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Price: EUR 3

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II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) No 626/2012

of 26 June 2012

amending Implementing Regulation (EU) No 349/2012 imposing a definitive anti-dumping duty on imports of tartaric acid originating in the People's Republic of China

THE COUNCIL OF THE EUROPEAN UNION,

Industria Chimica Valenzana SpA, Distillerie Mazzari SpA, Caviro Distillerie SRL and Comercial Quimica Sarasa SL ('the applicants').

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation'), and in particular Article 9 and Article 11(3), (5) and (6) thereof,

Having regard to the proposal submitted by the European Commission ('Commission') after consulting the Advisory Committee,

Whereas:

A. PROCEDURE

1. Measures in force

- (1) In 2006, the Council imposed, by means of Regulation (EC) No 130/2006 ⁽²⁾, a definitive anti-dumping duty on imports of tartaric acid originating in the People's Republic of China ('PRC' or 'the country concerned') ('the original anti-dumping measures'). This Regulation was amended by Council Regulation (EC) No 150/2008 ⁽³⁾. In 2012, the Council amended those measures by Implementing Regulation (EU) No 332/2012 ⁽⁴⁾ and extended them for a further five years by Implementing Regulation (EU) No 349/2012 ⁽⁵⁾.

2. Initiation of an interim review

- (2) A request for review was lodged by the following producers in the Union: Distillerie Bonollo SpA,

- (3) The review request was limited in scope to the examination of dumping as far as two PRC exporting producers were concerned, namely Changmao Biochemical Engineering Co. Ltd, Changzhou, and Ninghai Organic Chemical Factory, Ninghai. The request alleged that the continued imposition of measures at the existing level, which was based on the level of dumping previously established, appeared to be no longer sufficient to counteract dumping, given that both companies should be denied market economy treatment (MET).

- (4) Having determined that the Commission had at its disposal sufficient prima facie evidence for the initiation of an interim review, and after consulting the Advisory Committee, the Commission announced on 29 July 2011, in a notice published in the *Official Journal of the European Union* ⁽⁶⁾ ('the notice of initiation'), the initiation of an interim review limited to dumping pursuant to Article 11(3) of the basic Regulation.

3. Investigation

3.1. Investigation period

- (5) The investigation concerning dumping covered the period from 1 July 2010 to 30 June 2011 ('the review investigation period' or 'RIP').

3.2. Parties concerned by this investigation

- (6) The Commission officially advised the two exporting producers in the country concerned and the authorities of the country concerned of the initiation of the interim review.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 23, 27.1.2006, p. 1.

⁽³⁾ OJ L 48, 22.2.2008, p. 1.

⁽⁴⁾ OJ L 108, 20.4.2012, p. 1.

⁽⁵⁾ OJ L 110, 24.4.2012, p. 3.

⁽⁶⁾ OJ C 223, 29.7.2011, p. 16.

- (7) Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the notice of initiation.

3.3. Questionnaire replies and verifications

- (8) The Commission sent questionnaires to the two exporting producers named in the request for review and to producers in the analogue country, Argentina.
- (9) Questionnaire replies were received from the two PRC exporting producers, and also from the cooperating producer in the analogue country.
- (10) In order to allow the two exporting producers in the PRC to submit a claim for market economy treatment (MET) or individual treatment (IT), if they so wished, the Commission sent claim forms for this purpose. Claims for MET, or for IT in case the investigation established that they do not meet the conditions for MET, were received from both of them.

- (11) The Commission sought and verified all the information deemed necessary for a determination of dumping and carried out verifications at the premises of the following companies:

(a) Exporting producers in the PRC:

- Ninghai Organic Chemical Factory, Ninghai,
- Changmao Biochemical Engineering Co. Ltd, Changzhou;

(b) Exporting producers in the analogue country:

- Tarcol SA, Buenos Aires.

B. PRODUCT CONCERNED AND LIKE PRODUCT

1. Product concerned

- (12) The product concerned by this review is the same as the one in the original investigation, namely tartaric acid, excluding D-(-)- tartaric acid with a negative optical rotation of at least 12,0 degrees, measured in a water solution according to the method described in the European Pharmacopoeia, originating in the PRC, currently falling within CN code ex 2918 12 00 ('the product concerned').
- (13) The product concerned is used in wine, in beverage and food additives, as a retardant in plaster and in numerous

other products. It can be obtained either from the by-products of winemaking, as is the case with production in the Union or via chemical synthesis from petrochemical compounds, as is the case with production in the PRC. Only L+ tartaric acid is manufactured from the by-products of winemaking. Synthetic production allows the manufacture of both L+ and DL tartaric acid. Both types are product concerned and have overlapping uses.

2. Like product

- (14) As in the previous investigation, it was considered that the tartaric acid produced in the PRC and exported to the Union, the tartaric acid produced and sold on the domestic market of the analogue country (Argentina) and the tartaric acid manufactured and sold in the Union by the Union producers have the same basic physical and chemical characteristics, and the same basic uses. They were therefore considered to be like products within the meaning of Article 1(4) of the basic Regulation.

C. DUMPING

1. Market economy treatment

- (15) Both companies named in the request for review claimed market economy treatment. Pursuant to Article 2(7)(b) of the basic Regulation, in anti-dumping investigations concerning imports originating in the PRC, normal value is to be determined in accordance with paragraphs 1 to 6 of that Article for those producers which were found to meet the criteria laid down in Article 2(7)(c) of the basic Regulation.
- (16) Briefly, and for ease of reference only, the MET criteria are set out in summarised form below:
- (1) business decisions and costs are made in response to market conditions and without significant State interference;
 - (2) accounting records are independently audited in line with international accounting standards and applied for all purposes;
 - (3) there are no significant distortions carried over from the former non-market economy system;
 - (4) legal certainty and stability is provided by bankruptcy and property laws;
 - (5) currency exchanges are carried out at the market rate.

- (17) Both producers in the PRC requested MET pursuant to Article 2(7)(c) of the basic Regulation. Each MET application was analysed, and on-the-spot investigations were carried out at the premises of these cooperating companies.
- (18) For both companies, MET was denied under Criterion 1 of Article 2(7)(c) based on evidence that the price of the basic raw material, benzene, was distorted. A comparison of domestic prices in the PRC, using the purchase prices of one cooperating producer as a source, against prices in other market economy countries showed a price difference of between 19 % and 51 % during the investigation period. The PRC imposes an import tariff on benzene of 40 % (although this was not in fact in force during the RIP) and also does not refund any of the 17 % VAT levied on its export. Distortions were also found in the price of the intermediate raw material, maleic anhydride, purchased by the other cooperating producer using its purchases as a source.
- (19) MET was also denied to one company under Criteria 2 and 3 due to evidence of depressed land use right prices and also overvaluation of the company's assets for the purpose of guaranteeing a loan from a State-owned bank.
- (20) Both companies disputed the findings of the Commission after they were disclosed to them. However neither company could explain the low price of benzene on the PRC market. The company referred to in recital 19 provided some documents to dispute the Commission's findings regarding the land use right prices and the valuation of their assets. However as these documents were requested during the inspection and were not provided, it was therefore decided that this information could not be verified or relied upon.
- (21) MET is therefore denied to both companies.
- (22) However both companies meet the requirements set out in Article 9(5) of the basic Regulation and are therefore entitled to an individual anti-dumping duty using their own export prices.
- (24) As in the original investigation, Argentina was proposed in the notice of initiation as an appropriate analogue country for the purposes of establishing normal value pursuant to Article 2(7)(a) of the basic Regulation. Following the publication of the notice of initiation, one company in India and one company in Australia were identified as alternative possible producers in a market economy third country. However neither of the two companies responded to the questionnaire sent to them.
- (25) One producer of tartaric acid in Argentina cooperated with the investigation by replying to a questionnaire. The investigation showed that Argentina had a competitive market for tartaric acid with two competing local producers and imports from third countries. The production volume in Argentina constitutes more than 20 % of the volume of PRC exports of the product concerned to the Union. The Argentinian market was therefore deemed sufficiently representative for the determination of normal value for the PRC.
- (26) It is therefore concluded, as in the previous investigation, that Argentina constitutes an appropriate analogue country in accordance with Article 2(7)(a) of the basic Regulation.

3. Normal value

- (27) Normal value was established on the basis of the information received from the cooperating producer in the analogue country. Although the analogue country producer had domestic sales of the product concerned, given the difference in the production method between Argentina and the PRC which has a significant impact on prices and costs, it was decided to construct normal value, rather than use these domestic sales prices. The cost of raw materials in Argentina was replaced by an average market price for benzene and an adjustment made to selling, general and administrative expenses (SG&A) in Argentina to better reflect the domestic market in the PRC.
- (28) Normal value for L+ tartaric acid (which is manufactured by the Argentinian producer) was therefore constructed from the cost of production in Argentina of L+ tartaric acid, taking into account the difference in production methods between Argentina and the PRC.
- (29) Given that the Argentinian producer did not manufacture DL tartaric acid, a normal value was also constructed using the difference in price found between the two product types.

4. Export price

- (30) Export prices were determined based on the actual price paid or payable by the first independent customer in the Union for both PRC exporting producers.

2. Analogue country

- (23) Pursuant to Article 2(7)(a) of the basic Regulation, normal value was determined on the basis of the price or constructed value in an appropriate market economy third country ('the analogue country'), or the price from the analogue country to other countries, including the Union, or, where those are not possible, on any other reasonable basis, including the price actually paid or payable in the Union for the like product, duly adjusted if necessary to include a reasonable profit margin.

5. Comparison

- (31) For the purposes of ensuring a fair comparison between the normal value and the export price in accordance with Article 2(10) of the basic Regulation, due allowance in the form of adjustments was made with regard to certain differences in transport, insurance and indirect taxation, where these were proven to affect prices and price comparability.

6. Dumping margins

- (32) For both companies the weighted average normal value for each product was compared with the weighted average export price for the same product type, as provided for under Article 2(11) of the basic Regulation.
- (33) On this basis, the weighted average dumping margins expressed as a percentage of the cif Union frontier price duty unpaid are:

Company	Dumping margin
Changmao Biochemical Engineering Co. Ltd, Changzhou	13,1 %
Ninghai Organic Chemical Factory, Ninghai	8,3 %

7. Lasting nature of changed circumstances

- (34) The request for review alleged that the two PRC exporting producers should no longer be granted MET and that this change was of a lasting nature. Given the reasons for denial of MET it can be considered that the conclusions of this review are of a lasting nature. Evidence shows that the distortion in the price of benzene in the PRC was in existence prior to the RIP and there is no evidence to show that the PRC government has, or will, remove such distortions.
- (35) For the company-specific reasons set out in recital 19 these are also of a lasting nature, as they affect the company's costs and decisions over a significant period of time. They were not events that would have affected the original investigation in which MET was granted to this company.

D. AMENDMENT OF THE ANTI-DUMPING MEASURES IN FORCE

- (36) In light of the above, it is considered that the present anti-dumping review should amend the level of the existing measures in force on imports of tartaric acid from the PRC.

- (37) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend that the existing measures be amended. They were also granted a period within which they could make representations subsequent to this disclosure.
- (38) One PRC company replied to the disclosure again disputing the findings regarding the denial of MET on the grounds of price distortion of the main raw material. However, it provided no new evidence to support its assertions and its arguments were therefore rejected. It also requested further information on the adjustments referred to in recital 27, but this had to be rejected as it would be impossible to do so without disclosing the production methods and costs of the sole producer in Argentina.
- (39) The Union industry responded to the disclosure by contesting the use of a constructed normal value rather than domestic sales prices in the analogue country, and also the adjustments referred to above to the constructed normal value to take account of the difference in raw materials and production processes between Argentina and the PRC.
- (40) As regards the use of a constructed normal value rather than prices from Argentina, this cannot be considered a change of methodology under Article 11(9) of the basic Regulation. In the original investigation both PRC companies were granted MET and therefore normal value was taken from their own domestic prices. Now that MET has been denied to both companies, the same methodology could no longer be used.
- (41) The Union industry further claimed that the Commission should have used the methodology set out in the original investigation to calculate the residual duty for the PRC to calculate the individual margins for the two exporters concerned by this review. This argument was rejected as the residual duty was calculated for companies that did not cooperate with the original investigation. It is therefore not comparable to calculating an individual duty for a cooperating exporter that has been denied MET.
- (42) As regards the adjustments made to the normal value referred to above, these were necessary to ensure a fair comparison between the export price of a synthetically produced tartaric acid, and a normal value based on a natural production process. Attempting the same calculation using domestic sales prices in Argentina and then adjusting the normal value and/or export price under Article 2(10) of the basic Regulation would not have provided for a fair comparison. These arguments were therefore rejected.

