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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) No 692/2012

of 24 July 2012

amending Regulations (EU) No 43/2012 and (EU) No 44/2012 as regards the protection of the giant manta ray and certain fishing opportunities

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Regulations (EU) No 43/2012 ⁽¹⁾ and (EU) No 44/2012 ⁽²⁾, the Council fixed for 2012 fishing opportunities for certain fish stocks and groups of fish stocks applicable in EU waters and, for EU vessels, in certain non-EU waters.
- (2) At the 10th Conference of the Parties (COP10) of the Convention of Migratory Species of Wild Animals, held in Bergen from 20 to 25 November 2011, the giant manta ray (*Manta birostris*) was added to the lists of protected species in Appendices I and II of the Convention. Therefore, it is appropriate to provide for the protection of giant manta rays with respect to EU vessels fishing in all waters and non-Union vessels fishing in EU waters.
- (3) The possibility of carrying out trials of fully documented catch quotas for various stocks in the International Council on the Exploration of the Seas (ICES) Area VII has been submitted to the Scientific, Technical and Economic Committee for Fisheries (STECF) in order to determine the impact of catch quotas on mortality, discards and selective fishing practices in mixed fisheries. The trials would be conducted on the stocks of plaice, anglerfish, megrim and hake, for which an additional 1 % quota would be available, and on the stock of haddock, for which an additional 5 % quota would be available. In its response to the Commission's request, STECF expresses support for these trials and sees them as an important step in developing the catch quota management approach. STECF also notes that such trials result in a very low risk of increasing overall

fishing mortality on the stocks concerned. Accordingly, it is appropriate to modify the relevant TAC entries so as to make these additional quotas available to Member States engaging in the assessed trials.

- (4) At its 8th Annual Meeting that took place from 26 to 30 March in Guam (USA), the Western and Central Pacific Fisheries Commission (WCPFC) repealed, with immediate effect, its provisions on closed areas for purse-seine fisheries of bigeye tuna and yellowfin tuna in certain high seas areas. These closed areas were implemented in Union law by Article 32 of Regulation (EU) No 44/2012, which should therefore be repealed.
- (5) The United Kingdom provided information on cod catches by a group of vessels fishing with bottom trawls in the Irish Sea and targeting Queen Scallops. On the basis of that information, as assessed by STECF, it can be established that the cod catches, including discards, of vessels involved in that activity do not exceed 1,5 % of the total catches of that group of vessels. Having moreover regard to the measures in place ensuring the monitoring and control of the fishing activities of the group of vessels involved in that activity and considering that the inclusion of that group would constitute an administrative burden disproportionate to its overall impact on cod stocks, it is appropriate to exclude the group of vessels fishing with bottom trawls in the Irish Sea and targeting Queen Scallops from the application of the effort regime laid down in Chapter III of Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks ⁽³⁾.
- (6) The TAC for cod in the Kattegat should be equal to the Union quota. The relevant figure in Regulation (EU) No 43/2012 should be corrected accordingly.

⁽¹⁾ OJ L 25, 27.1.2012, p. 1.

⁽²⁾ OJ L 25, 27.1.2012, p. 55.

⁽³⁾ OJ L 348, 24.12.2008, p. 20.

- (7) Additional fishing opportunities have become available for the Union in 2012 as a result of quota transfers between the Union and other Contracting Parties to the North West Atlantic Fisheries Organisation (NAFO). Consequently, for the year 2012, Annex IC to Regulation (EU) No 44/2012 should be amended so as to reflect those new fishing opportunities. These modifications concern the year 2012 and are without prejudice to the principle of relative stability.
- (8) Annex IIC to Regulation (EU) No 43/2012 fixes fishing effort limits in the context of the management of Western Channel sole stocks in ICES division VIIe. At the United Kingdom's request, the Commission sought advice from STECF on whether Annex IIC could be amended so as to establish a rolling reference period for the exemption of static gears in point 1.2 of that Annex, rather than the current fixed reference year. In its response, STECF considers that a more recent year or a rolling reference period based on several recent years, would be preferable and deems that the effects of this change on the amount of effort deployed in the fishery should be negligible.
- (9) The sum of quotas allocated to Member States in the TAC of white hake in NAFO 3NO result in a Union quota which is one tonne higher than that established by fishing opportunities set in the context of the Regional Fisheries Management Organisation (RFMO). The relevant quota allocation in Regulation (EU) No 44/2012 should be amended accordingly.
- (10) Consultations on fishing opportunities between the Union, Iceland and the Faroe Islands have failed to result in an agreement for 2012. Consequently, the fishing opportunities reserved for those consultations can now be allocated to Member States. Furthermore, the Coastal States consultations on the management of North East Atlantic mackerel ended inconclusively in Reykjavik on 17 February 2012. Subsequently, in accordance with bilateral arrangements between them the Union and Norway have agreed to fix their respective mackerel fishing opportunities for 2012. Therefore, Article 1 of Regulation (EU) No 44/2012 and the relevant TACs in Annexes IA and IB thereto should be amended in order to distribute the non-allocated quotas and to reflect the traditional allocation of mackerel in the North-East Atlantic.
- (11) Advice from the ICES and the STECF demands a significant reduction of the sandeel TAC in EU waters of ICES divisions IIa and IIIa and ICES subarea IV. Further to that advice, a reduction of the sandeel transfer to Norway was agreed between Norway and the Union during consultations concluded on 9 March 2012. Regulation (EU) No 44/2012 should be amended accordingly.
- (12) During the Third International Meeting, held in May 2007, for the creation of a Regional Fisheries Management Organisation (RFMO) in the high seas of the South Pacific (SPRFMO), the participants adopted interim measures, including fishing opportunities, in order to regulate pelagic fishing activities as well as bottom fisheries in that area until the establishment of such RFMO. Those interim measures were revised at the 2nd Preparatory Conference for the SPRFMO Commission held in January 2011 and have been revised again at the 3rd Preparatory Conference for the SPRFMO Commission held from 30 January to 3 February 2012. Those interim measures are voluntary and not legally binding under international law. It is however appropriate, in accordance with the cooperation and conservation obligations enshrined in the International Law of the Sea, to implement those measures in the law of the Union by establishing an overall quota for the Union and an allocation among the Member States concerned.
- (13) Regulations (EU) No 43/2012 and (EU) No 44/2012 apply, in general, from 1 January 2012. This Regulation should therefore also apply from 1 January 2012. Such retroactive application will be without prejudice to the principles of legal certainty and protection of legitimate expectations as the fishing opportunities concerned have not yet been exhausted. However, the new provisions on giant manta ray should only be effective from the date of entry into force of the modification to the relevant Appendices of the Convention on Migratory Species of Wild Animals, in accordance with paragraph 5 of Article XI thereof. Similarly, the repeal of Article 32 of Regulation (EU) No 44/2012 should apply as of 31 March 2012, in compliance with the date specified by WCPFC for its entry into force. Since the modification of some catch limits have an influence on the economic activities and the planning of the fishing season of EU vessels, this Regulation should enter into force immediately after its publication.
- (14) When Regulation (EU) No 44/2012 was adopted, the maximum number of EU vessels authorised to fish for swordfish and albacore in the Indian Ocean Tuna Commission (IOTC) Convention Area did not include 15 fishing vessels flying the flag of France and registered in La Réunion. The Union TAC in that Annex should be amended accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 43/2012

Regulation (EU) No 43/2012 is amended as follows:

(1) in Article 12(1) the following point is added:

‘(g) giant manta ray (*Manta birostris*) in all waters.’;

(2) after Article 13 a new article is inserted as follows:

'Article 13a

Amendments to Regulation (EC) No 754/2009

In Article 1 of Regulation (EC) No 754/2009, the following point is added:

“(i) the group of vessels flying the flag of the United Kingdom identified in the request from the United Kingdom dated 16 March 2012, which participate in a fishery targeting Queen Scallops (*Aequipecten opercularis*) in the Irish Sea (ICES area VIIa) around the Isle of Man, using a specialised otter trawl gear with an 80-100 mm mesh trawl configured to select against fish catches (2ft low headline, short or no bridles and small trawl mouth);”;

(3) Annex I is amended in accordance with the text in Annex I to this Regulation.

Article 2

Amendments to Regulation (EU) No 44/2012

Regulation (EU) No 44/2012 is amended as follows:

(1) in Article 1, paragraphs 3 and 4 are deleted;

(2) in Article 13(1), the following point is added:

‘(g) giant manta ray (*Manta birostris*) in all waters.’;

(3) Article 32 is deleted;

(4) in Article 37(1), the following point is added:

‘(g) giant manta ray (*Manta birostris*) in EU waters.’;

(5) Annexes I, IA, IB, IC, IJ and VI are amended in accordance with the text in Annex II to this Regulation.

Article 3

Entry into force

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

This Regulation applies from 1 January 2012.

However, Article 1(1), Article 2(2) and (4), Annex I point (1) and Annex II point (1) shall apply from 23 February 2012, and Article 2(3) shall apply from 31 March 2012.

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

Done at Brussels, 24 July 2012.

For the Council

The President

A. D. MAVROYIANNIS

ANNEX I

PART A

Annex I to Regulation (EU) No 43/2012 is amended as follows:

1. Part A is amended as follows:

- (a) the following entry is inserted in the first table (comparative table of Latin names and common names) after the entry for *Mallotus villosus*:

' <i>Manta birostris</i>	RMB	Giant manta ray';
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- (b) the following entry is inserted in the second table (comparative table of common names and Latin names) after the entry for flounder:

'Giant manta ray	RMB	<i>Manta birostris</i> '.
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2. In Part B,

- (a) the entry for cod in the Kattegat is replaced by the following:

'Species: Cod <i>Gadus morhua</i>		Zone: Kattegat (COD/03AS.)
Denmark	82 ⁽¹⁾	
Germany	2 ⁽¹⁾	
Sweden	49 ⁽¹⁾	
Union	133 ⁽¹⁾	
TAC	133 ⁽¹⁾	Analytical TAC

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted.;

- (b) the entry for megrims in VII is replaced by the following:

'Species: Megrims <i>Lepidorhombus</i> spp.		Zone: VII (LEZ/07.)
Belgium	470 ⁽¹⁾	
Spain	5 216 ⁽¹⁾	
France	6 329 ⁽¹⁾	
Ireland	2 878 ⁽¹⁾	
United Kingdom	2 492 ⁽¹⁾	
Union	17 385	
TAC	17 385	Analytical TAC Article 11 of this Regulation applies.

