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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2016/2145

of 1 December 2016

amending Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By its judgment of 7 September 2016 in Case C-113/14 ⁽¹⁾, the Court of Justice of the European Union ('the Court') annulled Article 7 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council ⁽²⁾ determining the reference thresholds for agricultural products on the grounds that those thresholds should have been adopted by the Council only, on a proposal from the Commission, on the basis of Article 43(3) of the Treaty on the Functioning of the European Union (TFEU).
- (2) The Court also annulled Article 2 of Council Regulation (EU) No 1370/2013 ⁽³⁾ determining the level of the public intervention prices on the grounds that that Article is inextricably linked to the annulled Article 7 of Regulation (EU) No 1308/2013.
- (3) The Court declared that the legal effects of Article 7 of Regulation (EU) No 1308/2013 and of Article 2 of Regulation (EU) No 1370/2013 were to be maintained for a maximum period of five months from the date of delivery of the judgment.
- (4) It is therefore necessary to amend Regulation (EU) No 1370/2013 before the end of the five-month period by respectively inserting and amending the provisions on the reference thresholds and intervention price levels annulled by the Court and by making certain consequential adjustments.
- (5) In view of the time-limit set by the Court in its judgment, this Regulation should enter into force on the date of its publication,

⁽¹⁾ Judgment of the Court of Justice of 7 September 2016, Germany v Parliament and Council, C-113/14, ECLI:EU:C:2016:635.

⁽²⁾ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

⁽³⁾ Council Regulation (EU) No 1370/2013 of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products (OJ L 346, 20.12.2013, p. 12).

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 1370/2013 is amended as follows:

(1) The following Article is inserted:

'Article 1a

Reference thresholds

1. The following reference thresholds are fixed:

- (a) for the cereals sector: EUR 101,31/tonne, related to the wholesale stage for goods delivered to the warehouse, before unloading;
- (b) for paddy rice: EUR 150/tonne for the standard quality as defined in point A of Annex III to Regulation (EU) No 1308/2013, related to the wholesale stage for goods delivered to the warehouse, before unloading;
- (c) for sugar of standard quality as defined in point B of Annex III to Regulation (EU) No 1308/2013, related to unpacked sugar, ex-factory:
 - (i) for white sugar: EUR 404,4/tonne;
 - (ii) for raw sugar: EUR 335,2/tonne;
- (d) for the beef and veal sector: EUR 2 224/tonne for carcasses of male bovine animals of conformation/fat cover class R3 as laid down in the Union scale for the classification of carcasses of bovine animals aged eight months or more referred to in point A of Annex IV to Regulation (EU) No 1308/2013;
- (e) for the milk and milk products sector:
 - (i) EUR 246,39 per 100 kg for butter;
 - (ii) EUR 169,80 per 100 kg for skimmed milk powder;
- (f) for pigmeat: EUR 1 509,39/tonne for pig carcasses of a standard quality defined in terms of weight and lean meat content as laid down in the Union scale for the classification of pig carcasses referred to in point B of Annex IV to Regulation (EU) No 1308/2013, as follows:
 - (i) carcasses weighing from 60 to less than 120 kg: class E;
 - (ii) carcasses weighing from 120 to 180 kg: class R;
- (g) for the olive oil sector:
 - (i) EUR 1 779/tonne for extra virgin olive oil;
 - (ii) EUR 1 710/tonne for virgin olive oil;
 - (iii) EUR 1 524/tonne for lampante olive oil with two degrees of free acidity; this amount shall be reduced by EUR 36,70/tonne for each additional degree of acidity.

2. The reference thresholds provided for in paragraph 1 shall be kept under review by the Commission, taking account of objective criteria, in particular developments in production, costs of production (particularly inputs) and market trends. When necessary, the reference thresholds shall be updated in accordance with the procedure laid down in Article 43(3) TFEU in the light of developments in production and markets.

3. References to reference thresholds in Regulation (EU) No 1308/2013 shall be construed as references to the thresholds fixed in paragraph 1 of this Article.'

(2) Article 2 is replaced by the following:

'Article 2

Public intervention prices

1. The level of the public intervention price:

- (a) for common wheat, durum wheat, barley, maize, paddy rice and skimmed milk powder shall be equal to the respective reference threshold set out in Article 1a in the case of buying-in at a fixed price and shall not exceed the respective reference threshold in the case of buying-in by tendering;
- (b) for butter shall be equal to 90 % of the reference threshold set out in Article 1a in the case of buying-in at a fixed price and shall not exceed 90 % of that reference threshold in the case of buying-in by tendering;
- (c) for beef and veal shall not exceed 85 % of the reference threshold set out in Article 1a.

2. The public intervention prices for common wheat, durum wheat, barley, maize and paddy rice referred to in paragraph 1 shall be adjusted by price increases or reductions to those prices based on the main quality criteria for the products.

3. The Commission shall adopt implementing acts determining the increases or reductions to the public intervention prices of the products referred to in paragraph 2 of this Article under the conditions laid down therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).'

(3) In Article 8, point (b) is replaced by the following:

- '(b) the price of surplus sugar available on the Union market or, if there is no surplus sugar on that market, the reference threshold for sugar fixed in point (c) of Article 1a.'

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, 1 December 2016.

For the Council

The President

A. ÉRSEK

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/2146
of 7 December 2016**

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

THE EUROPEAN COMMISSION,

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

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

Having regard to Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union ⁽²⁾ ('the basic anti-subsidy Regulation'), and in particular Article 13 thereof,

Informing the Member States,

Whereas:

A. UNDERTAKING AND OTHER EXISTING MEASURES

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

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ L 176, 30.6.2016, p. 55.

⁽³⁾ OJ L 152, 5.6.2013, p. 5.

⁽⁴⁾ OJ L 209, 3.8.2013, p. 26.

⁽⁵⁾ OJ L 209, 3.8.2013, p. 1.

⁽⁶⁾ OJ L 325, 5.12.2013, p. 1.

⁽⁷⁾ OJ L 325, 5.12.2013, p. 66.

- (5) Following the notification of an amended version of the price undertaking by a group of exporting producers ('the exporting producers') together with the CCCME, the Commission confirmed by Implementing Decision 2013/707/EU ⁽¹⁾ the acceptance of the price undertaking as amended ('the undertaking') for the period of application of definitive measures. The Annex to this Decision lists the exporting producers for whom the undertaking was accepted, inter alia:
- (a) Ningbo Huashun Solar Energy Technology Co., Ltd, covered by the TARIC additional code: B856 ('Huashun China');
- (b) Jiangsu Seraphim Solar System Co., Ltd, covered by the TARIC additional code: B836 ('Seraphim China').
- (6) By Implementing Decision 2014/657/EU ⁽²⁾ the Commission accepted a proposal by the exporting producers together with the CCCME for clarifications concerning the implementation of the undertaking for the products concerned covered by the undertaking, that is modules and cells originating in or consigned from the PRC, currently falling within CN codes ex 8541 40 90 (TARIC codes 8541 40 90 21, 8541 40 90 29, 8541 40 90 31 and 8541 40 90 39) produced by the exporting producers ('product covered'). The anti-dumping and countervailing duties referred to in recital (4) above, together with the undertaking, are jointly referred to as 'measures'.
- (7) By Implementing Regulation (EU) 2015/866 ⁽³⁾ the Commission withdrew the acceptance of the undertaking for three exporting producers.
- (8) By Implementing Regulation (EU) 2015/1403 ⁽⁴⁾ the Commission withdrew the acceptance of the undertaking for another exporting producer.
- (9) By Implementing Regulation (EU) 2015/2018 ⁽⁵⁾ the Commission withdrew the acceptance of the undertaking for two exporting producers.
- (10) The Commission initiated an expiry review investigation of the anti-dumping measures by a Notice of Initiation published in the *Official Journal of the European Union* ⁽⁶⁾ on 5 December 2015.
- (11) The Commission initiated an expiry review investigation of the countervailing measures by a Notice of Initiation published in the *Official Journal of the European Union* ⁽⁷⁾ on 5 December 2015.
- (12) The Commission also initiated a partial interim review of the anti-dumping and countervailing measures by a Notice of Initiation published in the *Official Journal of the European Union* ⁽⁸⁾ on 5 December 2015.
- (13) By Implementing Regulation (EU) 2016/115 ⁽⁹⁾ the Commission withdrew the acceptance of the undertaking for another exporting producer.
- (14) By Implementing Regulation (EU) 2016/185 ⁽¹⁰⁾, the Commission extended the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 1238/2013 on imports of the products concerned originating in or consigned from the People's Republic of China to imports of the product concerned consigned from Malaysia and Taiwan, whether declared as originating in Malaysia and in Taiwan or not.
- (15) By Implementing Regulation (EU) 2016/184 ⁽¹¹⁾, the Commission extended the definitive countervailing duty imposed by Implementing Regulation (EU) No 1239/2013 on imports of the products concerned originating in or consigned from the People's Republic of China to imports of the product concerned consigned from Malaysia and Taiwan, whether declared as originating in Malaysia and in Taiwan or not.

⁽¹⁾ OJ L 325, 5.12.2013, p. 214.

⁽²⁾ OJ L 270, 11.9.2014, p. 6.

⁽³⁾ OJ L 139, 5.6.2015, p. 30.

⁽⁴⁾ OJ L 218, 19.8.2015, p. 1.

⁽⁵⁾ OJ L 295, 12.11.2015, p. 23.

⁽⁶⁾ OJ C 405, 5.12.2015, p. 8.

⁽⁷⁾ OJ C 405, 5.12.2015, p. 20.

⁽⁸⁾ OJ C 405, 5.12.2015, p. 33.

⁽⁹⁾ OJ L 23, 29.1.2016, p. 47.

⁽¹⁰⁾ OJ L 37, 12.2.2016, p. 76.

⁽¹¹⁾ OJ L 37, 12.2.2016, p. 56.

- (16) By Implementing Regulation (EU) 2016/1045 ⁽¹⁾ the Commission withdrew the acceptance of the undertaking for another exporting producer.
- (17) By Implementing Regulation (EU) 2016/1382 ⁽²⁾ the Commission withdrew the acceptance of the undertaking for another five exporting producers.
- (18) By Implementing Regulation (EU) 2016/1402 ⁽³⁾ the Commission withdrew the acceptance of the undertaking for another three exporting producers.
- (19) By Implementing Regulation (EU) 2016/1998 ⁽⁴⁾ the Commission withdrew the acceptance of the undertaking for another five exporting producers.

B. TERMS OF THE UNDERTAKING

- (20) The exporting producers agreed, inter alia, not to sell the product covered to the first independent customer in the Union below a certain minimum import price ('the MIP') within the associated annual level of imports to the Union ('annual level') laid down in the undertaking.
- (21) The exporting producers also agreed to sell the product covered only by means of direct sales. For the purpose of the undertaking, a direct sale is defined as a sale either to the first independent customer in the Union or via a related party in the Union listed in the undertaking.
- (22) The undertaking sets out, in a non-exhaustive list, the breaches of the undertaking. The list of breaches includes indirect sales to the Union by companies other than those listed in the undertaking.
- (23) The undertaking also obliges the exporting producers to provide the Commission on a quarterly basis with detailed information on all their export sales to and re-sales in the Union ('the quarterly reports'). This implies that the data submitted in these quarterly reports must be complete and correct and the reported transactions fully comply with the terms of the undertaking. Reporting of re-sales in the Union is a particular obligation when the product covered is sold to the first independent customer through a related importer. Only these reports enable the Commission to monitor whether the re-sale price of the related importer to the first independent customer is in accordance the MIP.
- (24) The exporting producer is liable for the breach of any of its related parties, whether or not listed in the undertaking.

C. MONITORING OF THE EXPORTING PRODUCERS AND VOLUNTARY WITHDRAWAL

- (25) While monitoring compliance with the undertaking, the Commission verified information submitted by Huashun China and Seraphim China that was relevant to the undertaking. The Commission also assessed publicly available information regarding the corporate structure of the two companies.
- (26) The findings set out in recitals 27 to 30 address the problems identified for Huashun China and Seraphim China which oblige the Commission to withdraw the acceptance of the undertaking for these exporting producers.

D. GROUNDS TO WITHDRAW THE ACCEPTANCE OF THE UNDERTAKING

(a) Sales by Huashun China

- (27) In its quarterly reports, Huashun China had reported numerous sales transaction of the product covered to an allegedly unrelated importer in the Union and had issued undertaking invoices. Based on the information available to the Commission, the importer involved in these transactions was however related to Huashun China. As this importer is not listed as related party in the undertaking, Huashun China breached the terms of the undertaking as described in recitals 20 to 22.

⁽¹⁾ OJ L 170, 29.6.2016, p. 5.

⁽²⁾ OJ L 222, 17.8.2016, p. 10.

⁽³⁾ OJ L 228, 23.8.2016, p. 16.

⁽⁴⁾ OJ L 308, 16.11.2016, p. 8.

- (28) None of the re-sales by the related importer was reported to the Commission. Consequently, Huashun China also breached the terms of the undertaking as described in recital 23 and 24.

(b) Sales by Seraphim China

- (29) In its quarterly reports, Seraphim China had reported numerous sales transactions of the product covered to an allegedly unrelated importer in the Union and had issued undertaking invoices. Based on the information available to the Commission, the importer involved in the above transactions was related to Seraphim China. As this importer is not listed as related party in the undertaking, Seraphim China breached the terms of the undertaking as described in recitals 20 to 22.
- (30) None of the re-sales by the related importer was reported to the Commission. Consequently, Seraphim China also breached the terms of the undertaking as described in recital 23 and 24.

