgement by the project analysts comparing the project with sector experience. The following table summarises the rating split between employment during construction as well employment during operation. For example, projects with high labour content during construction include some civil works (notably dispersed rehabilitation works), energy efficiency, and forestry. Higher employment during operation is associated with some industrial projects.

Employment	1 point	20 points	40 points
Full time equivalent during construction (per EUR million investment cost)	< 3,5	3,5 – 7,0	> 7,0
Full time equivalent during operation (per EUR million investment cost)	< 0,50	0,51 – 1,00	> 1,00

The overall pillar 2 rating for individual projects shall be calculated by adding up the points of the four sub-categories outlined above to give an overall rating for the project ranging from ‘marginal’ (less than 50 points), ‘acceptable’ (50 to 99 points), ‘good’ (100 to 149 points) to ‘excellent’ (150 points and above).

As regards ‘Multi Beneficiary Intermediated Loans (MBIL)’, Pillar 2 shall provide an assessment of the capacity and effectiveness of financial and other entities (including promotional institutions) to act as intermediaries. The evaluation is based on the following 3 independent indicators:

- Capacity and soundness of the intermediary and quality of the operating environment.
- Increasing access to finance and improving financing conditions, including for the final beneficiaries.
- Employment at the level of final beneficiaries.

The points given to the indicators in each category are added together without weighting to give an overall rating for the project from ‘marginal’ (less than 50 points), ‘acceptable’ (50 to 99 points), ‘good’ (100 to 149 points) to ‘excellent’ (150 points and above).

Pillar 3 — Technical and financial contribution to the project

Pillar 3 focuses on the value originated by the involvement of EIB and the support from EFSI itself, offering financial and non-financial benefits in support of the project. This specific contribution is assessed through three indicators, each measuring complementary dimensions of value added:

- ‘Financial Contribution’, i.e. improving the counterpart’s funding terms compared to alternative sources of finance (interest rate reduction and/or longer lending tenor).
- ‘Financial Facilitation’, i.e. increasing the efficiency of other stakeholder support; leveraging third-party resources in particular from private sector; signalling effects for other lenders).
- ‘EIB Contribution and Advice’, i.e. providing non-financial services in the form of expert input/knowledge transfer to facilitate project implementation and to enhance institutional capacity as well as to advise on financial structuring. This could be provided under the European Investment Advisory Hub and any other existing advisory facility such as JASPERS, ELENA or Horizon 2020 Innovfin Advisory or through other appropriate means such as project implementation support.

⁽¹⁾ http://www.eib.org/attachments/strategies/environmental_and_social_practices_handbook_en.pdf

Each indicator shall be independently rated using the consistent and well-documented existing methodology of the EIB, as may be amended from time to time. As with Pillar 1, the rating shall range from 'low' to 'high'. The points attributed to each indicator are summed without weighting to give the overall rating for this pillar for the project from 'low' (less than 50 points), 'moderate' (50 to 99 points), 'significant' (100 to 149 points) to 'high' (150 points and above).

Pillar 4 — Complementary indicators

The Scoreboard shall be complemented by the following indicators to be reported for each operation so as to capture key cross-cutting aspects of EIB operations under EFSI:

- **Additionality.** It shall be specified whether the operation is a special activity or a normal operation. For normal operations, further explanation will be provided justifying additionality as defined in Article 5 of Regulation (EU) 2015/1017;
 - A set of indicators related to the macroeconomic environment where the project is taking place, allowing, inter alia, Investment Committee members to assess the potential impact on economic disparities within the Union and long term growth potential: i) indicators specific to the investment situation; ii) the Output Gap, calculated on the basis of the Ecofin Council-approved production function methodology iii) Potential GDP growth; iv) indicators specific to unemployment: the unemployment rate, the year-on-year change in the unemployment rate and a comparison with the EU average; v) the composite cost of borrowing indicator for non-financial corporations, or where those are not available, bank-interest rates to non-financial corporations. In light of these indications, the Investment Committee shall pay a particular attention to the projects that help addressing economic disparities within the Union;
 - The expected multiplier effect of the EFSI intervention;
 - Amount of private finance mobilised;
 - Cooperation with National Promotional Banks and support to Investment Platforms;
 - Co-financing with European Structural and Investment Funds;
 - Co-financing with other EU instruments (i.e. Horizon 2020, Connecting Europe Facility, etc.);
 - Energy efficiencies realised (for relevant operations);
 - Climate action indicator (for relevant operations).
-

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1559**of 18 September 2015****imposing a provisional anti-dumping duty on imports of tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron), originating in India**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ('the basic Regulation') ⁽¹⁾, and in particular Article 7(4) thereof,

After consulting the Member States,

Whereas:

1. PROCEDURE**1.1. Initiation**

- (1) On 20 December 2014, the European Commission ('the Commission') initiated an anti-dumping investigation with regard to imports into the Union of tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron) originating in India ('the country concerned') on the basis of Article 5 of the basic Regulation. It published a Notice of Initiation in the *Official Journal of the European Union* ⁽²⁾ ('the Notice of Initiation').
- (2) The Commission initiated the investigation following a complaint lodged on 10 November 2014 by Saint-Gobain PAM Group, ('the complainant') on behalf of producers representing more than 25 % of the total Union production of tubes and pipes of ductile cast iron. The complaint contained evidence of dumping and of resulting material injury that was sufficient to justify the initiation of the investigation.
- (3) On 11 March 2015, the Commission initiated an anti-subsidy investigation with regard to imports into the Union of tubes and pipes of ductile cast iron originating in India and commenced a separate investigation. It published a Notice of Initiation in the *Official Journal of the European Union* ⁽³⁾. That investigation is still on-going.

1.2. Interested parties

- (4) In the Notice of Initiation, the Commission invited interested parties to contact it in order to participate in the investigation. In particular, the Commission specifically informed the complainants, other known Union producers, the known exporting producers and the Indian authorities, known importers, suppliers and users, traders, as well as associations known to be concerned about the initiation of the investigation and invited them to participate.
- (5) Interested parties had an opportunity to comment on the initiation of the investigation and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings. No interested party requested a hearing to comment on the initiation.

1.2.1. Sampling

- (6) In the Notice of Initiation, the Commission stated that it might sample the interested parties in accordance with Article 17 of the basic Regulation.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ Notice of initiation of an anti-dumping proceeding concerning imports of tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron), originating in India (OJ C 461, 20.12.2014, p. 35).

⁽³⁾ Notice of initiation of an anti-subsidy proceeding concerning imports of tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron), originating in India (OJ C 83, 11.3.2015, p. 4).

Sampling of Union producers and importers

- (7) No sampling of Union producers was necessary. There are only three companies or group of companies manufacturing the product concerned in the Union and two of them, representing around 96 % of the total Union production, cooperated with the investigation.
- (8) As regards importers, to decide whether sampling is necessary and, if so, to select a sample, the Commission asked unrelated importers to provide the information specified in the Notice of Initiation. No unrelated importers made themselves known within the time limits set out in the notice of initiation.

Sampling of exporting producers in India

- (9) To decide whether sampling is necessary and, if so, to select a sample, the Commission asked all exporting producers in India to provide the information specified in the Notice of Initiation. In addition, the Commission asked the Mission of the Republic of India to the European Union to identify and/or contact other exporting producers, if any, that could be interested in participating in the investigation.
- (10) Two exporting producers in the country concerned provided the requested information and agreed to be included in the sample. They covered 100 % of the exports from India during the investigation period. Therefore, the Commission decided that sampling was not necessary.

1.2.2. Replies to the questionnaire

- (11) The Commission sent questionnaires to the two Indian exporting producers that cooperated, to the three Union producers as well as to users that made themselves known within the time limits set out in the Notice of Initiation.
- (12) Questionnaire replies were received from the two Indian exporting producers, from two Union producers and several dozen users.