E. UNDERTAKINGS

- (43) One exporting producer in the PRC offered a price undertaking in accordance with Article 8(1) of the basic Regulation. The product concerned is not suitable for a fixed price undertaking due to the volatility of the export price. In order to overcome this problem, the exporting producer offered an indexation clause, but without specifying how this indexation would be calculated. It also offered an indexation based on the distorted domestic benzene price in the PRC, which could not be accepted.
- (44) Moreover, that exporting producer produces different types of other chemical products and may sell these products to common customers in the European Union via related trading companies. This would create a serious risk of cross-compensation and would make effective monitoring extremely difficult.
- (45) Furthermore, there are different types of the product concerned which are not easily distinguishable and have a considerable difference in price. The different MIPs proposed by the exporting producer would therefore render monitoring impracticable. On the basis of the above, it was concluded that the undertaking offers cannot be accepted,

HAS ADOPTED THIS REGULATION:

Article 1

The Table in Article 1(2) of Implementing Regulation (EU) No 349/2012 shall be amended to read as follows:

‘Company	Anti-dumping duty	TARIC additional code
Changmao Biochemical Engineering Co. Ltd, Changzhou	13,1 %	A688
Ninghai Organic Chemical Factory, Ninghai	8,3 %	A689
All other companies (except Hangzhou Bioking Biochemical Engineering Co. Ltd, Hangzhou — TARIC additional code A687)	34,9 %	A999’

Article 2

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

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

Done at Luxembourg, 26 June 2012.

For the Council
The President
N. WAMMEN

COUNCIL IMPLEMENTING REGULATION (EU) No 627/2012**of 10 July 2012****terminating the partial interim review and the expiry review concerning the anti-dumping measures applicable on imports of certain plastic sacks and bags originating in the People's Republic of China and Thailand imposed by Regulation (EC) No 1425/2006**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation') and in particular Article 11(2), (3), (5) and (6) and Article 9 thereof,

Having regard to the proposal submitted by the European Commission after consulting the Advisory Committee,

Whereas:

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

- (1) By Regulation (EC) No 1425/2006 ⁽²⁾, the Council imposed a definitive anti-dumping duty on imports of certain plastic sacks and bags, originating in the People's Republic of China (PRC) and Thailand.
- (2) That Regulation was subsequently amended by Council Regulations (EC) No 1356/2007 ⁽³⁾, (EC) No 249/2008 ⁽⁴⁾ and (EC) No 189/2009 ⁽⁵⁾ and by Council Implementing Regulations (EU) No 474/2011 ⁽⁶⁾ and (EU) No 475/2011 ⁽⁷⁾.

2. Requests for reviews and initiation

- (3) On 18 May 2010, the Commission received a request for a partial interim review of Regulation (EC) No 1425/2006 from Greenwood Houseware (Zhuhai) Ltd, an exporting producer of certain plastic sacks and bags in the PRC ('the applicant').
- (4) Subsequently, following the publication of a notice of impending expiry of the definitive anti-dumping measures in force, the Commission received, pursuant to Article 11(2) of the basic Regulation, a request for an expiry review, lodged on 30 June 2011.

- (5) The request was lodged by 44 Union producers together, representing around 30 % of the total estimated Union production of certain plastic sacks and bags.

- (6) The request was based on the grounds that the expiry of the measures would be likely to result in a continuation of dumping and injury if measures were allowed to lapse.

- (7) Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of the partial interim review and an expiry review, the Commission announced the initiation of the partial interim review pursuant to Article 11(3) of the basic Regulation and an expiry review pursuant to Article 11(2) of that Regulation by a notice published on 21 September 2010 and 27 September 2011 respectively in the *Official Journal of the European Union*.

3. Investigations**3.1. Investigation periods**

- (8) The expiry review investigation of continuation or recurrence of dumping and injury covered the period from 1 July 2010 to 30 June 2011 ('the review investigation period' or 'RIP'). The examination of the trends relevant for the assessment of a likelihood of a continuation or recurrence of injury covered the period from 1 January 2008 up to the end of the RIP ('period considered').
- (9) The review investigation period for the partial interim review limited in scope to the examination of dumping with regard to Greenwood Houseware (Zhuhai) Ltd covered the period from 1 April 2009 to 30 June 2010.

3.2. Product concerned and like product

- (10) The product concerned in both investigations is plastic sacks and bags, containing at least 20 % by weight of polyethylene and of sheeting of a thickness not exceeding 100 micrometres (µm), originating in the PRC and Thailand ('the product concerned'), currently falling within CN codes ex 3923 21 00, ex 3923 29 10 and ex 3923 29 90.

- (11) As far as the product produced and sold in the Union market is concerned, no conclusive findings could be made with regard to Article 1(4) of the basic Regulation, due to the insufficient cooperation of the Union industry in the expiry review (see Section B).

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 270, 29.9.2006, p. 4.

⁽³⁾ OJ L 304, 22.11.2007, p. 5.

⁽⁴⁾ OJ L 76, 19.3.2008, p. 8.

⁽⁵⁾ OJ L 67, 12.3.2009, p. 5.

⁽⁶⁾ OJ L 131, 18.5.2011, p. 2.

⁽⁷⁾ OJ L 131, 18.5.2011, p. 10.

- (12) As far as the product produced and sold on the domestic market by the applicant of the interim review is concerned, as well as the product produced and sold in a potential analogue country in the framework of the interim review, it is noted that the investigation did not reach any conclusions given the termination of both current investigations and the repeal of the existing measures (see Section B).

3.3. Parties concerned by the investigation

- (13) The Commission officially advised Greenwood Houseware (Zhuhai) Ltd and the representatives of the PRC of the initiation of the partial interim review limited in scope to the examination of dumping. Both parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notice of initiation.
- (14) The Commission officially advised the Union producers who lodged the request for the expiry review, other known Union producers and associations of Union producers, exporting producers, importers and users known to be concerned as well as their associations. Producers in the possible analogue countries, i.e. India, Indonesia, Malaysia, Turkey and USA and the representatives of the PRC and Thailand were also informed of the initiation of the expiry review. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notice of initiation.
- (15) All interested parties who so requested and showed that there were particular reasons why they should be heard were granted a hearing.

3.4. Sampling of Union producers

- (16) In view of the large number of Union producers involved in the expiry investigation, the application of sampling was envisaged in the relevant notice of initiation in accordance with Article 17 of the basic Regulation.

3.4.1. Description of the Union industry

- (17) The sector of plastic sacks and bags production in the Union is highly fragmented with a very large number of producers of different sizes, including a large sector of small producers spread over several Member States.
- (18) The information provided at the initiation stage in the request indicated that large or medium-sized companies represented around 25 % of the cooperating producers and around 70 % of the cooperating Union production. Accordingly, small companies represented around 75 % of the cooperating producers and around 30 % of their production.
- (19) In addition, the information showed that the Union production is spread among several Member States, but largely concentrated in Germany, France, Spain and Italy.

3.4.2. Sampling methodology

- (20) Article 3(2) of the basic Regulation requires that a determination of injury shall be based on positive evidence and shall involve an objective determination of, inter alia, the impact of dumped imports on the Union industry. Any findings of injury and the information collected for that purpose would thus have to be representative of the entire Union industry.
- (21) It follows that the high level of fragmentation of the plastic sack and bags sector had to be taken into consideration in the sampling exercise. In order to be able to draw conclusions that would be representative of the entire Union industry, it was considered necessary to ensure that also the situation of the small companies was properly reflected.
- (22) Consequently, for the purpose of selecting a representative sample of Union producers, the cooperating Union producers were divided into two segments based on the volume of their yearly production: large or medium-sized companies with production above 15 000 tonnes on the one hand and small companies with production below 15 000 tonnes on the other hand. It was envisaged to sample the largest companies within each segment.
- (23) Furthermore, the producers' geographical spread amongst Member States as described in recital 19 was also taken into consideration.

3.4.3. Procedure for selecting the provisional sample

- (24) The procedure to obtain the information necessary for the selection of the sample of Union producers emanated from the information obtained at initiation stage. In addition, the relevant notice of initiation invited all other producers to make themselves known should they wish to be included in the sample. Following the publication of the notice of initiation, no company contacted the Commission requesting to be included in the sample.
- (25) As a result of the criteria explained in recitals 20 to 23, five Union producers operating in four Member States were selected to be in the sample. They were the largest producers of each of the two segments, taking into account size and geographical location. Three sampled companies belong to the segment of large or medium-sized companies, two to the segment of small companies.
- (26) The selected companies also reflected the geographical spread amongst Member States in terms of production, with Germany and France representing the companies operating in the large or medium-sized segment and Spain and Italy those companies operating in the small segment.

- (27) The sample thus selected represented 22,5 % of total production of plastic sacks and bags by the cooperating producers and 12,3 % of the total estimated Union production, based on the total Union production figures reported in the request.
- (28) At the initiation stage, all known Union producers were informed about the composition of the provisional sample and were given the possibility to comment. No comments were received.

B. SITUATION OF THE UNION INDUSTRY

- (29) It is recalled that the determination of injury must be an evidence-based assessment of the effect of the dumped imports on the Union industry.
- (30) The fragmentation of the industry therefore had to be taken into account in the sample and questionnaires requesting general data mainly regarding macroeconomic indicators per Member State were in addition sent to all known Union associations of producers in order to obtain the necessary information needed.
- (31) In terms of the sample of Union producers, the level of representativity was seriously affected by the fact that the largest sampled producer operating in the segment of large or medium-sized companies and one producer operating in the segment of small companies informed the Commission that they did not wish to respond to the questionnaire. This meant that only three out of the five sampled companies continued to cooperate and that no or only partial information would be provided for the identified segments and producing Member States.
- (32) Numerous attempts were therefore made to select a new representative sample that would respect the selection methodology outlined in recitals 17 to 28.
- (33) In this respect a total of six additional Union producers, that had expressed their willingness to be sampled, were identified as possible replacements for the two companies that had withdrawn the cooperation from the sample. These six additional companies were approached and requested to cooperate by filling out the Union producer's questionnaire.
- (34) Out of these six additional Union producers approached, only one producer, representing the segment of large or medium-sized companies, eventually agreed to cooperate. No replacement was found to represent the production in Germany, one of the largest Member States in terms of production of plastic sacks and bags.
- (35) Therefore, it was not possible to select a new sample in accordance with Article 17(4) of the basic Regulation, as the requisite representativity in terms of the identified segments and producing Member States could not be reached.

- (36) Due to the low cooperation on the part of the sampled Union producers, it could not be reasonably concluded that the data compiled from the cooperating companies reflected the situation of the entire Union industry and therefore it was not possible to properly assess whether the conditions specified in Article 3(2) of the basic Regulation were met.
- (37) Following the attempts to select a new sample, one group of producers reiterated their commitment to taking an active part in the expiry review, restating the importance of maintaining the anti-dumping measures in force for the Union industry. This group of producers expressed regrets that only one amongst them was invited by the Commission to complete the questionnaire. In this context it should be noted that the willingness of these companies to cooperate was fully considered and they were all included in the group of companies that were taken into account for the selection of the new sample. It is recalled, however, that in order to ensure the required representativity, the selection method, as described in recitals 17 to 28 had to be respected also for the new sample. Since only one of the companies of this group fulfilled the criteria mentioned above, only that company could be invited to be part of the sample. The other companies were of a size or situated in Member States that were already sufficiently represented in the sample.
- (38) Certain information on country-wide production, sales figures and other key macro indicators were received from the national associations of the Netherlands, Spain, Italy and partially France. However, the European Plastics Converters Association (EuPC) did not provide the information requested in the specific questionnaire sent to them and therefore, no conclusive data could be collected on a macroeconomic level across the Union.