E. INVALIDATION OF UNDERTAKING INVOICES

- (31) The indirect sales transactions made by Huashun China and Seraphim China are linked to the following undertaking invoices:

Number of Commercial invoice accompanying goods subject to an undertaking	Date	Issued by	Issued to
HS-CII 3A0916	25.9.2013	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-13A0812	12.8.2013	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-CII 3A0607	13.8.2013	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-13A1022	29.10.2013	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-13A1107	15.11.2013	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-13A1120	29.11.2013	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-14A0312DE	12.3.2014	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-13A0325DE	20.4.2014	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-14A0510DE	19.5.2014	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-13A0421DE	21.4.2014	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-14A0917DE	26.9.2014	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-14A0701DE	1.7.2014	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-14A0822DE	28.8.2014	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-14A1013DE	16.10.2014	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-14A1102DE	28.11.2014	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH

Number of Commercial invoice accompanying goods subject to an undertaking	Date	Issued by	Issued to
HS-15A0503	7.6.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-14A0409	27.4.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A0502	21.5.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A0407	8.4.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A0613	26.6.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A0801	11.8.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A07102	14.9.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A07101	1.9.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A0713	5.8.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A1210	23.12.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A1207	23.12.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A11091	27.11.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A12032	9.12.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A1003DE	26.10.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A12031	9.12.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A1206	29.12.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A1114	1.12.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A1008	3.11.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0107	22.1.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0114	22.1.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A01021	11.1.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0304	17.3.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A01022	11.1.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0313	30.3.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH

Number of Commercial invoice accompanying goods subject to an undertaking	Date	Issued by	Issued to
HS-16A0308	17.3.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A1213	8.1.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0105	8.1.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0318	7.4.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0812	19.8.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0613	13.7.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0702	27.7.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0920	28.9.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
SS8801C32-FU_2	29.5.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C13-FU	1.4.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C23-FU	23.4.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C32-FU_1	22.5.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C50-FU_2	24.7.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C50-FU_1	17.7.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C45-FU	12.7.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C69-FU_2	17.9.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C69-FU_1	17.9.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C80-FU_2	10.10.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C91-FU	12.11.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C78-FU_1	1.10.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C80-FU_1	10.10.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C107-FU	25.12.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C07-FI	3.2.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C29-FI_2	28.3.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH

Number of Commercial invoice accompanying goods subject to an undertaking	Date	Issued by	Issued to
SS8801C40-FI	28.3.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C113-FU	6.1.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C24-FI	13.3.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C29-FI_1	18.3.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C50-FI	28.4.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C47-FI_1	7.4.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C88-FI	17.6.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C90-FI	25.6.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C45-FI_2	19.4.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C01-FI_1	24.5.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C49-FI_2	28.4.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C01-FI_2	2.6.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C45-FI	15.4.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C49-FI_1	22.4.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C60-FI_1	8.5.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C60-FI_2	11.5.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C48-FI	15.4.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C03-FI_3	25.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C116-FI	21.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C106-FI_8	26.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C112-FI_3	14.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C117-FI	26.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C106-FU_3	7.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C130-FI	7.9.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH

Number of Commercial invoice accompanying goods subject to an undertaking	Date	Issued by	Issued to
SS8801C106-FI_4	13.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C126-FI	25.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C121-FI_1	7.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C112-FI_2	26.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C02-FI	16.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C112-FI_1	17.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C118-FI	15.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C129-FI	11.9.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C03-FI_5	16.9.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C03-FI_1	14.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C01-FI_4	7.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C125-FI_1	14.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C123-FI	4.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C03-FI_4	28.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C125-FI_2	21.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C01-FI_3	3.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C109-FI	4.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C106-FI_7	25.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C121-FI_2	7.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C135-FI	25.9.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C01-FI_5	13.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C106-FI_5	13.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C106-FI_1	3.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C106-FI_6	17.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH

Number of Commercial invoice accompanying goods subject to an undertaking	Date	Issued by	Issued to
AN8801C03-FI_2	21.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C106-FI_2	3.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_3	18.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C146-FI_4	1.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_1	14.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C146-FI_2	5.11.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C139-FI	21.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C143-FI_1	29.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_6	30.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C166-FI	18.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C143-FI_3	9.11.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_5	30.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C137-FI	12.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C136-FI_3	21.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C136-FI_1-N	26.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C136-FI_1	12.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C168-FI_1	14.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C03-FI_7	21.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C146-F_3	23.11.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C136-FI_2	21.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C146-FI_5	2.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_2	14.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C146-FI_6	7.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_10	15.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH

Number of Commercial invoice accompanying goods subject to an undertaking	Date	Issued by	Issued to
SS8801C106-FI_5-N	23.11.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C145-FI	29.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_4	18.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C143-FI_4	23.11.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C143-FI_2	29.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C03-FI_6	13.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C168-FI_2	14.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C146-FI_1	9.11.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_7	5.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C170-FI	18.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_3-N	23.3.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C163-FI_4	28.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C163-FI_3	28.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C169-FI_2	28.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_8	25.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_9	3.2.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C163-FI_5	3.2.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C163-FI_1	14.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C163-FI_2	25.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C169-FI_1	25.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C171-FI	18.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C35-SX	20.5.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C34-SX_3	23.6.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C28-SX-2	17.5.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH

Number of Commercial invoice accompanying goods subject to an undertaking	Date	Issued by	Issued to
SS8801C34-SX_2	6.6.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C37-SX_1	16.6.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C34-SX_1	20.5.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C24-SX	9.5.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C23-SX	9.5.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C28-SX-1	11.5.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C37-SX_2	23.6.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C40-SX_3	14.7.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C50-SX_2	19.8.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C50-SX_2	19.8.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C51-SX_1	24.8.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C51-SX_2	20.9.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C46-SX	19.7.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C57-SX	30.9.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C57-SX	30.9.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C50-SX_3	24.8.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C40-SX_2	6.7.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C45-SX_2	19.8.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C44-SX_2	2.8.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C40-SX_1	6.7.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C50-SX_1	15.8.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C44-SX_1	19.7.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C45-SX_1	15.8.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH

- (32) Therefore, in accordance with Article 3(2)(b) of Implementing Regulation (EU) No 1238/2013 and Article 2(2)(b) of Implementing Regulation (EU) No 1239/2013, these invoices are declared invalid. The customs debt incurred at the time of acceptance of the declaration for release into free circulation should be recovered by the national customs authorities under Article 105(3)-(6) of Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽¹⁾ when the withdrawal of the undertaking in relation to the two exporting producers enters into force. The national customs authorities responsible for the collection of duties will be informed accordingly.
- (33) In this context, the Commission recalls that pursuant to Article 3(1)(b) read in conjunction with Annex III, Nr. 7 of Implementing Regulation (EU) No 1238/2013 and to Article 2(1)(b) read in conjunction with Annex 2, Nr. 7 of Implementing Regulation (EU) No 1239/2013, imports are only exempted from duties if the invoice indicates the price and possible rebates. Where those conditions are not complied with, duties are due, even where the commercial invoice accompanying the goods has not been invalidated by the Commission.

F. ASSESSMENT OF PRACTICABILITY OF THE OVERALL UNDERTAKING

- (34) The undertaking stipulates that a breach by an individual exporting producer does not automatically lead to the withdrawal of the acceptance of the undertaking for all exporting producers. In such a case, the Commission shall assess the impact of that particular breach on the practicability of the undertaking with the effect for all exporting producers and the CCCME.
- (35) The Commission has accordingly assessed the impact of the breaches by Huashun China and Seraphim China on the practicability of the undertaking with the effect for all exporting producers and the CCCME.
- (36) The responsibility for the breaches lies alone with the exporting producers in question; the monitoring has not revealed any systematic breaches by a major number of exporting producers or the CCCME.
- (37) The Commission therefore concludes that the overall functioning of the undertaking is not affected and that there are no grounds for withdrawal of the acceptance of the undertaking for all exporting producers and the CCCME.

G. WRITTEN SUBMISSIONS AND HEARINGS

- (38) Interested parties were granted the opportunity to be heard and to comment pursuant to Article 8(9) of the basic anti-dumping Regulation and Article 13(9) of the basic anti-subsidy Regulation.
- (39) Both exporting producers submitted comments after the disclosure. One exporting producer contested the relationship alleging that the importer in the Union was owned by another person than the exporting producer. The Commission sent additional evidence confirming the relationship between that exporting producer and the importer in the Union. The exporting producer did not further react. Therefore, the claim is rejected.
- (40) The other exporting producer made a general statement contesting the Commission's evidence of the relationship, without further substantiating it. The Commission notes that the exporting producer has not contested the relationship itself. The Commission also notes that the relationship has been declared by the exporting producer in the sampling replies in the ongoing expiry review of the measures in force.
- (41) Furthermore, one exporting producer requested a hearing but did not follow up on the request.
- (42) The same exporting producer contested the invalidation of invoices. It claimed that the Commission cannot impose duties/order customs to levy duties on imports released for free circulation before the date of the withdrawal of the acceptance of the undertaking if imports have not been registered. The claim is based on an understanding that the Commission may decide to impose provisional duties before the withdrawal of the acceptance of the undertaking. According to Article 8(10) of the basic anti-dumping Regulation and Article 13(10) of the basic anti-subsidy Regulation, a provisional duty may be imposed in case where the investigation that led to the undertaking has not been completed. This is not the case in the case at hand where the

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

investigations have been completed with the imposition of definitive anti-dumping and countervailing duties. Consequently, in accordance with Article 8(9) of the basic anti-dumping Regulation and Article 13(9) of the basic anti-subsidy Regulation, in case of breach or withdrawal of the acceptance of the undertaking by the Commission, the definitive duties shall automatically apply. The claim is therefore rejected.

- (43) This exporting producer also claimed that the Commission has itself recognised that there is no legal basis for retroactive withdrawal ⁽¹⁾. The Commission notes that the withdrawal in the present case is not retroactive. It is a withdrawal of the acceptance of the undertaking combined with invalidation of undertaking invoices. The Commission's response on retroactive withdrawal was also specific to the circumstances of the particular withdrawal and particular claim made by one of the parties in that case. The claim is therefore rejected.

H. WITHDRAWAL OF THE ACCEPTANCE OF THE UNDERTAKING AND IMPOSITIONS OF DEFINITIVE DUTIES

- (44) Therefore, in accordance with Article 8(9) of the basic anti-dumping Regulation, Article 13(9) of the basic anti-subsidy Regulation and also in accordance with the terms of the undertaking, the Commission has concluded that the acceptance of the undertaking for Huashun China and Seraphim China should be withdrawn.
- (45) Accordingly, pursuant to Article 8(9) of the basic anti-dumping Regulation and Article 13(9) of the basic anti-subsidy Regulation, the definitive anti-dumping duty imposed by Article 1 of Council Implementing Regulation (EU) No 1238/2013 and the definitive countervailing duty imposed by Article 1 of Council Implementing Regulation (EU) No 1239/2013 automatically apply to imports originating in or consigned from the PRC of the product concerned and produced by Ningbo Huashun Solar Energy Technology Co. Ltd, covered by the TARIC additional code: B856 and, Jiangsu Seraphim Solar System Co. Ltd covered by the TARIC additional code: B836 as of the day of entry into force of this Regulation.
- (46) Where the customs authorities of the Member States have indications that the price presented on an undertaking invoice does not correspond to the price actually paid, they should investigate whether the requirement to include any rebates in the undertaking invoices has been violated or the MIP has not been respected. Where customs authorities of the Member States conclude that there has been such a violation or whether the MIP has not been respected, they should collect the duties as a consequence thereof. In order to facilitate, on the basis of Article 4(3) of the Treaty, the work of the customs authorities of the Member States, the Commission should share in such situations the confidential text and other information of the undertaking for the sole purpose of national proceedings.
- (47) For information purposes the table in Annex II to this Regulation lists the exporting producers for whom the acceptance of the undertaking by Implementing Decision 2013/707/EU is not affected,

HAS ADOPTED THIS REGULATION:

Article 1

Acceptance of the undertaking in relation to Ningbo Huashun Solar Energy Technology Co. Ltd, covered by the TARIC additional code: B856 and Jiangsu Seraphim Solar System Co. Ltd covered by the TARIC additional code: B836 is hereby withdrawn.

Article 2

1. The undertaking invoices listed in Annex I to this Regulation are declared invalid.

⁽¹⁾ By reference to Implementing Regulation (EU) 2015/1403.

2. The anti-dumping and countervailing duties due at the time of acceptance of the customs declaration for release into free circulation under Article 3(2)(b) of Implementing Regulation (EU) No 1238/2013 and Article 2(2)(b) of Implementing Regulation (EU) No 1239/2013 shall be collected.

Article 3

1. Where customs authorities have indications that the price presented on an undertaking invoice pursuant to Article 3(1)(b) of Implementing Regulation (EU) No 1238/2013 and Article 2(1)(b) of Implementing Regulation (EU) No 1239/2013 issued by a company mentioned in Article 1 prior to the entry into force of this regulation does not correspond to the price paid and that therefore those companies may have violated the undertaking, the customs authorities may, if necessary for the purpose of conducting national proceedings, request the Commission to disclose to them a copy of the undertaking and other information in order to verify the applicable minimum import price ('MIP') on the day when the undertaking invoice was issued.

2. Where that verification reveals that the price paid is lower than the MIP, the duties due as a consequence under Article 8(9) of Regulation (EU) 2016/1036 and Article 13(9) of Regulation (EU) 2016/1037 shall be collected.

Where that verification reveals that discounts and rebates have not been included in the commercial invoice, the duties due as a consequence under Article 3(2)(a) of Implementing Regulation (EU) No 1238/2013 and Article 2(2)(a) of Implementing Regulation (EU) No 1239/2013 shall be collected.

3. The information in accordance with paragraph 1 may only be used for the purpose of enforcement of duties due under Article 3(2)(a) of Implementing Regulation (EU) No 1238/2013 and Article 2(2)(a) of Implementing Regulation (EU) No 1239/2013. In this context, customs authorities of the Member States may provide the debtor of those duties with this information for the sole purpose of safeguarding their rights of defence. Such information may under no circumstances be disclosed to third parties.