1.2.3. Verification visits

- (13) The Commission sought and verified all the information deemed necessary for a provisional determination of dumping, resulting injury and Union interest. Verification visits pursuant to Article 16 of the basic Regulation were carried out at the premises of the following companies:

Union producers

- SAINT-GOBAIN PAM, Pont-à-Mousson, France; SAINT-GOBAIN PAM ESPANA S.A., Madrid, Spain; SAINT-GOBAIN PAM Deutschland GmbH, Saarbrücken, Germany
- Duktus Rohrsysteme Wetzlar GmbH, Wetzlar, Germany

Related sales companies

- SAINT-GOBAIN PAM PORTUGAL S.A., Lisbon, Portugal
- SAINT-GOBAIN PAM ITALIA S.p.A., Milan, Italy
- SAINT-GOBAIN PAM UK, Stanton-by-Dale, the United Kingdom
- SGPS BELGIUM S.A., Landen, Belgium

Exporting producers in India

- Electrosteel Castings Ltd, Kolkata, India, and its related company Lanco Industries Limited (now known as Srikalahasthi Pipes Limited), Andhra Pradesh, India.
- Jindal Saw Limited, New Delhi, India

Related importers/traders

- Electrosteel Europe S.A., France, which has the following branches:
 - Electrosteel Europe S.A. Sucursal En Espana, Spain
 - Electrosteel Europe S.A. Succursale Italia, Italy
 - Electrosteel Europe S.A. Niederlassung Deutschland, Germany
- Electrosteel Castings (UK) Ltd, UK
- Electrosteel Trading S.A. (Spain)
- Jindal Saw Italia SPA, Italy
- Jindal Saw Pipeline Solutions Limited, UK

1.3. Investigation period and period considered

- (14) The investigation of dumping and injury covered the period from 1 October 2013 to 30 September 2014 ('the investigation period' or 'IP'). The examination of trends relevant for the assessment of injury covered the period from 1 January 2011 to the end of the investigation period ('the period considered').

2. PRODUCT CONCERNED AND LIKE PRODUCT**2.1. Product concerned**

- (15) The product concerned is tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron) ('ductile pipes') originating in India, currently falling within CN codes ex 7303 00 10 and ex 7303 00 90. These CN codes are given for information only.
- (16) Ductile pipes are used for drinking water supply, sewage disposal and irrigation of agricultural land. The transportation of water through ductile pipes may be based on pressure or solely on gravity. The pipes range between 60 mm and 2 000 mm and are 5,5, 6,7 or 8 meters long. They are normally lined with cement or other materials and externally zinc-coated, painted or tape wrapped. The main final users are public utility companies.

2.2. Like product

- (17) The investigation showed that the product manufactured and sold in India as well as the product manufactured and sold in the Union have the same basic physical, chemical and technical characteristics.
- (18) The Commission decided at this stage that those products are therefore like products within the meaning of Article 1(4) of the basic Regulation.

3. DUMPING**3.1. Normal value**

- (19) The Commission first examined whether the total volume of domestic sales for each cooperating exporting producer was representative, in accordance with Article 2(2) of the basic Regulation. The domestic sales are representative if the total domestic sales volume of the like product to independent customers on the domestic market per exporting producer represents at least 5 % of its total export sales volume of the product concerned to the Union during the investigation period. On this basis, the total sales by each exporting producer of the like product on the domestic market were representative.
- (20) The Commission subsequently identified the product types sold domestically that were identical or comparable with the product types sold for export to the Union for the exporting producers with representative domestic sales.

- (21) The Commission then examined whether the domestic sales by each cooperating exporting producer on its domestic market for each product type that is identical or comparable with a product type sold for export to the Union were representative, in accordance with Article 2(2) of the basic Regulation. The domestic sales of a product type are representative if the total volume of domestic sales of that product type to independent customers during the investigation period represents at least 5 % of the total volume of export sales of the identical or comparable product type to the Union. On this basis, the Commission established that the domestic sales of some product types were not representative as they represented less than 5 % of the total volume of export sales of the identical or comparable product type to the Union.
- (22) The Commission next defined the proportion of profitable sales to independent customers on the domestic market for each product type during the investigation period in order to decide whether to use actual domestic sales for the calculation of the normal value, in accordance with Article 2(4) of the basic Regulation.
- (23) The normal value is based on the actual domestic price per product type, irrespective of whether those sales are profitable or not, if:
- (a) the sales volume of the product type, sold at a net sales price equal to or above the calculated cost of production, represented more than 80 % of the total sales volume of this product type; and
 - (b) the weighted average sales price of that product type is equal to or higher than the unit cost of production.
- (24) In this case, the normal value is the weighted average of the prices of all domestic sales of that product type during the IP.
- (25) The normal value is the actual domestic price per product type of only the profitable domestic sales of the product types during the IP, if:
- (a) the volume of profitable sales of the product type represents 80 % or less of the total sales volume of this type; or
 - (b) the weighted average price of this product type is below the unit cost of production.
- (26) The domestic sales used for the normal value of the two cooperating exporting producers were made directly to independent customers. The analysis of domestic sales showed that some of the domestic sales were profitable and that the weighted average sales price was higher than the cost of production. Accordingly, for the product types that were found to be identical or comparable with product types sold for export to the Union, the normal value was calculated either as a weighted average of the prices of all domestic sales or, where applicable, as a weighted average of profitable sales only.
- (27) For the product types for which there were no or insufficient sales of the identical or comparable product type of the like product in the ordinary course of trade, or where a product type was not sold in representative quantities on the domestic market, the Commission constructed the normal value in accordance with Article 2(3) and (6) of the basic Regulation.
- (28) Normal value was constructed by adding the following to the average cost of manufacturing of the like product of each cooperating exporting producer during the investigation period:
- (a) the weighted average selling, general and administrative ('SG&A') expenses incurred by the cooperating exporting producer on domestic sales of the like product, in the ordinary course of trade, during the IP; and
 - (b) the weighted average profit realised by the cooperating exporting producer on domestic sales of the like product, in the ordinary course of trade, during the IP.
- (29) The complainant claimed that the Indian export tax on iron ore, which amounted to 30 % in the IP, pushed domestic prices of iron ore down and reduced the cost of the main raw material to the exporting producers to 40 % of world market price, the effect on the CIF EU export prices of ductile pipes allegedly being 40-100 EUR/ton or 8-17 % of the export price. In these circumstances, the complainant requested that the normal value should be adjusted accordingly.

- (30) The exporting producers alleged that the prices at which they buy iron ore in India are similar to the price at which iron ore is exported from India. In addition, one of the exporting producers argued, but only after the verification visits in India took place, that it started buying iron ore from third countries after the IP.
- (31) The evidence collected so far did not allow the Commission to provisionally establish whether Indian domestic prices of iron ore are suppressed in comparison with other markets.
- (32) Accordingly, the Union industry's and exporting producers' claims could not be verified at this stage of the investigation and will be further investigated at the definitive stage of the investigation, as well as in the parallel anti-subsidy investigation.

3.2. Export price

- (33) The exporting producers exported to the Union mainly through related companies acting as importers. Exports made directly to independent customers only represented approximately 1 % of their total exports to the Union.
- (34) When the exporting producers exported the product concerned directly to independent customers in the Union, the export price was the price actually paid or payable for the product concerned when sold for export to the Union, in accordance with Article 2(8) of the basic Regulation.
- (35) When the exporting producers exported the product concerned to the Union through related companies acting as an importer, the export price was established on the basis of the price at which the imported product was first resold to independent customers in the Union, in accordance with Article 2(9) of the basic Regulation. In this case, adjustments to the price were made for all costs incurred between importation and resale, including SG&A expenses, and for profits accruing. In the absence of cooperation from unrelated importers, an average profit of 3,7 % was used, based on data from the complaint.
- (36) One of the exporting producers claimed that instead of applying Article 2(9) of the basic Regulation, the export price should be based on the transfer prices between the exporting producer and its related companies in the EU. It argued that these prices are reliable since the customs and tax authorities (for VAT purposes and income tax) of some Member States accepted that the transactions between the traders and the mother company are at arm's length.
- (37) The Commission provisionally rejected this claim for the following reasons. First, the purpose of the customs authorities' verification differs substantially from the one the Commission carries out in the context of an anti-dumping investigation. In this case, since the customs duties are zero, the customs authorities had no incentive to question the declared export prices. In addition, the Commission did not receive sufficient evidence showing that the tax authorities explicitly accepted the export prices between the exporting producer and its related companies in the EU.
- (38) Second, the claim that VAT authorities have accepted the arm's length export prices could not be accepted either since the company is anyway reimbursed for the VAT collected at the moment it resells the goods imported.
- (39) Finally, the exporting producer referred to two Council Regulations where transfer prices had been accepted ⁽¹⁾. However, in the two cases concerned, the Commission could compare sales via related importers with the sales via unrelated ones, which is impossible in the case at hand since the sales via unrelated importers were not representative (around 1 % of all sales to the EU).