C. TERMINATION OF THE PROCEEDINGS

- (39) In light of the above and in accordance with Article 9 (2) of the basic Regulation, the expiry review concerning imports of plastic bags from the PRC and Thailand should be terminated.
- (40) The low level of cooperation of the Union producers and the lack of a representative sample has prevented the Commission from being able to assess whether the conditions specified in Article 3(2) and Article 11(2) of the basic Regulation are met. It can thus not be concluded whether the expiry of the measures in place would be likely to lead to a continuation or recurrence of injury and the investigation should be terminated on these grounds.
- (41) It follows from the above that the interim review is without purpose and should be terminated as well.

- (42) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the termination of the two investigations. They were also granted a period to submit comments subsequent to that disclosure. The submissions and comments were duly taken into consideration where warranted.
- (43) One interested party claimed that since it was proposed to terminate the review due to lack of cooperation of the Union producers, the anti-dumping measures should be repealed with retroactive effect, i.e. as of 30 September 2011, when the measures in force should have initially expired.
- (44) In this context it is recalled that the request for the review was made by Union producers representing more than 30 % of the total Union production in accordance with the basic Regulation. Moreover, Article 11(2) of the basic Regulation explicitly stipulates that measures shall remain in force pending the outcome of the review. The findings mentioned in recital 40, however, did not have an impact on the legality of the initiation of the review as such which means that the provisions in Article 11(2) stipulating that measures shall remain in force pending the outcome of the review continue to apply. This argument therefore had to be rejected.
- (45) A number of Union producers also responded to the disclosure by stating they were withdrawing as complaining producer. However, taking into account other Union producers maintained their position and given the fact that the standing requirements as described in recital 5 were fulfilled at the time of the initiation of the case, this would not have an impact on the procedure.

- (46) In view of the foregoing, none of the comments received were such as to alter the above conclusions. It is therefore concluded that the anti-dumping proceeding concerning imports into the Union of certain plastic sacks and bags originating in the PRC and Thailand should be terminated and measures be repealed. It follows that the ongoing interim review referred to in recital 3, will be terminated at the same time as this expiry review,

HAS ADOPTED THIS REGULATION:

Article 1

The anti-dumping measures concerning imports of certain plastic sacks and bags, currently falling within CN codes ex 3923 21 00, ex 3923 29 10 and ex 3923 29 90 and originating in the People's Republic of China and Thailand are hereby repealed and the proceeding concerning these imports is terminated.

Article 2

The partial interim review of the anti-dumping measures applicable to imports of certain plastic sacks and bags, currently falling within CN codes ex 3923 21 00, ex 3923 29 10 and ex 3923 29 90 and originating in the People's Republic of China initiated pursuant to Article 11(3) of Regulation (EC) No 1225/2009, is hereby terminated.

Article 3

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, 10 July 2012.

For the Council

The President

V. SHIARLY

COMMISSION IMPLEMENTING REGULATION (EU) No 628/2012

of 6 July 2012

entering a name in the register of protected designations of origin and protected geographical indications [Rheinisches Zuckerrübenkraut / Rheinischer Zuckerrübensirup / Rheinisches Rübenkraut (PGI)]

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Germany's application to register the name 'Rheinisches Zuckerrübenkraut / Rheinischer Zuckerrübensirup / Rheinisches Rübenkraut' was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

Article 2

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

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

Done at Brussels, 6 July 2012.

*For the Commission,
On behalf of the President,
Dacian CIOLOŞ
Member of the Commission*

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 189, 29.6.2011, p. 33.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals, fresh or processed

GERMANY

Rheinisches Zuckerrübenkraut / Rheinischer Zuckerrübensirup / Rheinisches Rübenkraut (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 629/2012**of 6 July 2012****entering a name in the register of protected designations of origin and protected geographical indications [Nostrano Valtrompia (PDO)]**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Italy's application to register the name 'Nostrano Valtrompia' was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

Article 2

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

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

Done at Brussels, 6 July 2012.

*For the Commission,
On behalf of the President,
Dacian CIOLOȘ
Member of the Commission*

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 304, 15.10.2011, p. 15.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.3. Cheeses

ITALY

Nostrano Valtrompia (PDO)

COMMISSION REGULATION (EU) No 630/2012

of 12 July 2012

amending Regulation (EC) No 692/2008, as regards type-approval requirements for motor vehicles fuelled by hydrogen and mixtures of hydrogen and natural gas with respect to emissions, and the inclusion of specific information regarding vehicles fitted with an electric power train in the information document for the purpose of EC type-approval

(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 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information ⁽¹⁾, and in particular article 5(3)(a)(f) and (i) thereof,

Whereas:

- (1) The Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee – A European strategy on clean and energy efficient vehicles ⁽²⁾, recognizes the existence of a wide range of technologies (electricity, hydrogen, biogas, and liquid biofuels) that are likely to contribute significantly to the Europe 2020 priorities of developing an economy based on knowledge and innovation (smart growth) and promoting a more resource efficient, greener and more competitive economy (sustainable growth).
- (2) The internal combustion engine (ICE) is likely to remain dominant in road vehicles in the short and medium term perspective; therefore, a smooth transition from ICE to other kinds of power-trains based on electricity (electric battery, fuel cell) could be facilitated by adapting ICE to clean fuels, such as hydrogen (H₂) or mixtures of hydrogen and natural gas (H₂NG).
- (3) Given the uncertainty surrounding the future of power-train technology and the likelihood that new technologies will represent an increasingly large share of the market, it is necessary to adapt current European type-approval legislation to those technologies.
- (4) Commission Regulation (EC) No 692/2008 of 18 July 2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information ⁽³⁾ does not currently include H₂ and H₂NG among the type of fuels considered.

Therefore, it is appropriate to extend the type-approval procedure established in that Regulation to cover those fuels.

- (5) Regulation (EC) No 79/2009 of the European Parliament and of the Council of 14 January 2009 on type-approval of hydrogen-powered motor vehicles, and amending Directive 2007/46/EC ⁽⁴⁾ established safety requirements for the type-approval of motor vehicles with regard to hydrogen propulsion. Environmental protection must also be achieved as nitrogen oxide emissions from hydrogen used as a fuel in ICEs may have an impact on the environment.
- (6) H₂NG mixtures release into the atmosphere a certain amount of pollutants, mainly hydrocarbons, carbon monoxides, nitrogen oxides and particulate matters; these emissions have to be addressed.
- (7) The different formulae and parameters used for the determination of the results of the emission tests should be adapted for the specific cases of H₂ and H₂NG used in ICEs, as those formulae and parameters are strongly dependent on the type and characteristics of the fuel used.
- (8) The documents provided by the manufacturer to the national approval authorities should be updated in order to incorporate the relevant information concerning H₂, H₂NG and electric vehicles.
- (9) Regulation (EC) No 692/2008 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee – Motor Vehicles,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 692/2008 is hereby amended as follows:

1. Article 2 is amended as follows:

(a) Point 16 is replaced by the following:

"16. 'hybrid electric vehicle' (HEV) means a vehicle, including vehicles which draw energy from a consumable fuel only for the purpose of recharging the electrical energy/power storage

⁽¹⁾ OJ L 171, 29.6.2007, p. 1.

⁽²⁾ COM(2010) 186 final.

⁽³⁾ OJ L 199, 28.7.2008, p. 1.

⁽⁴⁾ OJ L 35, 4.2.2009, p. 32.

device, that, for the purpose of mechanical propulsion, draws energy from both of the following on-vehicle sources of stored energy/power:

(a) a consumable fuel;

(b) a battery, capacitor, flywheel/generator or other electrical energy/power storage device;"

(b) The following points are added:

"33. 'Electric power train' means a system consisting of one or more electric energy storage devices, one or more electric power conditioning devices and one or more electric machines that convert stored electric energy to mechanical energy delivered at the wheels for propulsion of the vehicle;

34. 'Pure electric vehicle' means a vehicle powered by an electric power train only;

35. 'flex fuel H2NG vehicle' means a flex fuel vehicle that can run on different mixtures of hydrogen and NG/biomethane;

36. 'Hydrogen fuel cell vehicle' means a vehicle powered by a fuel cell that converts chemical energy from hydrogen into electric energy, for propulsion of the vehicle."

2. The annexes are amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 12 July 2012.

For the Commission

The President

José Manuel BARROSO

ANNEX

The Annexes to Regulation (EC) No 692/2008 are amended as follows:

1. Annex I is amended as follows

(a) Point 1.1 is replaced by the following:

‘1.1. Additional requirements for mono fuel gas vehicles, bi-fuel gas vehicles and flex fuel H2NG vehicles.’

(b) Point 1.1.1.1 is replaced by the following:

‘1.1.1.1. A family means a group of vehicle types fuelled by LPG, NG/biomethane, H2NG, identified by a parent vehicle.’;

(c) Point 1.1.2 is replaced by the following:

‘1.1.2. In case of vehicles fuelled by LPG, NG/biomethane, H2NG, EC type-approval is granted subject to the following requirements:’;

(d) In point 1.1.2.1. the following paragraph is added:

‘In the case of a flex fuel H2NG vehicle, the composition range may vary from 0 % hydrogen to a maximum percentage of hydrogen within the mixture, which shall be specified by the manufacturer. The parent vehicle shall demonstrate its capability to adapt to any percentage, within the range specified by the manufacturer. It shall also demonstrate its capability to adapt to any NG/biomethane composition that may occur across the market, regardless of the percentage of hydrogen in the mixture.’;

(e) Points 1.1.2.2, 1.1.2.3 and 1.1.2.4 are replaced by the following:

‘1.1.2.2. In the case of vehicles fuelled by LPG, NG/biomethane, the parent vehicle shall be tested in the type 1 test on the two extreme gas reference fuels set out in Annex IX. In the case of NG/biomethane, if the transition from one gas fuel to the other gas fuel is, in practice, aided through the use of a switch, this switch shall not be used during type-approval.

In the case of flex fuel H2NG vehicles, the parent vehicle shall be tested in the type 1 test with the following fuel compositions:

- 100 % H-gas.
- 100 % L-gas.
- The mixture of H-gas and the maximum percentage of hydrogen specified by the manufacturer.
- The mixture of L-gas and the maximum percentage of hydrogen specified by the manufacturer.

1.1.2.3. The vehicle is considered to conform if, under the tests and reference fuels mentioned in point 1.1.2.2, the vehicle complies with the emission limits.

1.1.2.4. In the case of vehicles fuelled by LPG or NG/biomethane, the ratio of emission results “r” shall be determined for each pollutant as follows:

Type of fuel	Reference fuels	Calculation of “r”
LPG	fuel A	$r = \frac{B}{A}$
	fuel B	
NG/Biomethane	fuel G20	$r = \frac{G25}{G20}$
	fuel G25	

(f) The following point 1.1.2.5 is inserted:

'1.1.2.5. In the case of flex fuel H2NG vehicles, two ratios of emission results "r₁" and "r₂", shall be determined for each pollutant as follows:

Type of fuel	Reference fuels	Calculation of "r"
NG/biomethane	fuel G20	$r_1 = \frac{G25}{G20}$
	fuel G25	
H2NG	Mixture of hydrogen and G20 with the maximum percentage of hydrogen specified by the manufacturer	$r_2 = \frac{H2G25'}{H2G20}$
	Mixture of hydrogen and G25 with the maximum percentage of hydrogen specified by the manufacturer	

(g) In point 1.1.3, the first paragraph is replaced by the following:

'For the type-approval of a mono- fuel gas vehicle and bi-fuel gas vehicles operating in gas mode, fuelled by LPG or NG/biomethane, as a member of the family, a type 1 test shall be performed with one gas reference fuel. This reference fuel may be either of the gas reference fuels. The vehicle is considered to comply if the following requirements are met:';

(h) The following point 1.1.4 is inserted:

'1.1.4. For the type-approval of a flex fuel H2NG vehicle as a member of a family, two type 1 tests shall be performed, the first test with 100 % of either G20 or G25, and the second test with the mixture of hydrogen and the same NG/biomethane fuel used during the first test, with the maximum hydrogen percentage specified by the manufacturer.

