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⁽¹⁾ Text with EEA relevance

EN

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

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

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2015/1844

of 13 July 2015

amending Regulation (EU) No 389/2013 as regards the technical implementation of the Kyoto Protocol after 2012**(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 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC ⁽¹⁾, and in particular Article 10(5) and (6) thereof,

Whereas:

- (1) The Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) serving as the meeting of the Parties to the Kyoto Protocol adopted the Doha amendment, establishing a second commitment period of the Kyoto Protocol, starting on 1 January 2013 and ending on 31 December 2020 ('the Doha Amendment'). The Union approved the Doha Amendment by Council Decision (EU) 2015/1339 ⁽²⁾ (the Ratification Decision).
- (2) The necessary technical implementation of the Doha Amendment to the Kyoto Protocol should be carried out in the Union Registry and in the national Kyoto Protocol registries. It is also necessary to ensure consistency with Directive 2003/87/EC of the European Parliament and of the Council ⁽³⁾ and Decision No 406/2009/EC of the European Parliament and of the Council ⁽⁴⁾ and a consistent implementation of internationally agreed accounting requirements, to optimise transparency and to ensure accuracy of the accounting of AAUs, RMUs, ERUs, CERs, tCERs and ICERs by the Union and the Member States, while avoiding, to the extent possible, administrative burdens and costs, including those relating to share of proceeds and IT development and maintenance.
- (3) Once the Doha Amendment enters into force, the Union and the Member States will be required to issue in their respective Kyoto Protocol registries assigned amount units (AAUs) equal to their assigned amount determined in accordance with the Ratification Decision, adding any amounts resulting from the application of Article 3(7bis) of the Kyoto Protocol.

⁽¹⁾ OJ L 165, 18.6.2013, p. 13.

⁽²⁾ Council Decision (EU) 2015/1339 of 13 July 2015 on the conclusion, on behalf of the European Union, of the Doha Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments thereunder (OJ L 207, 4.8.2015, p. 1).

⁽³⁾ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

⁽⁴⁾ Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 (OJ L 140, 5.6.2009, p. 136).

- (4) Following any upwards adjustment of a Member State annual emission allocation under Article 10 of Decision No 406/2009/EC or Article 27 of Regulation (EU) No 525/2013, it may have to acquire additional AAUs at the end of the second commitment period if it used this additional annual emission allocation to cover its emissions under Decision No 406/2009/EC or transferred it to another Member State. A Member State concerned may also use its Previous Period Surplus Reserve referred to in Article 3(13b) of Regulation (EU) No 525/2013 if its emissions are higher than its assigned amount. Any resulting AAU acquisition would be subject to the application of the share of the proceeds on the first international transfer of AAUs referred to in Article 10(1) of Regulation (EU) No 525/2013. Where appropriate, such situations may be considered accounting inconsistencies in matching the implementation of Union legislation with the rules agreed under the Kyoto Protocol within the meaning of Article 10(7) of Regulation (EU) No 525/2013.
- (5) A clearing process at the end of the second commitment period of the Kyoto Protocol should be established to provide for the settlement in AAUs of any net transfers of annual emission allocations in accordance with Decision No 406/2009/EC.
- (6) In accordance with Article 11a of Directive 2003/87/EC, stationary installation and aircraft operators can exchange CERs and ERUs for allowances. Exchanged CERs and ERUs valid for the first commitment period of the Kyoto Protocol potentially represent EU ETS emissions in the second commitment period. Since the Doha Amendment establishes limits on the carry-over of CERs and ERUs from the first to the second commitment period of the Kyoto Protocol, Member States should transfer to the Union a corresponding number of AAUs valid for the first commitment period to cover these potential emissions and the Union should transfer to the Member States the corresponding CERs and ERUs valid for the first commitment period of the Kyoto Protocol received from stationary installation and aircraft operators in exchange for allowances.
- (7) Commission Regulation (EU) No 389/2013 ⁽¹⁾ should therefore be amended accordingly.
- (8) This Regulation should enter into force as a matter of urgency as it is necessary to perform transitional transfers before the end of the additional period for fulfilling commitments under the first commitment period of the Kyoto Protocol referred to in Article 11(2) of Regulation (EU) No 525/2013.
- (9) This Regulation should apply as of the date of entry into force of the Doha Amendment to the Kyoto Protocol, except in so far as it provides for transitional transfers,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 389/2013 is amended as follows:

- (1) the following Article 73a is inserted:

'Article 73a

Transfer of CERs and ERUs exchanged in the EU ETS

1. The central administrator shall inform each national administrator of the number of CERs and ERUs valid for the first commitment period transferred pursuant to Article 60 from operator holding accounts and aircraft operators holding accounts administered by that Member State. The central administrator shall add to that number a portion of the number of CERs and ERUs valid for the first commitment period transferred pursuant to Article 60 from operators holding accounts and aircraft operators holding accounts administered by Member States with no KP registry in the first commitment period, in proportion of Member States' respective numerical limits for the carry-over of CERs and ERUs from the first to the second commitment period.

⁽¹⁾ Commission Regulation (EU) No 389/2013 of 2 May 2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and (EU) No 1193/2011 (OJ L 122, 3.5.2013, p. 1).

2. Prior to the end of the additional period for fulfilling commitments under the first commitment period of the Kyoto Protocol referred to in Article 11(2) of Regulation (EU) No 525/2013, the central administrator shall transfer to each national KP registry a number of CERs and ERUs valid for the first commitment period from the EU International Credit Accounts equal to the total number determined pursuant to paragraph 1 of this Article.

3. The central administrator shall ensure that the EUTL prevents all transactions of units transferred pursuant to paragraph 1 with the exception of:

- (a) the cancellation of units in accordance with Article 10(1) of Regulation (EU) No 525/2013;
- (b) the retirement of units in accordance with Article 11 of Regulation (EU) No 525/2013;
- (c) the carry-over of units from the first to the second commitment period in accordance with Article 10(1) of Regulation (EU) No 525/2013;
- (d) the transfer of units within one KP registry.

4. Immediately after the transfer performed pursuant to paragraph 2, each national administrator shall transfer a number of AAUs to a relevant Party holding Account in the Union Registry equal to the number of credits returned to that Member State pursuant to paragraph 2.'

(2) the following Articles 73b to 73g are inserted:

'Article 73b

Issuance and Deposit of AAUs

1. Prior to the retirement transaction in accordance with Article 11(3) of Regulation (EU) No 525/2013 of the European Parliament and of the Council (*), the central administrator shall:

- (a) issue a number of AAUs equal to the Union assigned amount determined in accordance with Council Decision (EU) 2015/1339 (**) in the EU AAU Account in the Union Registry;
- (b) immediately transfer a number of AAUs equal to the number of general allowances created pursuant to Commission Decision 2010/634/EU (***) from the EU AAU Account to the ETS AAU Deposit Account in the Union Registry.

2. At the latest 3 months after the closure of the ESD Compliance Account for 2020 pursuant to Article 31, each national administrator shall:

- (a) issue a number of AAUs equal to its respective Member State assigned amount determined pursuant to the Ratification Decision in a Party holding Account in its KP registry;
- (b) immediately transfer a number of AAUs equal to the total number of AEAs corresponding to the annual emission allocation for its Member State for all years pursuant to Article 3(2) of Decision No 406/2009/EC as determined prior to any amendment pursuant to Article 27(2) of Regulation (EU) No 525/2013 from the Party holding Account to the ESD AAU Deposit Account in its KP registry.

3. Before the completion of the clearing processes pursuant to Article 73f, the central administrator shall ensure that the EUTL prevents all transactions of AAUs from the ETS AAU Deposit Account or from the ESD AAU Deposit Accounts, with the exception of:

- (a) the cancellation or the transfer of a number of AAUs less than or equal to the number of AEAs transferred to the ESD Deletion Account pursuant to Article 88(2);
- (b) the retirement of a number of AAUs in accordance with Article 11(3) of Regulation (EU) No 525/2013, equal to the number of AEAs transferred to the ESD Deletion Account pursuant to Article 31(4) of this Regulation corresponding to the quantity of GHG emissions entered in the ESD Compliance Account pursuant to Article 77 of this Regulation;

- (c) the cancellation or the transfer of a number of AAUs less than or equal to the number of AEAs transferred to the ESD Deletion Account pursuant to Article 31(4) that exceed the quantity of GHG emissions entered in the ESD Compliance Account pursuant to Article 77;
- (d) transfers required for the purposes of the clearing processes pursuant to Article 73f;
- (e) the conversion of AAUs into ERUs, provided that a number of AEAs equal to the number of AAUs to be converted plus the number of ERUs required to satisfy the share of proceeds levy referred to in Article 10(1) of Regulation (EU) No 525/2013 have been transferred to the ESD Deletion Account pursuant to Article 31(4) of this Regulation.