⁽¹⁾ Council Regulation (EC) No 930/2003 of 26 May 2003 terminating the anti-dumping and anti-subsidy proceedings concerning imports of farmed Atlantic salmon originating in Norway and the anti-dumping proceeding concerning imports of farmed Atlantic salmon originating in Chile and the Faeroe Islands (OJ L 133, 29.5.2003, p. 1); and Council Regulation (EC) No 954/2006 of 27 June 2006 imposing definitive anti-dumping duty on imports of certain seamless pipes and tubes, of iron or steel originating in Croatia, Romania, Russia and Ukraine, repealing Council Regulations (EC) No 2320/97 and (EC) No 348/2000, terminating the interim and expiry reviews of the anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating, inter alia, in Russia and Romania and terminating the interim reviews of the anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating, inter alia, in Russia and Romania and in Croatia and Ukraine (OJ L 175, 29.6.2006, p. 4).

- (40) As regards the other exporting producer, part of the total export sales (some 10-17 %) were not resold in the conditions in which they were imported as they were processed by a related company in Italy. This related company imported semi-processed (bare) pipes which were then further processed by adding external (zinc) and internal coating (cement) to the pipes. Both the imported bare pipes and the finished pipes are product concerned. The internal and external coating of the pipes requires substantial investments in machinery and equipment, raw materials as well as a number of employees with specific qualifications.
- (41) In the scenario where products are not resold in the condition in which they were imported, the Commission may construct the export price 'on any reasonable basis', as provided for in Article 2(9) of the basic Regulation. In this case, the Commission has provisionally decided to adjust the price at which the processed product was first resold to independent customers in the Union by all costs incurred between importation and resale (excluding processing costs), SG&A expenses and for profit. In regard to processing costs incurred in the EU, the Commission will investigate further to determine whether an adjustment is appropriate and at what level. In the absence of any other reasonable benchmark, an average profit of 3,7 % was used as a level of profit of unrelated importer, based on data from the complaint. The reasons for constructing the export price on this basis are the following:
- the imported bare pipes are not sold on the Union market as these cannot be used for any water supply or sewage without further processing. For the same reason, bare pipes are not sold on the domestic market in India either;
 - in view of the magnitude of the processing costs, which are substantial as a result of the equipment, raw materials and labour needed to transform the imported bare pipes into a usable product, a deduction of these costs, which are much higher than the cost of finishing a product according to customer requirements, would lead to an unreasonable and artificial result.
- (42) As regards other products that were imported, both exporting producers had a related importer in the UK which further processed the imported products by adding flanges and cutting the pipes into smaller sizes.
- (43) The Commission provisionally constructed the export price of these other products in accordance with Article 2(9) of the basic Regulation, by adjusting the price at which the imported product was first resold to independent customers in the Union by all costs incurred between importation and resale, including the processing costs in the Union, SG&A expenses, and for profit, in order to bring the price back to the price of unprocessed (not cut and/or with no flanges). In the absence of any other reasonable benchmark, an average profit of 3,7 % was used as a level of profit of unrelated importer, based on data from the complaint.
- (44) One of the exporting producers argued that for the product types which were not resold in the conditions in which they were imported as they were processed by a related company, the Commission should construct the export price, not on the basis of the prices charged to the first independent customers, but rather on the basis of the exporting producer's direct sales to the EU, possibly complemented with the company's export prices to independent customers in third countries.
- (45) The Commission provisionally concluded that the suggested approach should be rejected. First, the direct sales to the EU of the exporting producer were very marginal during the IP both in volume and in value and are thus not representative. Second, the sales to third countries are not a reasonable basis as they do not sufficiently reflect the economic position and behaviour of the exporting producer on the Union market, especially given the fact that the exporting producer did sell to the Union in large quantities via related traders during the same period.
- (46) The exporting producer also argued that adjustments should be limited to those 'incurred between importation and resale' and should thus reasonably relate to the resale process. Thus, these costs can for instance not include the SG&A costs that are normally borne by a producer, processor or exporter. The SG&A costs of the related companies in the EU would not be reasonable costs for a mere importer. The exporting producer and its related companies in the EU are allegedly a single economic entity, which would have an impact on the kind of adjustments that can be made to construct the export price.
- (47) The company further argued that the SG&A and profit to be used to construct the export price should be re-calculated so that they would only relate to the activity of an importer.

- (48) As regards the argument that adjustments should be limited to those ‘incurred between importation and resale’ the Commission refers to established case-law of the European Courts according to which Article 2(9) of the basic Regulation does not preclude adjustments being made for costs incurred before importation, inasmuch as those costs are normally borne by the importer. Moreover, it follows from this case-law that the existence of a single economic entity does not affect the applicability and the adjustments set out in Article 2(9) of the basic Regulation. This case-law also implies that the fact that the related companies perform only certain functions is not an obstacle to the application of Article 2(9) of the basic Regulation but is reflected in a lower amount of SG&A to be deducted from the price at which the product concerned is first resold to an independent buyer. In any event, the interested party who intends to dispute the extent of the adjustments made on the basis of Article 2(9) of the Basic Regulation has a burden of proof. Hence, if this party deems the adjustments to be excessive it must supply specific evidence and calculations justifying those claims and, in particular, the alternative rate. As the Commission is of the view that the level of SG&A provisionally used to construct the export price reflects the functions performed by the related companies it provisionally rejected these claims.

3.3. Comparison

- (49) The Commission compared the normal value and the export price of the cooperating exporting producers on an ex-works basis.
- (50) The complainant requested the Commission to apply the exceptional methodology of targeted dumping laid down in the second sentence of Article 2(11) of the basic AD Regulation because ‘*there is a pattern of export prices, which differs significantly among different purchasers and regions, which will result in significantly higher dumping margins (as) the Indian exporters are targeting (...) UK, Spain, Italy and France and certain large customers*’.
- (51) The Commission provisionally dismissed the allegations of targeted dumping as the complainant failed to submit sufficient evidence in support of its allegation. The only evidence submitted was Eurostat data showing that the majority of the exports to the EU of the exporting producers enter via only four Member States. However, these exports could be subsequently shipped to other Member States as well. In addition, and more importantly, no data was submitted evidencing differences in prices between Member States.
- (52) In addition, the Commission could not establish a pattern of export prices, which differs significantly among different purchasers and regions. The investigation showed that the prices of Union producers selling in some Member States were lower than the average for the Union, but this could not be linked to any targeted dumping practices in particular because this was already the case before the Indian exporting producers started exporting to the EU.
- (53) Where justified by the need to ensure a fair comparison, the Commission adjusted the normal value and/or the export price for differences affecting prices and price comparability, in accordance with Article 2(10) of the basic Regulation. Adjustments were made for freight and insurance, handling, packaging, credit costs, bank charges, commission, import charges and after sales costs. However, no adjustment was made for duty drawback since the exporting producers failed to prove that the tax not paid or refunded on export sales is included in the domestic price.
- (54) The Indian exporting producers made a claim at a very late stage of the investigation that there are substantial physical differences within Product Control Numbers (PCNs) that would warrant adjustments for fair price comparison or the exclusion of certain special products sold by the complainant. However, the information demonstrating such differences in physical characteristics and potential value of adjustments was not sufficiently substantiated to take a position at this stage of the investigation. The claim is therefore provisionally rejected.

3.4. Dumping margins

- (55) For the cooperating exporting producers, the Commission compared the weighted average normal value of each type of the like product with the weighted average export price of the corresponding type of the product concerned, in accordance with Article 2(11) and (12) of the basic Regulation.
- (56) The level of cooperation in this case is high because the imports of the cooperating exporting producers constituted 100 % of the total exports to the Union during the IP. On this basis, the Commission decided to base the residual dumping margin at the level of the cooperating company with the highest dumping margin.