The vehicle tested in accordance with the first paragraph shall be considered as complying if, in addition to requirements set out in points (a), (e) and (g) of point 1.1.3., the following requirements are met:

- (a) if the NG/biomethane fuel is the reference fuel G20, the emission result for each pollutant shall be multiplied by the relevant factors (r₁ for the first test and r₂ for the second test), calculated in section 1.1.2.5, if the relevant factor > 1; if the correspondent relevant factor < 1, no correction is needed;
- (b) if the NG/biomethane fuel is the reference fuel G25, the emission result for each pollutant shall be divided by the correspondent relevant factor (r₁ for the first test and r₂ for the second test) calculated in accordance with point 1.1.2.5, if the correspondent relevant factor < 1; if the correspondent relevant factor > 1, no correction is needed;
- (c) on the manufacturer's request the type 1 test must be performed with the four possible combinations of reference fuels, according to section 1.1.2.5, so that no correction is needed;
- (d) if repeated tests are made on the same engine the results on reference fuel G20, or H2G20, and those on reference fuel G25, or H2G25 with the maximum hydrogen percentage specified by the manufacturer, shall first be averaged; the "r₁" and "r₂" factors shall then be calculated from these averaged results;'.

(i) Figure I.2.4 is replaced by the following:

Figure I.2.4

Application of test requirements for type approval and extensions

Vehicle category	Vehicles with positive ignition engines including hybrids									Vehicles with compression ignition engines including hybrids		Pure electric vehicles	Hydrogen Fuel cell vehicles
	Mono fuel				Bi-fuel ⁽¹⁾			Flex-fuel ⁽¹⁾		Flex fuel	Mono fuel		
Reference fuel	Petrol (E5)	LPG	NG/ Biomethane	Hydrogen	Petrol (E5)	Petrol (E5)	Petrol (E5)	Petrol (E5)	NG/ Biomethane	Diesel (B5)	Diesel (B5)	—	—
					LPG	NG/ Biomethane	Hydrogen	Ethanol (E85)	H2NG	Biodiesel			
Gaseous pollutants (Type 1 test)	Yes	Yes	Yes	Yes ⁽⁴⁾	Yes (both fuels)	Yes (both fuels)	Yes (both fuels) ⁽⁴⁾	Yes (both fuels)	Yes (both fuels)	Yes (B5 only) ⁽²⁾	Yes	—	—
Particulate mass and particulate number (Type 1 test)	Yes	—	—	—	Yes (petrol only)	Yes (petrol only)	Yes (petrol only)	Yes (both fuels)	—	Yes (B5 only) ⁽²⁾	Yes	—	—
Idle emissions (Type 2 test)	Yes	Yes	Yes	—	Yes (both fuels)	Yes (both fuels)	Yes (petrol only)	Yes (both fuels)	Yes (NG/biomethane only)	—	—	—	—
Crankcase emissions (Type 3 test)	Yes	Yes	Yes	—	Yes (petrol only)	Yes (petrol only)	Yes (petrol only)	Yes (petrol only)	Yes (NG/biomethane only)	—	—	—	—
Evaporative emissions (Type 4 test)	Yes	—	—	—	Yes (petrol only)	Yes (petrol only)	Yes (petrol only)	Yes (petrol only)	—	—	—	—	—
Durability (Type 5 test)	Yes	Yes	Yes	Yes	Yes (petrol only)	Yes (petrol only)	Yes (petrol only)	Yes (petrol only)	Yes (NG/biomethane only)	Yes (B5 only) ⁽²⁾	Yes	—	—
Low temperature emissions (Type 6 test)	Yes	—	—	—	Yes (petrol only)	Yes (petrol only)	Yes (petrol only)	Yes ⁽³⁾ (both fuels)	—	—	—	—	—
In-service conformity	Yes	Yes	Yes	Yes	Yes (both fuels)	Yes (both fuels)	Yes (both fuels)	Yes (both fuels)	Yes (both fuels)	Yes (B5 only) ⁽²⁾	Yes	—	—

Vehicle category	Vehicles with positive ignition engines including hybrids									Vehicles with compression ignition engines including hybrids		Pure electric vehicles	Hydrogen Fuel cell vehicles
	Mono fuel				Bi-fuel ⁽¹⁾			Flex-fuel ⁽¹⁾		Flex fuel	Mono fuel		
On-board diagnostics	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	—	—
CO ₂ emissions, fuel consumption, electric energy consumption and electric range	Yes	Yes	Yes	Yes	Yes (both fuels)	Yes (both fuels)	Yes (both fuels)	Yes (both fuels)	Yes (both fuels)	Yes (B5 only) ⁽²⁾	Yes	Yes	Yes
Smoke opacity	—	—	—	—	—	—	—	—	—	Yes (B5 only) ⁽²⁾	Yes	—	—

⁽¹⁾ When a bi-fuel vehicle is combined with a flex fuel vehicle, both test requirements are applicable.

⁽²⁾ This provision is temporary, further requirements for biodiesel shall be proposed later on.

⁽³⁾ Test on petrol only before the dates set out in Article 10(6) of Regulation (EC) No 715/2007. The test will be performed on both fuels after these dates. The E75 test reference fuel specified in Annex IX Section B shall be used.

⁽⁴⁾ Only NO_x emissions shall be determined when the vehicle is running on hydrogen;.’

(j) Point 4.9 is replaced by the following:

‘4.9. Checking the conformity of a vehicle fuelled by LPG, natural gas or H2NG’;

(k) Point 4.9.1 is replaced by the following:

‘4.9.1. Tests for conformity of production may be performed with a commercial fuel of which the C3/C4 ratio lies between those of the reference fuels in the case of LPG, or of which the Wobbe index lies between those of the extreme reference fuels in the case of NG or H2NG. In that case a fuel analysis shall be presented to the approval authority.’;

(l) Appendix 3 is amended as follows:

(i) Point 3.2.2 is replaced by the following:

‘3.2.2. Fuel’;

(ii) Point 3.2.2.1 is inserted:

‘3.2.2.1. Light-duty vehicles: Diesel/Petrol/LPG/NG or Biomethane/Ethanol (E85) /Biodiesel /Hydrogen/H2NG (*) (**)

(*) Delete where not applicable (there are cases where nothing needs to be deleted when more than one entry is applicable)

(**) Vehicles can be fuelled with both petrol and a gaseous fuel but, where the petrol system is fitted for emergency purposes or starting only and of which the petrol tank cannot contain more than 15 litres of petrol, will be regarded for the test as vehicles which can only run on a gaseous fuel.’;

(iii) The following points 3.2.18 to 3.2.19.4.3 are inserted:

‘3.2.18. Hydrogen fuelling system: yes/no (*)

3.2.18.1. EC type-approval number according to Regulation (EC) No 79/2009:

3.2.18.2. Electronic engine management control unit for hydrogen fuelling

3.2.18.2.1. Make(s):

3.2.18.2.2. Type(s):

3.2.18.2.3. Emission-related adjustment possibilities:

3.2.18.3. Further documentation

3.2.18.3.1. Description of the safeguarding of the catalyst at switch-over from petrol to hydrogen or back:

3.2.18.3.2. System lay-out (electrical connections, vacuum connections compensation hoses, etc.):

3.2.18.3.3. Drawing of the symbol:

3.2.19. H2NG fuelling system: yes/no (*)

3.2.19.1. Percentage of hydrogen in the fuel (the maximum specified by the manufacturer):

3.2.19.2. EC type-approval number according to UN/ECE Regulation No 110 (**)

3.2.19.3. Electronic engine management control unit for H2NG fuelling

3.2.19.3.1. Make(s):

3.2.19.3.2. Type(s):

3.2.19.3.3. Emission-related adjustment possibilities:

3.2.19.4. Further documentation

3.2.19.4.1. Description of the safeguarding of the catalyst at switch-over from petrol to H2NG or back:

3.2.19.4.2. System lay-out (electrical connections, vacuum connections compensation hoses, etc.):

3.2.19.4.3. Drawing of the symbol:;

(*) Delete where not applicable (there are cases where nothing needs to be deleted when more than one entry is applicable)

(**) OJ L 72, 14.3.2008, p. 113.;

(iv) The following points 3.3. to 3.3.2.4. are inserted:

‘3.3. Electric motor

3.3.1. Type (winding, excitation):

3.3.1.1. Maximum hourly output: Kw

3.3.1.2. Operating voltage:..... V

3.3.2. Battery

3.3.2.1. Number of cells:

3.3.2.2. Mass: kg

3.3.2.3. Capacity: Ah (Amp-hours)

3.3.2.4. Position:’

(v) Point 3.4.8 of Appendix 3 is replaced by the following:

‘3.4.8. Vehicle electric range km (in accordance to Annex 9 to UN/ECE Regulation No 101 (*)

(*) OJ L 158, 19.6.2007, p. 34.’

(vi) Points 3.5.2.1. to 3.5.2.3. are replaced by the following:

‘3.5.2.1. Fuel consumption (urban conditions) l/100 km or m³/100 km or kg/100 km (*)

3.5.2.2. Fuel consumption (extra-urban conditions) l/100 km or m³/100 km or kg/100 km (*)

3.5.2.3. Fuel consumption (combined) l/100 km or m³/100 km or kg/100 km (*);

(*) Delete where not applicable (there are cases where nothing needs to be deleted when more than one entry is applicable).’

(vii) The following points 3.5.3. to 3.5.4.3. are inserted:

‘3.5.3. Electric energy consumption for pure electric vehicles Wh/km

3.5.4. Electric energy consumption for externally chargeable hybrid electric vehicles

3.5.4.1. Electric energy consumption (Condition A, combined) Wh/km

3.5.4.2. Electric energy consumption (Condition B, combined) Wh/km

3.5.4.3. Electric energy consumption (weighted combined) Wh/km’;

2. Annex III is amended as follows:

(a) Point 3.3. is replaced by the following:

‘3.3. The exhaust gases mentioned in paragraph 4.3.1.1 shall be understood as including methane, water and hydrogen:

“... (HFID). It shall be calibrated with propane gas expressed as equivalent to carbon atoms (C₁).

Methane (CH₄) analysis:

The analyser shall be either a gas chromatograph combined with a flame ionisation (FID) type or a flame ionisation (FID) with a non-methane cutter type, calibrated with methane gas expressed as equivalent to carbon atoms (C₁).

Water (H₂O) analysis:

The analyser shall be of the non-dispersive infrared analyzer (NDIR) absorption type. The NDIR shall be calibrated either with water vapour or with propylene (C₃H₆). If the NDIR is calibrated with water vapour, it shall be ensured that no water condensation can occur in tubes and connections during the calibration process. If the NDIR is calibrated with propylene, the manufacturer of the analyzer shall provide the information for converting the concentration of propylene to its corresponding concentration of water vapour. The values for conversion shall be periodically checked by the manufacturer of the analyzer, and at least once per year.

Hydrogen (H₂) analysis:

The analyser shall be of the sector field mass spectrometry type, calibrated with hydrogen.

Nitrogen oxide (NO_x) ...”