Article 4

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, 7 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

List of undertaking invoices which are declared invalid

Number of Commercial invoice accompanying goods subject to an undertaking	Date	Issued by	Issued to
HS-CI13A0916	25.9.2013	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-13A0812	12.8.2013	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-CI13A0607	13.8.2013	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-13A1022	29.10.2013	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-13A1107	15.11.2013	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-13A1120	29.11.2013	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-14A0312DE	12.3.2014	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-13A0325DE	20.4.2014	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-14A0510DE	19.5.2014	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-13A0421DE	21.4.2014	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-14A0917DE	26.9.2014	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-14A0701DE	1.7.2014	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-14A0822DE	28.8.2014	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-14A1013DE	16.10.2014	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-14A1102DE	28.11.2014	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A0503	7.6.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-14A0409	27.4.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A0502	21.5.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A0407	8.4.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A0613	26.6.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A0801	11.8.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A07102	14.9.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A07101	1.9.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A0713	5.8.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH

Number of Commercial invoice accompanying goods subject to an undertaking	Date	Issued by	Issued to
HS-15A1210	23.12.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A1207	23.12.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A11091	27.11.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A12032	9.12.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A1003DE	26.10.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A12031	9.12.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A1206	29.12.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A1114	1.12.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A1008	3.11.2015	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0107	22.1.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0114	22.1.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A01021	11.1.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0304	17.3.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A01022	11.1.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0313	30.3.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0308	17.3.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-15A1213	8.1.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0105	8.1.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0318	7.4.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0812	19.8.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0613	13.7.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0702	27.7.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
HS-16A0920	28.9.2016	Ningbo Huashun Solar Energy Co. Ltd	Huashun Solar GmbH
SS8801C32-FU_2	29.5.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C13-FU	1.4.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C23-FU	23.4.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C32-FU_1	22.5.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH

Number of Commercial invoice accompanying goods subject to an undertaking	Date	Issued by	Issued to
SS8801C50-FU_2	24.7.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C50-FU_1	17.7.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C45-FU	12.7.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C69-FU_2	17.9.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C69-FU_1	17.9.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C80-FU_2	10.10.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C91-FU	12.11.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C78-FU_1	1.10.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C80-FU_1	10.10.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C107-FU	25.12.2014	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C07-FI	3.2.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C29-FI_2	28.3.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C40-FI	28.3.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C113-FU	6.1.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C24-FI	13.3.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C29-FI_1	18.3.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C50-FI	28.4.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C47-FI_1	7.4.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C88-FI	17.6.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C90-FI	25.6.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C45-FI_2	19.4.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C01-FI_1	24.5.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C49-FI_2	28.4.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C01-FI_2	2.6.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C45-FI	15.4.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C49-FI_1	22.4.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C60-FI_1	8.5.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH

Number of Commercial invoice accompanying goods subject to an undertaking	Date	Issued by	Issued to
SS8801C60-FI_2	11.5.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C48-FI	15.4.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C03-FI_3	25.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C116-FI	21.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C106-FI_8	26.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C112-FI_3	14.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C117-FI	26.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C106-FU_3	7.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C130-FI	7.9.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C106-FI_4	13.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C126-FI	25.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C121-FI_1	7.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C112-FI_2	26.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C02-FI	16.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C112-FI_1	17.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C118-FI	15.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C129-FI	11.9.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C03-FI_5	16.9.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C03-FI_1	14.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C01-FI_4	7.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C125-FI_1	14.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C123-FI	4.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C03-FI_4	28.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C125-FI_2	21.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C01-FI_3	3.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C109-FI	4.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C106-FI_7	25.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH

Number of Commercial invoice accompanying goods subject to an undertaking	Date	Issued by	Issued to
SS8801C121-FI_2	7.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C135-FI	25.9.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C01-FI_5	13.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C106-FI_5	13.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C106-FI_1	3.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C106-FI_6	17.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C03-FI_2	21.8.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C106-FI_2	3.7.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_3	18.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C146-FI_4	1.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_1	14.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C146-FI_2	5.11.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C139-FI	21.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C143-FI_1	29.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_6	30.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C166-FI	18.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C143-FI_3	9.11.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_5	30.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C137-FI	12.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C136-FI_3	21.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C136-FI_1-N	26.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C136-FI_1	12.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C168-FI_1	14.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C03-FI_7	21.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C146-F_3	23.11.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C136-FI_2	21.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C146-FI_5	2.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH

Number of Commercial invoice accompanying goods subject to an undertaking	Date	Issued by	Issued to
SS8801C155-FI_2	14.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C146-FI_6	7.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_10	15.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C106-FI_5-N	23.11.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C145-FI	29.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_4	18.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C143-FI_4	23.11.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C143-FI_2	29.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
AN8801C03-FI_6	13.10.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C168-FI_2	14.12.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C146-FI_1	9.11.2015	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_7	5.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C170-FI	18.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_3-N	23.3.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C163-FI_4	28.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C163-FI_3	28.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C169-FI_2	28.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_8	25.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C155-FI_9	3.2.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C163-FI_5	3.2.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C163-FI_1	14.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C163-FI_2	25.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C169-FI_1	25.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C171-FI	18.1.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C35-SX	20.5.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C34-SX_3	23.6.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C28-SX-2	17.5.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH

Number of Commercial invoice accompanying goods subject to an undertaking	Date	Issued by	Issued to
SS8801C34-SX_2	6.6.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C37-SX_1	16.6.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C34-SX_1	20.5.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C24-SX	9.5.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C23-SX	9.5.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C28-SX-1	11.5.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C37-SX_2	23.6.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C40-SX_3	14.7.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C50-SX_2	19.8.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C50-SX_2	19.8.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C51-SX_1	24.8.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C51-SX_2	20.9.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C46-SX	19.7.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C57-SX	30.9.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C57-SX	30.9.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C50-SX_3	24.8.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C40-SX_2	6.7.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C45-SX_2	19.8.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C44-SX_2	2.8.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C40-SX_1	6.7.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C50-SX_1	15.8.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C44-SX_1	19.7.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH
SS8801C45-SX_1	15.8.2016	Jiangsu Seraphim Solar System Co. Ltd	Seraphim Solar System GmbH

ANNEX II

List of companies

Name of the company	TARIC additional code
Jiangsu Aide Solar Energy Technology Co. Ltd	B798
Alternative Energy (AE) Solar Co. Ltd	B799
Anhui Chaoqun Power Co. Ltd	B800
Anji DaSol Solar Energy Science & Technology Co. Ltd	B802
Anhui Schutten Solar Energy Co. Ltd Quanjiao Jingkun Trade Co. Ltd	B801
Anhui Titan PV Co. Ltd	B803
Xi'an SunOasis (Prime) Company Limited TBEA SOLAR CO. LTD XINJIANG SANG'O SOLAR EQUIPMENT	B804
Changzhou NESL Solartech Co. Ltd	B806
Changzhou Shangyou Lianyi Electronic Co. Ltd	B807
CHINALAND SOLAR ENERGY CO. LTD	B808
ChangZhou EGing Photovoltaic Technology Co. Ltd	B811
CIXI CITY RIXING ELECTRONICS CO. LTD ANHUI RINENG ZHONGTIAN SEMICONDUCTOR DEVELOPMENT CO. LTD HUOSHAN KEBO ENERGY & TECHNOLOGY CO. LTD	B812
CSG PVtech Co. Ltd	B814
China Sunergy (Nanjing) Co. Ltd CEEG Nanjing Renewable Energy Co. Ltd CEEG (Shanghai) Solar Science Technology Co. Ltd China Sunergy (Yangzhou) Co. Ltd China Sunergy (Shanghai) Co. Ltd	B809
Dongfang Electric (Yixing) MAGI Solar Power Technology Co. Ltd	B816
EOPLLY New Energy Technology Co. Ltd SHANGHAI EBEST SOLAR ENERGY TECHNOLOGY CO. LTD JIANGSU EOPLLY IMPORT & EXPORT CO. LTD	B817
Zhejiang Era Solar Co. Ltd	B818
GD Solar Co. Ltd	B820
Greenway Solar-Tech (Shanghai) Co. Ltd Greenway Solar-Tech (Huaian) Co. Ltd	B821

Name of the company	TARIC additional code
Konca Solar Cell Co. Ltd Suzhou GCL Photovoltaic Technology Co. Ltd Jiangsu GCL Silicon Material Technology Development Co. Ltd Jiangsu Zhongneng Polysilicon Technology Development Co. Ltd GCL-Poly (Suzhou) Energy Limited GCL-Poly Solar Power System Integration (Taicang) Co. Ltd GCL SOLAR POWER (SUZHOU) LIMITED GCL Solar System (Shuzhou) Limited GCL System Integration Technology Co. Ltd	B850
Guodian Jintech Solar Energy Co. Ltd	B822
Hangzhou Bluesun New Material Co. Ltd	B824
Hanwha SolarOne (Qidong) Co. Ltd	B826
Hengdian Group DMEGC Magnetics Co. Ltd	B827
HENGJI PV-TECH ENERGY CO. LTD	B828
Himin Clean Energy Holdings Co. Ltd	B829
Jetion Solar (China) Co. Ltd Junfeng Solar (Jiangsu) Co. Ltd Jetion Solar (Jiangyin) Co. Ltd	B830
Jiangsu Green Power PV Co. Ltd	B831
Jiangsu Hosun Solar Power Co. Ltd	B832
Jiangsu Jiasheng Photovoltaic Technology Co. Ltd	B833
Jiangsu Runda PV Co. Ltd	B834
Jiangsu Sainty Photovoltaic Systems Co. Ltd Jiangsu Sainty Machinery Imp. And Exp. Corp. Ltd	B835
Jiangsu Shunfeng Photovoltaic Technology Co. Ltd Changzhou Shunfeng Photovoltaic Materials Co. Ltd Jiangsu Shunfeng Photovoltaic Electronic Power Co. Ltd	B837
Jiangsu Sinski PV Co. Ltd	B838
Jiangsu Sunlink PV Technology Co. Ltd	B839
Jiangsu Zhongchao Solar Technology Co. Ltd	B840
Jiangxi Risun Solar Energy Co. Ltd	B841
Jiangxi LDK Solar Hi-Tech Co. Ltd LDK Solar Hi-Tech (Nanchang) Co. Ltd LDK Solar Hi-Tech (Suzhou) Co. Ltd	B793

Name of the company	TARIC additional code
Jiangyin Hareon Power Co. Ltd Hareon Solar Technology Co. Ltd Taicang Hareon Solar Co. Ltd Hefei Hareon Solar Technology Co. Ltd Jiangyin Xinhui Solar Energy Co. Ltd Altusvia Energy (Taicang) Co. Ltd	B842
Jiangyin Shine Science and Technology Co. Ltd	B843
Jinzhou Yangguang Energy Co. Ltd Jinzhou Huachang Photovoltaic Technology Co. Ltd Jinzhou Jinmao Photovoltaic Technology Co. Ltd Jinzhou Rixin Silicon Materials Co. Ltd Jinzhou Youhua Silicon Materials Co. Ltd	B795
Juli New Energy Co. Ltd	B846
Jumao Photonic (Xiamen) Co. Ltd	B847
King-PV Technology Co. Ltd	B848
Kinve Solar Power Co. Ltd (Maanshan)	B849
Lightway Green New Energy Co. Ltd Lightway Green New Energy(Zhuozhou) Co. Ltd	B851
Nanjing Daqo New Energy Co. Ltd	B853
NICE SUN PV CO. LTD LEVO SOLAR TECHNOLOGY CO. LTD	B854
Ningbo Jinshi Solar Electrical Science & Technology Co. Ltd	B857
Ningbo Komaes Solar Technology Co. Ltd	B858
Ningbo South New Energy Technology Co. Ltd	B861
Ningbo Sunbe Electric Ind Co. Ltd	B862
Ningbo Ulica Solar Science & Technology Co. Ltd	B863
Perfectenergy (Shanghai) Co. Ltd	B864
Perlight Solar Co. Ltd	B865
SHANGHAI ALEX SOLAR ENERGY SCIENCE & TECHNOLOGY CO. LTD SHANGHAI ALEX NEW ENERGY CO. LTD	B870
Shanghai BYD Co. Ltd BYD(Shangluo)Industrial Co. Ltd	B871
Shanghai Chaori Solar Energy Science & Technology Co. Ltd	B872
Propsolar (Zhejiang) New Energy Technology Co. Ltd Shanghai Propsolar New Energy Co. Ltd	B873

Name of the company	TARIC additional code
SHANGHAI SHANGHONG ENERGY TECHNOLOGY CO. LTD	B874
SHANGHAI SOLAR ENERGY S&T CO. LTD Shanghai Shenzhou New Energy Development Co. Ltd Lianyungang Shenzhou New Energy Co. Ltd	B875
Shanghai ST Solar Co. Ltd Jiangsu ST Solar Co. Ltd	B876
Shenzhen Sacred Industry Co. Ltd	B878
Shenzhen Topray Solar Co. Ltd Shanxi Topray Solar Co. Ltd Leshan Topray Cell Co. Ltd	B880
Sopray Energy Co. Ltd Shanghai Sopray New Energy Co. Ltd	B881
SUN EARTH SOLAR POWER CO. LTD NINGBO SUN EARTH SOLAR POWER CO. LTD Ningbo Sun Earth Solar Energy Co. Ltd	B882
SUZHOU SHENGLONG PV-TECH CO. LTD	B883
TDG Holding Co. Ltd	B884
Tianwei New Energy Holdings Co. Ltd Tianwei New Energy (Chengdu) PV Module Co. Ltd Tianwei New Energy (Yangzhou) Co. Ltd	B885
Wenzhou Jingri Electrical and Mechanical Co. Ltd	B886
Shanghai Topsolar Green Energy Co. Ltd	B877
Shenzhen Sungold Solar Co. Ltd	B879
Wuhu Zhongfu PV Co. Ltd	B889
Wuxi Saijing Solar Co. Ltd	B890
Wuxi Shangpin Solar Energy Science and Technology Co. Ltd	B891
Wuxi Solar Innova PV Co. Ltd	B892
Wuxi Taichang Electronic Co. Ltd China Machinery Engineering Wuxi Co.Ltd Wuxi Taichen Machinery & Equipment Co. Ltd	B893
Xi'an Huanghe Photovoltaic Technology Co. Ltd State-run Huanghe Machine-Building Factory Import and Export Corporation Shanghai Huanghe Fengjia Photovoltaic Technology Co. Ltd	B896