- (57) The provisional dumping margins, expressed as a percentage of the CIF Union frontier price, duty unpaid, are as follows:

Name of company	Provisional Dumping margin
Jindal Saw Ltd	31,2 %
Electrosteel Casting Ltd	15,3 %
All other companies	31,2 %

4. INJURY

4.1. Definition of the Union industry and Union production

- (58) The like product was manufactured by three producers in the Union during the investigation period. They constitute the 'Union industry' within the meaning of Article 4(1) of the basic Regulation.
- (59) As there are only three Union producers and SG PAM Group provided the data for its subsidiaries and estimates for the sole non-cooperating Union producer, all figures are presented in indexed form or given as ranges to protect confidentiality of the other Union producer who cooperated with the investigation.
- (60) The total Union production during the investigation period was established at 550 000 – 650 000 tonnes. The Commission established the total Union production on the basis of all the available information concerning the Union industry, such as information provided in the complaint for the non-cooperating producer and data collected from cooperating Union producers during the investigation. As indicated in recital (7) there are only three producers in the Union and the two cooperating ones represent around 96 % of the total Union production.

4.2. Union consumption

- (61) The Commission established the Union consumption on the basis of the volume of the total Union industry's sales in the Union, plus imports from third countries to the Union. The Commission established the total Union industry's sales on the basis of the data collected from cooperating Union producers and the information provided in the complaint for the non-cooperating producer. Import volumes were extracted from Eurostat data.
- (62) Union consumption developed as follows:

Union consumption

	2011	2012	2013	IP
<i>Index</i>	100	84	83	97

Source: questionnaire replies, information contained in the complaint and Eurostat.

- (63) The Union consumption decreased by 3,3 % during the period considered. The Union consumption followed a U-pattern — it fell significantly between 2011 and 2012 (by more than 16 %), but increased substantially in the investigation period. The final users of ductile iron pipes are water supply utilities, sewerage and irrigation companies. They are most often public entities dependant on governmental funding. In 2011 and 2012 the economic crisis turned into a fully-fledged government debt crisis. This prompted the Union governments to drastically reduce public investment and expenditure, which explains a significant drop in demand for ductile pipes, especially in countries such as Spain, Portugal and Italy.

4.3. Imports from India

4.3.1. Volume and market share of the imports from India

- (64) The Commission established the volume of imports on the basis of Eurostat. The Eurostat data was in line with the data submitted by the exporting producers from India. The market share of the imports was established on the same basis.
- (65) Imports into the Union from the country concerned developed as follows:

Import volume (metric tonnes) and market share

	2011	2012	2013	IP
Volume of imports from India	75 000 – 85 000	60 000 – 70 000	75 000 – 85 000	95 000 – 105 000
Volume of imports <i>Index</i>	100	83	101	123
Market Share <i>Index</i>	100	99	122	127

Source: Eurostat, questionnaire replies.

- (66) The Indian import volumes increased significantly by more than 22 % during the period considered in spite of the shrinking market. The Indian exporting producers gained 3,5 percentage points of market share in the same period.

4.3.2. Prices of the imports from India and price undercutting

- (67) The Commission established the prices of imports on the basis of Eurostat data. Price undercutting of the imports was established on the basis of the data submitted by the exporting producers from India and the Union industry.
- (68) The average price of imports into the Union from India developed as follows:

Import prices (EUR/tonne)

	2011	2012	2013	IP
India	650-750	700-800	600-700	600-700
<i>Index</i>	100	106	99	98

Source: Eurostat, questionnaire replies.

- (69) The Indian prices slightly decreased during the whole period considered. The Indian prices went up in 2012 (by 5,7 %), but declined even more in 2013 (by – 6,2 %).
- (70) The Commission determined the price undercutting during the investigation period by comparing:
- the weighted average sales prices per product type of the Union producers charged to unrelated customers on the Union market, adjusted to an ex-works level; and
 - the corresponding weighted average prices per product type of the imports from the cooperating Indian producers to the first independent customer on the Union market, established on a Cost, insurance, freight (CIF) basis, with appropriate adjustments for post-importation costs.

- (c) The price comparison was made on a type-by-type basis for transactions at the same level of trade, duly adjusted where necessary, and after deduction of rebates and discounts. The result of the comparison was expressed as a percentage of the Union producers' turnover during the investigation period. It showed weighted average undercutting margins of 34 % and 42,4 % for the two cooperating exporting producers.

4.4. Economic situation of the Union industry

4.4.1. General remarks

- (71) In accordance with Article 3(5) of the basic Regulation, the examination of the impact of the dumped imports on the Union industry included an evaluation of all economic indicators having a bearing on the state of the Union industry during the period considered.
- (72) For the injury determination, the Commission distinguished between macroeconomic and microeconomic injury indicators. The Commission evaluated the macroeconomic indicators on the basis of data contained in the questionnaire replies from the cooperating Union producers and the estimates contained in the complaint for the non-cooperating producer. The Commission evaluated the microeconomic indicators on the basis of data contained in the questionnaire replies from the cooperating Union producers. Both sets of data were found to be representative of the economic situation of the Union industry.
- (73) The macroeconomic indicators are: production, production capacity, capacity utilisation, sales volume, market share, growth, employment, productivity, magnitude of the dumping margin, and recovery from past dumping.
- (74) The microeconomic indicators are: average unit prices, unit cost, labour costs, inventories, profitability, cash flow, investments, return on investments, and ability to raise capital.

4.4.2. Macroeconomic indicators

4.4.2.1. Production, production capacity and capacity utilisation

- (75) The total Union production, production capacity and capacity utilisation developed over the period considered as follows:

Production, production capacity and capacity utilisation

	2011	2012	2013	IP
Production Volume <i>Index</i>	100	79	91	101
Production Capacity <i>Index</i>	100	100	100	100
Capacity utilisation (%)	52 - 57	42 - 47	45 - 50	53 - 58

Source: Questionnaire replies and information contained in the complaint.

- (76) The overall production of the Union industry was slightly higher in the investigation period than it was in 2011, in spite of much lower EU sales in the investigation period. The increase in production is explained by increased export sales.
- (77) The capacity remained stable throughout the period considered. The capacity utilisation went marginally up in line with the increase in production in the period considered. Nonetheless, the capacity utilisation remained low at 53-58 %. Ductile iron pipes production is an industry characterised by a relatively high fixed cost. Low capacity utilisation deteriorates the absorption of fixed costs, which is one of the causes of the low profitability of the Union industry.

4.4.2.2. Sales volume and market share

- (78) The Union industry's sales volume and market share developed over the period considered as follows:

Sales volume and market share of Union Industry

	2011	2012	2013	IP
Sales volume <i>Index</i>	100	83	81	94
Market share <i>Index</i>	100	100	97	97

Source: Questionnaire replies, information contained in the complaint and Eurostat.

- (79) The Union industry sales decreased by 6,4 % during the period considered to 450-500 000 in the investigation period. The Union industry lost significantly larger volume of sales than the volume of decrease in consumption.

4.4.2.3. Growth

- (80) The overall consumption of the product concerned in the Union decreased by almost 3,3 % in the period considered. The consumption fell drastically in 2012 by more than 16 %, remained depressed in 2013 and started recovering in the investigation period. At the beginning of the period considered the sales of the Union Industry, the imports from third countries as well as Indian imports fell in line with the consumption. However, in 2013, when the consumption was still depressed and the profitability of the Union industry negative, the Indian manufactures managed to increase significantly both their sales and the market share. Such a successful expansion of the Indian sales in a declining market was possible through aggressive undercutting and dumping practices. The aggressive sales and pricing strategies continued in the investigation period. As a result, the volume of sales of the Union industry fell much more than the consumption and the Union industry lost market share by 2,5 percentage points in the period considered, while the Indian producers increased their market share by 3,5 percentage points in the same period.

4.4.2.4. Employment and productivity

- (81) Employment and productivity developed over the period considered as follows:

Employment and productivity

	2011	2012	2013	IP
Number of employees <i>Index</i>	100	93	93	99
Productivity <i>Index</i>	100	82	96	102

Source: Questionnaire replies.

- (82) The employment and productivity were at similar level in the investigation period as they had been in 2011. However, the fact that employment did not go down is mainly attributable to a significant increase in the sales outside of the Union as mentioned in recital (77).