(b) The following point 3.3.a. is inserted:

‘3.3.a. The pure gases mentioned in paragraph 4.5.1. shall be understood as including propylene:

“... propane: (minimum purity 99,5 per cent).

propylene: (minimum purity 99,5 per cent)”’

(c) In point 3.4, the following text is added:

$$\text{For H2NG} \quad d = \frac{9,104 \cdot A + 136}{1\,524,152 - 0,583A} \text{ g/l}$$

A being the quantity of NG/biomethane within the H2NG mixture, expressed in per cent volume’;

(d) Point 3.8 is replaced by the following:

‘3.8. The second subparagraph of paragraph 1.3 of Appendix 8 to Annex 4 shall be understood as:

‘... The dilution factor is calculated as follows:

For each reference fuel, except hydrogen

$$DF = \frac{X}{C_{CO2} + (C_{HC} + C_{CO}) \cdot 10^{-4}}$$

For a fuel of composition C_xH_yO_z, the general formula is:

$$X = 100 \frac{x}{x + \frac{y}{2} + 3,76 \cdot \left(x + \frac{y}{4} - \frac{z}{2} \right)}$$

In particular for H2NG, the formula is:

$$X = \frac{65,4 \cdot A}{4,922A + 195,84}$$

For hydrogen, the dilution factor is calculated as follows:

$$DF = \frac{X}{C_{H2O} - C_{H2O-DA} + C_{H2} \cdot 10^{-4}}$$

For the reference fuels contained in Annex IX, the values of "X" are as follows:

Fuel	X
Petrol (E5)	13,4
Diesel (B5)	13,5
LPG	11,9
NG/Biomethane	9,5
Ethanol (E85)	12,5
Ethanol (E75)	12,7
Hydrogen	35,03

In these equations:

C_{CO_2} = concentration of CO_2 in the diluted exhaust gas contained in the sampling bag, expressed in per cent volume,

C_{HC} = concentration of HC in the diluted exhaust gas contained in the sampling bag, expressed in ppm carbon equivalent,

C_{CO} = concentration of CO in the diluted exhaust gas contained in the sampling bag, expressed in ppm,

C_{H_2O} = concentration of H_2O in the diluted exhaust gas contained in the sampling bag, expressed in per cent volume,

C_{H_2O-DA} = concentration of H_2O in the air used for dilution, expressed in per cent volume,

C_{H_2} = concentration of hydrogen in the diluted exhaust gas contained in the sampling bag, expressed in ppm,

A = quantity of NG/biomethane within the H2NG mixture, expressed in per cent volume.''

3. In Annex IV, Appendix 1, point 2.2, first sub-paragraph, the following text is added:

$$\text{— for H2NG: } \frac{1,256 \cdot A + 136}{0,654 \cdot A}$$

A being the quantity of NG/biomethane within the H2NG mixture, expressed in per cent volume.;

4. In Annex IX, section A, subsection 1, the following is added:

Type: Hydrogen for internal combustion engines

Characteristics	Units	Limits		Test method
		minimum	maximum	
Hydrogen purity	% mole	98	100	ISO 14687-1
Total hydrocarbon	$\mu\text{mol/mol}$	0	100	ISO 14687-1
Water ⁽¹⁾	$\mu\text{mol/mol}$	0	⁽²⁾	ISO 14687-1
Oxygen	$\mu\text{mol/mol}$	0	⁽²⁾	ISO 14687-1
Argon	$\mu\text{mol/mol}$	0	⁽²⁾	ISO 14687-1
Nitrogen	$\mu\text{mol/mol}$	0	⁽²⁾	ISO 14687-1
CO	$\mu\text{mol/mol}$	0	1	ISO 14687-1
Sulphur	$\mu\text{mol/mol}$	0	2	ISO 14687-1
Permanent particulates ⁽³⁾				ISO 14687-1

⁽¹⁾ Not to be condensed.

⁽²⁾ Combined water, oxygen, nitrogen and argon: 1,900 $\mu\text{mol/mol}$.

⁽³⁾ The hydrogen shall not contain dust, sand, dirt, gums, oils, or other substances in an amount sufficient to damage the fuelling station equipment of the vehicle (engine) being fuelled.

Type: Hydrogen for fuel cell vehicles

Characteristics	Units	Limits		Test method
		minimum	maximum	
Hydrogen fuel ⁽¹⁾	% mole	99,99	100	ISO 14687-2
Total gases ⁽²⁾	µmol/mol	0	100	
Total hydrocarbon	µmol/mol	0	2	ISO 14687-2
Water	µmol/mol	0	5	ISO 14687-2
Oxygen	µmol/mol	0	5	ISO 14687-2
Helium (He), Nitrogen (N ₂), Argon (Ar)	µmol/mol	0	100	ISO 14687-2
CO ₂	µmol/mol	0	2	ISO 14687-2
CO	µmol/mol	0	0,2	ISO 14687-2
Total sulphur compounds	µmol/mol	0	0,004	ISO 14687-2
Formaldehyde (HCHO)	µmol/mol	0	0,01	ISO 14687-2
Formic acid (HCOOH)	µmol/mol	0	0,2	ISO 14687-2
Ammonia (NH ₃)	µmol/mol	0	0,1	ISO 14687-2
Total halogenated compounds	µmol/mol	0	0,05	ISO 14687-2
Particulates size	µm	0	10	ISO 14687-2
Particulates concentration	µg/l	0	1	ISO 14687-2

⁽¹⁾ The hydrogen fuel index is determined by subtracting the total content of non-hydrogen gaseous constituents listed in the table (Total gases), expressed in mole percent, from 100 mole percent. It is less than the sum of the maximum allowable limits of all non-hydrogen constituents shown in the Table.

⁽²⁾ The value of total gases is summation of the values of the non-hydrogen constituents listed in the table, except the particulates.

Type: H2NG

The hydrogen and the NG/biomethane fuels composing a H2NG mixture, must comply separately with their corresponding characteristics, expressed in this Annex.;

5. Annex XII is amended as follows:

(a) The title is replaced by the following:

‘DETERMINATION OF CO₂ EMISSIONS, FUEL CONSUMPTION, ELECTRIC ENERGY CONSUMPTION AND ELECTRIC RANGE’;

(b) The introduction is replaced by the following:

‘This Annex sets out the requirements for the measurement of CO₂ emissions, fuel consumption, electric energy consumption and electric range’;

(c) Point 3.1. is replaced by the following:

‘3.1. The technical requirements and specifications for the measurement of CO₂ emissions, fuel consumption, electric energy consumption and electric range shall be those set out in Annexes 6 to 10 to UN/ECE Regulation 101 with the exceptions specified below’;

(d) The introductory sentence of section 1.4.3 is replaced by the following:

‘1.4.3. The fuel consumption, expressed in litres per 100 km (in the case of petrol, LPG, ethanol (E85) and diesel), in m³ per 100 km (in the case of NG/biomethane and H2NG) or in kg per 100 km (in the case of hydrogen) is calculated by means of the following formulae:’

(e) The following points (f) and (g) are added:

‘(f) for vehicles with a positive ignition engine fuelled by H2NG:

$$FC = \frac{910,4 \cdot A + 13\,600}{44,655 \cdot A^2 + 667,08 \cdot A} \left(\frac{7,848 \cdot A}{9,104 \cdot A + 136} \cdot HC + 0,429 \cdot CO + 0,273 \cdot CO_2 \right)$$

(g) for vehicles fuelled by gaseous hydrogen:

$$FC = 0,024 \cdot \frac{V}{d} \cdot \left[\frac{1}{Z_2} \cdot \frac{p_2}{T_2} - \frac{1}{Z_1} \cdot \frac{p_1}{T_1} \right]$$

Under previous agreement with the type-approval authority, and for vehicles fuelled either by gaseous or liquid hydrogen, the manufacturer may choose as alternative to the method above, either the formula

$$FC = 0,1 \cdot (0,1119 \cdot H_2O + H_2)$$

or a method according to standard protocols such as **SAE J2572**;

(f) The second paragraph is replaced by the following

‘In these formulae:

FC = the fuel consumption in litre per 100 km (in the case of petrol, ethanol, LPG, diesel or biodiesel) in m³ per 100 km (in the case of natural gas and H2NG) or in kg per 100 km in the case of hydrogen.

HC = the measured emission of hydrocarbons in g/km

CO = the measured emission of carbon monoxide in g/km

CO₂ = the measured emission of carbon dioxide in g/km

H₂O = the measured emission of H₂O in g/km

H₂ = the measured emission of H₂ in g/km

A = quantity of NG/biomethane within the H2NG mixture, expressed in per cent volume

D = the density of the test fuel.

In the case of gaseous fuels D is the density at 15 °C.

d = the theoretical distance covered by a vehicle tested under the type 1 test in km.

p₁ = pressure in gaseous fuel tank before the operating cycle in Pa;

p₂ = pressure in gaseous fuel tank after the operating cycle in Pa;

T₁ = temperature in gaseous fuel tank before the operating cycle in K.

T₂ = temperature in gaseous fuel tank after the operating cycle in K.

Z₁ = compressibility factor of the gaseous fuel at p₁ and T₁

Z₂ = compressibility factor of the gaseous fuel at p₂ and T₂

V = inner volume of the gaseous fuel tank in m³

The compressibility factor shall be obtained from the following table:

p(bar)\ T(k)	33	53	73	93	113	133	153	173	193	213	233	248	263	278	293	308	323	338	353
5	0,8589	0,9651	0,9888	0,9970	1,0004	1,0019	1,0026	1,0029	1,0030	1,0028	1,0035	1,0034	1,0033	1,0032	1,0031	1,0030	1,0029	1,0028	1,0027
100	1,0508	0,9221	0,9911	1,0422	1,0659	1,0757	1,0788	1,0785	1,0765	1,0705	1,0712	1,0687	1,0663	1,0640	1,0617	1,0595	1,0574	1,0554	1,0535
200	1,8854	1,4158	1,2779	1,2334	1,2131	1,1990	1,1868	1,1757	1,1653	1,1468	1,1475	1,1413	1,1355	1,1300	1,1249	1,1201	1,1156	1,1113	1,1073
300	2,6477	1,8906	1,6038	1,4696	1,3951	1,3471	1,3123	1,2851	1,2628	1,2276	1,2282	1,2173	1,2073	1,1982	1,1897	1,1819	1,1747	1,1680	1,1617
400	3,3652	2,3384	1,9225	1,7107	1,5860	1,5039	1,4453	1,4006	1,3651	1,3111	1,3118	1,2956	1,2811	1,2679	1,2558	1,2448	1,2347	1,2253	1,2166
500	4,0509	2,7646	2,2292	1,9472	1,7764	1,6623	1,5804	1,5183	1,4693	1,3962	1,3968	1,3752	1,3559	1,3385	1,3227	1,3083	1,2952	1,2830	1,2718
600	4,7119	3,1739	2,5247	2,1771	1,9633	1,8190	1,7150	1,6361	1,5739	1,4817	1,4823	1,4552	1,4311	1,4094	1,3899	1,3721	1,3559	1,3410	1,3272
700	5,3519	3,5697	2,8104	2,4003	2,1458	1,9730	1,8479	1,7528	1,6779	1,5669	1,5675	1,5350	1,5062	1,4803	1,4570	1,4358	1,4165	1,3988	1,3826
800	5,9730	3,9541	3,0877	2,6172	2,3239	2,1238	1,9785	1,8679	1,7807	1,6515	1,6521	1,6143	1,5808	1,5508	1,5237	1,4992	1,4769	1,4565	1,4377
900	6,5759	4,3287	3,3577	2,8286	2,4978	2,2714	2,1067	1,9811	1,8820	1,7352	1,7358	1,6929	1,6548	1,6207	1,5900	1,5623	1,5370	1,5138	1,4926

In the case that the needed input values for p and T are not indicated in the table, the compressibility factor shall be obtained by linear interpolation between the compressibility factors indicated in the table, choosing the ones that are the closest to the sought value.’.