⁽¹⁾ In addition to this quota, a Member State may grant to vessels participating in trials on fully documented fisheries additional allocation within an overall limit of an additional 1 % of the quota allocated to that Member State, under the conditions set out in Article 7 of this Regulation.;

(c) the entry for anglerfish VII is replaced by the following:

'Species: Anglerfish <i>Lophiidae</i>		Zone: VII (ANF/07.)
Belgium	2 835 ⁽¹⁾ ⁽²⁾	
Germany	316 ⁽¹⁾ ⁽²⁾	
Spain	1 126 ⁽¹⁾ ⁽²⁾	
France	18 191 ⁽¹⁾ ⁽²⁾	
Ireland	2 325 ⁽¹⁾ ⁽²⁾	
The Netherlands	367 ⁽¹⁾ ⁽²⁾	
United Kingdom	5 517 ⁽¹⁾ ⁽²⁾	
Union	30 677 ⁽¹⁾	
TAC	30 677 ⁽¹⁾	Analytical TAC Article 11 of this Regulation applies.

⁽¹⁾ Special condition: of which up to 5 % may be fished in VIIa, VIIb, VIId and VIIE (ANF/*8ABDE).

⁽²⁾ In addition to this quota, a Member State may grant to vessels participating in trials on fully documented fisheries additional allocation within an overall limit of an additional 1 % of the quota allocated to that Member State, under the conditions set out in Article 7 of this Regulation.;

(d) the entry for haddock in VIIb-k, VIII, IX and X; EU waters of CECAF 34.1.1 is replaced by the following:

'Species: Haddock <i>Melanogrammus aeglefinus</i>		Zone: VIIb-k, VIII, IX and X; EU waters of CECAF 34.1.1 (HAD/7X7A34)
Belgium	185 ⁽¹⁾	
France	11 096 ⁽¹⁾	
Ireland	3 699 ⁽¹⁾	
United Kingdom	1 665 ⁽¹⁾	
Union	16 645	
TAC	16 645	Analytical TAC Article 11 of this Regulation applies.

⁽¹⁾ In addition to this quota, a Member State may grant to vessels participating in trials on fully documented fisheries additional allocation within an overall limit of an additional 5 % of the quota allocated to that Member State, under the conditions set out in Article 7 of this Regulation.;

- (e) the entry for hake in VI and VII; EU and international waters of Vb; international waters of XII and XIV is replaced by the following:

'Species: Hake <i>Merluccius merluccius</i>		Zone: VI and VII; EU and international waters of Vb; international waters of XII and XIV (HKE/571214)
Belgium	284 ⁽¹⁾ ⁽³⁾	
Spain	9 109 ⁽³⁾	
France	14 067 ⁽¹⁾ ⁽³⁾	
Ireland	1 704 ⁽³⁾	
The Netherlands	183 ⁽¹⁾ ⁽³⁾	
United Kingdom	5 553 ⁽¹⁾ ⁽³⁾	
Union	30 900	
TAC	30 900 ⁽²⁾	Analytical TAC Article 11 of this Regulation applies.

⁽¹⁾ Transfers of this quota may be effected to EU waters of IIa and IV. However, such transfers must be notified in advance to the Commission.

⁽²⁾ Within an overall TAC of 55 105 tonnes for the northern stock of hake.

⁽³⁾ In addition to this quota, a Member State may grant to vessels participating in trials on fully documented fisheries additional allocation within an overall limit of an additional 1 % of the quota allocated to that Member State, under the conditions set out in Article 7 of this Regulation.

Special condition:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones:

VIIIa, VIIIb, VIId and VIIE (HKE/*8ABDE)	
Belgium	37
Spain	1 469
France	1 469
Ireland	184
The Netherlands	18
United Kingdom	827
Union	4 004 ¹

- (f) the entry for plaice in VIId and VIIE is replaced by the following:

'Species: Plaice <i>Pleuronectes platessa</i>		Zone: VIId and VIIE (PLI/7DE.)
Belgium	828 ⁽¹⁾	
France	2 761 ⁽¹⁾	
United Kingdom	1 473 ⁽¹⁾	
Union	5 062	
TAC	5 062	Analytical TAC

⁽¹⁾ In addition to this quota, a Member State may grant to vessels participating in trials on fully documented fisheries additional allocation within an overall limit of an additional 1 % of the quota allocated to that Member State, under the conditions set out in Article 7 of this Regulation.

PART B

1. In Appendix 1 of Annex IIA to Regulation (EU) No 43/2012, table (c), the column concerning the United Kingdom (UK) is replaced by the following:

UK
339 592
1 086 399
0
0
111 693
5 970
158
70 614.

2. In Annex IIC to Regulation (EU) No 43/2012, point 1.2 is replaced by the following:

‘1.2 Vessels fishing with static nets with mesh size equal to or larger than 120 mm and with records of catches of less than 300 kg live weight of sole per year during the three previous years, according to their fishing records, shall be exempt from the application of this Annex provided that:

- (a) such vessels catch less than 300 kg live weight of sole during the 2012 management period;
- (b) such vessels do not tranship any fish at sea to another vessel; and
- (c) by 31 July 2012 and 31 January 2013 each Member State concerned make a report to the Commission on these vessels’ catch records for sole in the three previous years as well as on catches of sole in 2012.

When any of these conditions is not met, the vessels concerned shall, with immediate effect, cease to be exempt from the application of this Annex.’

ANNEX II

Annexes I, IA, IB, IC, IJ and VI to Regulation (EU) No 44/2012 are amended as follows:

1. Annex I is amended as follows:

- (a) the following entry is inserted in the first table (comparative table of Latin names and common names) after the entry for *Mallotus villosus*:

' <i>Manta birostris</i>	RMB	Giant manta ray';
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- (b) the following entry is inserted in the second table (comparative table of common names and Latin names) after the entry for flounder:

'Giant manta ray	RMB	<i>Manta birostris</i> '.
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2. Annex IA is amended as follows:

- (a) the entry for sandeel and associated by-catches in EU waters of IIa, IIIa and IV is replaced by the following:

'Species: Sandeel and associated by-catches <i>Ammodytes</i> spp.		Zone: EU waters of IIa, IIIa and IV ⁽¹⁾ (SAN/2A3A4.)
Denmark	34 072 ⁽²⁾	
United Kingdom	745 ⁽²⁾	
Germany	52 ⁽²⁾	
Sweden	1 251 ⁽²⁾	
Union	36 120	
Norway	2 300	
TAC	38 420	Analytical TAC

⁽¹⁾ Excluding waters within six nautical miles of UK baselines at Shetland, Fair Isle and Foula.

⁽²⁾ At least 98 % of landings counted against the TAC must be of sandeel. By-catches of dab, mackerel and whiting to be counted against the remaining 2 % of the TAC.

Special condition:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following sandeel management areas, as defined in Annex IIB:

Zone:	EU waters of sandeel management areas ⁽¹⁾						
	1	2	3	4	5	6	7
	(SAN/*234_1)	(SAN/*234_2)	(SAN/*234_3)	(SAN/*234_4)	(SAN/*234_5)	(SAN/*234_6)	(SAN/*234_7)
Denmark	19 526	4 717	4 717	4 717	0	395	0
United Kingdom	427	103	103	103	0	9	0
Germany	30	7	7	7	0	1	0
Sweden	717	173	173	173	0	15	0
Union	20 700	5 000	5 000	5 000	0	420	0
Norway	2 300	0	0	0	0	0	0
Total	23 000	5 000	5 000	5 000	0	420	0

⁽¹⁾ May be revised in accordance with Article 5(4) of this Regulation.;

(b) the entry for herring in EU and international waters of Vb, VIb and VIaN is replaced by the following:

Species: Herring <i>Clupea harengus</i>		Zone: EU and international waters of Vb, VIb and VIaN ⁽¹⁾ (HER/5B6ANB)
Germany	2 560	
France	484	
Ireland	3 459	
The Netherlands	2 560	
United Kingdom	13 837	
Union	22 900	
TAC	22 900	Analytical TAC

⁽¹⁾ Reference is to the herring stock in VIa, north of 56° 00' N and in that part of VIa which is situated east of 07° 00' W and north of 55° 00' N, excluding the Clyde.;

(c) the entry for blue whiting in EU and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIIc, VIIIe, XII and XIV is replaced by the following:

Species: Blue whiting <i>Micromesistius poutassou</i>		Zone: EU and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIIc, VIIIe, XII and XIV (WHB/1X14)
Denmark	10 370 ⁽¹⁾	
Germany	4 032 ⁽¹⁾	
Spain	8 791 ⁽¹⁾ ⁽²⁾	
France	7 217 ⁽¹⁾	
Ireland	8 030 ⁽¹⁾	
The Netherlands	12 645 ⁽¹⁾	
Portugal	817 ⁽¹⁾ ⁽²⁾	
Sweden	2 565 ⁽¹⁾	
United Kingdom	13 454 ⁽¹⁾	
Union	67 921 ⁽¹⁾	
Norway	30 000	
TAC	391 000	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 7 of this Regulation applies.

⁽¹⁾ Special condition: of which up to 68 % may be fished in Norwegian Economic Zone or in the fishery zone around Jan Mayen (WHB/*NZJM1).

⁽²⁾ Transfers of this quota may be effected to VIIIc, IX and X; EU waters of CECAF 34.1.1. However, such transfers must be notified in advance to the Commission.;

(d) the entry for blue ling in EU waters and international waters of Vb, VI, VII is replaced by the following:

Species: Blue ling <i>Molva dypterygia</i>		Zone: EU waters and international waters of Vb, VI, VII (BLI/5B67-) ⁽³⁾
Germany	20	Analytical TAC Article 12 of this Regulation applies.
Estonia	3	
Spain	62	
France	1 423	
Ireland	5	
Lithuania	1	
Poland	1	
United Kingdom	362	
Others	5 ⁽¹⁾	
Union	1 882	
Norway	150 ⁽²⁾	
TAC	2 032	

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

⁽²⁾ To be fished in EU waters of IIa, IV, Vb, VI and VII (BLI/*24X7C).

⁽³⁾ Special rules apply in accordance with Article 1 of Regulation (EC) No 1288/2009 ⁽¹⁾ and point 7 of Annex III to Regulation (EC) No 43/2009 ⁽²⁾.

⁽¹⁾ OJ L 347, 24.12.2009, p. 6.