4.4.2.5. Magnitude of the dumping margin and recovery from past dumping

- (83) All dumping margins were significantly above the de minimis level. The impact of the magnitude of the actual margins of dumping on the Union industry was substantial, given the volume and prices of imports from the country concerned.

- (84) This is the first anti-dumping investigation regarding the product concerned. Therefore, no data were available to assess the effects of possible past dumping.

4.4.3. Microeconomic indicators

4.4.3.1. Prices and factors affecting prices

- (85) The average unit sales prices of the cooperating Union producers to unrelated customers in the Union developed over the period considered as follows:

Sales prices in the Union

	2011	2012	2013	IP
Average unit sales price in the Union (EUR/tonne)	950 – 1 000	1 000 – 1 050	1 000 – 1 050	950 – 1 000
<i>Index</i>	100	105	104	101
Unit cost of production (EUR/tonne)	900 – 950	1 000 – 1 050	900 – 950	850 – 900
<i>Index</i>	100	110	104	96

Source: Questionnaire replies.

- (86) The average unit selling price evolved broadly in line with the cost of production. It went up in 2012 when there was an increase in the cost of production and from 2013 to the investigation period it had kept falling in line with the reduction in the cost of production. The cost of production went down, mainly due to the reduction in the price of the main raw material — iron ore and scrap metal.

4.4.3.2. Labour costs

- (87) The average labour costs of the cooperating Union producers developed over the period considered as follows:

Average labour costs per employee

	2011	2012	2013	IP
<i>Index</i>	100	100	103	104

Source: Questionnaire replies.

- (88) During the period considered, the average labour cost per employee went up by 4 %. This increase was below the overall increase in wages and salaries in the Union as reported by Eurostat.

4.4.3.3. Inventories

- (89) Stock levels of the cooperating Union producers developed over the period considered as follows:

Inventories

	2011	2012	2013	IP
Closing stocks <i>Index</i>	100	74	73	82

Source: Questionnaire replies.

- (90) During the period considered the level of closing stocks went down. The reduction in the level of stocks is mainly caused by a more stringent working capital requirements imposed by the Union industry's management.

4.4.3.4. Profitability, cash flow, investments, return on investments and ability to raise capital

- (91) Profitability, cash flow, investments and return on investments of the cooperating Union producers developed over the period considered as follows:

Profitability, cash flow, investments and return on investments

	2011	2012	2013	IP
Profitability of the sales in the Union to unrelated customers (% of sales turnover)	between 2,5 and 3,0	between – 5,5 and – 6,0	between – 1,0 and – 1,5	between 1,5 and 2,0
Cash Flow Index	100	92	67	101
Investments Index	100	60	67	120
Return on Investments (%)	49	– 155	– 29	20

Source: Questionnaire replies.

- (92) The Commission established the profitability of the cooperating Union producers by expressing the pre-tax net profit of the sales of the like product to unrelated customers in the Union as a percentage of the turnover of those sales. The profitability of the Union industry went down from 2,5-3,0 % in 2011 to 1,5-2,0 % in the investigation period and it was negative in 2012 and 2013. Most of the sales of the product concerned in the EU were made through the sales subsidiaries of the cooperating EU producers and their costs and profitability were taken into account.
- (93) The net cash flow is the ability of the cooperating Union producers to self-finance their activities. The cash flow was at a similar level in 2011 and the investigation period.
- (94) The level of investment was larger in the investigation than it had been in 2011. However in the years 2012 and 2013 the level of investment was much lower and the increase in the investigation period did not offset the decrease in the preceding years. The return on investments is the profit in percentage of the net book value of investments. The return on investments was significantly lower in the investigation period than it was in 2011.

4.4.4. Conclusion on injury

- (95) The Union industry lost market share by 2,5 percentage points in the declining market, while its sales in the Union market decreased by almost 6,4 %. The capacity utilisation remained low at 53-58 % throughout the whole period considered, affecting the Union industry's ability to absorb fixed costs. Although, the Union industry's profitability had bottomed out since reaching its lowest point in 2012, it was still very low in the investigation period at 1,5-2,0 %, well below the target profit. At the same period, the Indian imports increased by 22,6 % and their market share grew by 3,5 percentage points.
- (96) Other indicators remained relatively stable. However, their deterioration was to a large extent prevented by a substantial increase in the Union industry's sales outside the Union. The only indicator which showed a clearly positive trend during the period considered was investments, which went up by 20 %. However in the years 2012 and 2013 the level of investment was much lower and the increase in the investigation period did not even offset the decrease in the preceding years.
- (97) A very low profitability, coupled with a continued loss of sales and the market share in the Union, puts the Union industry in a difficult economic situation.

- (98) On the basis of the above, the Commission provisionally concluded that the Union industry suffered material injury within the meaning of Article 3(5) of the basic Regulation.

5. CAUSATION

- (99) In accordance with Article 3(6) of the basic Regulation, the Commission examined whether the dumped imports from the country concerned caused material injury to the Union industry. In accordance with Article 3(7) of the basic Regulation, the Commission also examined whether other known factors could at the same time have injured the Union industry. The Commission ensured that any possible injury caused by factors other than the dumped imports from the country concerned was not attributed to the dumped imports. These factors are: the economic crisis and decrease of demand, imports from third countries, export performance of the Union industry and the competition from substitute products such as plastic pipes.

5.1. Effects of the dumped imports

- (100) The Indian exporting producers' volume of sales in the Union were almost twice as large 75 000 – 85 000 as all other imports combined (45,8kt) already at the beginning of the period considered. The Indian sales fell in line with the consumption in the year 2012 but maintained a market share of around 10-15 %. However, in the year 2013, when the consumption was still depressed and the profitability of the Union industry negative, the Indian manufacturers managed to increase significantly both their sales and market share. Such a successful expansion of the Indian sales in a declining market was possible through aggressive dumped pricing — the Indian import prices went down year-on-year in 2013 by 6,2 %. The aggressive pricing continued in the investigation period. The volume of sales from the Indian exporting producers exceeded 100 000 and their market share reached 15-20 % in the investigation period. Such a quick expansion was possible through substantial undercutting of the Union producers. The level of undercutting was established at 34 % and 42,4 %. Whilst the Indian sales and market share increased significantly, the volume of sales of the Union industry fell much more than the consumption and the Union Industry lost sales by 6,4 % and its market share fell by 2,5 percentage points.
- (101) Given the clearly established coincidence in time between significant undercutting of the Union producers' prices by the dumped Indian imports and the Union's industry loss of sales and market share, resulting in a very low profitability, it is concluded that the dumped imports were responsible for the injurious situation of the Union industry.

5.2. Effects of other factors

5.2.1. *The economic crisis and decrease in demand*

- (102) The Union consumption of the product concerned decreased by 3,3 % in the period considered, while the Indian imports increased at the same time by 22,6 %. The main fall in consumption (15 % from 2011 to 2012) was caused by an economic crisis and shrinking public expenditure. The decrease in consumption seems to have contributed to the injury at the beginning of the period considered, and may also have contributed in the year 2013. However, in 2013 and, especially in the investigation period, the dumped Indian imports are the main injury factor exerting downward pressure on the Union sales of the Union Industry and preventing the return to a sustainable profitability.

5.2.2. *Imports from third countries*

- (103) The volume of imports from other third countries developed over the period considered as follows:

Imports from third countries in volume (metric tonnes)

	2011	2012	2013	IP
China	31 136	28 019	12 266	13 903
<i>Index</i>	100	90	39	45

	2011	2012	2013	IP
Third countries except China	14 693	12 183	20 153	22 524
<i>Index</i>	100	83	137	153
All third countries	45 828	40 202	32 419	36 427
<i>Index</i>	100	88	71	79

Source: Eurostat.

- (104) The imports from India constituted the majority of all imports in the Union (more than 70 %) in the investigation period. While Indian imports increased by more than 22 % during the period considered other imports decreased by more than 20 % in the same period. While Indian imports gained market share by 2,5 percentage points, the other imports lost the market share by more than 1 percentage point. Given the low volumes of imports from third countries as well as the fact that they decreased both in volume and in market share terms, there is no indication that they caused injury to the Union industry.
- (105) Exporting producers claimed that one of the Union producers imported the product concerned from its Chinese production facilities, inflicting injury on itself. No evidence was found to support those claims. The verified evidence demonstrated that imports into the Union from the related Chinese facilities of the Union producer had been very low. In addition, the imports from China decreased significantly during the period considered and lost the market share by more than 2 percentage points, which clearly rules them out as the cause of the injury.