Name of the company	TARIC additional code
Yingli Energy (China) Co. Ltd Baoding Tianwei Yingli New Energy Resources Co. Ltd Hainan Yingli New Energy Resources Co. Ltd Hengshui Yingli New Energy Resources Co. Ltd Tianjin Yingli New Energy Resources Co. Ltd Lixian Yingli New Energy Resources Co. Ltd Baoding Jiasheng Photovoltaic Technology Co. Ltd Beijing Tianneng Yingli New Energy Resources Co. Ltd Yingli Energy (Beijing) Co. Ltd	B797
Yuhuan BLD Solar Technology Co. Ltd Zhejiang BLD Solar Technology Co. Ltd	B899
Yuhuan Sinosola Science & Technology Co. Ltd	B900
Zhangjiagang City SEG PV Co. Ltd	B902
Zhejiang Fengsheng Electrical Co. Ltd	B903
Zhejiang Global Photovoltaic Technology Co. Ltd	B904
Zhejiang Heda Solar Technology Co. Ltd	B905
Zhejiang Jiutai New Energy Co. Ltd Zhejiang Topoint Photovoltaic Co. Ltd	B906
Zhejiang Kingdom Solar Energy Technic Co. Ltd	B907
Zhejiang Koly Energy Co. Ltd	B908
Zhejiang Mega Solar Energy Co. Ltd Zhejiang Fortune Photovoltaic Co. Ltd	B910
Zhejiang Shuqimeng Photovoltaic Technology Co. Ltd	B911
Zhejiang Shinew Photoelectronic Technology Co. Ltd	B912
Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company Zhejiang Yauchong Light Energy Science & Technology Co. Ltd	B914
Zhejiang Sunrupu New Energy Co. Ltd	B915
Zhejiang Tianming Solar Technology Co. Ltd	B916
Zhejiang Trunsun Solar Co. Ltd Zhejiang Beyondsun PV Co. Ltd	B917
Zhejiang Wanxiang Solar Co. Ltd WANXIANG IMPORT & EXPORT CO LTD	B918
ZHEJIANG YUANZHONG SOLAR CO. LTD	B920
Zhongli Talesun Solar Co. Ltd	B922

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2147**of 7 December 2016****authorising an increase of the limits for the enrichment of wine produced using the grapes harvested in 2016 in certain wine-growing regions of Germany and in all wine-growing regions of Hungary**

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 91 thereof,

Whereas:

- (1) Point A.3 of Part I of Annex VIII to Regulation (EU) No 1308/2013 provides that Member States may request that the limits for increasing the alcoholic strength (enrichment) of wine by volume be raised by up to 0,5 % in years in which climatic conditions have been exceptionally unfavourable.
- (2) Germany and Hungary have requested such increases of the limits for enrichment of the wine produced using the grapes harvested in the year 2016, as climatic conditions during the growing season have been exceptionally unfavourable. Such request has been made by Hungary for all its wine-growing regions. Germany requested the increase of enrichment only for wine made from red wine grape varieties for the regions of Baden Ahr, Mittelrhein, Mosel, Nahe, Pfalz, Rheinhessen and Württemberg.
- (3) Due to the exceptionally adverse weather conditions during 2016, the limits on increases in the natural alcoholic strength provided for in point A.2 of Part I of Annex VIII to Regulation (EU) No 1308/2013 do not enable the production of wine with an appropriate total alcoholic strength from all or certain grape varieties in certain wine-growing regions for which there would normally be market demand.
- (4) It is therefore appropriate to authorise an increase of the limits for the enrichment of wine produced using all or certain varieties of wine grapes harvested in 2016 in wine growing regions in Hungary and Germany.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from point A.3 of Part I of Annex VIII to Regulation (EU) No 1308/2013, in the wine-growing regions or a part thereof listed in the Annex to this Regulation and for all or certain wine grape varieties as specified in that Annex, the increase in natural alcoholic strength by volume of fresh grapes harvested in the year 2016, grape must, grape must in fermentation, new wine still in fermentation and wine produced using the grapes harvested in the year 2016, shall not exceed the following limits:

- (a) 3,5 % vol. in wine-growing zone A referred to in appendix I to Annex VII to Regulation (EU) No 1308/2013;
- (b) 2,5 % vol. in wine-growing zone B referred to in appendix I to Annex VII to Regulation (EU) No 1308/2013;
- (c) 2,0 % vol. in wine-growing zone C referred to in appendix I to Annex VII to Regulation (EU) No 1308/2013.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

Article 2

This Regulation shall enter into force on the third 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, 7 December 2016.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

Wine grape varieties and wine-growing regions or parts thereof where an increase of the enrichment limit is authorised pursuant to Article 1

Member State	Wine-growing region or part thereof (wine-growing zone)	Varieties
Germany	The wine-growing region in Baden (zone B)	All authorised red wine grape varieties
	The wine-growing region in Ahr (zone A)	
	The wine-growing region in Mittelrhein (zone A)	
	The wine-growing region in Mosel (zone A)	
	The wine-growing region in Nahe (zone A)	
	The wine-growing region in Pfalz (zone A)	
	The wine-growing region in Rheinhessen (zone A)	
	The wine-growing region in Württemberg (zone A)	
Hungary	All wine-growing regions (zone C)	All authorised grape varieties

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2148**of 7 December 2016****laying down rules for the management and distribution of textile quotas established for the year 2017 under Regulation (EU) 2015/936 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2015/936 of the European Parliament and of the Council of 9 June 2015 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules ⁽¹⁾, and in particular Article 17(3) and (6) and Article 21(2) thereof,

Whereas:

- (1) Regulation (EU) 2015/936 established quantitative restrictions on imports of certain textile products originating in certain third countries to be allocated on a first come, first served basis.
- (2) Under Regulation (EU) 2015/936 it is possible, in certain circumstances, to use other allocation methods, to divide quotas into tranches, or to reserve a proportion of a specific quantitative limit exclusively for applications which are supported by evidence of the results of past import performance.
- (3) Rules for the management and distribution of textile quotas established for the year 2017 should be adopted before the quota year begins so that the continuity of trade flows is not unduly affected.
- (4) The measures adopted in previous years, such as those in Commission Implementing Regulation (EU) 2015/2106 ⁽²⁾, proved to be satisfactory and it is therefore appropriate to adopt similar rules for 2017.
- (5) In order to satisfy the greatest possible number of operators, it is appropriate to make the 'first come, first served' allocation method more flexible by placing a ceiling on the quantities that can be allocated to each operator by that method.
- (6) In order to guarantee a degree of continuity in trade and efficient quota administration, operators should be allowed to make their initial import authorisation application for 2017 equivalent to the quantity that they imported in 2016.
- (7) In order to achieve optimum use of the quantities, an operator who has used at least half of the amount already authorised should be permitted to apply for a further amount, provided that quantities are available in the quotas.
- (8) In order to secure a sound administration, import authorisations should be valid for nine months from the date of issue until the end of the year at the latest. Member States should issue authorisations only after being notified by the Commission that quantities are available and only if operators can prove the existence of a contract and can certify, in the absence of a specific provision to the contrary, that they have not yet been granted a Union import authorisation under this Regulation for the categories and countries concerned. The competent national authorities should, however, be authorised, in response to an importer's application, to extend by three months and until 31 March 2018 the validity of an authorisation provided that at least half of the allocated quantity has been used by the application date.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee established by Article 30 of Regulation (EU) 2015/936,

⁽¹⁾ OJ L 160, 25.6.2015, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2015/2106 of 20 November 2015 laying down rules for the management and distribution of textile quotas established for the year 2016 under Regulation (EU) 2015/936 of the European Parliament and of the Council (OJ L 305, 21.11.2015, p. 35).

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down rules on the management of quantitative quotas for imports of certain textile products set out in Annex III to Regulation (EU) 2015/936 for the year 2017.

Article 2

The quotas referred to in Article 1 shall be allocated according to the chronological order of receipt by the Commission of Member States' notifications of applications from individual operators, for amounts not exceeding the maximum quantities per operator set out in Annex I.

The maximum quantities shall not, however, apply to operators able to prove to the competent national authorities, when making their first application for 2017, that, in respect of given categories and given third countries, they imported more than the maximum quantities specified for each category pursuant to import authorisations granted to them for 2016.

In the case of such operators, the competent authorities may authorise imports not exceeding the quantities imported in 2016 from given third countries and in given categories, provided that enough quota capacity is available.

Article 3

Importers who have already used 50 per cent or more of the amount allocated to them under this Regulation may make a further application, in respect of the same category and country of origin, for amounts not exceeding the maximum quantities laid down in Annex I.

Article 4

1. The competent national authorities listed in Annex II may, from 10.00 a.m., Brussels time, on 11 January 2017, notify the Commission of the amounts covered by requests for import authorisations.

2. The competent national authorities shall issue import authorisations only after being notified by the Commission pursuant to Article 17(2) of Regulation (EU) 2015/936 that the requested quantities are available for importation.

They shall issue authorisations only where an operator:

- (a) proves the existence of a contract relating to the provision of the goods; and
 - (b) certifies in writing that, in respect of the categories and countries concerned:
 - (i) the operator has not already been granted an authorisation under this Regulation; or
 - (ii) the operator has been granted an authorisation under this Regulation but has used at least 50 per cent of the quantity allocated.
3. Import authorisations shall be valid for nine months from the date of issue until 31 December 2017 at the latest.

The competent national authorities may, however, at the importer's request, grant a three-month extension to the validity of an authorisation, provided that at least 50 per cent of the allocated quantity has been used at the time of the request. Such extension shall in no circumstances expire later than 31 March 2018.

Article 5

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

It shall apply as from 1 January 2017.

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

Done at Brussels, 7 December 2016.

For the Commission

The President

Jean-Claude JUNKER

ANNEX I

Maximum amounts referred to in Articles 2 and 3

Country concerned	Category	Unit	Maximum amount
Republic of Belarus			
	1	Kilograms	20 000
	2	Kilograms	80 000
	3	Kilograms	5 000
	4	Pieces	20 000
	5	Pieces	15 000
	6	Pieces	20 000
	7	Pieces	20 000
	8	Pieces	20 000
	15	Pieces	17 000
	20	Kilograms	5 000
	21	Pieces	5 000
	22	Kilograms	6 000
	24	Pieces	5 000
	26/27	Pieces	10 000
	29	Pieces	5 000
	67	Kilograms	3 000
	73	Pieces	6 000
	115	Kilograms	20 000
	117	Kilograms	30 000
	118	Kilograms	5 000

Country concerned	Category	Unit	Maximum amount
Democratic People's Republic of Korea	1	Kilograms	10 000
	2	Kilograms	10 000
	3	Kilograms	10 000
	4	Pieces	10 000
	5	Pieces	10 000

Country concerned	Category	Unit	Maximum amount
	6	Pieces	10 000
	7	Pieces	10 000
	8	Pieces	10 000
	9	Kilograms	10 000
	12	Pairs	10 000
	13	Pieces	10 000
	14	Pieces	10 000
	15	Pieces	10 000
	16	Pieces	10 000
	17	Pieces	10 000
	18	Kilograms	10 000
	19	Pieces	10 000
	20	Kilograms	10 000
	21	Pieces	10 000
	24	Pieces	10 000
	26	Pieces	10 000
	27	Pieces	10 000
	28	Pieces	10 000
	29	Pieces	10 000
	31	Pieces	10 000
	36	Kilograms	10 000
	37	Kilograms	10 000
	39	Kilograms	10 000
	59	Kilograms	10 000
	61	Kilograms	10 000
	68	Kilograms	10 000
	69	Pieces	10 000
	70	Pairs	10 000
	73	Pieces	10 000

Country concerned	Category	Unit	Maximum amount
	74	Pieces	10 000
	75	Pieces	10 000
	76	Kilograms	10 000
	77	Kilograms	5 000
	78	Kilograms	5 000
	83	Kilograms	10 000
	87	Kilograms	8 000
	109	Kilograms	10 000
	117	Kilograms	10 000
	118	Kilograms	10 000
	142	Kilograms	10 000
	151A	Kilograms	10 000
	151B	Kilograms	10 000
	161	Kilograms	10 000

ANNEX II

List of competent national authorities referred to in Article 4

<p>1. Belgium FOD Economie, KMO, Middenstand en Energie (<i>FPS Economy, SMEs, Self-Employed and Energy</i>) Algemene Directie Economische Analyses en Internationale Economie Dienst Vergunningen Vooruitgangstraat 50 1210 Brussel Tel. +32 22776713 Fax +32 22775063</p>	<p>SPF Économie, PME, Classes moyennes et Énergie (<i>FPS Economy, SMEs, Self-Employed and Energy</i>) Direction générale des Analyses économiques et de l'Économie internationale Service Licences Rue du Progrès 50 1210 Bruxelles Tél. +32 22776713 Fax +32 22775063</p>	<p>2. Bulgaria Министерство на икономиката и енергетиката Дирекция 'Регистриране, лицензиране и контрол' ул. 'Славянска' № 8 1052 София Тел. +359 29407008 / +359 29407673 / +359 29407800 Факс +359 29815041 / +359 29804710 / +359 29883654 Ministry of Economy and Energy 8 Slavyanska Str., Sofia 1052 Tel. +359 29407008 / +359 29407673 / +359 29407800 Fax +359 29815041 / +359 29804710 / +359 29883654</p>
<p>3. Czech Republic Ministerstvo průmyslu a obchodu (Ministry of Industry and Trade) Licenční správa Na Františku 32 110 15 Praha 1 Tel. +420 224907111 Fax +420 224212133</p>		<p>4. Denmark Erhvervs- og Vækstministeriet (Ministry of Business and Growth) Erhvervsstyrelsen Langelinie Allé 17 2100 København Tel. +45 35291000 Fax +45 35291001</p>
<p>5. Germany Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA) [<i>Federal Office of Economics and Export Control</i>] Frankfurter Str. 29-35 65760 Eschborn Tel. +49 6196908-0 Fax +49 6196908800</p>		<p>6. Estonia Majandus- ja Kommunikatsiooniministeerium (<i>Ministry of Economic Affairs and Communications</i>) Harju 11 15072 Tallinn Tel. +372 6256400 Fax +372 6313660</p>
<p>7. Ireland An Roinn Post, Fiontar agus Nuálaíochta 23 Sráid Chill Dara Baile Átha Cliath 2D02 TD30 Tel. +353 16312545 Fax +353 16312562</p>		<p>8. Greece Υπουργείο Οικονομίας, Ανάπτυξης και Τουρισμού Γενική Διεύθυνση Διεθνούς Οικονομικής και Εμπορικής Πολιτικής Διεύθυνση Συντονισμού Εμπορίου και Εμπορικών Καθεστώτων Τμήμα Β' Ειδικών Καθεστώτων Εισαγωγών Κορνάρου 1 105 63 Αθήνα Τηλ. +30 2103286041-43, 2103286223 Fax +30 2103286094</p>