⁽²⁾ OJ L 22, 26.1.2009, p. 1.;

(e) the entry for ling in EU and international waters of VI, VII, VIII, IX, X, XII and XIV is replaced by the following:

Species: Ling <i>Molva molva</i>		Zone: EU and international waters of VI, VII, VIII, IX, X, XII and XIV (LIN/6X14.)
Belgium	30	Analytical TAC Article 12 of this Regulation applies.
Denmark	5	
Germany	109	
Spain	2 211	
France	2 357	
Ireland	591	
Portugal	5	
United Kingdom	2 716	
Union	8 024	
Norway	6 140 ⁽¹⁾ ⁽²⁾	
TAC	14 164	

⁽¹⁾ Special condition: of which an incidental catch of other species of 25 % per ship, at any moment, is authorised in Vb, VI and VII. However, this percentage may be exceeded in the first 24 hours following the beginning of the fishing on a specific ground. The total incidental catch of other species in VI and VII shall not exceed 3 000 tonnes.

⁽²⁾ Including tusk. The quotas for Norway are: ling 6 140 tonnes and tusk 2 923 tonnes and are interchangeable of up to 2 000 tonnes and may only be fished with long-lines in Vb, VI and VII.;

- (f) the entry for mackerel in IIIa and IV; EU waters of IIa, IIIb, IIIc and Subdivisions 22-32 is replaced by the following:

Species: Mackerel <i>Scomber scombrus</i>		Zone: IIIa and IV; EU waters of IIa, IIIb, IIIc and Subdivisions 22-32 (MAC/2A34.)
Belgium	512 ⁽³⁾	
Denmark	17 580 ⁽³⁾	
Germany	534 ⁽³⁾	
France	1 612 ⁽³⁾	
The Netherlands	1 623 ⁽³⁾	
Sweden	4 813 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
United Kingdom	1 503 ⁽³⁾	
Union	28 177 ⁽¹⁾ ⁽³⁾	
Norway	167 197 ⁽⁴⁾	
TAC	Not relevant	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 7 of this Regulation applies.

⁽¹⁾ Special condition: including 242 tonnes to be taken in Norwegian waters south of 62° N (MAC/*04N-).

⁽²⁾ When fishing in Norwegian waters, by-catches of cod (COD/*2134.), haddock (HAD/*2134.), pollack (POL/*2134.) and whiting (WHG/*2134.) and saithe (POK/*2134.) are to be counted against the quotas for these species.

⁽³⁾ May also be taken in Norwegian waters of IVa (MAC/*4AN).

⁽⁴⁾ To be deducted from Norway's share of the TAC (access quota). This amount includes the Norwegian share in the North Sea TAC of the amount of 46 685 tonnes. This quota may be fished in IVa only (MAC/*04A.), except for 3 000 tonnes that may be fished in IIIa (MAC/*03A.).

Special condition:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones.

	IIIa (MAC/*03A.)	IIIa and IVbc (MAC/*3A4BC)	IVb (MAC/*04B.)	IVc (MAC/*04C.)	VI, international waters of IIa, from 1 January to 31 March 2012 and in December 2012 (MAC/*2A6.)
Denmark	0	4 130	0	0	9 482
France	0	490	0	0	0
The Netherlands	0	490	0	0	0
Sweden	0	0	390	10	1 829
United Kingdom	0	490	0	0	0
Norway	3 000	0	0	0	0;

- (g) the entry for mackerel in VI, VII, VIIIa, VIIIb, VIIIc and VIIIe; EU and international waters of Vb; international waters of IIa, XII and XIV is replaced by the following:

Species: Mackerel <i>Scomber scombrus</i>		Zone: VI, VII, VIIIa, VIIIb, VIIIc and VIIIe; EU and international waters of Vb; international waters of IIa, XII and XIV (MAC/2CX14-)
Germany	20 427	
Spain	22	
Estonia	170	
France	13 619	
Ireland	68 089	
Latvia	126	
Lithuania	126	
The Netherlands	29 788	
Poland	1 438	
United Kingdom	187 248	
Union	321 053	
Norway	13 898 ⁽¹⁾ ⁽²⁾	
TAC	Not relevant	

Analytical TAC

Article 3 of Regulation (EC) No 847/96 does not apply.

Article 4 of Regulation (EC) No 847/96 does not apply.

Article 7 of this Regulation applies.

⁽¹⁾ May be fished in IIa, VIa north of 56° 30' N, IVa, VIId, VIIe, VIIf and VIIh (MAC/*AX7H).

⁽²⁾ An additional 33 437 tonnes of access quota may be fished by Norway North of 56° 30' N and counted against its catch limit (MAC/*N6530).

Special condition:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones and periods specified below.

EU and Norwegian waters of IVa (MAC/*04A-EN) During the periods from 1 January to 15 February 2012 and from 1 September to 31 December 2012		Norwegian waters of IIa (MAC/*2AN-)
Germany	8 219	837
France	5 479	557
Ireland	27 396	2 790
The Netherlands	11 985	1 220
United Kingdom	75 342	7 672
Union	128 421	13 076;

(h) the entry for mackerel in VIIIc, IX and X; EU waters of CECAF 34.1.1 is replaced by the following:

'Species: Mackerel <i>Scomber scombrus</i>		Zone: VIIIc, IX and X; EU waters of CECAF 34.1.1 (MAC/8C3411)
Spain	30 278 ⁽¹⁾	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 7 of this Regulation applies.
France	201 ⁽¹⁾	
Portugal	6 258 ⁽¹⁾	
Union	36 737	
TAC	Not relevant	

⁽¹⁾ Special condition: quantities subject to exchanges with other Member States may be taken in VIIIa, VIIIb and VIIIc (MAC/*8ABD.). However, the quantities provided by Spain, Portugal or France for exchange purposes and to be taken in VIIIa, VIIIb and VIIIc shall not exceed 25 % of the quotas of the donor Member State.

Special condition:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zone.

	VIIIb (MAC/*08B.)
Spain	2 543
France	17
Portugal	526;

(i) the entry for mackerel in Norwegian waters of IIa and IVa is replaced by the following:

'Species: Mackerel <i>Scomber scombrus</i>		Zone: Norwegian waters of IIa and IVa (MAC/2A4A-N.)
Denmark	12 608 ⁽¹⁾	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 7 of this Regulation applies.
Union	12 608 ⁽¹⁾	
TAC	Not relevant	

⁽¹⁾ Catches taken in IIa (MAC/*02A.) and IVa (MAC/*4A.) to be reported separately;.

- (j) the entry for sprat and associated by-catches in EU waters of IIa and IV is replaced by the following:

*Species: Sprat and associated by-catches <i>Sprattus sprattus</i>		Zone: EU waters of IIa and IV (SPR/2AC4-C)
Belgium	1 737 ⁽⁴⁾	
Denmark	137 489 ⁽⁴⁾	
Germany	1 737 ⁽⁴⁾	
France	1 737 ⁽⁴⁾	
The Netherlands	1 737 ⁽⁴⁾	
Sweden	1 330 ⁽¹⁾ ⁽⁴⁾	
United Kingdom	5 733 ⁽⁴⁾	
Union	151 500	
Norway	10 000 ⁽²⁾	
TAC	161 500 ⁽³⁾	Precautionary TAC

⁽¹⁾ Including sandeel.

⁽²⁾ May only be fished in EU waters of IV (SPR/*04-C.).

⁽³⁾ May be revised in accordance with Article 5(4) of this Regulation.

⁽⁴⁾ At least 98 % of landings counted against the TAC must be of sprat. By-catches of dab and whiting to be counted against the remaining 2 % of the TAC (OTH/*2AC4C).;

- (k) the entry for horse mackerel and associated by-catches in EU waters of IIa, IVa, VI, VIIa-c, VIIe-k, VIIla, VIIlb, VIIId and VIIle; EU and international waters of Vb; international waters of XII and XIV is replaced by the following:

*Species: Horse mackerel and associated by-catches <i>Trachurus</i> spp.		Zone: EU waters of IIa, IVa, VI, VIIa-c, VIIe-k, VIIla, VIIlb, VIIId and VIIle; EU and international waters of Vb; international waters of XII and XIV (JAX/2A-14)
Denmark	15 702 ⁽¹⁾ ⁽³⁾	
Germany	12 251 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
Spain	16 711 ⁽³⁾	
France	6 306 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
Ireland	40 803 ⁽¹⁾ ⁽³⁾	
The Netherlands	49 156 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
Portugal	1 610 ⁽³⁾	
Sweden	675 ⁽¹⁾ ⁽³⁾	
United Kingdom	14 775 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
Union	157 989	
TAC	157 989	Analytical TAC

⁽¹⁾ Special condition: up to 5 % of this quota fished in EU waters of IIa or IVa before 30 June 2012 may be accounted for as fished under the quota concerning the zone of EU waters of IVb, IVc and VIId. However, the use of this special condition must be notified in advance to the Commission (JAX/*4BC7D).

⁽²⁾ Special condition: up to 5 % of this quota may be fished in VIId. However, the use of this special condition must be notified in advance to the Commission (JAX/*07D.).

⁽³⁾ At least 95 % of landings counted against the TAC must be of horse mackerel. By-catches of boarfish, haddock, whiting and mackerel are to be counted against the remaining 5 % of the TAC (OTH/*2A-14).;

3. Annex IB is amended as follows:

(a) the entry for cod and haddock in Faroese waters of Vb is replaced by the following:

Species: Cod and haddock <i>Gadus morhua</i> and <i>Melanogrammus aeglefinus</i>		Zone: Faroese waters of Vb (C/H/05B-F.)
Germany	0	
France	0	
United Kingdom	0	
Union	0	
TAC	Not relevant;	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

(b) the entry for blue whiting in Faroese waters is replaced by the following:

Species: Blue whiting <i>Micromesistius poutassou</i>		Zone: Faroese waters (WHB/2A4AXF)
Denmark	0	
Germany	0	
France	0	
The Netherlands	0	
United Kingdom	0	
Union	0	
TAC	0 ⁽¹⁾	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

⁽¹⁾ TAC set in accordance with consultations among the Union, Faroe Islands, Norway and Iceland.;

(c) the entry for ling and blue ling in Faroese waters of Vb is replaced by the following:

Species: Ling and blue ling <i>Molva molva</i> and <i>Molva dypterygia</i>		Zone: Faroese waters of Vb (B/L/05B-F.)
Germany	0	
France	0	
United Kingdom	0	
Union	0	
TAC	Not relevant;	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

(d) the entry for northern prawn in Greenland waters of V and XIV is replaced by the following:

Species: Northern prawn <i>Pandalus borealis</i>		Zone: Greenland waters of V and XIV (PRA/514GRN)
Denmark	2 550	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.
France	2 550	
Union	8 000 ⁽¹⁾	
TAC	Not relevant	

⁽¹⁾ Of which 2 900 tonnes are allocated to Norway.;

(e) the entry for saithe in Faroese waters of Vb is replaced by the following:

Species: Saithe <i>Pollachius virens</i>		Zone: Faroese waters of Vb (POK/05B-F.)
Belgium	0	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.
Germany	0	
France	0	
The Netherlands	0	
United Kingdom	0	
Union	0	
TAC	Not relevant;	

(f) the entry for redfish in Icelandic waters of Va is replaced by the following:

Species: Redfish <i>Sebastes</i> spp.		Zone: Icelandic waters of Va (RED/05A-IS)
Belgium	0 ⁽¹⁾ ⁽²⁾	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.
Germany	0 ⁽¹⁾ ⁽²⁾	
France	0 ⁽¹⁾ ⁽²⁾	
United Kingdom	0 ⁽¹⁾ ⁽²⁾	
Union	0 ⁽¹⁾ ⁽²⁾	
TAC	Not relevant	

⁽¹⁾ Including unavoidable by-catches (cod not allowed).