5.2.3. Export performance of the Union industry

- (106) The volume of exports of the cooperating Union producers developed over the period considered as follows:

Export performance of the cooperating Union Producers

	2011	2012	2013	IP
Export Volume <i>Index</i>	100	78	116	130
Average Export Price <i>Index</i>	100	108	104	99

Source: Questionnaire replies.

- (107) The sales of the Union industry outside of the Union increased considerably by 30 % over the period considered, while the average selling price remained relatively stable. Therefore, the sales outside of the Union are actually a factor alleviating the injury. Absent an increase of sales outside of the Union, the Union industry would be in an even more injurious situation.

5.2.4. Competition from substitute products

- (108) Interested parties claimed that the injury was caused by fierce competition from substitute products, in particular plastic pipes (polyethylene (PE), polyvinyl chloride (PVC) & polypropylene (PP)). Plastic pipes in smaller diameters are initially much cheaper per unit. However taking into account the maintenance cost and the product life, the product concerned have cost advantages in the long term. Plastic pipes exert some competitive pressure on the product concerned, especially for smaller diameters. However, ductile pipes did not lose market shares to plastic pipes during the period considered, and in some instances, ductile pipes even managed to regain some market share from plastic pipes during the period considered. Therefore, the competition from plastic substitutes was unlikely to be the cause of the material injury in the period considered.

5.3. Conclusion on causation

- (109) A causal link was provisionally established between the injury suffered by the Union producers and the dumped imports from the country concerned. There is a clear coincidence in time between the undercutting of the Union industry's prices by the dumped imports and the Union's industry decrease in EU sales and the EU market share. The dumped imports from India undercut the Union industry prices by 34 % and 42,4 % during the investigation period. This results in a very low profitability of the EU industry.
- (110) The Commission distinguished and separated the effects of all known factors on the situation of the Union industry from the injurious effects of the dumped imports. The economic crisis and decrease in demand contributed to the injury at the beginning of the period considered, and may have contributed in the year 2013. However, in the absence of significant undercutting of the Union industry by dumped imports, the situation of the Union industry would certainly not have been affected to such an extent. In particular, the sales would not fall so much, the capacity utilisation would be higher and the profitability would be more sustainable. Therefore, the fall in consumption is provisionally found not to break the casual link between the dumped imports and the material injury.
- (111) The other identified factors such as imports from third countries, export performance of the Union industry and the competition from substitute products were provisionally not found to break the causal link established above, even considering their possible combined effect.
- (112) On the basis of the above, the Commission concluded at this stage that the material injury to the Union industry was caused by the dumped imports from India and the other factors, considered individually or collectively, did not break the causal link. The injury consists mainly of the fall in the Union sales, the loss of market share by the EU industry, low capacity utilisation rate and low profitability.

6. UNION INTEREST

- (113) In accordance with Article 21 of the basic Regulation, the Commission examined whether the imposition of anti-dumping measures would be against the Union interest. It gave special consideration to the need to eliminate the trade distorting effects of injurious dumping and to restore effective competition. The determination of the Union interest was based on an appreciation of all the various interests involved, including those of the Union industry, distributors and final users, such as water, sewerage and irrigation utilities.

6.1. Interest of the Union industry

- (114) The Union industry's production plants are located in France, Germany, Spain and Austria. The Union industry employed directly more than 2 400 employees in the production and sales of the product concerned. Two out of three producers cooperated with the investigation. The non-cooperating producer did not oppose the initiation of the investigation. As demonstrated above, the two cooperating companies experienced material injury and were negatively affected by the dumped imports.
- (115) It is expected that the imposition of provisional anti-dumping duties will restore fair trade conditions on the Union market and will enable the Union producers to increase their sales and increase the low capacity utilisation rate. This would result in an improvement of the Union industry's profitability towards levels considered necessary for this capital intensive industry and prevent the loss of employment. In the absence of measures, a further deterioration of the Union industry's economic situation appears very likely.
- (116) It is therefore provisionally concluded that the imposition of anti-dumping duties would be in the interest of the Union industry.

6.2. Interest of unrelated importers, distributors, users and other interested parties

- (117) No unrelated importers made themselves known within the time limits set out in the Notice of Initiation. Many distributors came forward and expressed their views. However very few of them submitted more substantiated data enabling an in-depth analysis. Only a few final users participated in the investigation.

- (118) Several interested parties (mainly distributors of the Union industry's products and associations of metal industry workers) were in favour of the investigation, demanding the restoration of fair competition, deploring the injurious state of the Union industry and claiming that if the duties were not imposed, the Union production capacity was bound to disappear and the Union's employment lost.
- (119) Distributors of the product concerned imported from India as well as several end-users i.e. water, sewerage and irrigation utilities opposed the imposition of measures. They voiced their concerns that SG PAM Group would get a quasi-monopolistic position on the Union market if the Indian imports are reduced due to the imposition of measures, resulting in an increase in prices. SG PAM Group has a very strong market position in the Union market. However there are several factors that appear to counter its market power. First, there are two other Union producers with spare capacities, who can ensure effective competition in case SG PAM's prices become excessive.
- (120) Second, there are several producers located in third countries (China, Turkey, Russia, and Switzerland) who are already selling to the EU market. Their sales volumes during the period considered were low and declining. However, the main cause of such a decline in other importers sales appears to have been an aggressive competition from the Indian producers. The Indian dumped prices were much below the prices of all other major importing countries (with the exception of Russia). In case the Union industry unilaterally increases prices, the imports from other countries may increase on the short-medium term, given that those exporters have already presence in the Union.

Average import price in EUR

	2011	2012	2013	IP
India	665	703	659	651
China	955	1 014	1 059	1 054
Switzerland	1 711	1 678	1 554	1 526
Russia	697	696	652	627
Turkey	1 246	1 544	1 272	1 010

Source: Eurostat.

6.3. Conclusion on Union interest

- (121) On the basis of the above, the Commission concluded that there were no compelling reasons that it was not in the Union interest to impose measures on imports of ductile iron pipes originating in India at this stage of the investigation. The Commission will continue investigating the possible effects on competition in the Union market, though, at the definitive stage on the basis of further information to be submitted.

7. PROVISIONAL ANTI-DUMPING MEASURES

- (122) On the basis of the conclusions reached by the Commission on dumping, injury, causation and Union interest, provisional measures should be imposed to prevent further injury being caused to the Union industry by the dumped imports.

7.1. Injury elimination level (Injury margin)

- (123) To determine the level of the measures, the Commission first analysed the amount of duty necessary to eliminate the injury suffered by the Union industry.

- (124) The injury would be eliminated if the Union industry was able to cover its costs of production and to obtain a profit before tax on sales of the like product in the Union market that could be reasonably achieved under normal conditions of competition by an industry of this type in the sector, namely in the absence of dumped imports.
- (125) The complaint claims that the industry expects a profitability exceeding 12 % in the absence of dumped imports as it achieved such a level of profitability in the years preceding the period considered. It must be noted that in the years preceding the period considered the sales of the Union industry were exceptionally high due to an economic boom in 2007-2008 and the Union governments' fiscal stimulus spending to counteract the effects of economic crisis in the year 2009. Therefore, those years cannot be considered as representative for the Union industry's profitability. The complainant also claims that double-digit profitability is justified by a high-level of R & D spending. The investigation found little evidence for an intense R & D activity — the R & D expenditure accounted for less than 2 % of the turnover in 2011 and even less in the investigation period for the Union producer who had the highest R & D spending.
- (126) In previous investigations regarding similar products — certain seamless pipes and tubes of stainless steel ⁽¹⁾ and certain welded tubes and pipes of iron or non-alloy steel ⁽²⁾ it was considered that a profit margin of 5 % could be regarded as an appropriate level that the Union industry could be expected to obtain in the absence of injurious dumping. Ductile cast iron pipes and tubes are similar in many respects to seamless steel pipes and welded pipes of iron and non-alloy steel — iron raw material is a major part of their cost of production and they can be also used for the conveyance of water. Therefore, it has been provisionally considered that a 5 % profitability margin is reasonable also for the ductile pipes industry.
- (127) The Commission then determined the injury elimination level on the basis of a comparison of the weighted average import price of the cooperating exporting producers, as established for the price undercutting calculations, with the weighted average non-injurious price of the like product sold by the cooperating Union producers on the Union market during the investigation period. Any difference resulting from this comparison was expressed as a percentage of the weighted average import CIF value.