Department of Jobs, Enterprise and Innovation
Licensing Unit
Kildare Street
IRL-Dublin 2
Tel. +353 16312545
Fax +353 16312562

Ministry of Economy, Development and Tourism
General Directorate for International Economic and Trade Policy,
Directorate for Trade Coordination and Trade Regimes
Unit B' Special Import Regimes
1 Kornarou Str.
10563 Athens
Tel. +30 2103286041-43, 2103286223
Fax +30 2103286094

9. Spain

Ministerio de Economía y Competitividad (*Ministry of Economy and Competitiveness*)
Dirección General de Comercio e Inversiones
Paseo de la Castellana nº 162
28046 Madrid
Tel. +34 913493817 / 913493874
Fax +34 913493831
Email: sgpolcoue.sccc@comercio.mineco.es

10. France

Ministère de l'économie, de l'industrie et du numérique
Direction générale des entreprises (DGE)
Service de l'industrie (SI)
Sous-direction de la chimie, des matériaux et des éco-industries (SDCME)
Bureau des Matériaux
67 rue Barbès — BP 80001
94201 Ivry-sur-Seine Cedex
Tel. +33 179843449
Email: isabelle.paimblanc@finances.gouv.fr

11. Croatia

Ministarstvo vanjskih i europskih poslova
Samostalni sektor za trgovinsku politiku i gospodarsku multilateralu
Trg N. Š. Zrinskog 7-8
HR-10000 Zagreb
Tel: +385 16444626
Fax: +385 16444601
Ministry of Foreign and European Affairs
Directorate for Trade Policy and Economic Multilateral Affairs
Trg N. Š. Zrinskog 7-8
HR-10000 Zagreb
Tel. +385 16444626
Fax +385 16444601

12. Italy

Ministero dello Sviluppo Economico (*Ministry of Economic Development*)
Direzione Generale per la Politica Commerciale Internazionale
Divisione III — Accesso dei beni italiani nei mercati esteri e difesa commerciale delle imprese
Viale Boston 25
00144 Roma
Tel. +39 0659647517, 0659932450, 0659932436
Fax +39 0659932681, 0659932636
Email: dgpci.div3@mise.gov.it

13. Cyprus

Κλάδος Έκδοσης Αδειών Εισαγωγής/ Εξαγωγής
Υπηρεσία Εμπορίου
Υπουργείο Ενέργειας, Εμπορίου, Βιομηχανίας και Τουρισμού
Ανδρέα Αραούζου 6
1421 Λευκωσία
Τηλ. +357 22867100
Φαξ +357 22375443

14. Latvia

Latvijas Republikas Ārlietu ministrija (*Ministry of Foreign Affairs of the Republic of Latvia*)
Kr.Valdemāra iela 3
Rīga, LV-1395
Tel. +371 67016201
Fax +371 67828121

<p>Imports/ Exports Licensing Section Trade Service Ministry of Energy, Commerce, Industry and Tourism 6 Andrea Araouzou 1421 Nicosia Tel. +357 22867100 Fax +357 22375443</p>			
<p>15. Lithuania Lietuvos Respublikos ūkio ministerija (<i>Ministry of Economy of the Republic of Lithuania</i>) Gedimino pr. 38 / Vasario 16-osios g. 2 LT-01104 Vilnius Tel. +370 70664658, +370 70664808 Faks +370 70664762 Email: vienaslangelis@ukmin.lt</p>	<p>16. Luxembourg Ministère de l'Économie (<i>Ministry of Economy</i>) Office des licences 19-21 boulevard Royal L-2449 Luxembourg Tél. +352 226162 Fax +352 466138 Email: office.licences@eco.etat.lu</p>		
<p>17. Hungary Magyar Kereskedelmi Engedélyezési Hivatal (Hungarian Trade Licencing Office) Budapest Németvölgyi út 37-39. 1124 Tel. +36 14585514 Fax +36 14585832 Email: keo@mkeh.gov.hu</p>	<table border="1"> <tr> <td data-bbox="802 887 1102 1323"> <p>18. Malta Ministeru għall-Ekonomija, Investiment u Intrapriżi Żgħar Dipartiment tal-Kummerċ, Xatt Lascaris Valletta VLT 1933 Tel. +356 25690214 Fax +356 21237112 Email: commerce@gov.mt</p> </td><td data-bbox="1102 887 1404 1323"> <p>Ministry for the Economy, Investment and Small Business Commerce Department, Trade Services Directorate Lascaris Valletta VLT 1933 Tel. +356 25690214 Fax +356 21237112 Email: commerce@gov.mt</p> </td></tr> </table>	<p>18. Malta Ministeru għall-Ekonomija, Investiment u Intrapriżi Żgħar Dipartiment tal-Kummerċ, Xatt Lascaris Valletta VLT 1933 Tel. +356 25690214 Fax +356 21237112 Email: commerce@gov.mt</p>	<p>Ministry for the Economy, Investment and Small Business Commerce Department, Trade Services Directorate Lascaris Valletta VLT 1933 Tel. +356 25690214 Fax +356 21237112 Email: commerce@gov.mt</p>
<p>18. Malta Ministeru għall-Ekonomija, Investiment u Intrapriżi Żgħar Dipartiment tal-Kummerċ, Xatt Lascaris Valletta VLT 1933 Tel. +356 25690214 Fax +356 21237112 Email: commerce@gov.mt</p>	<p>Ministry for the Economy, Investment and Small Business Commerce Department, Trade Services Directorate Lascaris Valletta VLT 1933 Tel. +356 25690214 Fax +356 21237112 Email: commerce@gov.mt</p>		
<p>19. Netherlands Belastingdienst/Douane (<i>Customs Administration</i>) centrale dienst voor in- en uitvoer Postbus 3070 6401 DN Heerlen Tel. +31 88 1512122 Fax +31 88 1513182</p>	<p>20. Austria Bundesministerium für Wissenschaft, Forschung und Wirtschaft (<i>Federal Ministry of Science, Research and Economy</i>) Abteilung C2/9 — Außenwirtschaftskontrolle Stubenring 1 1010 Wien Tel. +43 171100 - 8353 Fax +43 171100 - 8366</p>		
<p>21. Poland Ministerstwo Rozwoju (<i>Ministry of Economic Development</i>) pl. Trzech Krzyży 3/5 00-507 Warszawa Tel. +48 226935553 Fax +48 226934021</p>	<p>22. Portugal Ministério das Finanças (<i>Ministry of Finance</i>) AT- Autoridade Tributária e Aduaneira DSL – Direcção de Serviços de Licenciamento Rua da Alfândega nº 5 R/C 1149-006 Lisboa Tel. +351 1218813843 Fax +351 1218813986 Email: dsl@at.gov.pt</p>		

23. Romania

Ministerul Economiei (*Ministry of Economy*)
 Comerțului și Mediului de Afaceri
 Direcția Politici Comerciale
 Calea Victoriei, nr.152, sector 1
 010096 București
 Tel. +40 213150081
 Fax +40 213150454
 Email: clc@dce.gov.ro

24. Slovenia

Ministrstvo za finance (*Ministry of Finance*)
 Finančna uprava Republike Slovenije
 Spodnji Plavž 6c
 SI-4270 Jesenice
 Tel. +386 42027583
 Faks +386 42024969
 Email: taric.fu@gov.si

25. Slovakia

Ministerstvo hospodárstva SR (*Ministry of Economy of the Slovak Republic*)
 Odbor výkonu obchodných opatrení
 Mierová 19
 827 15 Bratislava
 Tel. +421 248547019
 Fax +421 243423915
 Email: jan.krocka@mhsr.sk

26. Finland

Tulli (Finnish Customs)
 PL 512
 FI-00101 Helsinki
 Tel. +358 2955200
 Email: kirmo@tulli.fi

Tullen (Finnish Customs)
 PB 512
 FI-00101 Helsingfors
 Tel. +358 2955200
 Email: kirmo@tulli.fi

27. Sweden

Kommerskollegium (*National Board of Trade*)
 Box 6803
 SE-113 86 Stockholm
 Tel. +46 86904800
 Fax +46 8306759
 Email: registrator@kommers.se

28. United Kingdom

Department for International Trade
 1 Victoria Street
 London SW1H 0ET
 Email: grant.mosedale@trade.gsi.gov.uk

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/2149
of 7 December 2016**

**approving non-minor amendments to the specification for a name entered in the register of
protected designations of origin and protected geographical indications (Noix de Grenoble (PDO))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 15(1) and Article 52(2) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission examined France's application for the approval of amendments to the specification for the protected designation of origin 'Noix de Grenoble', registered under Commission Regulation (EC) No 1107/96 ⁽²⁾, as amended by Commission Regulation (EC) No 1204/2003 ⁽³⁾.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* ⁽⁴⁾, as required by Article 50(2)(a) of that Regulation.
- (3) By letters received on 18 December 2014 and 31 July 2015, the French authorities notified the Commission that the companies Les Jumelles Ets Huot, ZA Les Creux, 26600 Gervans and SN Comptoir rhodanien, ZA Les Lots, 26600 Tain-l'Hermitage, which are established on their territory, outside the geographical area in question, had been legally marketing the product sold under the name 'Noix de Grenoble', as nut packaging companies, using this name continuously for more than 5 years, and that this point had been raised during the national opposition procedure. Following the amendments to the specification, the two companies will be unable to use the registered name since the product must be packaged in the geographical area.
- (4) Since the companies Les Jumelles Ets Huot, ZA Les Creux, 26600 Gervans and SN Comptoir rhodanien, ZA Les Lots, 26600 Tain-l'Hermitage meet the requirements laid down in Article 15(1) of Regulation (EU) No 1151/2012 for the granting of a transitional period in which to make legal use of the sales name after amendments to the specification, they should be granted a transitional period of 5 years starting from the date on which the amendments are approved, during which time they may make use of the name 'Noix de Grenoble'.
- (5) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Agricultural Product Quality Policy Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Noix de Grenoble' (PDO) are hereby approved.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 148, 21.6.1996, p. 1.

⁽³⁾ OJ L 168, 5.7.2003, p. 10.

⁽⁴⁾ OJ C 130, 13.4.2016, p. 12.

Article 2

The companies Les Jumelles Ets Huot, ZA Les Creux, 26600 Gervans and SN Comptoir rhodanien, ZA Les Lots, 26600 Tain-l'Hermitage are hereby authorised to continue to use the registered name 'Noix de Grenoble' (PDO) for 5 years from the date of entry into force of this Regulation.

Article 3

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, 7 December 2016.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2150**of 7 December 2016****concerning the authorisation of the preparations of *Lactobacillus plantarum* DSM 29025 and *Lactobacillus plantarum* NCIMB 42150 as feed additives for all animal species****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003 applications were submitted for the authorisation of the preparations of *Lactobacillus plantarum* DSM 29025 and *Lactobacillus plantarum* NCIMB 42150. Those applications were accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) Those applications concern the authorisation of the preparations of *Lactobacillus plantarum* DSM 29025 and *Lactobacillus plantarum* NCIMB 42150 as feed additives for all animal species to be classified in the category 'technological additives'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 21 April 2016 ⁽²⁾ that, under the proposed conditions of use, the preparation of *Lactobacillus plantarum* DSM 29025 does not have an adverse effect on animal health, human health or the environment. However, the additive should be considered to have the potential to be a respiratory sensitiser. The Authority also concluded that the concerned preparation has the potential to improve the production silage prepared from easy, moderately difficult and difficult to ensile material. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the methods of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The Authority concluded in its opinion of 24 May 2016 ⁽³⁾ that, under the proposed conditions of use, the preparation of *Lactobacillus plantarum* NCIMB 42150 does not have an adverse effect on animal health, human health or the environment. However, the additive should be considered to have the potential to be a respiratory sensitiser. The Authority also concluded that the preparation concerned has the potential to reduce the protein degradation in silage prepared from easy, moderately difficult and difficult to ensile material. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the methods of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (6) The assessment of the preparations of *Lactobacillus plantarum* DSM 29025 and *Lactobacillus plantarum* NCIMB 42150 shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of those preparations should be authorised as specified in the Annex to this Regulation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ EFSA Journal 2016; 14(6):4479.

⁽³⁾ EFSA Journal 2016; 14(6):4506.

HAS ADOPTED THIS REGULATION:

Article 1

Authorisation

The preparations specified in the Annex belonging to the additive category 'technological additives' and to the functional group 'silage additives', are authorised as additives in animal nutrition, subject to the conditions laid down in the Annex.

Article 2

Entry into force

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, 7 December 2016.