⁽²⁾ May only be fished between July and December 2012.;

(g) the entry for redfish in Faroese waters of Vb is replaced by the following:

Species: Redfish <i>Sebastes</i> spp.		Zone: Faroese waters Vb (RED/05B-F.)
Belgium	0	
Germany	0	
France	0	
United Kingdom	0	
Union	0	
TAC	Not relevant;	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

(h) the entry for other species in Faroese waters of Vb is replaced by the following:

Species: Other species ⁽¹⁾		Zone: Faroese waters of Vb (OTH/05B-F.)
Germany	0	
France	0	
United Kingdom	0	
Union	0	
TAC	Not relevant	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

⁽¹⁾ Excluding fish species of no commercial value.;

(i) the entry for flatfish in Faroese waters of Vb is replaced by the following:

Species: Flatfish		Zone: Faroese waters of Vb (FLX/05B-F.)
Germany	0	
France	0	
United Kingdom	0	
Union	0	
TAC	Not relevant.	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

4. Annex IC is amended as follows:

(a) the entry for cod in NAFO 3M is replaced by the following:

Species: Cod <i>Gadus morhua</i>		Zone: NAFO 3M (COD/N3M.)
Estonia	103	
Germany	432	
Latvia	103	
Lithuania	103	
Poland	352 ⁽¹⁾	
Spain	1 328	
France	185	
Portugal	1 821 ⁽²⁾	
United Kingdom	865	
Union	5 330,5 ⁽³⁾	
TAC	9 280	

⁽¹⁾ Out of this quota, a quantity of 133 tons is deducted following a transfer of fishing opportunity to a third country.

⁽²⁾ To this quota, an additional quantity of 131,5 tons is added following transfers of fishing opportunities with third countries.

⁽³⁾ Out of this quota, a quantity of 1,5 tons is deducted following transfers of fishing opportunities with third countries;.

(b) the entry for white hake in NAFO 3NO is replaced by the following:

Species: White hake <i>Urophycis tenuis</i>		Zone: NAFO 3NO (HKW/N3NO.)
Spain	1 273	
Portugal	1 667	
Union	2 940	
TAC	5 000;	

Analytical TAC
 Article 3 of Regulation (EC) No 847/96 does not apply.
 Article 4 of Regulation (EC) No 847/96 does not apply.

(c) the entry for Northern prawn in NAFO 3L is replaced by the following

Species: Northern prawn <i>Pandalus borealis</i>		Zone: NAFO 3L ⁽¹⁾ (PRA/N3L)
Estonia	134	
Latvia	134	
Lithuania	134	
Poland	134 ⁽²⁾	
Spain	105,5	
Portugal	28,5 ⁽³⁾	
Union	670 ⁽⁴⁾	
TAC	12 000	

Analytical TAC
 Article 3 of Regulation (EC) No 847/96 does not apply.
 Article 4 of Regulation (EC) No 847/96 does not apply.

⁽¹⁾ Not including the box bounded by the following coordinates:

Point No	Latitude N	Longitude W
1	47° 20' 0	46° 40' 0
2	47° 20' 0	46° 30' 0
3	46° 00' 0	46° 30' 0
4	46° 00' 0	46° 40' 0

⁽²⁾ To this quota, an additional quantity of 266 tons is added following a transfer of fishing opportunity from a third country.

⁽³⁾ To this quota, an additional quantity of 133 tons is added following a transfer of fishing opportunity from a third country.

⁽⁴⁾ To this quota, an additional quantity of 399 tons is added following transfers of fishing opportunities from third countries.;

(d) the entry for Greenland halibut in NAFO 3LMNO is replaced by the following:

Species: Greenland halibut <i>Reinhardtius hippoglossoides</i>		Zone: NAFO 3LMNO (GHL/N3LMNO)
Estonia	328	
Germany	335	
Latvia	46	
Lithuania	23	
Spain	4 486	
Portugal	1 875 ⁽¹⁾	
Union	7 093 ⁽²⁾	
TAC	12 098	

Analytical TAC
 Article 3 of Regulation (EC) No 847/96 does not apply.
 Article 4 of Regulation (EC) No 847/96 does not apply.

⁽¹⁾ To this quota, an additional quantity of 10 tons is added following a transfer of fishing opportunity from a third country.

⁽²⁾ To this quota, an additional quantity of 10 tons is added following a transfer of fishing opportunity from a third country.;

(e) the entry for redfish in NAFO 3LN is replaced by the following

Species: Redfish <i>Sebastes</i> spp.		Zone: NAFO 3LN (RED/N3LN.)
Estonia	297	
Germany	203	
Latvia	297	
Lithuania	297	
Portugal	0 ⁽¹⁾	
Union	1 094 ⁽²⁾	
TAC	6 000	

⁽¹⁾ To this quota, an additional quantity of 454 tons is added following a transfer of fishing opportunity from a third country.
⁽²⁾ To this quota, an additional quantity of 454 tons is added following a transfer of fishing opportunity from a third country.;

(f) the entry of redfish in NAFO 3M is replaced by the following:

Species: Redfish <i>Sebastes</i> spp.		Zone: NAFO 3M (RED/N3M.)
Estonia	1 571 ⁽¹⁾	
Germany	513 ⁽¹⁾	
Spain	233 ⁽¹⁾	
Latvia	1 571 ⁽¹⁾	
Lithuania	1 571 ⁽¹⁾	
Portugal	2 354 ⁽¹⁾ ⁽²⁾	
Union	7 813 ⁽¹⁾ ⁽³⁾	
TAC	6 500 ⁽¹⁾	

Analytical TAC
Article 3 of Regulation (EC) No 847/96 does not apply.
Article 4 of Regulation (EC) No 847/96 does not apply.

⁽¹⁾ This quota is subject to compliance with the TAC of 6 500 tonnes established for this stock for all NAFO Contracting Parties. Upon exhaustion of the TAC, the directed fishery for this stock must be stopped irrespective of the level of catches.

⁽²⁾ To this quota, an additional quantity of 675 tons is added following a transfer of fishing opportunity from a third country.

⁽³⁾ To this quota, an additional quantity of 675 tons is added following a transfer of fishing opportunity from a third country.;

(g) the entry for redfish in NAFO 3O is replaced by the following:

Species:	Redfish <i>Sebastes</i> spp.	Zone:	NAFO 3O (RED/N3O.)
Spain	1 771		
Portugal	5 229		
Poland	0 ⁽¹⁾		
Union	7 000 ⁽²⁾		
TAC	20 000		

Analytical TAC
 Article 3 of Regulation (EC) No 847/96 does not apply.
 Article 4 of Regulation (EC) No 847/96 does not apply.

⁽¹⁾ To this quota, an additional quantity of 150 tons is added following a transfer of fishing opportunity from a third country.
⁽²⁾ To this quota, an additional quantity of 150 tons is added following a transfer of fishing opportunity from a third country'.

5. Annex II is replaced by the following:

'ANNEX II

SPRFMO CONVENTION AREA

Species:	Jack mackerel <i>Trachurus murphyi</i>	Zone:	SPRFMO Convention Area (CJM/SPRFMO)
Germany	6 790,5		
The Netherlands	7 360,2		
Lithuania	4 725		
Poland	8 124,3		
Union	27 000'.		

6. In Annex VI, point 2 is replaced by the following:

'2. Maximum number of EU vessels authorised to fish for swordfish and albacore in the IOTC Convention Area:

ANNEX VI

IOTC CONVENTION AREA

1. Maximum number of EU vessels authorised to fish for tropical tunas in the IOTC Convention Area

Member State	Maximum number of vessels	Capacity (gross tonnage)
Spain	22	61 364
France	22	33 604
Portugal	5	1 627
Union	49	96 595

2. Maximum number of EU vessels authorised to fish for swordfish and albacore in the IOTC Convention Area

Member State	Maximum number of vessels	Capacity (gross tonnage)
Spain	27	11 590
France	41	5 382
Portugal	15	6 925
United Kingdom	4	1 400
Union	87	25 297

3. The vessels referred to in point 1 shall also be authorised to fish for swordfish and albacore in the IOTC Convention Area.
4. The vessels referred to in point 2 shall also be authorised to fish for tropical tunas in the IOTC Convention Area.’.
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COUNCIL IMPLEMENTING REGULATION (EU) No 693/2012

of 25 July 2012

amending Implementing Regulation (EU) No 723/2011 (extending the definitive anti-dumping duty imposed by Regulation (EC) No 91/2009 on imports of certain iron or steel fasteners originating in the People's Republic of China to imports of certain iron or steel fasteners consigned from Malaysia, whether declared as originating in Malaysia or not), by granting an exemption from those measures to one Malaysian exporting producer and terminating the registration of imports from that exporting producer

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 Articles 11(4) and 13(4) thereof,

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

Whereas:

A. EXISTING MEASURES

- (1) The Council, by Regulation (EC) No 91/2009⁽²⁾, imposed anti-dumping measures on certain iron or steel fasteners originating in the People's Republic of China. By Implementing Regulation (EU) No 723/2011⁽³⁾, the Council extended those measures to certain iron or steel fasteners consigned from Malaysia ('the extended measures') with the exception of imports produced by the Malaysian companies which are specifically mentioned in that Regulation.

B. CURRENT INVESTIGATION

1. Request for a review

- (2) The Commission received a request for an exemption from the extended measures pursuant to Articles 11(4) and 13(4) of the basic Regulation. The application was lodged by Andfast Malaysia Sdn. Bhd. ('Andfast'), a producer in Malaysia.

2. Initiation of a review

- (3) The Commission examined the evidence submitted by Andfast and considered it sufficient to justify the initiation of an investigation pursuant to Articles 11(4) and 13(4) of the basic Regulation for the purposes of determining the possibility of granting Andfast an exemption from the extended measures. After consultation of the Advisory Committee, and after the Union industry concerned had been given the opportunity to

comment, the Commission initiated, by Regulation (EU) No 1164/2011⁽⁴⁾ ('the initiating Regulation'), a review of Implementing Regulation (EU) No 723/2011 with regard to Andfast.