COMMISSION IMPLEMENTING REGULATION (EU) No 631/2012
of 12 July 2012
amending Regulation (EC) No 1295/2008 on the importation of hops from third countries

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 192(2) in conjunction with Article 4 thereof,

Whereas:

- (1) Annex I to Commission Regulation (EC) No 1295/2008 ⁽²⁾ lists the agencies in third countries which are authorised to issue the attestations accompanying hop products imported from those countries. Those attestations are recognised as equivalent to the certificate provided for in Article 117 of Regulation (EC) No 1234/2007.
- (2) Argentina has communicated, for the first time, two competent agencies authorised to issue equivalent attes-

tations. These agencies must, therefore, be added to the list in Annex I to Regulation (EC) No 1295/2008.

- (3) Regulation (EC) No 1295/2008 should be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1295/2008 is hereby replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the seventh 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, 12 July 2012.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 340, 19.12.2008, p. 45.

AGENCIES AUTHORISED TO ISSUE ATTESTATIONS IN RESPECT OF

Hop cones CN code: ex 1210

Hop powders CN code: ex 1210

Saps and extracts of hops CN code: 1302 13 00

Country of origin	Authorised agencies	Address	Code	Telephone	Fax	e-mail (optional)
(AR) Argentina	Coordinación Regional Temática de Protección Vegetal (CRTPV). Servicio Nacional de Sanidad y Calidad Agroalimentaria (SENASA) Centro Regional Patagonia Norte	Calle 9 de Julio 933. General Roca, Provincia de Río Negro, Cod 8334	(54-298)	44 28 594 44 32 190	44 28 594 44 32 190	groca@senasa.gov.ar cpaulovich@senasa.gov.ar jesparza@senasa.gov.ar
	Servicio Nacional de Sanidad y Calidad Agroalimentaria (SENASA)	Av. Pasco Colon 367 Ciudad Aut. de Buenos Aires, C1063ACD	(54-11)	41 21 50 00	41 21 50 00	webmaster@senasa.gob.ar cdei@senasa.gob.ar
(AU) Australia	Quarantine Tasmania Quarantine Centre	163-169 Main Road Moonah, 7009 Tasmania, Australia	(61-3)	62 33 33 52	62 34 67 85	
(CA) Canada	Plant Protection Division, Animal and Plant Health Directorate, Food Production and Inspection Branch, Agriculture and Agri-food Canada	Floor 2, West Wing 59, Camelot Drive Napean, Ontario, K1A 0Y9	(1-613)	952 80 00	991 56 12	
(CH) Switzerland	Labor Veritas	Engimattstrasse 11 Postfach 353 CH-8027 Zürich	(41-44)	283 29 30	201 42 49	admin@laborveritas.ch
(CN) China	Tianjin Airport Entry-Exit Inspection and Quarantine Bureau of the People's Republic of China	No 33 Youyi Road, Hexi District Tianjin 300201	(86-22)	28 13 40 78	28 13 40 78	cictj2002@163.com
	Tianjin Economic and Technical Development Zone Entry-Exit Inspection and Quarantine Bureau of the People's Republic of China	No 8, Zhaofaxincun 2nd Avenue, TEDA Tianjin 300457	(86-22)	662 98-343	662 98-245	zhujw@tjciq.gov.cn

Country of origin	Authorised agencies	Address	Code	Telephone	Fax	e-mail (optional)
	Inner Mongolia Entry-Exit Inspection and Quarantine Bureau of the People's Republic of China	No 12 Erdos Street, Saihan District, Huhhot City Inner Mongolia 010020	(86-471)	434-1943	434-2163	zhaoxb@nmciq.gov.cn
	Xinjiang Entry-Exit Inspection and Quarantine Bureau of the People's Republic of China	No 116 North Nanhu Road Urumqi City Xinjiang 830063	(86-991)	464-0057	464-0050	xjciq_jw@xjciq.gov.cn
(NZ) New Zealand	Ministry of Agriculture and Forestry	P.O. Box 2526 Wellington 6140	(64-4)	894-0100	894 0720	
(HR) Croatia	Križevci College of Agriculture	Milislava Demerca 1, HR-48260 Križevci	(385-48)	279 198	682 790	ssrecec@vguk.hr
(RS) - Serbia	Institut za ratarstvo i povrtarstvo/ Institute of Field and Vegetable Crops	21000 Novi Sad Maksima Gorkog 30.	(381-21)	780 365 Operator: 4898 100	780 198	institut@ifvcns.ns.ac.rs
(UA) Ukraine	Productional-Technical Centre (PTZ) Ukrhmel	Hlebnaja 27 262028 Zhitomir	(380)	37 21 11	36 73 31	
(US) United States	Washington Department of Agriculture State Chemical and Hop Lab	21 N. 1st Ave. Suite 106 Yakima, WA 98902	(1-509)	225 76 26	454 76 99	
	Idaho Department of Agriculture Division of Plant Industries Hop Inspection Lab	2270 Old Penitentiary Road P.O. Box 790 Boise, ID 83701	(1-208)	332 86 20	334 22 83	
	Oregon Department of Agriculture Commodity Inspection Division	635 Capital Street NE Salem, OR 97310-2532	(1-503)	986 46 20	986 47 37	
	California Department of Food and Agriculture (CDFA-CAC) Division of Inspection Services Analytical Chemistry Laboratory	3292 Meadowview Road Sacramento, CA 95832	(1-916)	445 00 29 ou 262 14 34	262 15 72	
	USDA, GIPSA, FGIS	1100 NW Naito Parkway Portland, OR 97209-2818	(1-503)	326 78 87	326 78 96	
	USDA, GIPSA, TSD, Tech Service Division, Technical Testing Laboratory	10383 Nth Ambassador Drive Kansas City, MO 64153-1394	(1-816)	891 04 01	891 04 78	

Country of origin	Authorised agencies	Address	Code	Telephone	Fax	e-mail (optional)
(ZA) South Africa	CSIR Food Science and Technology	PO Box 395 0001 Pretoria	(27-12)	841 31 72	841 35 94	
(ZW) Zimbabwe	Standards Association of Zimbabwe (SAZ)	Northend Close, Northridge Park Borrowdale, P.O. Box 2259 Harare	(263-4)	88 20 17, 88 20 21, 88 55 11	88 20 20	info@saz.org.zw saz.org.zw'

COMMISSION IMPLEMENTING REGULATION (EU) No 632/2012**of 12 July 2012****amending for the 174th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al Qaida network**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network,⁽¹⁾ and in particular Article 7(1)(a) and 7a(5) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 2 July 2012 the Sanctions Committee of the United Nations Security Council decided to remove eight natural

persons from its list of persons, groups and entities to whom the freezing of funds and economic resources should apply.

- (3) Annex I to Regulation (EC) No 881/2002 should therefore be updated accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 12 July 2012.

*For the Commission,
On behalf of the President,
Head of the Service for Foreign Policy Instruments*

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

The following entries under the heading 'Natural persons' are deleted:

- (a) 'Sobhi Abdel Aziz Mohamed El Gohary Abu Sinna (alias (a) Sobhi Abdel Aziz Mohamed Gohary Abou Senah, (b) Mohamed Atef, (c) Sheik Taysir Abdullah, (d) Abu Hafs Al Masri, (e) Abu Hafs Al Masri El Khabir, (f) Taysir). Date of birth: 17.1.1958. Place of birth: El Behira, Egypt. Nationality: Egyptian. Other information: Confirmed to have died in Pakistan in 2001. Date of designation referred to in Article 2a (4) (b): 25.1.2001.'
- (b) 'Nasr Fahmi Nasr Hassanain (alias (a) Muhammad Salah, (b) Naser Fahmi Naser Hussein). Date of birth: 30.10.1962. Place of birth: Cairo, Egypt. Nationality: Egyptian. Other information: Reportedly deceased. Date of designation referred to in Article 2a (4) (b): 6.10.2001.'
- (c) 'Mustapha Ahmed Mohamed Osman Abu El Yazeed (alias (a) Mustapha Mohamed Ahmed, (b) Shaykh Sai'd). Date of birth: 27.2.1955. Place of birth: El Sharkiya, Egypt. Nationality: Egyptian. Other information: Confirmed to have died in Afghanistan in May 2010. Date of designation referred to in Article 2a (4) (b): 6.10.2001.'
- (d) 'Muhsin Moussa Matwalli Atwah Dewedar (alias (a) Al-Muhajir, Abdul Rahman, (b) Al-Namer, Mohammed K.A., (c) Mohsen Moussa Metwaly Atwa Dwedar, (d) Abdel Rahman, (e) Abdul Rahman). Date of birth: 19.6.1964. Place of birth: Dakahliya, Egypt. Nationality: Egyptian. Other information: Confirmed to have died in Pakistan in April 2006. Date of designation referred to in Article 2a (4) (b): 17.10.2001.'
- (e) 'Fahid Mohammed Ally Msalaam (alias (a) Fahid Mohammed Ally, (b), Fahad Ally Msalam, (c), Fahid Mohammed Ali Msalam, (d), Mohammed Ally Msalam, (e), Fahid Mohammed Ali Musalaam, (f), Fahid Muhammad Ali Salem, (g) Fahid Mohammed Aly, (h) Ahmed Fahad, (i) Ali Fahid Mohammed, (j) Fahad Mohammad Ally, (k) Fahad Mohammed Ally, (l) Fahid Mohamed Ally, (m) Msalam Fahad Mohammed Ally, (n) Msalam Fahid Mohammad Ally, (o) Msalam Fahid Mohammed Ali, (p) Msalm Fahid Mohammed Ally, (q) Usama Al-Kini, (r) Mohammed Ally Mohammed, (s) Ally Fahid M). Date of birth: 9.4.1976. Place of birth: Mombasa, Kenya. Nationality: Kenya. Passport No: (a) A260592 (Kenyan passport), (b) A056086 (Kenyan passport), (c) A435712 (Kenyan passport), (d) A324812 (Kenyan passport), (e) 356095 (Kenyan passport). National identification No: 12771069 (Kenyan identity card). Other information: (a) Father's name is Mohamed Ally. Mother's name is Fauzia Mbarak; (b) Confirmed to have died in Pakistan on 1.1.2009. Date of designation referred to in Article 2a (4) (b): 17.10.2001.'
- (f) 'Sheikh Ahmed Salim Swedan (alias (a) Ahmed Ally, (b) Sheikh Ahmad Salem Suweidan, (c) Sheikh Swedan, (d) Sheikh Ahmed Salem Swedan, (e) Ally Ahmad, (f) Muhamed Sultan, (g) Sheik Ahmed Salim Sweden, (h) Sleyum Salum, (i) Sheikh Ahmed Salam, (j) Ahmed The Tall, (k) Bahamad, (l) Sheik Bahamad, (m) Sheikh Bahamadi, (n) Sheikh Bahamad). Title: Sheikh. Date of birth: 9.4.1960. Place of birth: Mombasa, Kenya. Nationality: Kenyan. Passport No: A163012 (Kenyan passport). National identification No: 8534714 (Kenyan identity card issued on 14.11.1996). Other information: Confirmed to have died in Pakistan on 1.1.2009. Date of designation referred to in Article 2a (4) (b): 17.10.2001.'
- (g) 'Tohir Abdulkhalilovich Yuldashev (alias (a) Юлдашев Тахир Абдулхалилович (b) Yuldashev, Takhir). Date of birth: 1967. Place of birth: Namangan city, Uzbekistan. Nationality: Uzbek. Other information: (a) Former leader of Islamic Movement of Uzbekistan; (b) Confirmed to have died in Pakistan in August 2009. Date of designation referred to in Article 2a (4) (b): 17.10.2001.'
- (h) 'Abbas Abdi Ali (alias Ali, Abbas Abdi) Other information: Reportedly deceased in 2004. Date of designation referred to in Article 2a (4) (b): 9.11.2001.'