7.2. Provisional measures

- (128) Provisional anti-dumping measures should be imposed on imports of tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron) originating in India, in accordance with the lesser duty rule in Article 7(2) of the basic Regulation. The Commission compared the injury margins and the dumping margins. The amount of the duties should be set at the level of the lower of the dumping and the injury margins.
- (129) On the basis of the above, the provisional anti-dumping duty rates, expressed on the CIF Union border price, customs duty unpaid, should be as follows:

Country	Company	Dumping margin	Injury margin	Provisional anti-dumping duty
India	Jindal Saw Ltd	31,2 %	68 %	31,2 %
	Electrosteel Casting Ltd	15,3 %	59 %	15,3 %

- (130) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of this investigation. Therefore, they reflected the situation found during this investigation with respect to these companies. These duty rates are exclusively applicable to imports of the product concerned originating in the country concerned i.e. India and produced by the named legal entities. Imports of product concerned produced by any other company not specifically mentioned in the operative part of this Regulation, including entities related to those specifically mentioned, should be subject to the duty rate applicable to 'all other companies'. They should not be subject to any of the individual anti-dumping duty rates.

⁽¹⁾ OJ L 336, 20.12.2011, p. 6.

⁽²⁾ OJ L 343, 19.12.2008, p. 1.

- (131) A company may request the application of these individual anti-dumping duty rates if it changes subsequently the name of its entity. The request must be addressed to the Commission ⁽¹⁾. The request must contain all the relevant information enabling to demonstrate that the change does not affect the right of the company to benefit from the duty rate which applies to it. If the change of name of the company does not affect its right to benefit from the duty rate which applies to it, a notice informing about the change of name will be published in the *Official Journal of the European Union*.
- (132) To minimise the risks of circumvention due to the high difference in duty rates, special measures are needed to ensure the application of the individual anti-dumping duties. The companies with individual anti-dumping duties must present a valid commercial invoice to the customs authorities of the Member States. The invoice must conform to the requirements set out in Article 1(3) hereof. Imports not accompanied by that invoice should be subject to the anti-dumping duty applicable to 'all other companies'.
- (133) To ensure a proper enforcement of the anti-dumping duties, the anti-dumping duty for all other companies should apply not only to the non-cooperating exporting producers in this investigation, but to the producers which did not have exports to the Union during the investigation period.

8. FINAL PROVISIONS

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is imposed on imports of tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron) originating in India, currently falling within CN codes ex 7303 00 10 and ex 7303 00 90 (TARIC codes 7303 00 10 10, 7303 00 90 10).

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

Company	Provisional anti-dumping duty	TARIC additional code
Jindal Saw Ltd	31,2 %	C054
Electrosteel Casting Ltd	15,3 %	C055
All other companies	31,2 %	C999

3. The application of the individual duty rate specified for the companies mentioned in paragraph 2 shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice, on which shall appear a declaration dated and signed by an official of the entity issuing such invoice, identified by his/her name and function, drafted as follows: 'I, the undersigned, certify that the (volume) of tubes and pipes of ductile cast iron (also known as spheroidal graphite cast iron) sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in India. I declare that the information provided in this invoice is complete and correct.' If no such invoice is presented, the duty rate applicable to 'all other companies' shall apply.

⁽¹⁾ European Commission, Directorate-General for Trade, Directorate H, Rue de la Loi 170, 1040 Brussels, Belgium.

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

Article 2

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

Article 3

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

Article 1 shall apply for a period of 6 months.

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

Done at Brussels, 18 September 2015.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1560**of 18 September 2015****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 18 September 2015.

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

Jerzy PLEWA
Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	158,0
	MK	49,2
	TR	78,0
	XS	48,7
	ZZ	83,5
0707 00 05	AR	98,4
	TR	126,8
	ZZ	112,6
0709 93 10	TR	128,2
	ZZ	128,2
0805 50 10	AR	140,7
	BO	144,3
	CL	134,2
	UY	138,2
	ZA	129,0
	ZZ	137,3
0806 10 10	EG	170,8
	TR	132,2
	ZZ	151,5
0808 10 80	AR	104,4
	BR	70,7
	CL	171,9
	NZ	134,3
	US	113,3
	ZA	135,2
	ZZ	121,6
0808 30 90	AR	132,1
	CL	148,3
	CN	96,7
	TR	120,0
	ZA	106,4
	ZZ	120,7
0809 30 10, 0809 30 90	MK	68,9
	TR	157,6
	ZZ	113,3
0809 40 05	BA	53,5
	MK	53,6
	XS	61,9
	ZZ	56,3

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

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1561**of 18 September 2015****determining the quantities to be added to the quantity fixed for the subperiod from 1 January to 31 March 2016 under the tariff quota opened by Regulation (EC) No 536/2007 for poultrymeat originating in the United States of America**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 188(2) and (3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 536/2007 ⁽²⁾ opened an annual tariff quota for imports of poultrymeat products originating in the United States of America.
- (2) The quantities covered by the applications for import licences lodged from 1 to 7 September 2015 for the subperiod from 1 October to 31 December 2015 are less than those available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod.
- (3) In order to ensure the efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 536/2007, to be added to the subperiod from 1 January to 31 March 2016, are set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 18 September 2015.

For the Commission,

On behalf of the President,

Jerzy PLEWA

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 536/2007 of 15 May 2007 opening and providing for the administration of a tariff quota for poultrymeat allocated to the United States of America (OJ L 128, 16.5.2007, p. 6).

ANNEX

Order No	Quantities not applied for, to be added to the quantities available for the subperiod from 1 January to 31 March 2016 (kg)
09.4169	10 672 500

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1562**of 18 September 2015****determining the quantities to be added to the quantity fixed for the subperiod from 1 January to 31 March 2016 under the tariff quotas opened by Regulation (EC) No 539/2007 in the egg sector and for egg albumin**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 188(2) and (3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 539/2007 ⁽²⁾ opened annual tariff quotas for imports of egg products and egg albumin.
- (2) The quantities covered by the applications for import licences lodged from 1 to 7 September 2015 for the subperiod from 1 October to 31 December 2015 are less than those available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod.
- (3) In order to ensure the efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 539/2007, to be added to the subperiod from 1 January to 31 March 2016, are set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 18 September 2015.

For the Commission,

On behalf of the President,

Jerzy PLEWA

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 539/2007 of 15 May 2007 opening and providing for the administration of tariff quotas in the egg sector and for egg albumin (OJ L 128, 16.5.2007, p. 19).

ANNEX

Order No	Quantities not applied for, to be added to the quantities available for the subperiod from 1 January to 31 March 2016 (in kg, shell egg equivalent)
09.4015	67 500 000
09.4401	1 815 000
09.4402	6 005 000

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1563**of 18 September 2015****establishing the allocation coefficient to be applied to the quantities covered by the applications for import rights lodged from 1 to 7 September 2015 under the tariff quotas opened by Implementing Regulation (EU) No 413/2014 for poultrymeat originating in Ukraine**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 188(1) and (3) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 413/2014 ⁽²⁾ opened annual tariff quotas for imports of poultrymeat products originating in Ukraine.
- (2) For the quota with order number 09.4273, the quantities covered by the applications for import licences lodged from 1 to 7 September 2015 for the subperiod from 1 October to 31 December 2015 exceed those available. The extent to which import rights may be allocated should therefore be determined and an allocation coefficient laid down to be applied to the quantities applied for, calculated in accordance with Article 6(3) in conjunction with Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽³⁾.
- (3) In order to ensure efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities covered by the applications for import rights lodged under Implementing Regulation (EU) No 413/2014 for the subperiod from 1 October to 31 December 2015 shall be multiplied by the allocation coefficient set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 18 September 2015.