- (4) The Regulation initiating the review repealed the anti-dumping duty imposed by Implementing Regulation (EU) No 723/2011 with regard to imports of the product under examination consigned from Malaysia and produced by Andfast. Simultaneously, pursuant to Article 14(5) of the basic Regulation, customs authorities were directed to take appropriate steps to register such imports.

3. Product concerned

- (5) The product concerned is certain iron or steel fasteners, other than of stainless steel, i.e. wood screws (excluding coach screws), self-tapping screws, other screws and bolts with heads (whether or not with their nuts or washers, but excluding screws turned from bars, rods, profiles or wire, of solid section, of a shank thickness not exceeding 6 mm and excluding screws and bolts for fixing railway track construction material), and washers, consigned from Malaysia, currently falling within CN codes ex 7318 12 90, ex 7318 14 91, ex 7318 14 99, ex 7318 15 59, ex 7318 15 69, ex 7318 15 81, ex 7318 15 89, ex 7318 15 90, ex 7318 21 00 and ex 7318 22 00 ('the product concerned').

4. Investigation

- (6) The Commission officially advised Andfast and the representatives of Malaysia of the initiation of the review. Interested parties were invited to make their views known and informed of the possibility to request a hearing. No such request was received.
- (7) The Commission also sent a questionnaire to Andfast and received a reply within the relevant deadline. The Commission sought and verified all the information deemed necessary for the purposes of the review. A verification visit was carried out at the premises of Andfast.

5. Investigation period

- (8) The investigation covered the period from 1 October 2010 to 30 September 2011 ('the IP'). Data was collected from 2008 up to the end of the IP to investigate any change in the pattern of trade.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 29, 31.1.2009, p. 1.

⁽³⁾ OJ L 194, 26.7.2011, p. 6.

⁽⁴⁾ OJ L 297, 16.11.2011, p. 53.

C. RESULTS OF THE INVESTIGATION

- (9) The investigation confirmed that Andfast was not related to any of the Chinese or Malaysian exporters or producers subject to the anti-dumping measures and had not exported the product concerned to the European Union during the investigation period of the investigation that led to the extended measures, i.e. 1 January 2008 to 30 September 2010. Andfast's first exports of the product concerned occurred subsequently to the extension of measures to Malaysia.
- (10) The processing activities of Andfast can be considered as a completion and assembly operation in the sense of Article 13(2) of the basic Regulation. Andfast imports blanks from the People's Republic of China which are subsequently threaded, plated and put together with the nuts and the washers at its premises in Malaysia. The finished product is sold and exported to its related company in the Union.
- (11) This is not considered to be a process involving circumvention as it could be demonstrated that the value added to the parts brought in from the People's Republic of China, during the assembly and completion operation, is greater than 25 % of the manufacturing costs.
- (12) No evidence was found that Andfast was purchasing the finished product concerned from the People's Republic of China to resell or tranship to the European Union.

D. AMENDMENT OF THE MEASURES BEING REVIEWED

- (13) In accordance with the above findings that Andfast has not engaged in circumvention practices, the company should be exempted from the anti-dumping measures in force.
- (14) The registration of imports of certain iron or steel fasteners consigned from Malaysia by Andfast, as imposed by the initiating Regulation, should cease. In accordance with Article 14(5) of the basic Regulation, which provides that measures shall be applied against registered imports from the date of registration, and in view of the exemption of the company from measures, no anti-dumping duty should be collected on imports of certain iron or steel fasteners consigned from Malaysia by Andfast which entered the Union under registration imposed by the initiating Regulation.
- (15) The exemption from the extended measures granted to imports of certain iron or steel fasteners produced by Andfast shall, in accordance with Article 13(4) of the basic Regulation, remain valid on condition that the facts as finally ascertained justify the exemption and that it is not, for instance, established that the exemption was granted on the basis of false or

misleading information submitted by the company concerned. Should prima facie evidence indicate otherwise, or should exports from Andfast to the European Union increase dramatically, an investigation may be initiated by the Commission to establish whether withdrawal of the exemption is warranted.

- (16) The exemption from the extended measures granted to imports of certain iron or steel fasteners produced by Andfast was established on the basis of the findings of the present review. This exemption is thus exclusively applicable to imports of certain iron or steel fasteners consigned from Malaysia and produced by that specific legal entity. Imported iron or steel fasteners, produced by any company not specifically mentioned in Article 1(1) of Implementing Regulation (EU) No 723/2011 with its name, including entities related to those specifically mentioned, shall not benefit from the exemption and should be subject to the residual duty rate as imposed by that Regulation.
- (17) It is considered that special measures are needed in this case in order to ensure the proper application of such exemptions. These special measures are the requirement of the presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in the Annex to Implementing Regulation (EU) No 723/2011. Imports not accompanied by such an invoice shall be made subject to the extended anti-dumping duty.

E. PROCEDURE

- (18) Andfast and all other interested parties were informed of the facts and considerations on the basis of which it was intended to grant an exemption to Andfast from the extended measures. No comments were received,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(1) of Implementing Regulation (EU) No 723/2011 shall be modified by adding the following company to the list of companies that produce certain iron or steel fasteners in Malaysia and whose imports of certain iron or steel fasteners are exempted from the application of the extended definitive residual anti-dumping duty:

'Andfast Malaysia Sdn. Bhd. (TARIC additional code B265)'.

Article 2

The customs authorities are hereby directed to cease the registration of imports carried out pursuant to Article 3 of Regulation (EU) No 1164/2011. No anti-dumping duty shall be collected on the imports thus registered.

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, 25 July 2012.

For the Council

The President

A. D. MAVROYIANNIS

COUNCIL REGULATION (EU) No 694/2012

of 27 July 2012

establishing the fishing opportunities for anchovy in the Bay of Biscay for the 2012/13 fishing season

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) It is incumbent upon the Council to establish the total allowable catches (TACs) by fishery or group of fisheries. Fishing opportunities should be distributed among Member States in such a way as to ensure the relative stability of each Member State's fishing activities for all stocks or groups of stocks and having due regard to the objectives of the common fisheries policy established by Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾.
- (2) For the purposes of suitable stock management and simplification, it is appropriate that a TAC and Member State quotas for the stock of anchovy in the Bay of Biscay (ICES subarea VIII) are set for an annual management season running from 1 July to 30 June of the following year, rather than for a calendar year management period. Nevertheless, fishery should remain subject to the general provisions of Regulation (EU) No 43/2012 ⁽²⁾ concerning the conditions for the use of quotas.
- (3) The Bay of Biscay anchovy TAC for the 2012/13 fishing season should be established on the basis of scientific advice available, taking into account biological and socioeconomic aspects and ensuring fair treatment between fishing sectors.
- (4) In order to provide for a multiannual plan for the anchovy stock in the Bay of Biscay covering the fishing season and establishing the harvest control rule applying

for the fixing of fishing opportunities, on 29 July 2009 the Commission presented a proposal for a Regulation establishing a long-term plan for the anchovy stock in the Bay of Biscay and the fisheries exploiting that stock. Having regard to that proposal and considering that the impact assessment underlying that proposal provided for the most recent assessment of the impact of decisions on the fishing opportunities for the anchovy stock in the Bay of Biscay, it is appropriate to fix a TAC for that stock accordingly. The advice issued by the Scientific, Technical and Economic Committee for Fisheries (STECF) in July 2012 estimated the spawning stock biomass to be approximately 68 180 tonnes. Consequently, the TAC for the fishing season running from 1 July 2012 to 30 June 2013 should be established at 20 700 tonnes.

- (5) In accordance with Article 2 of Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas ⁽³⁾, it is necessary to establish to what extent the stock of anchovy in the Bay of Biscay is subject to the measures laid down in that Regulation.
- (6) In view of the start of the 2012/13 fishing season and for the purpose of the annual reporting of catches, this Regulation should enter into force immediately and apply from 1 July 2012,

HAS ADOPTED THIS REGULATION:

Article 1

Fishing opportunities for anchovy in the Bay of Biscay

1. The total allowable catch (TAC) and its allocation between Member States for the fishing season running from 1 July 2012 until 30 June 2013 for the stock of anchovy in ICES Subarea VIII, as defined in Regulation (EC) No 218/2009 ⁽⁴⁾, shall be as follows (in tonnes live weight):

Species: Anchovy <i>Engraulis encrasicolus</i>		ICES Zone: VIII (ANE/08.)
Spain	18 630	
France	2 070	
EU	20 700	
TAC	20 700	Analytical TAC

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ Council Regulation (EU) No 43/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements (OJ L 25, 27.1.2012, p. 1).

⁽³⁾ OJ L 115, 9.5.1996, p. 3.

⁽⁴⁾ Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

2. The allocation of the fishing opportunities as set out in paragraph 1 and the use thereof shall be subject to the conditions set out in Articles 8, 10 and 13 of Regulation (EU) No 43/2012.

3. The stock referred to in paragraph 1 shall be considered subject to an analytical TAC for the purposes of Regulation (EC) No 847/96. Article 3(2) and (3) and Article 4 of that Regulation shall apply.

Article 2

Entry into force

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

It shall apply from 1 July 2012.

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

Done at Brussels, 27 July 2012.

For the Council

The President

A. D. MAVROYIANNIS

COMMISSION REGULATION (EU) No 695/2012
of 24 July 2012
establishing a prohibition of fishing for common sole in VIIIa and VIIIb by vessels flying the flag of Spain

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 43/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements ⁽²⁾ lays down quotas for 2012.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2012.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2012 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

Article 3

Entry into force

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, 24 July 2012.

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

Lowri EVANS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 25, 27.1.2012, p. 1.

ANNEX

No	9/T&Q
Member State	Spain
Stock	SOL/8AB.
Species	Common sole (<i>Solea solea</i>)
Zone	VIIIa and VIIIb
Date	12 June 2012

COMMISSION IMPLEMENTING REGULATION (EU) No 696/2012
of 25 July 2012
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 25 July 2012.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
Insoles consisting of a flexible forked spring section made of steel and an interchangeable cushioned pad made of various materials. The insoles are assembled according to the customer's footprint and bodyweight. The insoles are designed to reduce the burden on the feet and the whole body. The three-point support system of the insole is designed to support, move and strengthen ligaments, tendons and muscles. It provides shock absorption, distributes body weight evenly along the entire foot and may compensate the adverse effects of existing flat-footedness. The cushioned pad massages the foot. (*) See image.	6406 90 50	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 6406, 6406 90 and 6406 90 50. The insoles are not designed to correct orthopaedic conditions as they are not specially adapted to any handicaps which they are intended to correct, but they are designed to improve foot and body comfort and to compensate the adverse effects of existing problems (see Note 6 to Chapter 90). Classification under heading 9021 as orthopaedic appliances is therefore excluded. The insoles are therefore to be classified under CN code 6406 90 50 as removable insoles.