Article 73c

Transfer and use of units

1. The central administrator shall ensure that the EUTL prevents transactions involving CERs, ERUs, tCERs and ICERs which have been used in accordance with Article 81 with the exception of:
 - (a) the transfer of units from the ESD Compliance Account in the Union Registry to the relevant MS KP registry pursuant to Article 31(3);
 - (b) the retirement of units pursuant to Article 11 of Regulation (EU) No 525/2013;
 - (c) the carry-over of units from the first to the second commitment period in accordance with Article 10(1) of Regulation (EU) No 525/2013.
2. Upon completion of the carry-over of units from the first to the second commitment period in accordance with Article 10(1) of Regulation (EU) No 525/2013, the central administrator shall ensure that the EUTL prevents the use of CERs, ERUs, tCERs or ICERs pursuant to Article 81 of this Regulation unless those units are valid for the second commitment period of the Kyoto Protocol.

Article 73d

Cancellation of units

1. After the completion of the carry-over of units from the first to the second commitment period in accordance with Article 10(1) of Regulation (EU) No 525/2013, the central administrator shall cancel all CERs and ERUs remaining in the Aviation Surrender Set Aside Account.
2. After the completion of the carry-over of units from the first to the second commitment period in accordance with Article 10(1) of Regulation (EU) No 525/2013, the central administrator shall request national administrators to cancel CERs and ERUs valid for the first commitment period of the Kyoto Protocol held in ETS accounts they administer in the Union Registry or cancel them.

Article 73e

Retirement of units

To the extent that emissions covered by Directive 2003/87/EC exceed the Union assigned amount determined in accordance with the Ratification Decision, the central administrator shall retire AAUs from the EU PPSR Account.

Article 73f

Carry-over in the Union Registry

The central administrator shall carry-over all AAUs from the ETS Central Clearing Account and the AAUs transferred pursuant to Article 73a(4) of this Regulation to the EU PPSR Account established pursuant to Article 10(1) of Regulation (EU) No 525/2013.

*Article 73g***Clearing Processes**

1. Within 6 months of the closure of the ESD Compliance Account for 2020 in accordance with Article 31, the central administrator shall calculate a clearing value for each Member State by subtracting net transfers of AEAs from net acquisitions of AEAs between Member States over the period 2013-2020.
2. Where a Member State has a negative clearing value pursuant to paragraph 1, the relevant national administrator shall transfer a number of AAUs equal to the clearing value from their ESD AAU Deposit Account to the ESD Central Clearing Account.
3. Where a Member State has a positive clearing value pursuant to paragraph 1 and after the completion of all transfers pursuant to paragraph 2, the central administrator shall transfer a number of AAUs equal to the clearing value to a Party holding Account of the relevant Member State.
4. Before performing the transfer referred to in paragraph 2 of this Article, the relevant national administrator shall first transfer a number of AAUs required to satisfy the share of proceeds applied to first international transfers of AAUs in accordance with Article 10(1) of Regulation (EU) No 525/2013.

(*) Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC (OJ L 165, 18.6.2013, p. 13).

(**) Council Decision (EU) 2015/1339 of 13 July 2015 on the conclusion, on behalf of the European Union, of the Doha Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments thereunder (OJ L 207, 4.8.2015, p. 1).

(***) Commission Decision 2010/634/EU of 22 October 2010 adjusting the Union-wide quantity of allowances to be issued under the Union Scheme for 2013 and repealing Decision 2010/384/EU (OJ L 279, 23.10.2010, p. 34).'

- (3) Annex I is amended as 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*.

However, Article 1(2) and (3) shall apply from the date of publication by the Commission in the *Official Journal of the European Union* of a communication on the entry into force of the Doha Amendment to the Kyoto Protocol.

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

ANNEX

In Annex I of Regulation (EU) No 389/2013, part V KP accounts in the consolidated system of European registries of table I-I, the following rows are added:

Account type name	Account holder	Account Administrator	No. of accounts of this type	Non-Kyoto units			Kyoto units				
				Allowances		AEAs	AAU	CER	ERU	1CER/tCER	RMU/ERU from RMU
				General allowances	Aviation allowances						
V. KP accounts in the consolidated system of European registries											
EU AAU Account	EU	Central administrator	1	No	No	No	Yes	No	No	No	No
ESD AAU Deposit Account	Member State	KP registry administrator	1 per registry	No	No	No	Yes	No	No	No	No
Aviation Surrender Set Aside Account	EU	Central administrator	1	No	No	No	Yes	Yes	Yes	No	No
PPSR Account	Party to the Kyoto Protocol	KP registry administrator (in the Union Registry; the central administrator)	1 per registry	No	No	No	Yes	No	No	No	No
ESD Central Clearing Account	EU	Central administrator	1	No	No	No	Yes	No	No	No	No'

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1845**of 14 October 2015****fixing the interest rates to be used for calculating the costs of financing intervention measures comprising buying-in, storage and disposal for the 2016 EAGF accounting year**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular Article 20(1) and (4) thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) Article 3(1)(a) of Commission Delegated Regulation (EU) No 906/2014 ⁽²⁾ provides that expenditure relating to the financing costs incurred by Member States in mobilising funds to buy in products is to be determined in accordance with the methods set out in Annex I to that Regulation.
- (2) Point I.1 of Annex I to Delegated Regulation (EU) No 906/2014 provides that the financing costs in question are to be calculated on the basis of a uniform interest rate for the Union fixed by the Commission at the beginning of every accounting year. This interest rate corresponds to the average of the 3-month and 12-month forward Euribor rates, recorded in the 6 months reference period to be determined by the Commission, preceding the notification from the Member States provided for in the first paragraph of point I.2 of that Annex, with a weighting of one third and two thirds respectively.
- (3) Furthermore, in accordance with the second paragraph of point I.2 of Annex I to Delegated Regulation (EU) No 906/2014, in the absence of any notification from a Member State, in the form and by the deadline referred to in the first paragraph of that point, the interest rate borne by that Member State shall be considered to be 0 %. Where a Member State declares that it did not bear any interest costs because it did not have agricultural products in public storage during the reference period, the Commission shall fix that interest rate in accordance with the third paragraph of that point.
- (4) In accordance with point I.3 of Annex I to Delegated Regulation (EU) No 906/2014, the interest rate determined on the basis of point I.2 of that Annex is to be compared with the uniform interest rate fixed on the basis of point I.1 of that Annex. The interest rate applicable to each Member State shall be the lower of these two interest rates.
- (5) Given that there were no agricultural products in public storage during the 6 months reference period which is set for the months of January to June 2015, and which the Commission considers as representative with regard to public storage operations, Member States were not requested to make notifications under the first paragraph of point I.2 of Annex I to Delegated Regulation (EU) No 906/2014.
- (6) The interest rates applicable for the 2016 EAGF accounting year should be fixed taking those various factors into account,

HAS ADOPTED THIS REGULATION:

Article 1

For expenditure relating to the financing costs incurred by Member States in mobilising funds to buy in products chargeable to the 2016 accounting year of the European Agricultural Guarantee Fund (EAGF), the interest rates provided for in Annex I to Delegated Regulation (EU) No 906/2014 in accordance with Article 3(1)(a) of that Regulation shall be the uniform interest rate fixed at 0,1 %.

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ Commission Delegated Regulation (EU) No 906/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to public intervention expenditure (OJ L 255, 28.8.2014, p. 1).

Article 2

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

It shall apply from 1 October 2015.