For the Commission

The President

Jean-Claude JUNCKER

Identification number of the additive	Additive	Chemical formula, description, methods of analysis	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					CFU of additive/kg of fresh material			
Technological additives: silage additives								
1k20750	Lactobacillus plantarum DSM 29025	<i>Additive composition</i> Preparation of <i>Lactobacillus plantarum</i> DSM 29025 containing a minimum of 8 × 10 ¹⁰ CFU/g additive. <i>Characterisation of the active substance</i> Viable cells of <i>Lactobacillus plantarum</i> DSM 29025. <i>Analytical method</i> ⁽¹⁾ Enumeration in the feed additive: spread plate method on MRS agar (EN 15787). Identification of the feed additive: Pulsed Field Gel Electrophoresis (PFGE).	All animal species	—	—	—	1. In the directions for use of the additive and premixture, indicate the storage conditions. 2. Minimum content of the additive when used without combination with other micro-organisms as silage additives: 5 × 10 ⁷ CFU/kg fresh material. 3. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including breathing protection.	28 December 2026
1k20751	Lactobacillus plantarum NCIMB 42150	<i>Additive composition</i> Preparation of <i>Lactobacillus plantarum</i> NCIMB 42150 containing a minimum of 1 × 10 ¹¹ CFU/g additive.	All animal species	—	—	—	1. In the directions for use of the additive and premixture, indicate the storage conditions.	28 December 2026

Identification number of the additive	Additive	Chemical formula, description, methods of analysis	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					CFU of additive/kg of fresh material			
		<p><i>Characterisation of the active substance</i></p> <p>Viable cells of <i>Lactobacillus plantarum</i></p> <p>NCIMB 42150.</p> <p><i>Analytical method</i> ⁽¹⁾</p> <p>Enumeration in the feed additive: spread plate method on MRS agar (EN 15787).</p> <p>Identification of the feed additive: Pulsed Field Gel Electrophoresis (PFGE).</p>					<p>2. Minimum content of the additive when used without combination with other micro-organisms as silage additives: 1 × 10⁸ CFU/kg fresh material.</p> <p>3. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including breathing protection.</p>	

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: http://irmm.jrc.ec.europa.eu/EURLs/EURL_feed_additives/Pages/index.aspx

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2151**of 7 December 2016****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽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, 7 December 2016.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General
Directorate-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	CL	115,2
	MA	103,9
	TN	200,0
	TR	116,3
	ZZ	133,9
0707 00 05	EG	191,7
	MA	79,2
	TR	159,2
0709 93 10	ZZ	143,4
	MA	130,4
	TR	155,5
0805 10 20	ZZ	143,0
	TR	64,9
	UY	62,9
	ZA	59,7
0805 20 10	ZZ	62,5
	MA	70,9
	TR	71,7
	ZZ	71,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	114,7
	TR	80,5
	ZZ	97,6
0805 50 10	TR	82,6
	ZZ	82,6
0808 10 80	US	100,7
	ZA	160,7
	ZZ	130,7
0808 30 90	CN	88,6
	TR	126,8
	ZZ	107,7

⁽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

DECISION (EU) 2016/2152 OF THE EUROPEAN PARLIAMENT

of 27 October 2016

on discharge in respect of the implementation of the general budget of the European Union for the financial year 2014, Section II — European Council and Council

THE EUROPEAN PARLIAMENT,

- having regard to the general budget of the European Union for the financial year 2014 ⁽¹⁾,
 - having regard to the consolidated annual accounts of the European Union for the financial year 2014 (COM (2015) 377 — C8-0201/2015) ⁽²⁾,
 - having regard to the Court of Auditors' annual report on the implementation of the budget concerning the financial year 2014, together with the institutions' replies ⁽³⁾,
 - having regard to the statement of assurance ⁽⁴⁾ as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2014, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
 - having regard to its decision of 28 April 2016 ⁽⁵⁾ postponing the discharge decision for the financial year 2014, and the accompanying resolution,
 - having regard to Article 314(10) and Articles 317, 318 and 319 of the Treaty on the Functioning of the European Union,
 - having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽⁶⁾, and in particular Articles 55, 99, 164, 165 and 166 thereof,
 - having regard to Rule 94 of and Annex V to its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control (A8-0271/2016),
1. Refuses to grant the Secretary-General of the Council discharge in respect of the implementation of the budget of the European Council and of the Council for the financial year 2014;
 2. Sets out its observations in the resolution below;
 3. Instructs its President to forward this decision and the resolution forming an integral part of it to the European Council, the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

The President
Martin SCHULZ

The Secretary-General
Klaus WELLE

⁽¹⁾ OJ L 51, 20.2.2014.

⁽²⁾ OJ C 377, 13.11.2015, p. 1.

⁽³⁾ OJ C 373, 10.11.2015, p. 1.

⁽⁴⁾ OJ C 377, 13.11.2015, p. 146.

⁽⁵⁾ OJ L 246, 14.9.2016, p. 20.

⁽⁶⁾ OJ L 298, 26.10.2012, p. 1.

RESOLUTION (EU) 2016/2153 OF THE EUROPEAN PARLIAMENT**of 27 October 2016****with observations forming an integral part of the decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2014, Section II — European Council and Council**

THE EUROPEAN PARLIAMENT,

- having regard to its decision on discharge in respect of the implementation of the general budget of the European Union for the financial year 2014, Section II — European Council and Council,
- having regard to Rule 94 of and Annex V to its Rules of Procedure,
- having regard to the second report of the Committee on Budgetary Control (A8-0271/2016),
- A. whereas all Union institutions ought to be transparent and fully accountable to the citizens of the Union for the funds entrusted to them as Union institutions;
- B. whereas the European Council and the Council, as Union institutions, should be democratically accountable towards the citizens of the Union as far as they are beneficiaries of the general budget of the European Union;
- 1. Recalls the Parliament's role specified in the Treaty on the Functioning of the European Union (TFEU) and in Regulation (EU, Euratom) No 966/2012 (the 'Financial Regulation') in respect of the budget discharge;
- 2. Points out that under Article 335 TFEU, '[...] the Union shall be represented by each of the institutions, by virtue of their administrative autonomy, in matters relating to their respective operation', and that accordingly, taking into account Article 55 of the Financial Regulation, the institutions are individually responsible for the implementation of their budgets;
- 3. Stresses the role of Parliament and of other institutions within the discharge procedure, as governed by the provisions of the Financial Regulation, in particular Articles 164 to 166 thereof;
- 4. Notes that under Rule 94 of Parliament's Rules of Procedure, 'the provisions governing the procedure for granting discharge to the Commission in respect of the implementation of the budget shall likewise apply to the procedure for granting discharge to [...] the persons responsible for the implementation of the budgets of other institutions and bodies of the European Union such as the Council (as regards its activity as executive) [...]';
- 5. Regrets that the Council continues to be silent in relation to the remarks made by Parliament in its discharge resolution of 28 April 2016 ⁽¹⁾ on the trend from previous years of increasing underspending and carryovers of commitments;

Pending issues

- 6. Regrets that the European Council and the Council do not provide Parliament with their annual activity report; regards this as inadmissible and detrimental to the reputation of the institutions;
- 7. Regrets that the budget of the European Council and the Council have not yet been separated, as recommended by Parliament in recent discharge resolutions;
- 8. Notes the information on the building policy provided in the Council's website; also notes that there is no information about the costs incurred in relation to those buildings; calls for detailed information to be given to Parliament in the next annual financial report;

⁽¹⁾ OJ L 246, 14.9.2016, p. 21.

9. Reiterates its call for progress reports on building projects and a detailed breakdown of the costs incurred to date; calls for information on the costs related to the delayed completion of the Europa building;
10. Reiterates its call on the Council to provide information on its process of administrative modernisation, in particular on the anticipated impact on the Council's budget;
11. Calls on the Council to adopt a code of conduct as soon as possible in order to ensure the integrity of the institution; reiterates its call on the Council to implement whistleblowing rules without further delay;
12. Calls on the Council to join the Union transparency register to ensure transparency and accountability of the institution;
13. Reiterates its call on the Council to develop detailed anti-corruption guidelines and independent policies within its structures, as well as its call with regard to systematic increase of transparency of the legislative procedures and negotiations;
14. Regrets the difficulties repeatedly encountered in the discharge procedures to date, which were due to a lack of cooperation from the Council; points out that Parliament refused to grant discharge to the Secretary-General of the Council in relation to the financial years 2009, 2010, 2011, 2012 and 2013 for the reasons set out in its resolutions of 10 May 2011 ⁽¹⁾, 25 October 2011 ⁽²⁾, 10 May 2012 ⁽³⁾, 23 October 2012 ⁽⁴⁾, 17 April 2013 ⁽⁵⁾, 9 October 2013 ⁽⁶⁾, 3 April 2014 ⁽⁷⁾, 23 October 2014 ⁽⁸⁾ and 27 October 2015 ⁽⁹⁾ and postponed its decision on granting the Secretary-General of the Council discharge in relation to the financial year 2014 for the reasons set out in its abovementioned resolution of 28 April 2016;
15. Insists that an effective budgetary control exercise requires the cooperation of Parliament and the Council, as set out in its abovementioned resolution of 28 April 2016; confirms that Parliament is unable to make an informed decision on granting discharge;
16. Reminds the Council of the Commission's view, expressed in January 2014, that all institutions are fully part of the follow-up process to the observations made by Parliament in the discharge exercise and that all institutions should cooperate to ensure the smooth functioning of the discharge procedure;
17. Notes that the Commission has stated that it will not oversee the implementation of the budget of the other institutions and that giving a response to questions addressed to another institution would infringe the autonomy of that institution to implement its own section of the budget;
18. Regrets that the Council continues to fail to provide answers to Parliament's questions; recalls the conclusions of the Parliament workshop on Parliament's right to grant discharge to the Council held on 27 September 2012; recalls also the third subparagraph of Article 15(3) TFEU, which stipulates that each institution, body, office or agency is to ensure that its proceedings are transparent;
19. Notes that only three out of twenty-seven questions submitted to the Council by the members of the Committee on Budgetary Control in relation to the financial year 2014 received a clear reply in the documents provided by the Council within the discharge exercise;
20. Insists that the expenditure of the Council must be scrutinised in the same way as that of other institutions and that the fundamental elements of such scrutiny have been laid down in its discharge resolutions of the past years;
21. Emphasises Parliament's prerogative to grant discharge pursuant to Articles 316, 317 and 319 TFEU, in line with current interpretation and practice, namely to grant discharge of each heading of the budget individually in order to maintain transparency and democratic accountability towards Union taxpayers;

⁽¹⁾ OJ L 250, 27.9.2011, p. 25.

⁽²⁾ OJ L 313, 26.11.2011, p. 13.

⁽³⁾ OJ L 286, 17.10.2012, p. 23.

⁽⁴⁾ OJ L 350, 20.12.2012, p. 71.

⁽⁵⁾ OJ L 308, 16.11.2013, p. 22.

⁽⁶⁾ OJ L 328, 7.12.2013, p. 97.

⁽⁷⁾ OJ L 266, 5.9.2014, p. 26.

⁽⁸⁾ OJ L 334, 21.11.2014, p. 95.

⁽⁹⁾ OJ L 314, 1.12.2015, p. 49.

22. Takes the view that Council's failure to submit the requested documents to Parliament above all undermines the right of citizens of the Union to information and transparency and is becoming a cause for concern, reflecting as it does a certain democratic deficit within the Union institutions;
 23. Takes the stance that this constitutes a serious failure to comply with the obligations laid down by the Treaties and believes that the relevant stakeholders need to take the necessary steps to address this issue without further delay; stresses that a revision of the Treaties and of the Financial Regulation is needed in order to clarify the objectives and processes of the discharge procedure, and to define sanctions for failing to comply with the rules as stated in the Treaties;
 24. Considers that the lack of cooperation of the European Council and the Council with the discharge authority is a negative sign to the citizens of the Union.
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DECISION (EU) 2016/2154 OF THE EUROPEAN PARLIAMENT**of 27 October 2016****on discharge in respect of the implementation of the budget of the ENIAC Joint Undertaking for the financial year 2014**

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the ENIAC Joint Undertaking for the financial year 2014,
- having regard to the Court of Auditors' report on the annual accounts of the ENIAC Joint Undertaking for the financial year 2014, together with the Joint Undertaking's reply ⁽¹⁾,
- having regard to the statement of assurance ⁽²⁾ as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2014, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 12 February 2016 on discharge to be given to the Joint Undertaking in respect of the implementation of the budget for the financial year 2014 (05587/2016 — C8-0058/2016),
- having regard to its decision of 28 April 2016 ⁽³⁾ postponing the discharge decision for the financial year 2014, and the replies from the Executive Director of the ECSEL Joint Undertaking (formerly the ENIAC Joint Undertaking and the ARTEMIS Joint Undertaking),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽⁴⁾, and in particular Article 209 thereof,
- having regard to Council Regulation (EC) No 72/2008 of 20 December 2007 setting up the ENIAC Joint Undertaking ⁽⁵⁾,
- having regard to Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking ⁽⁶⁾, and in particular Article 12 thereof,
- having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁷⁾,
- having regard to Commission Delegated Regulation (EU) No 110/2014 of 30 September 2013 on the model financial regulation for public-private partnership bodies referred to in Article 209 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽⁸⁾,
- having regard to Rule 94 of and Annex V to its Rules of Procedure,
- having regard to the second report of the Committee on Budgetary Control (A8-0264/2016),

⁽¹⁾ OJ C 422, 17.12.2015, p. 25.⁽²⁾ OJ C 422, 17.12.2015, p. 26.⁽³⁾ OJ L 246, 14.9.2016, p. 432.⁽⁴⁾ OJ L 298, 26.10.2012, p. 1.⁽⁵⁾ OJ L 30, 4.2.2008, p. 21.⁽⁶⁾ OJ L 169, 7.6.2014, p. 152.⁽⁷⁾ OJ L 357, 31.12.2002, p. 72.⁽⁸⁾ OJ L 38, 7.2.2014, p. 2.