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) No 697/2012
of 25 July 2012
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information which has been issued by the customs

authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 25 July 2012.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
An article (so-called 'transformer module with RJ 45 plug') with connecting pins in a housing with dimensions of approximately $2 \times 1,5 \times 1,5$ cm. The article comprises a printed circuit board equipped with four transformers, a capacitor and four resistors. It also incorporates two light emitting diodes which are not connected to the other components. The article is specifically designed for a 10/100 BASE-T Ethernet network and is for placement onto a printed circuit board for the purposes of connecting machines within a local area network for signal transmission and reception. It also provides for galvanic separation and protection of signals against over-voltage and common mode noise.	8517 70 90	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 2(b) to Section XVI and by the wording of CN codes 8517, 8517 70 and 8517 70 90. In addition to the connector, the article contains several different electrical components. Furthermore, it also performs several different electrical functions besides making connections to or in electrical circuits, such as galvanic separation and protection against over-voltage and common mode noise. These components are equally important as all contribute together to the technical requirements necessary for the establishment of a connection over an Ethernet network. Consequently, classification under heading 8536 as a plug is excluded. As the article is used in apparatus for communication in a wired network, it is therefore to be classified under CN code 8517 70 90 as a part of apparatus for communication in a wired or wireless network.

COMMISSION IMPLEMENTING REGULATION (EU) No 698/2012
of 25 July 2012
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information which has been issued by the customs

authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

- (5) The measures provided for under items 1 and 3 in the Annex to this Regulation are in accordance with the opinion of the Customs Code Committee; the Customs Code Committee has not issued an opinion on item 2 of the Annex to this Regulation within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 25 July 2012.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
1. A multifunctional apparatus (so-called 'multimedia centre for motor vehicles') of a kind used in motor vehicles, consisting of two main components: — a reception apparatus for radio-broadcasting combined with a CD/DVD player, — a detachable colour liquid crystal display (LCD) of the touch screen type with a diagonal measurement of the screen of approximately 17,5 cm (7 inches) and an aspect ratio of 16:9. The apparatus is equipped with connectors enabling the reception of video signals from external sources such as a rear-view camera. The apparatus is presented with a remote control. An additional display can be connected to the apparatus.	8528 59 40	Classification is determined by General Rules 1, 3(c) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8528, 8528 59 and 8528 59 40. The apparatus consists of components capable of performing various functions (sound reproduction, video reproduction, radio-broadcasting, displaying video), none of which, in view of its design and concept, gives the apparatus its essential character. By application of GIR 3(c), the apparatus is therefore to be classified under CN code 8528 59 40 as other colour monitors with a screen of the LCD technology.
2. A multifunctional apparatus (so-called 'multimedia centre for motor vehicles') of a kind used in motor vehicles measuring approximately 17 × 5 × 16 cm. It combines, in the same housing, a reception apparatus for radio-broadcasting, a sound and a video reproducing apparatus and a colour liquid crystal display (LCD) with a diagonal measurement of the screen of approximately 8 cm (3,5 inches). The apparatus is equipped with connectors enabling the reception of video signals from external sources such as a rear-view camera. The apparatus can also reproduce sound and images from a USB memory stick. The apparatus is presented with a remote control. An additional display can be connected to the apparatus.	8528 59 40	Classification is determined by General Rules 1, 3(c) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8528, 8528 59 and 8528 59 40. The apparatus consists of components capable of performing various functions (sound reproduction, video reproduction, radio-broadcasting, displaying video), none of which, in view of its design and concept, gives the apparatus its essential character. By application of GIR 3(c), the apparatus is therefore to be classified under CN code 8528 59 40 as other colour monitors with a screen of the LCD technology.
3. A multifunctional apparatus (so-called 'multimedia centre for motor vehicles') of a kind used in motor vehicles. It combines, in the same housing, a reception apparatus for radio-broadcasting, a sound and a video reproducing apparatus, a radio navigational apparatus and a colour liquid crystal display (LCD) with a diagonal measurement of the screen of approximately 18 cm (7 inches) and an aspect ratio of 16:9.	8528 59 40	Classification is determined by General Rules 1, 3(c) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8528, 8528 59 and 8528 59 40. The apparatus consists of components capable of performing various functions (sound reproduction, video reproduction, radio navigational aid, radio-broadcasting, displaying video), none of which, in view of its design and concept, gives the apparatus its essential character.

(1)	(2)	(3)
The apparatus is equipped with connectors enabling the reception of video signals from external sources such as a rear-view camera or a DVB-T tuner. The apparatus can also reproduce sound and images from a memory card. The apparatus is presented with two remote controls. An additional display can be connected to the apparatus.		By application of GIR 3(c), the apparatus is therefore to be classified under CN code 8528 59 40 as other colour monitors with a screen of the LCD technology.

COMMISSION REGULATION (EU) No 699/2012

of 30 July 2012

imposing a provisional anti-dumping duty on imports of certain tube and pipe fittings of iron or steel originating in Russia and Turkey

THE EUROPEAN COMMISSION,

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

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

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE**1. Initiation**

- (1) On 1 November 2011, the European Commission ('the Commission') announced, by a notice published in the *Official Journal of the European Union*⁽²⁾ ('the notice of initiation'), the initiation of an anti-dumping proceeding with regard to imports of certain tube and pipe fittings of iron or steel originating in Russia and Turkey ('the countries concerned').
- (2) The proceeding was initiated as a result of a complaint lodged on 20 September 2011 by the Defence committee of the Steel Butt-Welding Fittings Industry of the European Union ('the complainants') on behalf of producers representing a major proportion, in this case more than 40 % of the total Union production of certain tube and pipe fittings of iron or steel. The complaint contained prima facie evidence of dumping of the said product and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding.

2. Parties concerned by the proceeding

- (3) The Commission officially advised the complainants, other known Union producers, the known exporting producers and the representatives of the countries concerned, known importers and users, of the initiation of the proceeding. Interested parties were given an opportunity to make their views known in writing and to request a hearing within the time limit set in the notice of initiation.
- (4) All interested parties, who so requested and showed that there were particular reasons why they should be heard, were granted a hearing.

(a) Sampling of Union producers

- (5) In view of the apparent large number of Union producers, sampling was provided for in the notice of initiation for the determination of injury, in accordance with Article 17 of the basic Regulation.
- (6) In the notice of initiation the Commission announced that it had provisionally selected a sample of Union producers. This sample consisted of three companies, out of the 22 Union producers that were known to produce the like product prior to the initiation of the investigation.
- (7) The sample was selected on the basis of volumes of sales and production that can reasonably be investigated within the time available. The sampled Union producers are based in four Member States and account for 48 % of total Union sales of all Union producers, and for 64 % of the producers who came forward. No interested party opposed to the proposed sample.

(b) Sampling of unrelated importers

- (8) In view of the potentially high number of unrelated importers, sampling was envisaged in the notice of initiation in accordance with Article 17 of the basic Regulation. In order to enable the Commission to decide whether sampling would be necessary and, if so, to select a sample, all importers were asked to make themselves known to the Commission and to provide, as specified in the notice of initiation, basic information on their activities related to the product under investigation during the investigation period from 1 October 2010 to 30 September 2011.
- (9) Of the 38 unrelated importers that the Commission contacted, only 5 companies replied to the sampling questions within the deadline. One company turned out to be a user rather than an importer. Therefore it was considered that no sampling was necessary, and questionnaires were sent to all four importers that came forward. In the end, only two importers replied to the questionnaire and cooperated fully in the investigation.

(c) Sampling of exporting producers

- (10) In view of the apparent high number of exporting producers, sampling was envisaged in the notice of initiation for the determination of dumping, in accordance with Article 17 of the basic Regulation. In order to enable the Commission to decide whether sampling would be necessary and, if so, to select a sample, all exporting producers were asked to make themselves known to the Commission and to provide,

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ C 320, 1.11.2011, p. 4.

as specified in the notice of initiation, basic information on their activities related to the product under investigation during the investigation period from 1 October 2010 to 30 September 2011. The authorities of the countries concerned were also consulted.

- (11) As concerns Russia, no exporting producers cooperated in the investigation. As regards Turkish exporting producers, three companies came forward; therefore the Commission decided that sampling was not necessary in respect of Turkey. The three cooperating Turkish companies represent the majority of Turkish exports to the Union during the investigation period.

(d) Questionnaire replies and verifications

- (12) In order to carry out its analysis, the Commission sent questionnaires to all three cooperating Turkish exporting producers as well as to the sampled Union producers and the cooperating unrelated importers and users.
- (13) Questionnaire replies were received from all three cooperating Turkish exporting producers, from all sampled Union producers, two unrelated Union importers and four users.
- (14) The Commission sought and verified all the information deemed necessary for the purpose of a provisional determination of dumping, resulting injury and Union interest. Verification visits were carried out at the premises of the following companies.

Exporting producers in Turkey

- RSA Tesisat Malzemeleri San ve Ticaret AŞ, Küçükköy, Istanbul, Turkey;
- SARDOĞAN Endüstri ve Ticaret, Kurtköy Pendik, Istanbul, Turkey;
- UNIFIT Boru Bağlantı Elemanları Ltd Sti, Tuzla, Istanbul, Turkey.

Union producers

- ERNE Fittings, Schlinz, Austria;
- Virgilio CENA & Figli SpA, Brescia, Italy.

3. Investigation period

- (15) The investigation of dumping and injury covered the period from 1 October 2010 to 30 September 2011 ('investigation period' or 'IP'). The examination of trends relevant for the assessment of injury covered the period from 2008 to the end of the investigation period ('period considered').

4. Measures in force in respect of other third countries

- (16) Anti-dumping measures are in force in respect of certain tube and pipe fittings of iron or steel originating in

China, Malaysia, South Korea and Thailand, and following circumvention practices also in respect of certain tube and pipe fittings of iron or steel originating in China consigned from Indonesia, the Philippines, Sri Lanka and Taiwan (with certain exceptions)⁽¹⁾. The countries mentioned in the preceding sentence shall hereafter be referred to as 'countries under anti-dumping measures'.