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

Done at Brussels, 14 October 2015.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1846**of 14 October 2015****imposing a definitive anti-dumping duty on imports of wire rod originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation'), and in particular Article 11(2) thereof,

Whereas:

A. PROCEDURE**1. Measures in force**

- (1) By Regulation (EC) No 703/2009 ⁽²⁾ the Council imposed a definitive anti-dumping duty on imports of wire rod originating in the People's Republic of China ('China').
- (2) The measures imposed took the form of an *ad valorem* duty with a residual rate set at 24 % while one group of companies (Valin Group) received an individual duty rate of 7,9 %.

2. Request for an expiry review

- (3) Following the publication of a notice of impending expiry ⁽³⁾ of the anti-dumping measures in force, the Commission received a request for the initiation of an expiry review of these measures pursuant to Article 11(2) of the basic Regulation.
- (4) The request was lodged on 29 April 2014 by the European Steel Association ('Eurofer' or 'the applicant') on behalf of producers representing more than 25 % of the total Union production of wire rod.
- (5) The request was based on the grounds that the expiry of the measures would be likely to result in a continuation or recurrence of dumping and injury to the Union industry.

3. Initiation of an expiry review

- (6) Having determined, after having consulted the Committee established by Article 15(1) of the basic Regulation, that sufficient evidence existed for the initiation of an expiry review, the Commission announced on 2 August 2014, by a notice published in the *Official Journal of the European Union* ⁽⁴⁾ ('Notice of Initiation'), the initiation of an expiry review pursuant to Article 11(2) of the basic Regulation.

4. Investigation**4.1. Relevant periods covered by the expiry review investigation**

- (7) The investigation of the likelihood of continuation or recurrence of dumping and injury covered the period from 1 July 2013 to 30 June 2014 (the 'review investigation period' or 'RIP'). The examination of the trends relevant for the assessment of the likelihood of continuation or recurrence of injury covered the period from 1 January 2011 to the end of the review investigation period (the 'period considered').

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ Council Regulation (EC) No 703/2009 of 27 July 2009 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of wire rod originating in the People's Republic of China and terminating the proceeding concerning imports of wire rod originating in the Republic of Moldova and Turkey (OJ L 203, 5.8.2009, p. 1).

⁽³⁾ OJ C 318, 1.11.2013, p. 6.

⁽⁴⁾ OJ C 252, 2.8.2014, p. 7.

4.2. *Parties concerned by the investigation and sampling*

- (8) The Commission officially advised the applicant, exporting producers and importers known to be concerned and the representatives of the exporting country concerned of the initiation of the expiry review.
- (9) Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limits set in the Notice of Initiation. One interested party requested a hearing with the Commission services which took place on 20 March 2015.
- (10) In view of the apparent large number of Chinese exporting producers and unrelated importers in the Union, sampling was envisaged in the Notice of Initiation in accordance with Article 17 of the basic Regulation.
- (11) In order to enable the Commission to decide whether sampling would be necessary and, if so, to select a representative sample, Chinese exporting producers and unrelated importers were requested to make themselves known within 15 days of the initiation of the review and to provide the Commission with the information requested in the Notice of Initiation.
- (12) In total 45 known Chinese exporting producers were contacted but none of them came forward and replied to the sampling form. Therefore, sampling was not applied.
- (13) In view of the lack of cooperation, the Commission informed the Chinese authorities that in accordance with Article 18 of the basic Regulation best facts available may be used. The Commission did not receive any comments or requests for an intervention of the Hearing Officer from the Chinese authorities.
- (14) In total nine known unrelated importers were contacted. None came forward and replied to the sampling form.
- (15) At the preliminary stage of investigation the Commission received cooperation from 28 Union producers/group of producers which represented around 70 % of the Union production of wire rod in the RIP. In view of the large number of cooperating producers the Commission applied sampling. The Commission selected the sample on the basis of the largest representative volume of production which could reasonably be investigated within the time available, considering also the geographical spread and sufficient coverage of different product types. The selected sample originally consisted of six companies and represented 44,2 % of the production intended for the free market.

4.3. *Questionnaires and verification*

- (16) Questionnaires were sent to the six sampled Union producers and to two producers in potential analogue countries who agreed to cooperate.
- (17) Questionnaire replies were received from the six sampled Union producers and the two potential analogue country producers.
- (18) Verification visits were carried out at the premises of the following companies:
 - (a) Union producers:
 - ArcelorMittal Hamburg GmbH, Germany
 - Global Steel Wire SA, Spain
 - Moravia Steel AS, Czech Republic
 - RIVA Acier SA, France
 - Saerstahl AG, Germany
 - Tata Steel UK Ltd, United Kingdom.
 - (b) Analogue country producer:
 - Ereğli Demir ve Çelik Fabrikalrı T.A.S., Turkey.

B. PRODUCT CONCERNED AND LIKE PRODUCT**1. Product concerned**

- (19) The product subject to this review is the same as that covered by the original investigation, namely bars and rods, hot-rolled, in irregularly wound coils, of iron, non-alloy steel or alloy steel other than of stainless steel ('wire rod' or 'the product concerned') originating in China, currently falling within CN codes 7213 10 00, 7213 20 00, 7213 91 10, 7213 91 20, 7213 91 41, 7213 91 49, 7213 91 70, 7213 91 90, 7213 99 10, 7213 99 90, 7227 10 00, 7227 20 00, 7227 90 10, 7227 90 50 and 7227 90 95.

2. Like product

- (20) The review investigation confirmed that, as in the original investigation, the product concerned and wire rod produced and sold on the Chinese domestic market, wire rod produced and sold by the Union industry on the Union market and wire rod produced and sold in the analogue country (Turkey) have the same basic physical, technical and chemical characteristics and the same basic uses. Therefore these products are considered to be like products within the meaning of Article 1(4) of the basic Regulation.

C. LIKELIHOOD OF CONTINUATION OR RECURRENCE OF DUMPING

- (21) In accordance with Article 11(2) of the basic Regulation, the Commission examined whether the expiry of the existing measures would be likely to lead to a continuation or recurrence of dumping from China.

1. Preliminary remarks

- (22) As mentioned in recital 12 none of the Chinese exporting producers offered cooperation and therefore as provided for by Article 18 of the basic Regulation the findings had to be based on best facts available, in particular, information in the request for the expiry review and statistics, namely Eurostat and Chinese export database.

2. Dumping during the review investigation period*(a) Analogue country*

- (23) According to Article 2(7)(a) of the basic Regulation, normal value had to be determined on the basis of the prices paid or payable on the domestic market or constructed value in an appropriate market economy third country (the 'analogue country').
- (24) In the original investigation, Turkey was used as the analogue country for the purposes of establishing the normal value with regard to China. Based on the information in the review request, in the Notice of Initiation the Commission informed interested parties that it envisaged using Brazil as analogue country and invited parties to comment. The Notice of Initiation also added that other countries, in particular Turkey, Switzerland, Norway and Japan will be examined as well as. No comments were received from interested parties.
- (25) In addition to Brazil, the Commission contacted all known or potential wire rod producers in Turkey, Switzerland, Norway and Japan (countries with significant imports of wire rod into the Union suggesting significant production) and the USA (a country with a big domestic industry and market).
- (26) Eventually two producers of wire rod agreed to cooperate in the investigation and provided a reply to the analogue country questionnaire, namely Ereğli Demir ve Çelik Fabrikalrı T.A.S. from Turkey and ArcelorMittal Brasil from Brazil.
- (27) A number of factors were taken into account when deciding on the most appropriate analogue country for the current investigation, in particular the size of the analogue country domestic market with satisfactory level of competition for the like product; representativeness of the domestic sales (quantity and profitability) of the cooperating producers; the size and product range offered by the cooperating producers and the comparability of their products and production method to that of China.
- (28) Given the fact that Turkey and the Turkish cooperating exporting producer satisfied all major criteria for an appropriate analogue country/producer it was decided to use Turkey as analogue country.