COMMISSION IMPLEMENTING REGULATION (EU) No 633/2012**of 12 July 2012****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 Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽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 multi-lateral 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, 12 July 2012.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽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
0707 00 05	TR	95,4
	ZZ	95,4
0709 93 10	TR	98,2
	ZZ	98,2
0805 50 10	AR	88,2
	BO	90,5
	TR	53,0
	UY	102,3
	ZA	89,9
	ZZ	84,8
0808 10 80	AR	182,3
	BR	97,8
	CA	169,1
	CL	117,1
	CN	125,2
	NZ	122,9
	US	165,7
	UY	68,3
	ZA	113,2
	ZZ	129,1
0808 30 90	AR	118,6
	CL	120,5
	NZ	179,1
	ZA	115,5
	ZZ	133,4
0809 10 00	TR	184,9
	ZZ	184,9
0809 29 00	TR	357,8
	ZZ	357,8
0809 30	TR	180,5
	ZZ	180,5

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION IMPLEMENTING REGULATION (EU) No 634/2012**of 12 July 2012****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Implementing Regulation (EU) No 971/2011 for the 2011/12 marketing year**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2011/12 marketing year are fixed by Commission Implementing Regulation (EU) No 971/2011 ⁽³⁾. Those prices and duties were last amended by Commission Implementing Regulation (EU) No 616/2012 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with Article 36 of Regulation (EC) No 951/2006.

- (3) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Implementing Regulation (EU) No 971/2011 for the 2011/12 marketing year, are hereby amended as set out in the Annex hereto.

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, 12 July 2012.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 254, 30.9.2011, p. 12.

⁽⁴⁾ OJ L 178, 10.7.2012, p. 11.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 13 July 2012

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 12 10 ⁽¹⁾	43,18	0,00
1701 12 90 ⁽¹⁾	43,18	1,65
1701 13 10 ⁽¹⁾	43,18	0,00
1701 13 90 ⁽¹⁾	43,18	1,95
1701 14 10 ⁽¹⁾	43,18	0,00
1701 14 90 ⁽¹⁾	43,18	1,95
1701 91 00 ⁽²⁾	53,89	1,30
1701 99 10 ⁽²⁾	53,89	0,00
1701 99 90 ⁽²⁾	53,89	0,00
1702 90 95 ⁽³⁾	0,54	0,20

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.⁽³⁾ Per 1 % sucrose content.

DECISIONS

COUNCIL IMPLEMENTING DECISION

of 22 June 2012

amending Implementing Decision 2011/77/EU on granting Union financial assistance to Ireland

(2012/375/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 407/2010 of 11 May 2010 establishing a European financial stabilisation mechanism ⁽¹⁾, and in particular Article 3(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Upon a request by Ireland, the Council granted, by means of Implementing Decision 2011/77/EU ⁽²⁾, financial assistance to it in support of a strong economic and financial reform programme ('the Programme') aiming at restoring confidence, enabling the return of the economy to sustainable growth, and safeguarding financial stability in Ireland, the euro area and the Union.
- (2) In line with Article 3(9) of Implementing Decision 2011/77/EU, the Commission, together with the International Monetary Fund (IMF) and in liaison with the European Central Bank (ECB), has conducted the sixth review of the Irish authorities' progress on the implementation of the agreed measures as well as of the effectiveness and economic and social impact of those measures.
- (3) The Irish authorities presented to Parliament legislation to enhance the long-term sustainability of the public finances in September 2011, as envisaged under the Programme. Some elements of the envisaged reform were not adopted by Parliament by the end of the above-mentioned sixth quarterly review, in particular, as regards pension entitlements for new entrants to the public service, including a review of accelerated retirement for certain categories of public servants and an indexation of pensions to consumer prices, and the linking of pension benefits to career average earnings and of retirement age to state pension retirement age. The authorities have committed themselves to securing the approval of these provisions by end 2012.
- (4) In light of the postponement of the EU-wide stress test exercise carried out under the auspices of the European Banking Authority to 2013, it is considered appropriate

that the next stress test of the domestically-owned Irish banks be postponed to 2013. In the meantime, the authorities have identified key preparatory work-streams, which will be completed in 2012.

- (5) The Irish authorities have identified additional measures that they will undertake in 2012 to reduce unemployment and underpin the attainment of the programme objectives. In particular, they will take steps to increase the effectiveness of their labour market activation and training policies and reduce any potential for social payments to provide disincentives for people able to take up work while protecting the most vulnerable.
- (6) In light of these developments and considerations, Implementing Decision 2011/77/EU should be amended,

HAS ADOPTED THIS DECISION:

Article 1

Article 3 of Implementing Decision 2011/77/EU is amended as follows:

- (1) in paragraph 7, point (d) is replaced by the following:

'(d) the adoption of legislation to increase the state pension age to 66 years in 2014, 67 in 2021, and 68 in 2028, with a view to enhancing the long-term sustainability of the public finances.';

- (2) in paragraph 8, the following points are added:

'(f) the completion of the following work-streams in the domestically-owned Irish banks, on whose results the Irish authorities will report to the Commission, the ECB and the IMF: (i) an independent asset quality review to assess the quality of aggregate and individual loan portfolios and the processes employed for establishing and monitoring asset quality; (ii) a distressed credit operations review to assess the operational capability and effectiveness of distressed loan portfolio management in the banks including arrears management and workout practices in curing non-performing loans (NPLs) and

⁽¹⁾ OJ L 118, 12.5.2010, p. 1.

⁽²⁾ OJ L 30, 4.2.2011, p. 34.

reducing loan losses; (iii) a data integrity validation exercise to assess the reliability of banks' data; and (iv) an income recognition and re-ageing project to review existing practices against international financial reporting standards (IFRS) and relevant regulatory guidance;

- (g) the assessment of banks' progress with the work-out of their non-performing portfolios;
- (h) the provision to the Commission, the ECB and the IMF of an evaluation of the actions taken in respect of jobseekers payments recipients who do not attend employment activation interviews;
- (i) the completion of a cross-departmental report to explore the scope for attenuating any adverse employment incentives arising from the structure of social payments;
- (j) the adoption of legislation reforming pension entitlements for new entrants to the public service. This shall include a review of accelerated retirement for certain categories of public servants and an indexation of pensions to consumer prices. Pensions

shall be based on career average earnings. New entrants' retirement age shall be linked to the state pension retirement age.';

- (3) the following paragraph is added:

'10. Ireland shall, in 2013 and in line with specifications in the Memorandum of Understanding, complete stress tests of the banks that were included in the PCAR 2011. The stress test will be aligned to the European Banking Authority (EBA) exercise, and build on the outcomes from PCAR 2011 and the Financial Measures Programme 2012. The stress test will be rigorous and continue to be based on robust loan-loss forecasts and a high level of transparency. The publication of the results will coincide with the next EBA exercise.'

Article 2

This Decision is addressed to Ireland.

Done at Luxembourg, 22 June 2012.

For the Council
The President
M. VESTAGER

COUNCIL DECISION
of 10 July 2012
appointing a Spanish alternate member of the Committee of the Regions
(2012/376/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Spanish Government,

Whereas:

(1) On 22 December 2009 and on 18 January 2010, the Council adopted Decisions 2009/1014/EU ⁽¹⁾ and 2010/29/EU ⁽²⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015.

(2) An alternate member's seat has become vacant following the end of the term of office of Ms María Isabel NIETO FERNÁNDEZ,

Article 1

The following is hereby appointed as alternate member to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015:

— Mr Enrique BARRASA SÁNCHEZ, *Director General de Inversiones y Acción Exterior Junta de Extremadura*.

Article 2

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

Done at Brussels, 10 July 2012.

For the Council
The President
V. SHIARLY

⁽¹⁾ OJ L 348, 29.12.2009, p. 22.

⁽²⁾ OJ L 12, 19.1.2010, p. 11.

COUNCIL DECISION
of 10 July 2012
appointing a German member of the Committee of the Regions
(2012/377/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the German Government,

Whereas:

(1) On 22 December 2009 and on 18 January 2010, the Council adopted Decisions 2009/1014/EU ⁽¹⁾ and 2010/29/EU ⁽²⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015.

(2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Ms Nicola BEER,

Article 1

The following is hereby appointed as member to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015:

— Dr Zsuzsa BREIER, *Staatssekretärin für Europaangelegenheiten.*

Article 2

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

Done at Brussels, 10 July 2012.

For the Council
The President
V. SHIARLY

⁽¹⁾ OJ L 348, 29.12.2009, p. 22.

⁽²⁾ OJ L 12, 19.1.2010, p. 11.

COUNCIL DECISION
of 10 July 2012
appointing a Spanish alternate member of the Committee of the Regions
(2012/378/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Spanish Government,

Whereas:

(1) On 22 December 2009 and on 18 January 2010, the Council adopted Decisions 2009/1014/EU ⁽¹⁾ and 2010/29/EU ⁽²⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015.

(2) An alternate member's seat has become vacant following the end of the term of office of Mr Francisco DE LA TORRE PRADO,

HAS ADOPTED THIS DECISION:

Article 1

The following is hereby appointed as alternate member to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015:

— Mr Fernando MARTÍNEZ MAILLO, *Presidente de la Diputación de Zamora*.

Article 2

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

Done at Brussels, 10 July 2012.

For the Council
The President
V. SHIARLY

⁽¹⁾ OJ L 348, 29.12.2009, p. 22.

⁽²⁾ OJ L 12, 19.1.2010, p. 11.

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 3/2012 OF THE EU-EFTA JOINT COMMITTEE ON COMMON TRANSIT of 26 June 2012 amending the Convention of 20 May 1987 on a common transit procedure (2012/379/EU)

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on a common transit procedure ⁽¹⁾, and in particular Article 15(3)(a) thereof,

Whereas:

- (1) Croatia expressed its wish to accede to the Convention of 20 May 1987 on a common transit procedure (the 'Convention') and has been invited following a decision by the Joint Committee on 19 January 2012 set up by virtue of the Convention.
- (2) Accordingly, the Croatian language versions of the references used in the Convention should be inserted in the Convention in the appropriate order.
- (3) The application of this Decision is linked to the date of accession of Croatia to the Convention.
- (4) In order to allow the use of guarantee forms printed in accordance with the criteria in force prior to the date of accession of Croatia to the Convention, a transitional period should be established during which the printed forms, with some adaptations, could continue to be used.
- (5) Therefore the Convention should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Appendix III to the Convention on a common transit procedure is amended as set out in the Annex to this Decision.

Article 2

1. This Decision shall apply on the date Croatia accedes to the Convention.

2. The forms based on the specimen forms in Annexes C1, C2, C3, C4, C5, C6 to Appendix III may continue to be used, subject to the necessary geographical adaptations and the adaptations concerning the address for service or the authorised agent, until the end of the 12th month following the date of application of this Decision, at the latest.

Done at Brussels, 26 June 2012.

For the Joint Committee

The President

Mirosław ZIELIŃSKI

⁽¹⁾ OJ L 226, 13.8.1987, p. 2.