B. PRODUCT CONCERNED AND LIKE PRODUCT

1. Product concerned

- (17) The product concerned is tube and pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, currently falling within CN codes ex 7307 93 11, ex 7307 93 19 and ex 7307 99 80 ('the product concerned').
- (18) The production process uses seamless or welded steel pipes for the production of elbows, reducers and tees, while for the manufacturing of caps, normally steel sheets are used as raw material. The elbows and reducers are made by cutting and forming, bending or reducing. Tees are made by using hydro-pressure, and caps are made by the forming of the sheets or plates. These are normally followed by chamfering and shot-blasting before the packaging. In certain cases also galvanisation is applied to the product. All types of products share the same basic physical, chemical and technical characteristics and same basic uses.
- (19) Tube and pipe fittings are used in the petrochemical industry, construction, energy generation, shipbuilding and industrial installations. They are used in order to connect tubes or pipes with each other in all the above applications.

2. Like product

- (20) The product concerned and certain tube and pipe fittings of iron or steel sold on the domestic market in the countries concerned as well as certain tube and pipe fittings of iron or steel sold in the Union by the Union industry were found to have the same basic physical, chemical and technical characteristics and the same basic uses. They are therefore provisionally considered to be alike within the meaning of Article 1(4) of the basic Regulation.

C. DUMPING

1. Russia

- (21) As mentioned in recital 11 above, no Russian exporting producer cooperated in this investigation. Therefore, in accordance with Article 18 of the basic Regulation, the dumping calculations for Russia were made on the basis of the facts available, as explained below.

⁽¹⁾ OJ L 275, 16.10.2008, p. 18 and OJ L 233, 4.9.2009, p. 1.

1.1. Normal value

- (22) In the absence of cooperation by any Russian exporting producer, the normal value for Russia was calculated on the basis of the facts available.
- (23) It should be recalled that the complaint contained *prima facie* evidence of dumping in respect of Russian imports of the product concerned. The calculation leading to that evidence was based on a constructed normal value for Russia, in the absence of more detailed information. Nevertheless, for the purpose of establishing a more precise normal value, the Commission provisionally decided that the normal value for Russia be constructed on the basis of information obtained during the investigation from those Turkish exporting producers that use Russian seamless steel pipes and tubes as input for the production of the product concerned. Indeed, the cost of raw material represents the vast majority of total manufacturing costs of the product concerned; therefore this method was considered as the most reasonable to establish the normal value for Russia on the basis of the available facts.
- (24) The normal value for Russia was thus calculated by determining the weighted average normal value of those cooperating Turkish exporting producers that purchase part of their raw material from Russia.
- (25) It is important to note that the resulting normal value was determined for the product type (elbows) representing the highest volume of imports, instead of all types of the product concerned, in order to allow a representative comparison with the export price (see in the following recitals).
- ### 1.2. Export price
- (26) In the absence of more detailed price information, the export price for imports of the product concerned originating in Russia was established on the basis of Eurostat import data. Given the large variety of the product mix declared under certain CN codes, the export price was determined by limiting the use of Eurostat data to the product type (elbows) representing the highest volume of imports, which is considered to be representative for all the product concerned. The export price was thus based on the CN code 7307 93 11.
- (27) The above Eurostat import figures had to be adjusted in view of the fact that certain import transactions from Russia to Bulgaria, Estonia and Lithuania contained wrong declarations, most likely due to product misclassifications. These transactions were identified by using the imports statistics made available in the database pursuant to Article 14(6) of the basic Regulation and were removed from the calculation of the export price in order to avoid using a distorted export price in the dumping calculation.

1.3. Comparison

- (28) The dumping margin was established by comparing the ex-works export price based on the Eurostat data with the normal value for Russia as established above.
- (29) In order to establish the ex-works export price, the CIF export price based on the Eurostat data (and corrected to remove the distortions as outlined above) was adjusted by the cost of transportation. For this purpose, the cost of transportation as calculated in the complaint was used since it was considered to be a reasonable estimate.
- ### 1.4. Dumping margin
- (30) The country-wide dumping margin was expressed as a percentage of the CIF Union frontier price, duty unpaid.
- (31) On the basis of the above, the country-wide provisional dumping margin expressed as a percentage of the CIF Union frontier price, duty unpaid, is the following:

Company	Provisional dumping margin
All companies	23,8 %

2. Turkey

2.1. Normal value

- (32) In accordance with Article 2(2) of the basic Regulation, the Commission first established for each of the three cooperating exporting producers whether its total domestic sales of the like product were representative, i.e. whether the total volume of such sales represented at least 5 % of its total volume of export sales of the product concerned to the Union. The investigation established that the domestic sales of the like product were representative for all cooperating exporting producers.
- (33) The Commission subsequently identified those product types sold domestically by the companies having overall representative domestic sales that were identical or closely resembling with the types sold for export to the Union.
- (34) For each type of the like product sold by the exporting producers on their domestic market and found to be comparable with the type of the product concerned sold for export to the Union, it was established whether domestic sales were sufficiently representative for the purposes of Article 2(2) of the basic Regulation. Domestic sales of a particular product type were considered sufficiently representative when the volume of that product type sold on the domestic market to independent customers during the IP represented around 5 % of the total volume of the comparable product type sold for export to the Union. The investigation established that in the case of each of the three companies, for the majority of product types there were representative domestic sales.

- (35) The Commission subsequently examined whether each type of the product concerned sold domestically in representative quantities could be considered as being sold in the ordinary course of trade pursuant to Article 2(4) of the basic Regulation. This was done by establishing for each product type the proportion of profitable sales to independent customers on the domestic market during the investigation period.
- (36) Where the sales volume of a product type, sold at a net sales price equal to or above the calculated cost of production, represented more than 80 % of the total sales volume of that type, and where the weighted average sales price was equal to or higher than the unit cost, normal value, by product type, was calculated as the weighted average of all domestic sales prices of the type in question.
- (37) Where the volume of profitable sales of a product type represented 80 % or less of the total sales volume of that product type, or where the weighted average price of that type was below the unit cost, normal value was based on the actual domestic price, which was calculated as the weighted average price of only the profitable domestic sales of the type in question.
- (38) The investigation established that the profitable sales of certain comparable product types were more than 80 % of total domestic sales and, thus, for these sales all domestic sales were used in calculating the average price for normal value. For the other product types also considered to be sold in the ordinary course of trade only the profitable sales were used.
- (39) Where the product types were all sold at a loss, it was considered that they were not sold in the ordinary course of trade. For product types not made in the ordinary course of trade, as well as for the product types that were not sold in representative quantities on the domestic market, normal value had to be constructed. All three investigated companies sold such product types for export to the Union, albeit in limited quantities.
- (40) To construct normal value pursuant to Article 2(6) of the basic Regulation, the selling, general and administrative ('SG&A') expenses incurred and weighted average profit realised by the cooperating exporting producers concerned on domestic sales of the like product, in the ordinary course of trade, during the investigation period, was added to their own average cost of manufacturing during the investigation period. For product types sold in non-representative quantities in the domestic market, the weighted average profit and SG&A in the ordinary course of trade of these non-representative sales were used to construct normal value.

2.2. Export price

- (41) In all cases the product concerned was exported to independent customers in the Union, and therefore, the

export price was established in accordance with Article 2(8) of the basic Regulation, namely on the basis of export prices actually paid or payable.

- (42) One of the three cooperating Turkish companies had very limited export sales to the Union during the investigation period. The company concerned claimed that they would like to export more to the Union but were unable to offer low enough prices to importers, and requested that this fact be taken into account in our analysis.
- (43) However, as regards the dumping calculation for this company, it had to be based on their limited sales. Indeed even if the sales of the company to the Union were limited, they cannot be ignored and can be the sole basis for the calculation of an individual dumping margin for this company. In any event, the inability of the company to sell more due to its allegedly high prices cannot be viewed as a factor to influence the dumping calculation regarding this company.

2.3. Comparison

- (44) The normal value and export prices were compared on an ex-works basis. For the purpose of ensuring a fair comparison between the normal value and the export price, due allowance in the form of adjustments was made for differences affecting prices and price comparability in accordance with Article 2(10) of the basic Regulation. Appropriate adjustments were granted in all cases where they were found to be reasonable, accurate and supported by verified evidence. In particular, an adjustment was granted for freight and insurance costs including freight in the exporting country, discounts, commissions, credit costs and bank charges.

2.4. Dumping margins

- (45) The provisional dumping margins were expressed as a percentage of the CIF Union frontier price, duty unpaid.
- (a) Dumping margin for companies investigated
- (46) Pursuant to Article 2(11) and (12) of the basic Regulation, the individual dumping margin for one of the three cooperating exporting producers was established on the basis of a comparison of a weighted average normal value with the company's weighted average export price of the product concerned to the Union.
- (47) However, as concerns the other two cooperating Turkish producers, the dumping calculations in their respect showed that the companies conducted targeted dumping in terms of a given time period as well as in respect of given customers and regions. Indeed there was a clear pattern of their export prices which differed significantly among different purchasers, regions as well

as time periods. Furthermore, the dumping calculation based on the comparison of a weighted average normal value to a weighted average of export prices did not reflect the full degree of dumping being practised by the two producers concerned.

- (48) Therefore, in order to reflect the full amount of dumping being practised by the two companies concerned, in accordance with Article 2(11) of the basic Regulation, the normal value established on a weighted average basis was compared in their case to prices of all individual export transactions to the Union.

(b) Dumping margin for non-cooperating companies

- (49) As regards all non-cooperating Turkish exporting producers, a residual dumping margin was established. Given that the level of cooperation was considered to be relatively low (the volume of exports of the three cooperating Turkish companies represented less than 80 % of total Turkish exports to the Union during the IP), the residual dumping margin was based on a reasonable method leading to a margin which is higher than the highest among the individual margins of the three cooperating companies. This margin was established on the basis of the sales of representative product types made by the Turkish cooperating producer with the highest dumping margin of the three cooperating companies.

- (50) On the basis of the above, the provisional dumping margins expressed as a percentage of the CIF Union frontier price, duty unpaid, are the following:

Company	Provisional dumping margin
RSA	9,6 %
Sardogan	2,9 %
Unifit	12,1 %
All other companies	16,7 %

D. INJURY

1. Union production and Union industry

- (51) During the IP, the like product was manufactured by 22 producers in the Union. Within the meaning of Articles 4(1) and 5(4) of the basic Regulation, all 22 existing Union producers constitute the Union industry and they will therefore be hereafter referred to as the 'Union industry'.
- (52) As indicated under recital 7 above, the three sampled Union producers represent around 50 % of the total Union sales of the like product.