1. Grants the Executive Director of the ECSEL Joint Undertaking (formerly the ENIAC Joint Undertaking and the ARTEMIS Joint Undertaking) discharge in respect of the implementation of the ENIAC Joint Undertaking's budget for the financial year 2014;
2. Sets out its observations in the resolution below;
3. Instructs its President to forward this decision and the resolution forming an integral part of it to the Executive Director of the ECSEL Joint Undertaking (formerly the ENIAC Joint Undertaking and the ARTEMIS Joint Undertaking), the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

The President
Martin SCHULZ

The Secretary-General
Klaus WELLE

RESOLUTION (EU) 2016/2155 OF THE EUROPEAN PARLIAMENT**of 27 October 2016****with observations forming an integral part of the decision on discharge in respect of the implementation of the budget for the ENIAC Joint Undertaking for the financial year 2014**

THE EUROPEAN PARLIAMENT,

- having regard to its decision on discharge in respect of the implementation of the budget of the ENIAC Joint Undertaking for the financial year 2014,
 - having regard to Rule 94 of and Annex V to its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control (A8-0264/2016),
- A. whereas the ENIAC Joint Undertaking (the 'Joint Undertaking') was set up on 20 December 2007 for a period of 10 years to establish and implement a research agenda for the development of key competences for nanoelectronics across different application areas,
- B. whereas the Joint Undertaking was granted financial autonomy in July 2010,
- C. whereas the founding members of the Joint Undertaking are the Union, represented by the Commission, Belgium, Germany, Estonia, Ireland, Greece, Spain, France, Italy, the Netherlands, Poland, Portugal, Sweden and the United Kingdom, and the Association for European Nanoelectronics Activities ('Aeneas'),
- D. whereas the maximum contribution for the period of 10 years from the Union to the Joint Undertaking is EUR 450 000 000, to be paid from the budget of the seventh research framework programme,
- E. whereas Aeneas is to make a maximum contribution of EUR 30 000 000 to the Joint Undertaking's running costs and the Member States are to make in-kind contributions to the running costs and to provide financial contributions of at least 1,8 times the Union contribution,
- F. whereas the Joint Undertaking and the Artemis Joint Undertaking ('Artemis') were merged to create the Electronic Components and Systems for European leadership Joint Technology Initiative ('ECSEL JTI'), which started its activities in June 2014 and will run for 10 years,

Budgetary and financial management

1. Acknowledges the fact that the Joint Undertaking's accounts for the period 1 January 2014 to 26 June 2014 present fairly, in all material respects, its financial position on 26 June 2014 and the results of its operations and cash flows for the period then ended, in accordance with the provisions of its financial rules and the accounting rules adopted by the Commission's accounting officer;
2. Is concerned that the Court of Auditors, in its report on the annual accounts of the Joint Undertaking for the period 1 January to 26 June 2014 (the 'Court's report') issued a qualified opinion for the fourth consecutive year regarding the regularity and legality of the underlying transactions on the grounds that the administrative agreements signed with the national funding authorities (the 'NFAs') regarding audit of project cost claims do not include practical arrangements for *ex post* audits;
3. Notes that, according to the Court's report, the Joint Undertaking did not assess the quality of the audit reports received from the NFAs concerning the costs related to completed projects; notes furthermore that, after an assessment of the audit strategies of three of the NFAs, it was not possible to conclude whether *ex post* audits are functioning effectively due to different methodologies used by the NFAs which did not allow the Joint Undertaking to calculate either a weighted error rate or a residual rate error; notes also that ECSEL JTI confirmed that its extensive assessment of the national assurance systems concluded that they can provide reasonable protection of the financial interests of the Joint Undertakings' members;
4. Notes that the ECSEL JTI invited NFAs to produce evidence that the implementation of the national procedures provide a reasonable assurance of the legality and regularity of transactions and notes that, by the deadline of 30 June 2016, 76 % of the NFAs so invited, representing 96,79 % of the total spending of Artemis and the Joint Undertaking, submitted the documents required and confirmed that the implementation of the national procedures provides a reasonable assurance of the legality and regularity of transactions;

5. Takes note of the fact that, according to the Court's report, the Joint Undertaking's final budget for the financial year 2014 included commitment appropriations of EUR 2 356 000 and payment appropriations of EUR 76 500 250;
 6. Acknowledges that, according to the Joint Undertaking, national assurance procedures have been surveyed up to April 2015 for countries receiving 54,2 % of the Joint Undertaking's grants; commends the intention of the Joint Undertaking to continue that exercise by covering up to 92,7 % of the total Joint Undertaking's grants allocated; welcomes the Joint Undertaking's confirmation that the national procedures provide reasonable assurance of the legality and regularity of the underlying transactions.
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DECISION (EU) 2016/2156 OF THE EUROPEAN PARLIAMENT
of 27 October 2016
on the closure of the accounts of the ENIAC Joint Undertaking for the financial year 2014

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the ENIAC Joint Undertaking for the financial year 2014,
- having regard to the Court of Auditors' report on the annual accounts of the ENIAC Joint Undertaking for the financial year 2014, together with the Joint Undertaking's reply ⁽¹⁾,
- having regard to the statement of assurance ⁽²⁾ as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2014, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 12 February 2016 on discharge to be given to the Joint Undertaking in respect of the implementation of the budget for the financial year 2014 (05587/2016 — C8-0058/2016),
- having regard to its decision of 28 April 2016 ⁽³⁾ postponing the discharge decision for the financial year 2014, and the replies from the Executive Director of the ECSEL Joint Undertaking (formerly the ENIAC Joint Undertaking and the Artemis Joint Undertaking),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽⁴⁾, and in particular Article 209 thereof,
- having regard to Council Regulation (EC) No 72/2008 of 20 December 2007 setting up the ENIAC Joint Undertaking ⁽⁵⁾,
- having regard to Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking ⁽⁶⁾, and in particular Article 12 thereof,
- having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁷⁾,
- having regard to Commission Delegated Regulation (EU) No 110/2014 of 30 September 2013 on the model financial regulation for public-private partnership bodies referred to in Article 209 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽⁸⁾,
- having regard to Rule 94 of and Annex V to its Rules of Procedure,
- having regard to the second report of the Committee on Budgetary Control (A8-0264/2016),

⁽¹⁾ OJ C 422, 17.12.2015, p. 25.

⁽²⁾ OJ C 422, 17.12.2015, p. 26.

⁽³⁾ OJ L 246, 14.9.2016, p. 432.

⁽⁴⁾ OJ L 298, 26.10.2012, p. 1.

⁽⁵⁾ OJ L 30, 4.2.2008, p. 21.

⁽⁶⁾ OJ L 169, 7.6.2014, p. 152.

⁽⁷⁾ OJ L 357, 31.12.2002, p. 72.

⁽⁸⁾ OJ L 38, 7.2.2014, p. 2.

1. Approves the closure of the accounts of the ENIAC Joint Undertaking for the financial year 2014;
2. Instructs its President to forward this decision to the Executive Director of the ECSEL Joint Undertaking (formerly the ENIAC Joint Undertaking and the Artemis Joint Undertaking), the Council, the Commission and the Court of Auditors, and to arrange for its publication in the *Official Journal of the European Union* (L series).

The President
Martin SCHULZ

The Secretary-General
Klaus WELLE

DECISION (EU) 2016/2157 OF THE EUROPEAN PARLIAMENT**of 27 October 2016****on discharge in respect of the implementation of the budget of the Artemis Joint Undertaking for the financial year 2014**

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the Artemis Joint Undertaking for the financial year 2014,
 - having regard to the Court of Auditors' report on the annual accounts of the Artemis Joint Undertaking for the period 1 January to 26 June 2014, together with the Joint Undertaking's reply ⁽¹⁾,
 - having regard to the statement of assurance ⁽²⁾ as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2014, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
 - having regard to the Council's recommendation of 12 February 2016 on discharge to be given to Joint Undertaking in respect of the implementation of the budget for the financial year 2014 (05587/2016 — C8-0055/2016),
 - having regard to its decision of 28 April 2016 ⁽³⁾ postponing the discharge decision for the financial year 2014, and the replies from the Executive Director of the ECSEL Joint Undertaking (formerly the Artemis Joint Undertaking and the ENIAC Joint Undertaking),
 - having regard to Article 319 of the Treaty on the Functioning of the European Union,
 - having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽⁴⁾, and in particular Article 209 thereof,
 - having regard to Council Regulation (EC) No 74/2008 of 20 December 2007 on the establishment of the 'Artemis Joint Undertaking' to implement a Joint Technology Initiative in Embedded Computing Systems ⁽⁵⁾,
 - having regard to Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking ⁽⁶⁾, and in particular Article 1(2) and Article 12 thereof,
 - having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁷⁾,
 - having regard to Commission Delegated Regulation (EU) No 110/2014 of 30 September 2013 on the model financial regulation for public-private partnership bodies referred to in Article 209 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽⁸⁾,
 - having regard to Rule 94 of and Annex V to its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control (A8-0276/2016),
1. Grants the Executive Director of the ECSEL Joint Undertaking (formerly the Artemis Joint Undertaking and the ENIAC Joint Undertaking) discharge in respect of the implementation of the Artemis Joint Undertaking's budget for the financial year 2014;
 2. Sets out its observations in the resolution below;

⁽¹⁾ OJ C 422, 17.12.2015, p. 9.⁽²⁾ OJ C 422, 17.12.2015, p. 10.⁽³⁾ OJ L 246, 14.9.2016, p. 425.⁽⁴⁾ OJ L 298, 26.10.2012, p. 1.⁽⁵⁾ OJ L 30, 4.2.2008, p. 52.⁽⁶⁾ OJ L 169, 7.6.2014, p. 152.⁽⁷⁾ OJ L 357, 31.12.2002, p. 72.⁽⁸⁾ OJ L 38, 7.2.2014, p. 2.

3. Instructs its President to forward this decision, and the resolution forming an integral part of it, to the Executive Director of the ECSEL Joint Undertaking (formerly the Artemis Joint Undertaking and the ENIAC Joint Undertaking), the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

The President

Martin SCHULZ

The Secretary-General

Klaus WELLE

RESOLUTION (EU) 2016/2158 OF THE EUROPEAN PARLIAMENT**of 27 October 2016****with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the Artemis Joint Undertaking for the financial year 2014**

THE EUROPEAN PARLIAMENT,

- having regard to its decision on discharge in respect of the implementation of the budget of Artemis Joint Undertaking for the financial year 2014,
 - having regard to Rule 94 of and Annex V to its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control (A8-0276/2016),
- A. whereas the Artemis Joint Undertaking (the 'Joint Undertaking') was set up in December 2007 for a period of 10 years to establish and implement a research agenda for the development of key technologies for embedded computing systems across different application areas in order to strengthen Union competitiveness and sustainability and to allow for the emergence of new markets and societal applications,
- B. whereas the Joint Undertaking started to work autonomously in October 2009,
- C. whereas the maximum contribution for the period of 10 years from the Union to the Joint Undertaking is EUR 420 000 000, to be paid from the budget of the Seventh Research Framework Programme,
- D. whereas financial contributions from Artemis Member States should amount, in total, to at least 1,8 times the Union's financial contribution and the in-kind contribution of research and development organisations participating in projects over the duration of the Joint Undertaking is to be equal to or greater than the contribution of public authorities,
- E. whereas the Joint Undertaking and the ENIAC Joint Undertaking ('ENIAC') were merged to create the Electronic Components and Systems for European Leadership Joint Technology Initiative ('ECSEL JTI'), which started its activity in June 2014 and will run for 10 years,

Budgetary and financial management

1. Notes that the Joint Undertaking's accounts for the period 1 January 2014 to 26 June 2014 present fairly, in all material respects, its financial position on 26 June 2014 and the results of its operations and cash flows for the period then ended, in accordance with the provisions of its financial rules and the accounting rules adopted by the Commission's accounting officer;
2. Is concerned that the Court of Auditors (the 'Court') in its report on the annual accounts of the Joint Undertaking for the financial year 2014 (the 'Court's report') issued a qualified opinion regarding the regularity and legality of the underlying transactions on the grounds that the administrative agreements signed with the national funding authorities ('NFAs') regarding the audit of project cost claims do not include practical arrangements for *ex post* audits;
3. Notes from the Court's report that the Joint Undertaking did not assess the quality of the audit reports received from the NFAs concerning the costs relating to completed projects; notes, furthermore, that after an assessment of the audit strategies of three of the NFAs it was not possible to conclude whether *ex post* audits were functioning effectively due to the different methodologies used by NFAs which did not allow the Joint Undertaking to calculate either a weighted error rate or a residual error rate;
4. Notes that ECSEL JTI carried out an extensive assessment of the effectiveness of the assurance systems for a sample of 10 Artemis and ENIAC Member States representing the largest share of ECSEL JTI operational budget and covering 89,5 % of the Joint Undertaking's total grants allocated and notes that, based on the End of Project certificates up to 13 June 2016, the assessment demonstrates that the coverage rate is three times higher than the threshold of 20 % above which the national systems are considered to be sufficient as per the *ex post* audit strategy;

5. Notes that the ECSEL JTI has invited NFAs to produce evidence that the implementation of the national procedures provide a reasonable assurance on the legality and regularity of transactions and notes that by the deadline of 30 June 2016, 76 % of the NFAs so invited, representing 96,79 % of joint Artemis and ENIAC JUs spending, submitted the documents required and confirmed that the implementation of the national procedures provides a reasonable assurance on the legality and regularity of transactions;
6. Takes note of the fact that, according to the Court's report, the Joint Undertaking's final budget for the financial year 2014 included commitment appropriations of EUR 2 554 510 and payment appropriations of EUR 30 330 178 (operational);

Internal control

7. Notes with concern that the Joint Undertaking took no action regarding some internal control standards relating to information and financial reporting: in particular, evaluation of activities, assessment of the internal control systems and internal audit capability ('IAC'); observes that this was due to the impending merger; notes that, in the meantime, ECSEL JTI has achieved substantial progress with regard to the implementation of the internal control systems and establishing IAC.
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DECISION (EU) 2016/2159 OF THE EUROPEAN PARLIAMENT
of 27 October 2016
on the closure of the accounts of the Artemis Joint Undertaking for the financial year 2014

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the Artemis Joint Undertaking for the financial year 2014,
- having regard to the Court of Auditors' report on the annual accounts of the Artemis Joint Undertaking for the period 1 January to 26 June 2014, together with the Joint Undertaking's reply ⁽¹⁾,
- having regard to the statement of assurance ⁽²⁾ as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2014, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 12 February 2016 on discharge to be given to Joint Undertaking in respect of the implementation of the budget for the financial year 2014 (05587/2016 — C8-0055/2016),
- having regard to its decision of 28 April 2016 ⁽³⁾ postponing the discharge decision for the financial year 2014, and the replies from the Executive Director of the ECSEL Joint Undertaking (formerly the Artemis Joint Undertaking and the ENIAC Joint Undertaking),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽⁴⁾, and in particular Article 209 thereof,
- having regard to Council Regulation (EC) No 74/2008 of 20 December 2007 on the establishment of the 'Artemis Joint Undertaking' to implement a Joint Technology Initiative in Embedded Computing Systems ⁽⁵⁾,
- having regard to Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking ⁽⁶⁾, and in particular Article 1(2) and Article 12 thereof,
- having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁷⁾,
- having regard to Commission Delegated Regulation (EU) No 110/2014 of 30 September 2013 on the model financial regulation for public-private partnership bodies referred to in Article 209 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽⁸⁾,
- having regard to Rule 94 of and Annex V to its Rules of Procedure,
- having regard to the second report of the Committee on Budgetary Control (A8-0276/2016),

1. Approves the closure of the accounts of the Artemis Joint Undertaking for the financial year 2014;

⁽¹⁾ OJ C 422, 17.12.2015, p. 9.

⁽²⁾ OJ C 422, 17.12.2015, p. 10.

⁽³⁾ OJ L 246, 14.9.2016, p. 425.

⁽⁴⁾ OJ L 298, 26.10.2012, p. 1.

⁽⁵⁾ OJ L 30, 4.2.2008, p. 52.

⁽⁶⁾ OJ L 169, 7.6.2014, p. 152.

⁽⁷⁾ OJ L 357, 31.12.2002, p. 72.

⁽⁸⁾ OJ L 38, 7.2.2014, p. 2.