(b) *Normal value*

- (29) In accordance with Article 2(2) of the basic Regulation it was first examined whether the total volume of domestic sales during the RIP of the like product to independent customers made by the cooperating analogue country producer was representative in comparison with the total export volume to the Union, namely whether the total volume of such domestic sales represented at least 5 % of the total volume of export sales made by the cooperating analogue country producer of the like product to the Union.
- (30) It was also examined whether the domestic sales of the like product could be regarded as being made in the ordinary course of trade pursuant to Article 2(4) of the basic Regulation. This was done by establishing the proportion of domestic sales to independent customers on the domestic market which were profitable during the RIP.
- (31) As it was found that all domestic sales were made in sufficient quantities and in the ordinary course of trade, normal value was based on the actual domestic prices and was calculated as the weighted average of the prices of all domestic sales during the review investigation period.

(c) *Export price*

- (32) In the absence of cooperation from the Chinese exporting producers, and thus the absence of specific information on Chinese prices, the export price was determined on the basis of facts available in accordance with Article 18 of the basic Regulation. Available statistical sources, namely Eurostat were used.
- (33) According to Eurostat, only 696 tonnes of wire rod were imported from China into the Union during the RIP, corresponding to 0,04 % of total imports. This amount is negligible in the light of total Union consumption (17,8 million tonnes).

(d) *Comparison and adjustments*

- (34) The Commission compared the normal value and the export price on an ex-works basis. 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. In order to express the export price at ex-works level, the Commission adjusted the Eurostat CIF price for freight and insurance based on the information from the complaint. The domestic prices were adjusted for freight, insurance, handling and credit costs based on the data obtained from the analogue country producer.

(e) *Dumping margin*

- (35) In accordance with Article 2(11) of the basic Regulation, the dumping margin was established on the basis of a comparison of the weighted average normal value with the weighted average export price. The average Eurostat Chinese export price compared to the normal value of the analogue country did not show the existence of dumping.
- (36) At the same time it is important to stress that as it is mentioned in recital 33 import volumes of the product concerned were very low during the RIP. It was also observed that for most CN codes the prices fluctuated heavily, in some cases with a ratio of up to 30 times throughout the period considered. Such fluctuations are difficult to explain by 'normal' market forces and most likely are the result of the low sales quantities.
- (37) Furthermore, due to the non-cooperation of the Chinese exporters, there was no information available on the product mix of the Chinese exports and consequently the comparison with the analogue country normal value could only be made on an aggregated basis.
- (38) Therefore, the finding of no dumping during the RIP is considered to be irrelevant due to the combined effect of low imported quantities; the irregular fluctuation of prices as well as the absence of information regarding the imported product mix.

3. Evidence of likelihood of recurrence of dumping

- (39) In light of the considerations set out in recitals 35 to 38 above, the Commission further analysed whether there was a likelihood of recurrence of dumping should the measures lapse. When doing so, the following elements were analysed: the Chinese production capacity and spare capacity, the behaviour of Chinese exporters on other markets and the attractiveness of the Union market.

3.1. Production and spare capacity in China

- (40) Based on the information provided by the Worldsteel Association ⁽¹⁾ the total Chinese wire rod production showed a strongly increasing trend for the last 10 years and culminated in over 150 million ⁽²⁾ tonnes in 2013.
- (41) In other words China is responsible for 77 % of the worldwide wire rod production meaning that this country can influence heavily market conditions by its sales decisions. It is important to highlight that its yearly production exceeds by more than seven times the total Union production. Furthermore, the overall increase in Chinese wire rod production since 2011 (26 million tonnes) in itself exceeds the total Union consumption estimated at 17 million tonnes.
- (42) According to the review request spare capacity is estimated at some 50 million tonnes in China. Due to the Chinese non-cooperation it was difficult to obtain additional information in this respect. However, in the light of high production levels referred to in recitals 40 and 41 in comparison to the European and worldwide figures China could easily cause severe distortions on the markets by its sales decisions even without using its spare capacity.

3.2. Chinese sales to third countries

- (43) According to the Chinese export database over 9 million tonnes of wire rod were exported worldwide by China during the RIP representing over 50 % of the total Union consumption in the same period. The table below summarises the figures for the six biggest countries in terms of Chinese export volume and Turkey, the analogue country, representing over 53 % of the total Chinese exports during the RIP.

Table 1

Chinese wire rod exports to the world (volume and prices, EUR)

Country	2012 volume	average price 2012	2013 volume	average price 2013	RIP volume	average price RIP
Thailand	756 919	484	1 009 662	423	1 152 561	394
South Korea	1 153 833	498	1 109 207	430	1 134 587	404
Vietnam	390 995	483	684 193	418	774 175	389
Indonesia	381 893	487	554 034	432	615 982	401
United states	301 523	458	628 111	408	588 047	391
Malaysia	333 185	488	447 220	433	469 895	405
Turkey	2 937	645	6 931	477	30 717	392
Total Chinese exports	5 539 649		7 943 297		9 073 220	

Source: Chinese export database

⁽¹⁾ 2014 Steel statistical yearbook by Worldsteel Association, <http://www.worldsteel.org/dms/internetDocumentList/statistics-archive/yearbook-archive/Steel-Statistical-Yearbook-2014/document/Steel-Statistical-Yearbook-2014.pdf>

⁽²⁾ This figure includes both carbon and stainless steel wire rod (stainless steel is not the product concerned). Eurofer, a member of the International Stainless Steel Forum, estimated that throughout the period considered and including the RIP stainless steel wire rod production is less than 5 % of the total wire rod production in China.

- (44) The average export price found during the RIP for each of the above countries was significantly below the normal value. Hence, the dumping margins established with regard to Chinese average sales prices (as shown in the table above) to third countries ranged from 14 % to 24 % ⁽¹⁾.
- (45) The figures also reveal that China's exports are showing an increasing trend in volumes combined with a decreasing trend in prices. In fact available statistics indicate that the prices continued to further decrease after the RIP. A number of the affected countries perceived these trends as a threat to their own industry and have introduced protective measures (inter alia Malaysia and Indonesia and more recently, following the RIP Turkey ⁽²⁾, US and Pakistan).
- (46) Finally, recent press releases ⁽³⁾ suggest that the Chinese domestic market and in particular the construction sector ⁽⁴⁾ is slowing down. Hence, Chinese sales opportunities are diminishing: its main export markets are closing up and its main domestic sales are slowing down. Therefore, if measures in the Union were allowed to lapse there is a strong likelihood that China would immediately direct its low-priced (dumped) sales in large volumes toward the Union market.

3.3. *Attractiveness of the Union market*

- (47) Due to the higher price levels on the Union market compared to the Chinese sales prices observed in other third countries as shown in Table 1, the Union market is considered to be attractive for the Chinese producers. The existence of protective measures in many export markets further increases the attractiveness of the Union market. Thus it can be reasonably expected that should measures be repealed, Chinese exports would resume in considerable volumes on the Union market. It is worth recalling that before the original measures were imposed, in 2008, Chinese sales volumes in the Union market amounted to 1,1 million tonnes as compared to 700 tonnes in the RIP.

3.4. *Conclusion on the likelihood of recurrence of dumping*

- (48) Taking into consideration the immense production level of wire rod in China and its dumping practices to third countries as well as the attractiveness of the Union market as described above, there is a strong likelihood that the repeal of the anti-dumping measures would result in immediate recurrence of dumping from China to the Union.

D. DEFINITION OF THE UNION INDUSTRY

- (49) The like product was manufactured by 72 Union producers during the review investigation period who constitute the 'Union industry' within the meaning of Article 4(1) of the basic Regulation. None of them was opposed to the initiation.
- (50) All figures related to sensitive data had to be indexed or given in a range for reasons of confidentiality.

E. SITUATION ON THE UNION MARKET

1. **Union consumption**

- (51) The Commission established the Union consumption on the basis of the available import statistics, the actual sales of cooperating Union producers, excluding their export sales, and estimated sales of non-cooperating Union producers. The definition of consumption relates to free market sales, inclusive of captive sales but exclusive of captive use. Captive use, that is internal transfers of the like product within the integrated Union producers for further processing, has not been included in the Union consumption figure, because these internal transfers are not in competition with sales from independent suppliers in the free market. The captive sales, that is, the sales to related companies, were included in the Union consumption figure since according to the data collected during the investigation, the related companies of the Union producers were free to purchase wire rod also from other sources. In addition, the Union producers' average sales prices to related parties were found to be in line with the average sales prices to unrelated parties.