ANNEX

1. In Annex B1, under box 51 the following indent is added between United Kingdom and Iceland:
‘— Croatia HR’
2. In Annex B6, Title III is amended as follows:
 - 2.1. In the first part of the table ‘Limited validity - 99200’ the following indent is added before IS:
‘— HR Valjanost ograničena’
 - 2.2. In the second part of the table ‘Waiver - 99201’ the following indent is added before IS:
‘— HR Oslobođeno’
 - 2.3. In the third part of the table ‘Alternative proof - 99202’ the following indent is added before IS:
‘— HR Alternativni dokaz’
 - 2.4. In the fourth part of the table ‘Differences: office where goods were presented ... (name and country) – 99203’ the following indent is added before IS:
‘— HR Razlike: Carinarnica kojoj je roba podnesena (naziv i zemlja)’
 - 2.5. In the fifth part of the table ‘Exit from... subject to restrictions or charges under Regulation/Directive/Decision No ... – 99204’ the following indent is added before IS:
‘— HR Izlaz iz podliježe ograničenjima ili pristojbama temeljem Uredbe/Direktive/Odluke br ...’
 - 2.6. In the sixth part of the table ‘Prescribed itinerary waived – 99205’ the following indent is added before IS:
‘— HR Oslobođeno od propisanog plana puta’
 - 2.7. In the seventh part of the table ‘Authorised consignor – 99206’, the following indent is added before IS:
‘— HR Ovlašteni pošiljatelj’
 - 2.8. In the eighth part of the table ‘Signature waived – 99207’, the following indent is added before IS:
‘— HR Oslobođeno potpisa’
 - 2.9. In the ninth part of the table ‘Comprehensive guarantee prohibited – 99208’ the following indent is added before IS:
‘— HR Zabranjeno zajedničko jamstvo’
 - 2.10. In the 10th part of the table ‘Unrestricted use- 99209’, the following indent is added before IS:
‘— HR Neograničena uporaba’
 - 2.11. In the 11th part of the table ‘Issued retroactively - 99210’, the following indent is added before IS:
‘— HR Izdano naknadno’
 - 2.12. In the 12th part of the table ‘Various – 99211’, the following indent is added before IS:
‘— HR Razni’
 - 2.13. In the 13th part of the table ‘Bulk – 99212’, the following indent is added before IS:
‘— HR Rasuto’
 - 2.14. In the 14th part of the table ‘Consignor – 99213’ the following indent is added before IS:
‘— HR Pošiljatelj’

3. Annex C1 is replaced by the following text:

'ANNEX C1

COMMON/COMMUNITY TRANSIT PROCEDURE

GUARANTEE DOCUMENT

INDIVIDUAL GUARANTEE

I. Undertaking by the guarantor

1. The undersigned ⁽¹⁾ resident at ⁽²⁾ hereby jointly and severally guarantees, at the office of guarantee of up to a maximum amount of in favour of the European Union (comprising the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland), and the Republic of Croatia, the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation, the Principality of Andorra and the Republic of San Marino ⁽³⁾, any amount of principal, further liabilities, expenses and incidentals — but not fines — for which the principal ⁽⁴⁾ may be or become liable to the abovementioned countries for debt in the form of duty and other charges applicable to the goods described below placed under the Community or common transit procedure from the office of departure of to the office of destination of

Goods description:

2. The undersigned undertakes to pay upon the first application in writing by the competent authorities of the countries referred to in paragraph 1 and without being able to defer payment beyond a period of 30 days from the date of application the sums requested unless he or she or any other person concerned establishes before the expiry of that period, to the satisfaction of the competent authorities, that the operation has ended.

At the request of the undersigned and for any reasons recognised as valid, the competent authorities may defer beyond a period of 30 days from the date of application for payment the period within which he or she is obliged to pay the requested sums. The expenses incurred as a result of granting this additional period, in particular any interest, must be so calculated that the amount is equivalent to what would be charged under similar circumstances on the money market or financial market in the country concerned.

3. This undertaking shall be valid from the day of its acceptance by the office of guarantee. The undersigned shall remain liable for payment of any debt arising during the Community or common transit operation covered by this undertaking and commenced before any revocation or cancellation of the guarantee took effect, even if the demand for payment is made after that date.

4. For the purpose of this undertaking the undersigned gives his or her address for service ⁽⁵⁾ in each of the other countries referred to in paragraph 1 as:

Country	Surname and forenames, or name of firm, and full address
.....	
.....	
.....	
.....	
.....	
.....	

The undersigned acknowledges that all correspondence and notices and any formalities or procedures relating to this undertaking addressed to or effected in writing at one of his or her addresses for service shall be accepted as duly delivered to him or her.

The undersigned acknowledges the jurisdiction of the courts of the places where he or she has an address for service.

The undersigned undertakes not to change his or her addresses for service or, if he or she has to change one or more of those addresses, to inform the office of guarantee in advance.

Done at, on

.....
[Signature] ⁽⁶⁾

II. Acceptance by the office of guarantee

Office of guarantee

Guarantor's undertaking accepted on to cover the Community/common transit operation effected under transit declaration No of ⁽⁷⁾

.....
[Stamp and signature]

⁽¹⁾ Surname and forenames, or name of firm.

⁽²⁾ Full address.

⁽³⁾ Delete the name of the Contracting Party or Parties or States (Andorra or San Marino) whose territory is not transited. The references to the Principality of Andorra and the Republic of San Marino shall apply solely to Community transit operations.

⁽⁴⁾ Surname and forename, or name of firm and full address of the principal.

⁽⁵⁾ If, in the law of the country, there is no provision for address for service the guarantor shall appoint, in this country, an agent authorised to receive any communications addressed to him and the acknowledgement in the second subparagraph and the undertaking in the fourth subparagraph of paragraph 4 must be made to correspond. The courts of the places in which the addresses for service of the guarantor or of his agents are situated shall have jurisdiction in disputes concerning this guarantee.

⁽⁶⁾ The person signing the document must enter the following by hand before his or her signature: "Guarantee for the amount of", the amount being written out in letters.

⁽⁷⁾ To be completed by the office of departure.'

4. Annex C2 is replaced by the following text:

'ANNEX C2

COMMON/COMMUNITY TRANSIT PROCEDURE

GUARANTEE DOCUMENT

INDIVIDUAL GUARANTEE IN THE FORM OF VOUCHERS

I. Undertaking by the guarantor

1. The undersigned ⁽¹⁾ resident at ⁽²⁾ hereby jointly and severally guarantees, at the office of guarantee of in favour of the European Union (comprising the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland) and the Republic of Croatia, the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation, the Principality of Andorra and the Republic of San Marino ⁽³⁾, any amount of principal, further liabilities, expenses and incidentals — but not fines — for which a principal may be or become liable to the above mentioned States for debt in the form of duty and other charges applicable to the goods placed under the Community or common transit procedure, in respect of which the undersigned has undertaken to issue individual guarantee vouchers up to a maximum of EUR 7 000 per voucher.

2. The undersigned undertakes to pay upon the first application in writing by the competent authorities of the countries referred to in paragraph 1 and without being able to defer payment beyond a period of 30 days from the date of application the sums requested, up to EUR 7 000 per individual guarantee voucher, unless he or she or any other person concerned establishes before the expiry of that period, to the satisfaction of the competent authorities, that the operation has ended.

At the request of the undersigned and for any reasons recognised as valid, the competent authorities may defer beyond a period of 30 days from the date of application for payment the period within which he or she is obliged to pay the requested sums. The expenses incurred as a result of granting this additional period, in particular any interest, must be so calculated that the amount is equivalent to what would be charged under similar circumstances on the money market or financial market in the country concerned.

3. This undertaking shall be valid from the day of its acceptance by the office of guarantee. The undersigned shall remain liable for payment of any debt arising during any Community or common transit operations covered by this undertaking and commenced before any revocation or cancellation of the guarantee took effect, even if the demand for payment is made after that date.

4. For the purpose of this undertaking the undersigned gives his or her address for service ⁽⁴⁾ in each of the other countries referred to in paragraph 1 as:

Country	Surname and forenames, or name of firm, and full address
.....	
.....	
.....	
.....	
.....	
.....	

The undersigned acknowledges that all correspondence and notices and any formalities or procedures relating to this undertaking addressed to or effected in writing at one of his or her addresses for service shall be accepted as duly delivered to him or her.

The undersigned acknowledges the jurisdiction of the courts of the places where he or she has an address for service.

The undersigned undertakes not to change his or her addresses for service or, if he or she has to change one or more of those addresses, to inform the office of guarantee in advance.

Done at, on

.....
[Signature] ⁽⁵⁾

II. Acceptance by the office of guarantee

Office of guarantee

.....

Guarantor's undertaking accepted on

.....

.....
[Stamp and signature]

⁽¹⁾ Surname and forenames, or name of firm.

⁽²⁾ Full address.

⁽³⁾ Only for Community transit operations.

⁽⁴⁾ If, in the law of the country, there is no provision for address for service the guarantor shall appoint, in this country, an agent authorised to receive any communications addressed to him and the acknowledgement in the second subparagraph and the undertaking in the fourth subparagraph of paragraph 4 must be made to correspond. The courts of the places in which the addresses for service of the guarantor or of his agents are situated shall have jurisdiction in disputes concerning this guarantee.

⁽⁵⁾ The signature must be preceded by the following in the signatory's own handwriting: "Guarantee".

5. Annex C4 is replaced by the following text:

'ANNEX C 4

COMMON/COMMUNITY TRANSIT PROCEDURE

GUARANTEE DOCUMENT

COMPREHENSIVE GUARANTEE

I. Undertaking by the guarantor

1. The undersigned ⁽¹⁾ resident at ⁽²⁾ hereby jointly and severally guarantees, at the office of guarantee of up to a maximum amount of being 100/50/30 % ⁽³⁾ of the reference amount, in favour of the European Union (comprising the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the

Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland) and the Republic of Croatia, the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation, the Principality of Andorra and the Republic of San Marino ⁽⁴⁾, any amount of principal, further liabilities, expenses and incidentals — but not fines — for which the principal ⁽⁵⁾ may be or become liable to the abovementioned countries for debt in the form of duty and other charges applicable to the goods placed under the Community or common transit procedure.

2. The undersigned undertakes to pay upon the first application in writing by the competent authorities of the countries referred to in paragraph 1 and without being able to defer payment beyond a period of 30 days from the date of application the sums requested up to the limit of the abovementioned maximum amount, unless he or she or any other person concerned establishes before the expiry of that period, to the satisfaction of the competent authorities, that the operation has ended.

At the request of the undersigned and for any reasons recognised as valid, the competent authorities may defer beyond a period of 30 days from the date of application for payment the period within which he or she is obliged to pay the requested sums. The expenses incurred as a result of granting this additional period, in particular any interest, must be so calculated that the amount is equivalent to what would be charged under similar circumstances on the money market or financial market in the country concerned.

This amount may not be reduced by any sums already paid under the terms of this undertaking unless the undersigned is called upon to pay a debt arising during a Community or common transit operation commenced before the preceding demand for payment was received or within 30 days thereafter.

3. This undertaking shall be valid from the day of its acceptance by the office of guarantee. The undersigned shall remain liable for payment of any debt arising during any Community or common transit operations covered by this undertaking and commenced before any revocation or cancellation of the guarantee took effect, even if the demand for payment is made after that date.

4. For the purpose of this undertaking the undersigned gives his or her address for service ⁽⁶⁾ in each of the other countries referred to in paragraph 1 as:

Country	Surname and forenames, or name of firm, and full address
.....	
.....	
.....	
.....	
.....	
.....	

The undersigned acknowledges that all correspondence and notices and any formalities or procedures relating to this undertaking addressed to or effected in writing at one of his or her addresses for service shall be accepted as duly delivered to him or her.

The undersigned acknowledges the jurisdiction of the courts of the places where he or she has an address for service.

The undersigned undertakes not to change his or her addresses for service or, if he or she has to change one or more of those addresses, to inform the office of guarantee in advance.

Done at, on

.....
[Signature] ⁽⁷⁾

II. Acceptance by the office of guarantee

Office of guarantee

.....

Guarantor's undertaking accepted on

.....

.....

[Stamp and signature]

⁽¹⁾ Surname and forenames, or name of firm.⁽²⁾ Full address.⁽³⁾ Delete what does not apply.⁽⁴⁾ Delete the name of the Contracting Party or Parties or States (Andorra or San Marino) whose territory is not transited. The references to the Principality of Andorra and the Republic of San Marino shall apply solely to Community transit operations.⁽⁵⁾ Surname and forename, or name of firm and full address of the principal.⁽⁶⁾ If, in the law of the country, there is no provision for address for service the guarantor shall appoint, in this country, an agent authorised to receive any communications addressed to him and the acknowledgement in the second subparagraph and the undertaking in the fourth subparagraph of paragraph 4 must be made to correspond. The courts of the places in which the addresses for service of the guarantor or of his agents are situated shall have jurisdiction in disputes concerning this guarantee.⁽⁷⁾ The signature must be preceded by the following in the signatory's own handwriting: "Guarantee for the amount of ..." with the amount written out in full.

6. In Box 7 of Annex C5, the word 'Croatia' is inserted between the words 'European Community' and 'Iceland'.

7. In Box 6 of Annex C6, the word 'Croatia' is inserted between the words 'European Community' and 'Iceland'.

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