2. Instructs its President to forward this decision to the Executive Director of the ECSEL Joint Undertaking (formerly the Artemis Joint Undertaking and the ENIAC Joint Undertaking), the Council, the Commission and the Court of Auditors, and to arrange for its publication in the *Official Journal of the European Union* (L series).

The President

Martin SCHULZ

The Secretary-General

Klaus WELLE

DECISION (EU, Euratom) 2016/2160 OF THE EUROPEAN PARLIAMENT**of 27 October 2016****on discharge in respect of the implementation of the budget of the European Joint Undertaking for ITER and the Development of Fusion Energy for the financial year 2014**

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Joint Undertaking for ITER and the Development of Fusion Energy for the financial year 2014,
- having regard to the Court of Auditors' report on the annual accounts of the European Joint Undertaking for ITER and the Development of Fusion Energy for the financial year 2014, together with the Joint Undertaking's reply ⁽¹⁾,
- having regard to the statement of assurance ⁽²⁾ as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2014, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 12 February 2016 on discharge to be given to the Joint Undertaking in respect of the implementation of the budget for the financial year 2014 (05587/2016 — C8-0052/2016),
- having regard to its decision of 28 April 2016 ⁽³⁾ postponing the discharge decision for the financial year 2014, and the replies from the Director of the European Joint Undertaking for ITER and the Development of Fusion Energy,
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Article 106a of the Treaty establishing the European Atomic Energy Community,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽⁴⁾, and in particular Article 208 thereof,
- having regard to Council Decision 2007/198/Euratom of 27 March 2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it ⁽⁵⁾, and in particular Article 5(3) thereof,
- having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁶⁾,
- having regard to Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽⁷⁾,
- having regard to Rule 94 of and Annex V to its Rules of Procedure,
- having regard to the second report of the Committee on Budgetary Control (A8-0275/2016),

⁽¹⁾ OJ C 422, 17.12.2015, p. 33.⁽²⁾ OJ C 422, 17.12.2015, p. 34.⁽³⁾ OJ L 246, 14.9.2016, p. 438.⁽⁴⁾ OJ L 298, 26.10.2012, p. 1.⁽⁵⁾ OJ L 90, 30.3.2007, p. 58.⁽⁶⁾ OJ L 357, 31.12.2002, p. 72.⁽⁷⁾ OJ L 328, 7.12.2013, p. 42.

1. Grants the Director of the European Joint Undertaking for ITER and the Development of Fusion Energy discharge in respect of the implementation of the Joint Undertaking's budget for the financial year 2014;
2. Sets out its observations in the resolution below;
3. Instructs its President to forward this decision and the resolution forming an integral part of it to the Director of the European Joint Undertaking for ITER and the Development of Fusion Energy, the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

The President

Martin SCHULZ

The Secretary-General

Klaus WELLE

RESOLUTION (EU, Euratom) 2016/2161 OF THE EUROPEAN PARLIAMENT**of 27 October 2016****with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Joint Undertaking for ITER and the Development of Fusion Energy for the financial year 2014**

THE EUROPEAN PARLIAMENT,

- having regard to its decision on discharge in respect of the implementation of the budget of the European Joint Undertaking for ITER and the Development of Fusion Energy for the financial year 2014,
 - having regard to Rule 94 of and Annex V to its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control (A8-0275/2016),
- A. whereas the European Joint Undertaking for ITER and the Development of Fusion Energy (the 'Joint Undertaking') was set up in March 2007 for a period of 35 years,
- B. whereas the members of the Joint Undertaking are Euratom, represented by the Commission, the Member States of Euratom, and third countries which have concluded cooperation agreements with Euratom in the field of controlled nuclear fusion,
- C. whereas the Joint Undertaking started to work autonomously on March 2008,
1. Notes that the Court of Auditors (the 'Court'), in its report on the Joint Undertaking's annual accounts for the financial year 2014 (the 'Court's report'), stated that the Joint Undertaking's annual accounts present fairly, in all material respects, its financial position as at 31 December 2014 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of its financial rules;
 2. Takes note of the fact that the final 2014 budget available for implementation included commitment appropriations of EUR 1 168 800 000 and payment appropriations of EUR 567 600 000; the utilisation rates for commitment and payment appropriations were 100 % and 88,5 % respectively; notes, however, that the implementation rate for payment appropriations with respect to the 2014 initial budget was 73 %;
 3. Notes that, due to the challenges currently faced by the ITER Project, the new Director General of the ITER Organisation presented to the ITER Council an action plan including specific measures to address the main constraints that are currently affecting the development of the ITER project; notes, furthermore, that, as regards the Joint Undertaking, its new acting director prepared an action plan for the Joint Undertaking which largely supports the ITER Organisation action plan; acknowledges that the Joint Undertaking's acting director presented the action plan to the Joint Undertaking's Governing Board in March 2015, when it was fully endorsed, and that the Joint Undertaking's action plan complements the ITER Organisation action plan in a number of respects and identifies further improvements in the Joint Undertaking's own operations; observes that at the time of the audit, the practical measures for the implementation of both action plans were still being established; notes, moreover, that since March 2015, those action plans have been implemented and closely followed by the ITER Organisation and the Joint Undertaking and that they are expected to bring improvements; calls for a report on the implementation of those action plans to be presented in good time;
 4. Welcomes the conclusions of the ITER Council meeting of 15 and 16 June 2016 which confirmed that the ITER project is now going in the right direction, in a way that will allow for a sound, realistic and detailed proposal for schedule and associated cost up to First Plasma, endorsed the updated Integrated Schedule for the ITER project, which identifies the date of First Plasma as December 2025, indicated that the successful completion of all project milestones to date, on or ahead of schedule, is a positive indicator of the collective capacity of the ITER Organisation and the Domestic Agencies to continue to deliver on the updated Integrated Schedule and underlined that the evidence of increased effectiveness of decision-making, improved understanding of risks, and rigour in adhering to commitments provides a renewed basis for confidence that the ITER project will maintain its current positive momentum;
 5. Welcomes the position of the ITER Council that a sharp focus on the core elements through First Plasma should effectively reduce ITER project risks and that the updated Integrated Schedule represents the best technically achievable path forward to First Plasma, which will mark the completion of the key assembly and commissioning phases of the Tokamak and support facilities;

6. Notes that the milestones set up at the ITER Council meeting of 18 and 19 November 2015 are well advanced and that four out of the six milestones attributed to Fusion for Energy ('F4E') for 2016 have already been fulfilled;
 7. Notes that the issue of the lease of the premises of the Joint Undertaking has been solved, as the Spanish government offered a long-term lease agreement for the current premises and an extension of the current office space by one additional floor; observes in this regard that the Joint Undertaking's Governing Board at its meeting of 29 and 30 June 2016 took note of the conclusion of the long-term lease agreement for the F4E offices between the Kingdom of Spain and the building owner and endorsed the plans to refurbish the office space attributed to the Joint Undertaking;
 8. Notes the partial implementation of the Staff Regulations and encourages the Joint Undertaking to continue implementing the remaining regulations; takes positive note of the fact that, as of 1 January 2016, the new Financial Regulation and new Implementing Rules of the Joint Undertaking entered into force; acknowledges that the Joint Undertaking has established a working definition of fusion/non-fusion application which facilitates establishing the scope of the exclusive use of intellectual property rights generated within the contracts.
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DECISION (EU, Euratom) 2016/2162 OF THE EUROPEAN PARLIAMENT**of 27 October 2016****on the closure of the accounts of the European Joint Undertaking for ITER and the Development of Fusion Energy for the financial year 2014**

THE EUROPEAN PARLIAMENT,

- having regard to the final annual accounts of the European Joint Undertaking for ITER and the Development of Fusion Energy for the financial year 2014,
- having regard to the Court of Auditors' report on the annual accounts of the European Joint Undertaking for ITER and the Development of Fusion Energy for the financial year 2014, together with the Joint Undertaking's reply ⁽¹⁾,
- having regard to the statement of assurance ⁽²⁾ as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2014, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 12 February 2016 on discharge to be given to the Joint Undertaking in respect of the implementation of the budget for the financial year 2014 (05587/2016 — C8-0052/2016),
- having regard to its decision of 28 April 2016 ⁽³⁾ postponing the discharge decision for the financial year 2014, and the replies from the Director of the European Joint Undertaking for ITER and the Development of Fusion Energy,
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Article 106a of the Treaty establishing the European Atomic Energy Community,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽⁴⁾, and in particular Article 208 thereof,
- having regard to Council Decision 2007/198/Euratom of 27 March 2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it ⁽⁵⁾, and in particular Article 5(3) thereof,
- having regard to Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁶⁾,
- having regard to Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽⁷⁾,
- having regard to Rule 94 of and Annex V to its Rules of Procedure,
- having regard to the second report of the Committee on Budgetary Control (A8-0275/2016),

1. Approves the closure of the accounts of the European Joint Undertaking for ITER and the Development of Fusion Energy for the financial year 2014;

⁽¹⁾ OJ C 422, 17.12.2015, p. 33.

⁽²⁾ OJ C 422, 17.12.2015, p. 34.

⁽³⁾ OJ L 246, 14.9.2016, p. 438.

⁽⁴⁾ OJ L 298, 26.10.2012, p. 1.

⁽⁵⁾ OJ L 90, 30.3.2007, p. 58.

⁽⁶⁾ OJ L 357, 31.12.2002, p. 72.

⁽⁷⁾ OJ L 328, 7.12.2013, p. 42.

2. Instructs its President to forward this decision to the Director of the European Joint Undertaking for ITER and the Development of Fusion Energy, the Council, the Commission and the Court of Auditors, and to arrange for its publication in the *Official Journal of the European Union* (L series).

The President
Martin SCHULZ

The Secretary-General
Klaus WELLE

COUNCIL DECISION (EU) 2016/2163**of 6 December 2016****amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Banca d'Italia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Protocol No 4 on the Statute of the European System of Central Banks and of the European Central Bank, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and in particular Article 27.1 thereof,

Having regard to the Recommendation of the European Central Bank of 23 September 2016 to the Council of the European Union on the external auditors of the Banca d'Italia (ECB/2016/28) ⁽¹⁾,

Whereas:

- (1) The accounts of the European Central Bank (ECB) and of the national central banks of the Member States whose currency is the euro are to be audited by independent external auditors recommended by the Governing Council of the ECB and approved by the Council.
- (2) The mandate of the external auditors of the Banca d'Italia expired after the audit for the financial year 2015. It is therefore necessary to appoint external auditors as from the financial year 2016.
- (3) The Banca d'Italia has selected BDO Italia S.p.A. as its external auditors for the financial years 2016 to 2022.
- (4) The Governing Council of the ECB has recommended that BDO Italia S.p.A. should be appointed as the external auditors of the Banca d'Italia for the financial years 2016 to 2022.
- (5) Following the recommendation of the Governing Council of the ECB, Council Decision 1999/70/EC ⁽²⁾ should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Article 1 of Decision 1999/70/EC, paragraph 6 is replaced by the following:

‘6. BDO Italia S.p.A. are hereby approved as the external auditors of the Banca d'Italia for the financial years 2016 to 2022.’

Article 2

This Decision shall take effect on the date of its notification.

Article 3

This Decision is addressed to the ECB.

Done at Brussels, 6 December 2016.

For the Council
The President
P. KAŽIMÍR

⁽¹⁾ OJ C 366, 5.10.2016, p. 1.

⁽²⁾ Council Decision 1999/70/EC of 25 January 1999 concerning the external auditors of the national central banks (OJ L 22, 29.1.1999, p. 69).

DECISION (EU) 2016/2164 OF THE EUROPEAN CENTRAL BANK
of 30 November 2016
on the approval of the volume of coin issuance in 2017 (ECB/2016/43)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(2) thereof,

Having regard to Decision (EU) 2015/2332 of the European Central Bank of 4 December 2015 on the procedural framework for the approval of the volume of euro coin issuance (ECB/2015/43) ⁽¹⁾, and in particular Article 2 thereof,

Whereas:

- (1) The European Central Bank (ECB) has the exclusive right since 1 January 1999 to approve the volume of coins issued by the Member States whose currency is the euro.
- (2) The 19 Member States whose currency is the euro have submitted to the ECB their requests for the approval of the volume of coins to be issued in 2017, supplemented by explanatory notes on the forecasting methodology. Certain of these Member States have also provided additional information regarding circulation coins, where such information is available and considered important by the Member States concerned to substantiate the approval request.
- (3) As the right of Member States to issue euro coins is subject to approval by the ECB of the volume of the issue, the volumes approved by the ECB may not be surpassed by the Member States without prior approval by the ECB,

HAS ADOPTED THIS DECISION:

Article 1

Approval of the volume of euro coins to be issued in 2017

The ECB hereby approves the volume of euro coins to be issued by the Member States whose currency is the euro in 2017 as set out in the following table:

(EUR million)

	Volume of euro coins approved for issuance in 2017		
	Circulation coins	Collector coins (not intended for circulation)	Volume of coin issuance
Belgium	51,0	1,0	52,0
Germany	419,0	219,0	638,0
Estonia	9,7	0,3	10,0
Ireland	30,7	0,8	31,5
Greece	106,3	0,6	106,9
Spain	359,3	30,0	389,3
France	224,3	51,0	275,3
Italy	94,2	1,8	96,0

⁽¹⁾ OJ L 328, 12.12.2015, p. 123.

(EUR million)

	Volume of euro coins approved for issuance in 2017		
	Circulation coins	Collector coins (not intended for circulation)	Volume of coin issuance
Cyprus	14,0	0,1	14,1
Latvia	16,3	0,3	16,6
Lithuania	30,0	0,3	30,3
Luxembourg	17,7	0,2	17,9
Malta	10,2	0,2	10,4
Netherlands	25,0	4,0	29,0
Austria	87,2	181,8	269,0
Portugal	62,0	3,0	65,0
Slovenia	24,0	2,0	26,0
Slovakia	15,6	1,4	17,0
Finland	35,0	10,0	45,0
Total	1 631,5	507,8	2 139,3

*Article 2***Taking effect**

This Decision shall take effect on the day of its notification to the addressees.

*Article 3***Addressees**

This Decision is addressed to the Member States whose currency is the euro.

Done at Frankfurt am Main, 30 November 2016.

The President of the ECB
Mario DRAGHI