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Implementing Regulation (EU) No 413/2014 of 23 April 2014 opening and providing for the administration of Union import tariff quotas for poultrymeat originating in Ukraine (OJ L 121, 24.4.2014, p. 37).

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

ANNEX

Order No	Allocation coefficient — applications lodged for the subperiod from 1 October to 31 December 2015 (%)
09.4273	2,712456
09.4274	—

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1564**of 18 September 2015****determining the quantities to be added to the quantity fixed for the subperiod 1 January to 31 March 2016 under the tariff quotas opened by Regulation (EC) No 442/2009 in the pigmeat sector**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 188(2) and (3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 442/2009 ⁽²⁾ opened annual tariff quotas for imports of pigmeat products. The quotas listed in Part B of Annex I to that Regulation are managed using the simultaneous examination method.
- (2) The quantities covered by import licence applications lodged from 1 to 7 September 2015 for the subperiod 1 October to 31 December 2015 are smaller than those available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod.
- (3) In order to ensure the efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have not been lodged under Regulation (EC) No 442/2009, to be added to the subperiod 1 January to 31 March 2016, are set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 18 September 2015.

For the Commission,

On behalf of the President,

Jerzy PLEWA

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 442/2009 of 27 May 2009 opening and providing for the administration of Community tariff quotas in the pigmeat sector (OJ L 129, 28.5.2009, p. 13).

ANNEX

Order No	Quantities not applied for, to be added to the quantities available for the subperiod 1 January to 31 March 2016 (kg)
09.4038	17 097 500
09.4170	2 461 000
09.4204	2 312 000

DECISIONS

COUNCIL DECISION (EU) 2015/1565

of 14 September 2015

on the approval, on behalf of the European Union, of the Declaration on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2), in conjunction with Article 218(6)(a)(v) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) Subject to their compliance with the applicable legally binding Union acts on the conservation and management of fishery resources, fishing vessels flying the flag of the Bolivarian Republic of Venezuela have operated in Union waters in the exclusive economic zone off the coast of French Guiana for many decades.
- (2) The processing industry based in the French Guiana depends on the landings from those fishing vessels and therefore the continuity of those operations should be ensured.
- (3) This Decision should replace Council Decision 2012/19/EU ⁽¹⁾ which was annulled by the judgement of the Court of Justice of 26 November 2014 ⁽²⁾ and the effects of which are being maintained until the entry into force of a new decision within a reasonable period of time. As the Declaration has already been notified to the Bolivarian Republic of Venezuela, there is no need for a new notification thereof,

HAS ADOPTED THIS DECISION:

Article 1

The Declaration addressed to the Bolivarian Republic of Venezuela on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of the French Guiana (hereinafter 'the Declaration') is hereby approved on behalf of the European Union.

The text of the Declaration is attached to this Decision.

⁽¹⁾ Council Decision 2012/19/EU of 16 December 2011 on the approval, on behalf of the European Union, of the Declaration on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana (OJ L 6, 10.1.2012, p. 8).

⁽²⁾ Joined Cases C-103/12 and 165/12, *European Parliament and Commission v Council*.

Article 2

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

Done at Brussels, 14 September 2015.

For the Council
The President
J. ASSELBORN

Declaration addressed to the Bolivarian Republic of Venezuela on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana

1. The European Union shall issue fishing authorisations to a limited number of fishing vessels flying the flag of the Bolivarian Republic of Venezuela to fish in the part of the exclusive economic zone off the coast of French Guiana that lies more than 12 nautical miles from the base lines, subject to the conditions set out in this Declaration.
2. In accordance with Article 22 of Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters ⁽¹⁾, the authorised fishing vessels flying the flag of the Bolivarian Republic of Venezuela shall, when fishing in the zone referred to in paragraph 1, comply with the provisions of the European Union common fisheries policy concerning the conservation and control measures and other European Union provisions governing fishing activities in that zone.
3. More particularly, authorised fishing vessels flying the flag of the Bolivarian Republic of Venezuela shall comply with any relevant European Union rules or regulations specifying, inter alia, the fish stocks that may be targeted, the maximum number of authorised fishing vessels and the proportion of catches to be landed into ports in French Guiana.
4. Without prejudice to the withdrawal of authorisations granted to individual fishing vessels flying the flag of the Bolivarian Republic of Venezuela on grounds of their failure to comply with any relevant European Union rules or regulations, the European Union may at any time withdraw, by way of unilateral declaration, the specific undertaking expressed in this Declaration to grant fishing opportunities.

⁽¹⁾ OJ L 286, 29.10.2008, p. 33.

**DECISION (EU, EURATOM) 2015/1566 OF THE REPRESENTATIVES OF THE GOVERNMENTS OF
THE MEMBER STATES**

of 16 September 2015

appointing four Judges and an Advocate-General to the Court of Justice

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 19 thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 253 and 255 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a(1) thereof,

Whereas:

- (1) The terms of office of 14 Judges and four Advocates-General of the Court of Justice are due to expire on 6 October 2015. In addition, Council Decision 2013/336/EU ⁽¹⁾ increased the number of Advocates-General of the Court of Justice to 11, with effect from 7 October 2015. Appointments should therefore be made for the period from 7 October 2015 to 6 October 2021.
- (2) It has been proposed that the terms of office of Mr Marko ILEŠIČ and Ms Camelia TOADER as Judges of the Court of Justice should be renewed. Mr Eugene REGAN and Mr Michail VILARAS have been proposed for the post of Judge of the Court of Justice. In addition, Mr Manuel CAMPOS SÁNCHEZ-BORDONA has been proposed for the post of Advocate-General of the Court of Justice.
- (3) The panel set up by Article 255 of the Treaty on the Functioning of the European Union has given an opinion on the suitability of Mr Marko ILEŠIČ, Ms Camelia TOADER, Mr Eugene REGAN and Mr Michail VILARAS to perform the duties of Judges of the Court of Justice, and on the suitability of Mr Manuel CAMPOS SÁNCHEZ-BORDONA to perform the duties of Advocate-General of the Court of Justice,

HAVE ADOPTED THIS DECISION:

Article 1

The following are hereby appointed Judges of the Court of Justice for the period from 7 October 2015 to 6 October 2021:

- Mr Marko ILEŠIČ,
- Mr Eugene REGAN,
- Ms Camelia TOADER,
- Mr Michail VILARAS.

Article 2

Mr Manuel CAMPOS SÁNCHEZ-BORDONA is hereby appointed Advocate-General of the Court of Justice for the period from 7 October 2015 to 6 October 2021.

⁽¹⁾ Council Decision 2013/336/EU of 25 June 2013 increasing the number of Advocates-General of the Court of Justice of the European Union (OJ L 179, 29.6.2013, p. 92).

Article 3

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

Done at Brussels, 16 September 2015.

The President
C. BRAUN

CORRIGENDA

Corrigendum to Commission Delegated Regulation (EU) No 518/2014 of 5 March 2014 amending Commission Delegated Regulations (EU) No 1059/2010, (EU) No 1060/2010, (EU) No 1061/2010, (EU) No 1062/2010, (EU) No 626/2011, (EU) No 392/2012, (EU) No 874/2012, (EU) No 665/2013, (EU) No 811/2013 and (EU) No 812/2013 with regard to labelling of energy-related products on the internet

(Official Journal of the European Union L 147 of 17 May 2014)

On page 23, in Annex VIII:

for: 'The following Annex VII is added:

'ANNEX VII

Information to be provided in the case of sale, hire or hire-purchase through the internet',

read: 'The following Annex VIII is added:

'ANNEX VIII

Information to be provided in the case of sale, hire or hire-purchase through the internet'.

Corrigendum to Commission Implementing Regulation (EU) 2015/880 of 4 June 2015 on the extension of the transitional periods related to own funds requirements for exposures to central counterparties set out in Regulations (EU) No 575/2013 and (EU) No 648/2012 of the European Parliament and of the Council

(Official Journal of the European Union L 143 of 9 June 2015)

On page 7, in Recital 5:

for: 'With regard to existing CCPs established in third countries that have already applied for recognition, no recognition has been granted yet to such CCPs.',

read: 'With regard to existing CCPs established in third countries that have already applied for recognition, the recognition process is ongoing but will not be completed by 15 June 2015.'.