⁽¹⁾ For confidentiality reasons the concrete dumping margins established cannot be disclosed and therefore are presented in ranges.

⁽²⁾ Turkey increased its regular duty rate up to 40 % on wire rod in November 2014, which is after the RIP and therefore did not distort the analogue country findings.

⁽³⁾ South China Morning Post dated 20 January 2015, Le Figaro dated 26 March 2015, The Australian Financial review dated 20 April 2015, CNBC dated 7 May 2015.

⁽⁴⁾ Wire rod is widely used in the construction sector.

- (52) On this basis, Union consumption developed as follows:

Table 2

Union consumption

	2011	2012	2013	Review investigation period
Volume (tonnes)	18 522 439	16 024 244	17 134 056	17 826 678
<i>Index (2011 = 100)</i>	100	87	93	96

Source: Eurostat and questionnaire replies

- (53) Union consumption decreased by 4 % from 18,5 million tonnes in 2011 to 17,8 million tonnes in the review investigation period. Consumption during the period considered was lower than the consumption of 23,6 million tonnes in the investigation period of the original investigation (April 2007 to March 2008). The decrease in consumption is a consequence of the negative impact of the economic crisis that caused a reduction in the overall consumption of wire rod, in particular in the automotive and construction industries.

2. Imports from the country concerned

(a) *Volume and market share of imports from the country concerned*

- (54) The volume and market share of imports from China were established on the basis of Eurostat.
- (55) The import volume into the Union from the country concerned and its market share developed as follows:

Table 3

Import volume and market share

Country		2011	2012	2013	Review investigation period
China	Volume (tonnes)	3 108	911	88	696
	<i>Index (2011 = 100)</i>	100	29	3	22
	Market share (%)	0,02	0,01	0,00	0,00
	<i>Index (2011 = 100)</i>	100	34	3	23

Source: Eurostat

- (56) While Chinese imports accounted for 5 % market share and 1,1 million tonnes in the original investigation period, they have, based on information from Eurostat, virtually disappeared from the Union market. In fact, imports from China decreased from 3 108 to 696 tonnes over the period considered.
- (57) The company with the 7,9 % duty rate is related to the ArcelorMittal group and according to the complainants does not produce significant quantities of wire rod any longer. However, the other Chinese exporting producers also ceased to sell into the Union. The wire rod market appears to be very price-sensitive and the 24 % price increase caused by the anti-dumping duty in force made Chinese exporters to lose interest in the Union market.

(b) *Prices of imports from the country concerned and price undercutting*

- (58) Import prices were established on the basis of Eurostat. Due to the negligible import volumes from China to the EU, the lack of cooperation from Chinese producers and the lack of product type related price data on their negligible import quantities, it was not possible to perform a meaningful calculation of price undercutting. However, Chinese export prices to third countries as shown in Table 1 undercut the Union industry's sales prices by more than 25 % on average. Therefore, a similar significant level of undercutting on the Union market is expected should the measures be allowed to lapse.

3. Imports from other third countries not subject to measures

- (59) Major exporting countries to the Union are Moldova, Norway, Russia, Ukraine and Switzerland. Total imports of the product concerned from third countries increased by 19,2 % (from 1,22 to 1,45 million tonnes) over the period considered, representing 7,5 % of the Union consumption. During the same period the average unit import price has been steadily decreasing from EUR 592 to EUR 506 per ton, a decrease of 14,6 %.

Table 4

Imports from third countries

Country		2011	2012	2013	Review investigation period
Moldova	Volume (tonnes)	47 084	99 126	86 083	185 982
	<i>Index (2011 = 100)</i>	100	211	183	395
	Market share (%)	0,25	0,62	0,50	1,04
	Average price (EUR/tonne)	528	483	445	438
	<i>Index (2011 = 100)</i>	100	91	84	83
Norway	Volume (tonnes)	130 614	128 439	125 267	134 313
	<i>Index (2011 = 100)</i>	100	98	96	103
	Market share (%)	0,71	0,80	0,73	0,75
	Average price (EUR/tonne)	552	538	495	486
	<i>Index (2011 = 100)</i>	100	97	90	88
Russia	Volume (tonnes)	47 185	89 236	91 037	112 748
	<i>Index (2011 = 100)</i>	100	189	193	239
	Market share (%)	0,25	0,56	0,53	0,63
	Average price (EUR/tonne)	494	486	436	425
	<i>Index (2011 = 100)</i>	100	98	88	86

Country		2011	2012	2013	Review investigation period
Ukraine	Volume (tonnes)	379 216	193 955	256 928	307 276
	<i>Index (2011 = 100)</i>	100	51	68	81
	Market share (%)	2,05	1,21	1,50	1,72
	Average price (EUR/tonne)	505	507	457	443
	<i>Index (2011 = 100)</i>	100	100	90	88
Switzerland	Volume (tonnes)	290 689	293 352	297 980	298 104
	<i>Index (2011 = 100)</i>	100	101	103	103
	Market share (%)	1,57	1,83	1,74	1,67
	Average price (EUR/tonne)	694	632	607	596
	<i>Index (2011 = 100)</i>	100	91	87	86
Total other third countries	Volume (tonnes)	1 220 464	1 086 787	1 250 867	1 454 411
	<i>Index (2011 = 100)</i>	100	89	102	119
	Market share (%)	6,59	6,78	7,30	8,16
	Average price (EUR/tonne)	591	564	522	506
	<i>Index (2011 = 100)</i>	100	95	88	86
Total third countries	Volume (tonnes)	1 223 572	1 087 698	1 250 955	1 455 107
	<i>Index (2011 = 100)</i>	100	89	102	119
	Market share (%)	6,61	6,79	7,30	8,16
	Average price (EUR/tonne)	592	564	522	506
	<i>Index (2011 = 100)</i>	100	95	88	85

Source: Eurostat

4. Economic situation of the Union industry

- (60) In accordance with Article 3(5) of the basic Regulation, the Commission examined all economic factors and indices having a bearing on the state of the Union industry.
- (61) When doing so, the Commission distinguished between macroeconomic and microeconomic injury indicators. The macroeconomic indicators for the period considered were established, analysed and examined on the basis of the data provided for the Union industry. The microeconomic indicators were established on the basis of the data collected and verified at the level of the sampled Union producers.

- (62) In the following sections, the macroeconomic indicators are: production, production capacity, capacity utilisation, stocks, sales volume, market share and growth, employment, productivity, magnitude of the actual dumping margin, recovery from past dumping. The microeconomic indicators are: average unit prices, cost of production, profitability, cash flow, investments, return on investment, ability to raise capital and labour costs.

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

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

Table 5

Production, production capacity and capacity utilisation

	2011	2012	2013	Review investigation period
Production volume (tonnes)	21 502 127	18 565 812	19 742 360	20 236 339
Production volume Index	100	86	92	94
Production capacity (tonnes)	28 147 358	28 001 765	28 051 425	28 061 036
Production capacity Index	100	99	100	100
Capacity utilisation (%)	76	66	70	72

Source: Eurostat and questionnaire replies

- (64) During the period considered the production decreased by 6 %, production capacity remained stable and capacity utilisation dropped from 76 % to 72 %.

(b) *Sales volume and market share*

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

Table 6

Sales volume and market share

	2011	2012	2013	Review investigation period
Sales volume in the Union (tones)	17 298 867	14 936 546	15 883 101	16 371 571
Sales volume in the Union Index	100	86	92	95

	2011	2012	2013	Review investigation period
Market share (%)	93,4	93,2	92,7	91,8

Source: Eurostat and questionnaire replies

- (66) The Union industry's sales in the Union market decreased by 5 % over the period considered.

(c) *Growth*

- (67) While Union consumption decreased by 4 % over the period considered, the sales volume of the Union industry decreased by 5 %, which translated in a loss of market share of 1,6 percentage points.

(d) *Employment and productivity*

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

Table 7

Employment and productivity

	2011	2012	2013	Review investigation period
Number of employees	8 888	8 851	8 849	8 991
Number of employees Index	100	100	100	101
Productivity (unit/employee)	2 419	2 098	2 231	2 251
Productivity (unit/employee) Index	100	87	92	93

Source: questionnaire replies

- (69) Employment remained rather stable during the period considered. At the same time, productivity dropped by 7 % due to the decrease in production as shown in Table 7 in recital 68.

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

- (70) The dumping margin established for China in the original investigation was well above the *de minimis* level, while the import volume from China remained at a negligible level throughout the period considered. However, should measures be repealed, the impact of the expected dumping on the Union industry would be significant based on the increasing volume and decreasing prices of exports from China to the third countries, as mentioned in recitals 45 and 46. The Union industry was still in a recovery process from the effects of past injurious dumping of imports of wire rods originating in China, as mentioned in recital 83.

(a) *Prices and factors affecting prices*

- (71) The average sales prices of the Union industry to unrelated customers in the Union developed over the period considered as follows:

Table 8

Average sales prices

	2011	2012	2013	Review investigation period
Average unit selling price in the Union (EUR/tonne)	638	588	545	539
Average unit selling price in the Union <i>Index</i>	100	92	85	85
Unit cost of production (EUR/tonne)	606	581	533	514
Unit cost of production <i>Index</i>	100	96	88	85

Source: questionnaire replies

The Union industry's average unit selling price to unrelated customers in the Union and cost of production decreased both by 15 % over the period considered. Therefore, the sales price on average followed the evolution of the costs.

(b) *Labour costs*

- (72) The average labour costs of the Union industry developed over the period considered as follows:

Table 9

Average labour costs per employee

	2011	2012	2013	Review investigation period
Average labour costs per employee (EUR)	51 320	53 514	52 366	51 814
Average labour costs per employee <i>Index</i>	100	104	102	101

Source: questionnaire replies

- (73) The average labour costs per employee remained stable over the period considered. This could be mainly explained by the increasing efforts of the Union industry to control the cost of production and retain in this way its competitiveness.

(c) *Inventories*

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

Table 10

Inventories

	2011	2012	2013	Review investigation period
Closing stocks (tonnes)	400 531	400 256	429 765	471 135
Closing stocks Index	100	100	107	118
Closing stocks as a percentage of production (%)	1,9	2,2	2,2	2,3

Source: questionnaire replies

- (75) In the period considered the Union industry's stocks increased overall by 18 %. A significant part of the wire rods production consists of standard products and the Union industry therefore has to maintain a certain level of stock in order to be in a position to swiftly satisfy the demand of its customers. The closing stock as a percentage of the production remained relatively stable, following the evolution of the Union's industry production.

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

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

Table 11

Profitability, cash flow, investments and return on investments

	2011	2012	2013	Review investigation period
Profitability of sales in the Union to unrelated customers (% of sales turnover)	5,1	1,2	2,3	4,7
Cash flow (EUR)	179 540 905	82 626 580	107 291 306	159 860 366
Investments (EUR)	103 206 819	81 357 885	62 499 682	42 831 235
Return on investments (%)	3,8	– 0,1	0,8	3,0

Source: questionnaire replies

- (77) The Commission established the profitability of the Union industry 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. Profitability decreased from 5,1 % to 4,7 %. This is lower than the target profit of 9,9 % that was established in the original investigation.

- (78) The net cash flow is the Union industry's ability to self-finance their activities and it was positive during the period considered. However, the indicator registered a significant decrease of 11 %. This raises concerns as to the ability of the Union industry to carry on the necessary self-financing of its activities.
- (79) The investments significantly decreased by 58 % over the period considered. They mainly represented investments necessary for modernisation, maintenance and compliance with legal safety requirements. The fact that no investments were made for capacity expansion may indicate a possible long term negative market trend.
- (80) The return on investments is the net profit as a percentage of the gross book value of investments. This indicator decreased from 3,8 % to 3 % over the period considered due to the reduction of the profits.
- (81) Taking into account the decreasing profitability and decreasing cash flow, the company's ability to raise capital was also negatively affected.

(e) Captive production of the Union industry

- (82) Based on the information collected during the investigation the proportion of captive production was found not to be significant as approximately only 11 % of the Union industry's production is used captively within the group. In general, a higher volume of production leads to economies of scale which are beneficial for the producer concerned. The Union industry is mostly vertically integrated and the captive production is used for further processing into value added products in the downstream industry. The investigation did not point to any production problem linked to these downstream products. Indeed, captive production remained stable over the period considered. Given the above considerations, the Commission considers that the captive production of the Union industry did not have any negative impact on its financial situation.

(f) Conclusion on injury

- (83) During the period considered, all injury indicators pertaining to the Union industry showed a negative trend. More specifically, Union production decreased by 6 %, capacity utilisation dropped from 76 % to 72 %, market share was reduced by 1,6 percentage points from 93,4 % to 91,8 % and closing stocks increased by 18 %. Furthermore, other injury indicators such as sales volumes to unrelated parties in the Union (– 6 %) and exports to unrelated parties (– 22 %) also followed a negative trend. Unit sale prices to unrelated parties in the Union and the cost of production decreased both by 15 %. Profitability decreased from 5,1 % to 4,7 %, which is lower than the target profit of 9,9 % that was established in the original investigation. Investments significantly decreased by 58 % and cash flow was reduced by 11 %. Given that employment remained rather stable, productivity dropped by 7 %.
- (84) However, these negative trends cannot be attributed to Chinese imports, given that they were limited in volume and market share. The analysis therefore turns to the impact that a resumption of Chinese imports would have on the Union industry that has not fully recovered from past Chinese dumping practices.

F. LIKELIHOOD OF RECURRENCE OR CONTINUATION OF INJURY

1. Preliminary remark

- (85) Although the import volumes from China decreased significantly after the imposition of measures in 2009, it is considered that the remaining significant production capacity in China may be easily diverted to the Union market if measures are allowed to lapse.

2. Impact of the projected volume of imports from China and price effects in case of repeal of measures

- (86) As established in recitals 40-42 above, total production capacity of wire rod is over 150 million tonnes while the estimated spare capacity is around 50 million tonnes. Both these amounts largely exceed the total Union consumption of wire rod. Moreover, as is evident from the Chinese statistics, China managed in the past years to redirect its excess production from the Union to other countries where less trade restraints were present. This has however changed as some of the third markets have recently introduced protective measures effectively closing or at least impairing access for Chinese imports. In any event, the Union market remains attractive due to the

relatively high sales prices for the product concerned compared to other third countries markets. Thus, it can be reasonably expected that, as a consequence to the attractiveness of the Union market with its size and price levels, should the measures be repealed, a substantial part of the current Chinese production would be re-directed to the Union. Taking into account the current injury picture and the dumping practices of the Chinese exporters, the investigation showed that the discontinuation of measures in all likelihood would result in a significant increase of exports from China at dumped prices, thus causing material injury to the Union industry.

3. Conclusion

- (87) In the light of the foregoing, it is concluded that the repeal of measures on the imports from China would in all likelihood result in the recurrence of injury to the Union industry.

G. UNION INTEREST

- (88) In accordance with Article 21 of the basic Regulation, the Commission examined whether maintaining the existing anti-dumping measures against China would be against the interest of the Union as a whole. The determination of the Union interest was based on an appreciation of all the various interests involved, including those of the Union industry, importers and users.
- (89) All interested parties were given the opportunity to make their views known pursuant to Article 21(2) of the basic Regulation.
- (90) On this basis the Commission examined whether, despite the conclusions on the likelihood of recurrence of dumping and injury, compelling reasons existed which would lead to the conclusion that it was not in the Union interest to maintain the existing measures.

1. Interest of the Union industry

- (91) The Union industry has consistently lost market share and has suffered material injury during the period considered. Should measures be repealed, the Union industry would in all likelihood be in an even worse situation.
- (92) It was therefore concluded that maintaining the measures in force against China would be in the interest of the Union industry.

2. Interest of importers/traders

- (93) None of the importers/traders came forward in this expiry review investigation. There are no indications that a continuation of measures would have any significant negative effect on their activities.

3. Interest of users

- (94) None of the users came forward in this expiry review investigation. Concerning users, in the original investigation it was concluded that the overall possible impact of the imposition of measures on the activity of the users would be very limited. Firstly, the vast majority of users purchase their wire rod from non-Chinese sources which are abundant. Secondly, the possible impact from the imposition of measures should be seen in the light of the downstream products which enjoy a high added value. On this basis, it is concluded that the maintenance of the measures would not negatively impact the current situation of the users.

4. Conclusion on Union interest

- (95) In view of the above, the Commission concluded that there are no compelling reasons of Union interest against the maintenance of the current anti-dumping measures against China.

H. ANTI-DUMPING MEASURES

- (96) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend that the existing measures be maintained. They were also granted a period to submit comments subsequent to that disclosure. One interested party submitted comments supporting the Commission's conclusions.
- (97) It follows from the above that, as provided for by Article 11(2) of the basic Regulation, the anti-dumping measures applicable to imports of wire rod originating in China, imposed by Regulation (EC) No 703/2009 should be maintained.
- (98) In order to minimise the risk of circumvention due to the high difference in the duty rates, it is considered that special measures are needed in this case to ensure the proper application of the anti-dumping duties. These special measures, which only apply to company for which an individual duty rate is introduced, include the following: the presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in Article 1, paragraph 3 of this Regulation. Imports not accompanied by such an invoice shall be made subject to the residual anti-dumping duty applicable to all other producers.
- (99) 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*.
- (100) This Regulation is in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EC) No 1225/2009,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of bars and rods, hot-rolled, in irregularly wound coils, of iron, non-alloy steel or alloy steel other than of stainless steel originating in the People's Republic of China, falling within CN codes 7213 10 00, 7213 20 00, 7213 91 10, 7213 91 20, 7213 91 41, 7213 91 49, 7213 91 70, 7213 91 90, 7213 99 10, 7213 99 90, 7227 10 00, 7227 20 00, 7227 90 10, 7227 90 50 and 7227 90 95.

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

Company	AD duty rate (%)	TARIC additional codes
Valin Group	7,9	A930
All other companies	24,0	A999

3. The application of the individual duty rate specified for the company 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 wire rod sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in the People's Republic of China. I declare that the information provided in this invoice is complete and correct.' If no such invoice is presented, the duty rate applicable to 'all other companies' shall apply.

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

⁽¹⁾ European Commission, Directorate-General for Trade, Directorate H, Rue de la Loi/Wetstraat 170, 1040 Bruxelles/Brussel, BELGIQUE/BELGIË.

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, 14 October 2015.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1847**of 14 October 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, 14 October 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	AL	45,0
	MA	141,5
	MK	46,1
	TR	56,6
	ZZ	72,3
0707 00 05	AL	36,9
	TR	115,3
	ZZ	76,1
0709 93 10	TR	137,2
	ZZ	137,2
0805 50 10	AR	163,5
	CL	149,0
	TR	110,0
	UY	81,3
	ZA	112,5
	ZZ	123,3
0806 10 10	BR	274,5
	EG	187,8
	MA	56,6
	MK	97,5
	TR	177,1
	ZZ	158,7
0808 10 80	AR	258,5
	CL	127,9
	MK	23,1
	NZ	169,4
	ZA	145,4
	ZZ	144,9
0808 30 90	CN	65,9
	TR	134,2
	XS	95,1
	ZA	218,5
	ZZ	128,4

⁽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'.

DECISIONS

COUNCIL DECISION (EU) 2015/1848

of 5 October 2015

on guidelines for the employment policies of the Member States for 2015

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 148(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Having regard to the opinion of the Committee of the Regions ⁽³⁾,

Having regard to the opinion of the Employment Committee,

Whereas:

- (1) Member States and the Union are to work towards developing a coordinated strategy for employment and particularly for promoting a skilled, trained and adaptable workforce and labour markets responsive to economic change with a view to achieving the objectives of full employment and social progress set out in Article 3 of the Treaty on European Union. Member States, taking into account national practices related to the responsibilities of management and labour, are to regard promoting employment as a matter of common concern and coordinate their action in this respect within the Council.
- (2) The Union is to combat social exclusion and discrimination and promote social justice and protection, as well as equality between women and men. In defining and implementing its policies and activities, the Union is to take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education and training.
- (3) The guidelines for the employment policies of the Member States are consistent with the broad guidelines for the economic policies of the Member States and of the Union set out in Council Recommendation (EU) 2015/1184 ⁽⁴⁾. Together, they form the integrated guidelines for implementing the Europe 2020 strategy ('Europe 2020 integrated guidelines') and are to be adopted by the Council to guide the policies of Member States and of the Union.
- (4) In accordance with the Treaty on the Functioning of the European Union (TFEU), the Union has developed and implemented policy coordination instruments for fiscal, macroeconomic and structural policies. The European Semester combines the different instruments in an overarching framework for integrated multilateral surveillance of economic, budgetary, employment and social policies and aims to achieve the Europe 2020 targets, in particular those concerning employment, education and poverty reduction, as set out in Council Decision 2010/707/EU ⁽⁵⁾. The streamlining and strengthening of the European Semester, as set out in the Commission's 2015 Annual Growth Survey, are expected to further improve its functioning.

⁽¹⁾ Opinion of 8 July 2015 (Not yet published in the Official Journal).

⁽²⁾ Opinion of 27 May 2015 (Not yet published in the Official Journal).

⁽³⁾ Opinion of 4 June 2015 (Not yet published in the Official Journal).

⁽⁴⁾ Council Recommendation (EU) 2015/1184 of 14 July 2015 on broad guidelines for the economic policies of the Member States and of the European Union (OJ L 192, 18.7.2015, p. 27).

⁽⁵⁾ Council Decision 2010/707/EU of 21 October 2010 on guidelines for the employment policies of the Member States (OJ L 308, 24.11.2010, p. 46).

- (5) The financial and economic crisis has revealed and emphasised important weaknesses in the economy of the Union and in the economies of its Member States. It has also underscored the close interdependence of the Member States' economies and labour markets. Ensuring that the Union progresses to a state of smart, sustainable and inclusive growth and job creation is the key challenge faced today. This requires coordinated, ambitious and effective policy action at both Union and national levels, in accordance with the TFEU and Union economic governance. Combining supply- and demand-side measures, that policy action should encompass a boost to investment, a renewed commitment to structural reforms and the exercise of fiscal responsibility, while taking into account their employment and social impact. In this respect, the scoreboard of key employment and social indicators within the 2015 Joint Employment Report by the Council and the Commission is a particularly useful tool that contributes to the detection of key employment and social problems and divergences in a timely way and identifies areas in which a policy response is most needed.
- (6) Reforms to the labour market, including the national wage-setting mechanisms, should follow national practices of social dialogue and allow the necessary policy space for a broad consideration of socioeconomic issues.
- (7) Member States and the Union should also address the social impact of the crisis and aim to build a cohesive society in which people are empowered to anticipate and manage change, and can actively participate in society and the economy. Access and opportunities for all should be ensured and poverty and social exclusion reduced, in particular by ensuring an effective functioning of labour markets and social protection systems and removing barriers to labour-market participation. Member States should also make sure that the benefits of economic growth reach all citizens and all regions.
- (8) Action in line with the Europe 2020 integrated guidelines is an important contribution to reaching the goals of the Europe 2020 strategy for smart, sustainable and inclusive growth ('Europe 2020 strategy'). The Europe 2020 strategy should be underpinned by an integrated set of European and national policies, which Member States and the Union should implement in order to achieve the positive spillover effects of coordinated structural reforms, an appropriate overall economic policy mix and a more consistent contribution from European policies to the objectives of the Europe 2020 strategy.
- (9) While the Europe 2020 integrated guidelines are addressed to Member States and the Union, they should be implemented in partnership with all national, regional and local authorities, closely involving parliaments, as well as social partners and representatives of civil society.
- (10) The Europe 2020 integrated guidelines give guidance to the Member States on implementing reforms, reflecting interdependence between the Member States. Those integrated guidelines are in line with the Stability and Growth Pact and with existing European legislation. Those integrated guidelines should form the basis for country-specific recommendations that the Council may address to the Member States.
- (11) The Employment Committee and the Social Protection Committee should monitor how the relevant policies are implemented in the light of the employment guidelines, in line with their respective Treaty-based mandates. These committees and other Council preparatory instances involved in the coordination of economic and social policies should work together closely,

HAS ADOPTED THIS DECISION:

Article 1

The guidelines for the employment policies of the Member States, as set out in the Annex, are hereby adopted. These guidelines shall form part of the Europe 2020 integrated guidelines.

Article 2

The guidelines set out in the Annex shall be taken into account by the Member States in their employment policies and reform programmes, which shall be reported in line with Article 148(3) TFEU.

Article 3

This Decision is addressed to the Member States.

Done at Luxembourg, 5 October 2015.

For the Council
The President
N. SCHMIT

ANNEX

GUIDELINES FOR THE EMPLOYMENT POLICIES OF THE MEMBER STATES**PART II OF THE EUROPE 2020 INTEGRATED GUIDELINES****Guideline 5: Boosting demand for labour**

Member States should facilitate the creation of quality jobs, reduce the barriers business faces in hiring people, promote entrepreneurship and, in particular, support the creation and growth of small enterprises. Member States should actively promote the social economy and foster social innovation.

The tax burden should be shifted away from labour to other sources of taxation less detrimental to employment and growth, while protecting revenue for adequate social protection and growth-enhancing expenditure. Reductions in labour taxation should aim to remove barriers and disincentives in relation to participation in the labour market, in particular for those furthest away from the labour market.

Member States should, together with social partners and in line with national practices, encourage wage-setting mechanisms allowing for a responsiveness of wages to productivity developments. Differences in skills and divergences in economic performance across regions, sectors and companies should be taken into account. When setting minimum wages, Member States and social partners should consider their impact on in-work poverty, job creation and competitiveness.

Guideline 6: Enhancing labour supply, skills and competences

Member States, in cooperation with social partners, should promote productivity and employability through an appropriate supply of relevant knowledge, skills and competences. Member States should make the necessary investment in all education and training systems in order to improve their effectiveness and efficiency in raising the skill and competences of the workforce, thereby allowing them to better anticipate and meet the rapidly changing needs of dynamic labour markets in an increasingly digital economy and in the context of technological, environmental and demographic change. Member States should step up efforts to improve access for all to quality lifelong learning and implement active-ageing strategies that enable longer working lives.

Structural weaknesses in education and training systems should be addressed to ensure quality learning outcomes and to reduce the number of young people leaving school early. Member States should increase educational attainment, encourage work-based learning systems such as dual learning, upgrade professional training and increase opportunities for recognising and validating skills and competences acquired outside formal education.

High unemployment and inactivity should be tackled. Long-term and structural unemployment should be significantly reduced and prevented by means of comprehensive and mutually reinforcing strategies that include individualised active support for a return to the labour market. Youth unemployment and the high number of young people not in education, employment or training (NEETs), should be comprehensively addressed through a structural improvement in the school-to-work transition, including through the full implementation of the Youth Guarantee.

Barriers to employment should be reduced, especially for disadvantaged groups.

Female participation in the labour market should be increased and gender equality must be ensured, including through equal pay. The reconciliation between work and family life should be promoted, in particular access to affordable quality early childhood education, care services and long-term care.

Member States should make full use of the European Social Fund and other Union funds to foster employment, social inclusion, lifelong learning and education and to improve public administration.

Guideline 7: Enhancing the functioning of labour markets

Member States should take into account the flexibility and security principles ('flexicurity principles'). They should reduce and prevent segmentation within labour markets and fight undeclared work. Employment protection rules, labour law and institutions should all provide a suitable environment for recruitment, while offering adequate levels of

protection to all those in employment and those seeking employment. Quality employment should be ensured in terms of socioeconomic security, work organisation, education and training opportunities, working conditions (including health and safety) and work-life balance.

In line with national practices, and in order to improve the functioning and effectiveness of social dialogue at national level, Member States should closely involve national parliaments and social partners in the design and implementation of relevant reforms and policies.

Member States should strengthen active labour-market policies by increasing their effectiveness, targeting, outreach, coverage and interplay with passive measures, accompanied by rights and responsibilities for the unemployed to actively seek work. These policies should aim to improve labour-market matching and support sustainable transitions.

Member States should aim for better, more effective public employment services to reduce and shorten unemployment by providing tailored services to support jobseekers, supporting labour-market demand and implementing performance-measurement systems. Member States should effectively activate and enable those who can participate in the labour market to do so, while protecting those unable to participate. Member States should promote inclusive labour markets open to all women and men, putting in place effective anti-discrimination measures, and increase employability by investing in human capital.

The mobility of workers should be promoted with the aim of exploiting the full potential of the European labour market. Mobility barriers in occupational pensions and in the recognition of qualifications should be removed. Member States should at the same time prevent abuses of the existing rules and recognise potential 'brain drain' from certain regions.

Guideline 8: Fostering social inclusion, combatting poverty and promoting equal opportunities

Member States should modernise social protection systems to provide effective, efficient and adequate protection throughout all stages of an individual's life, fostering social inclusion, promoting equal opportunities, including for women and men, and addressing inequalities. Complementing universal approaches with selective ones will improve effectiveness, while simplification should lead to better accessibility and quality. More attention should go to preventative and integrated strategies. Social protection systems should promote social inclusion by encouraging people to actively participate in the labour market and society. Affordable, accessible and quality services such as childcare, out-of-school care, education, training, housing, health services and long-term care are essential. Particular attention should also be given to basic services and actions to prevent early school leaving, reduce in-work poverty and fight poverty and social exclusion.

For that purpose, a variety of instruments should be used in a complementary manner, in line with the principles of active inclusion, including labour activation enabling services, accessible quality services and adequate income support, targeted at individual needs. Social protection systems should be designed in a way that facilitates take-up for all those entitled to do so, supports protection and investment in human capital, and helps to prevent, reduce and protect against poverty and social exclusion through the life cycle.

In a context of increasing longevity and demographic change, Member States should secure the sustainability and adequacy of pension systems for women and men. Member States should improve the quality, accessibility, efficiency and effectiveness of health and long-term care systems, while safeguarding sustainability.

COMMISSION IMPLEMENTING DECISION (EU) 2015/1849**of 13 October 2015****on measures to prevent the introduction into and the spread within the Union of harmful organisms as regards certain vegetables originating in Ghana***(notified under document C(2015) 6858)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular the third sentence of Article 16(3), thereof,

Whereas:

- (1) Plant health checks carried out by Member States on consignments of certain plants and plant products originating in Ghana revealed that a high number of these plants and plant products were infested with harmful organisms, mainly non-European *Tephritidae*, like *Ceratitis cosyra* (Walker), *Thrips palmi* Karny or *Bemisia tabaci* (Genn.). The number of consignments from Ghana intercepted with harmful organisms in the Union has shown a significant upward trend since 2009. Most of the interceptions concern plants other than seeds, of *Capsicum* L., *Lagenaria* Ser., *Luffa* Mill., *Momordica* L. and *Solanum* L. other than *S. lycopersicum* L. (hereinafter 'the specified commodities').
- (2) Audits carried out by the Commission in Ghana in 2012 and 2015 revealed shortcomings in the phytosanitary export certification system. Despite assurances and action announced by the competent authorities of Ghana, the number of interceptions increased further.
- (3) In the light of the outcome of those audits and the number of interceptions, the Commission concluded that the current phytosanitary safeguards of Ghana are insufficient to ensure that consignments of plants and plant products originating in Ghana are free from harmful organisms or to avoid the risk of introduction of harmful organisms into the Union through the import of the specified commodities.
- (4) Measures should be taken to address the risk posed by the import into the Union of the specified commodities. Consequently, the introduction into the Union of the specified commodities should be prohibited.
- (5) The measures should remain in place until 31 December 2016 in order to address the ongoing risk of introduction, while allowing Ghana to upgrade its certification system.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The introduction into the territory of the Union of plants other than seeds, of *Capsicum* L., *Lagenaria* Ser., *Luffa* Mill., *Momordica* L. and *Solanum* L., other than *S. lycopersicum* L. originating in Ghana shall be prohibited.

Article 2

Article 1 shall apply until 31 December 2016.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 13 October 2015.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