2. Union consumption

- (53) Union consumption was established on the basis of the sales volumes of the Union industry on the Union market based on the information obtained from the questionnaire replies of the sampled companies, from the estimates provided in the complaint for the remaining Union producers and the import volumes data from Eurostat.
- (54) Union consumption dropped considerably by 40 % between 2008 and the IP. It has decreased by 44 % in 2009, remained at that level in 2010, before increasing slightly by 4 percentage points in the IP.

Table 1

Union consumption

	2008	2009	2010	IP
Units (tonnes)	98 197	55 172	54 878	58 706
Index (2008=100)	100	56	56	60

3. Imports from the countries concerned

3.1. Cumulative assessment of the effects of the imports concerned

- (55) The Commission examined whether imports of the product concerned originating in Russia and Turkey should be assessed cumulatively in accordance with Article 3(4) of the basic Regulation.
- (56) For both countries concerned, the investigation showed that the dumping margins were above the *de minimis* threshold as defined in Article 9(3) of the basic Regulation and the volume of dumped imports from these two countries was not negligible in the sense of Article 5(7) of the basic Regulation.
- (57) With regard to the conditions of competition between imports from Russia and Turkey and the like product, the investigation revealed that the producers from these countries use the same sales channels and sell to similar categories of customers. Moreover, the investigation also revealed that the imports from both these countries had an increasing trend in terms of market shares in the period considered.
- (58) Two cooperating Turkish exporters argued that accumulation of imports from Russia and Turkey is not appropriate in this case, as imports from these countries show different trends in terms of volume and prices.

(59) It is noted in this regard that the investigation established that while imports from Turkey are relatively stable in terms of volumes, imports from Russia are increasing. However, given the contraction in demand in the period considered, the market shares of imports from both countries are increasing. At the same time their pricing does not appear to be substantially different, at least in the period between 2009 and the IP (the high average price of Russian imports in 2008 is likely to be due to incorrect reporting) with Russian average prices being somewhat lower but very close to the average Turkish prices.

(60) In view of the above, it is provisionally considered that all the criteria set out in Article 3(4) of the basic Regulation were met and that imports from Russia and Turkey should be examined cumulatively.

3.2. Volume of dumped imports

(61) The volume of dumped imports of the product concerned from the countries concerned into the Union market has increased over the period considered by 46 %. More specifically, imports decreased by 31 % in 2009, just before a massive increase in 2010 by 89 percentage points, followed by a slight decrease in the IP by some 12 percentage points. The volume of dumped imports in the IP was 2 935 tonnes.

Table 2

Dumped imports from the countries concerned

	2008	2009	2010	IP
Units (tonnes)	2 009	1 392	3 174	2 935
Index (2008=100)	100	69	158	146
Market share	2 %	3 %	6 %	5 %

Source: Eurostat

3.3. Market share of dumped imports

(62) The corresponding market share of dumped imports from the countries concerned has more than doubled over the period considered, increasing from 2 % to 5 %.

3.4. Prices

(a) Price evolution

(63) The table below shows the average price of dumped imports from the countries concerned, at the Union frontier duty unpaid, as reported by Eurostat. During the period considered the average price of imports

from the countries concerned remained generally stable at EUR 1 961 per tonne, with an exception in 2010 when they dropped by some EUR 150.

Table 3

Average prices of dumped imports

	2008	2009	2010	IP
Average selling prices per tonne	1 961	1 936	1 788	1 961
Index (2008=100)	100	99	91	100

Source: Eurostat

(b) Price undercutting

(64) A type-to-type price comparison was made between the selling prices of the cooperating Turkish exporting producers and the sampled Union producers' selling prices in the Union. Given that Russian exporters did not cooperate with the investigation, the undercutting calculation was performed using average CIF prices reported in Eurostat and average Union producers' selling prices in the Union. Adjustments were applied where necessary with regard to both countries concerned to take account of the level of trade and post-importation costs, including the customs duty in the case of Russia.

(65) The comparison showed that during the IP, the dumped product concerned originating in the countries concerned sold in the Union undercut the Union industry's prices by up to approximately 30 %.

4. Situation of the Union industry

(66) Pursuant to Article 3(5) of the basic Regulation, the examination of the impact of the dumped imports on the Union industry included an evaluation of all economic factors and indices having a bearing on the state of the Union industry during the period considered.

(67) As explained above, the Commission had recourse to sampling of Union producers. For the purpose of the injury analysis, the injury indicators have been established at the following two levels:

— The macroeconomic elements (production, capacity, sales volume, market share, growth, employment, productivity, prices and magnitude of dumping margins and recovery from the effects of past dumping) were assessed at the level of the whole

Union production, on the basis of the information collected from the cooperating producers and on an estimation based on data from the complaint for the other Union producers.

- The analysis of microeconomic elements (stocks, wages, profitability, return on investments, cash flow, ability to raise capital and investments) was carried out for the sampled Union producers on the basis of their information.

4.1. Macroeconomic elements

(a) Production

- (68) The Union production decreased by 44 % between 2008 and the IP. More specifically, it decreased by 47 % in 2009 and by a further 2 percentage points in 2010 before increasing slightly by 5 percentage points in the IP, when it reached 53 653 tonnes.

Table 4

Production

	2008	2009	2010	IP
Units (tonnes)	95 079	49 917	48 017	53 653
Index (2008=100)	100	53	51	56

Source: questionnaire replies and complaint

(b) Production capacity and capacity utilisation

- (69) The production capacity of the Union producers remained stable throughout the period considered at 179 912 tonnes.

Table 5

Production capacity and utilisation

	2008	2009	2010	IP
Units (tonnes)	179 912	179 912	179 912	179 912
Index (2008=100)	100	100	100	100
Utilisation rate	53 %	28 %	27 %	30 %
Index (2008=100)	100	53	51	56

Source: questionnaire replies and complaint

- (70) Capacity utilisation was 53 % in 2008, decreased to 28 % in 2009 to 27 % in 2010 and slightly increased in the IP to 30 %. The development of the utilisation rate clearly reflects the production trend as the capacity remained stable.

(c) Sales volume

- (71) The sales volume of the Union producers to unrelated customers on the Union market decreased by 38 % in the period considered. The sales decreased by 45 % in 2009, stayed at that level in 2010 and modestly increased in the IP by 7 percentage points. During the IP the Union sales were at 42 379 tonnes.

Table 6

Union sales

	2008	2009	2010	IP
Units (tonnes)	68 870	37 649	37 890	42 379
Index (2008=100)	100	55	55	62

Source: questionnaire replies and complaint

(d) Market share

- (72) The market share of the Union producers was relatively stable in the period considered and even increased in the IP to 72 %. The increased market share is a reflection of the fact that the sales volumes of the Union producers dropped slightly less than the consumption in the period.

Table 7

Market share of the Union producers

	2008	2009	2010	IP
Market share	70 %	68 %	69 %	72 %
Index (2008=100)	100	97	98	103

Source: questionnaire replies, complaint and Eurostat

(e) Growth

- (73) Given that the consumption decreased by 40 % between 2008 and the IP, it is concluded that the Union producers could not benefit from any growth of the market.

(f) Employment

- (74) The employment level of the Union producers shows a decrease of 18 % between 2008 and the IP. More specifically, the number of people employed decreased significantly from 982 in 2008 to 824 in 2009 or by 16 % and remained close to this level in 2010 before further dropping to 801 in the IP.

Table 8

Employment

	2008	2009	2010	IP
Units (persons)	982	824	833	801
Index (2008=100)	100	84	85	82

Source: questionnaire replies and complaint

(g) Productivity

- (75) Productivity of the Union producers' workforce, measured as output (tonnes) per person employed per year, decreased by 31 % in the period considered. This reflects the fact that production decreased at a faster pace than the employment level.

Table 9

Productivity

	2008	2009	2010	IP
Units (tonnes per employee)	194	121	115	134
Index (2008=100)	100	63	60	69

Source: questionnaire replies and complaint

(h) Sales prices

- (76) The annual average sales prices of the Union producers on the Union market to unrelated customers decreased in the period considered by over 10 %. In detail, the average prices initially increased in 2009 by some 12 % only to fall sharply in 2010 by 23 percentage points and it remained at this level in the IP. In the IP the average price of the Union producers was at EUR 3 096 per tonne.

Table 10

Average prices of Union producers

	2008	2009	2010	IP
Units (EUR/tonne)	3 489	3 911	3 116	3 096
Index (2008=100)	100	112	89	89

Source: questionnaire replies and complaint

- (77) As indicated above, the sales prices of the Union industry were undercut by the dumped imports from Russia and Turkey.

(i) Magnitude of the dumping margin and recovery from past dumping

- (78) Given the volume, market share and prices of the imports from Russia and Turkey, the impact on the Union industry of the actual margins of dumping cannot be considered to be negligible. It is important to recall that as indicated in recital 16 above anti-dumping measures are in force against eight countries. Given that in the period considered by this investigation the Union industry lost sales and suffered losses, no actual recovery from the past dumping can be established and it is considered that Union production remains vulnerable to the injurious effect of any dumped imports on the Union market.

4.2. Microeconomic elements

(a) Stocks

- (79) The level of closing stocks of the sampled Union producers decreased between 2008 and the IP by 18 %. In detail, stocks increased moderately in 2009 by 2 % and later decreased by 13 percentage points in 2010 and by further 7 percentage points in the IP. In the IP the closing stock of the sampled Union producers was at 5 338 tonnes.

Table 11

Closing stock

Sample	2008	2009	2010	IP
Unit (tonnes)	6 526	6 661	5 822	5 338
Index (2008=100)	100	102	89	82

Source: questionnaire replies

(b) Wages

- (80) The annual labour cost decreased by 10 % between 2008 and the IP. More specifically, the labour cost decreased significantly in 2009 by almost 20 % (corresponding to the reduced employment) and later on increased in 2010 by 4 percentage points in 2010 and by further 5 percentage points in the IP.

Table 12

Annual labour cost

Sample	2008	2009	2010	IP
Units (EUR)	26 412 013	21 500 757	22 490 982	23 860 803
<i>Index (2008=100)</i>	100	81	85	90

Source: questionnaire replies

(c) Profitability and return on investments

- (81) During the period considered, the profitability of the sampled producers' sales of the like product on the Union market to unrelated customers, expressed as a percentage of net sales, decreased from healthy profits to significant losses. More specifically, the profits fell from 9,6 % in 2008 to – 1,2 % in 2009 and deteriorated further in 2010 by falling to – 7,8 %. The situation slightly improved in the IP when the losses were at – 7,0 %.

Table 13

Profitability and return on investments

Sample	2008	2009	2010	IP
Profitability of Union sales	9,6 %	– 1,2 %	– 7,8 %	– 7,0 %
<i>Index (2008=100)</i>	100	– 12	– 81	– 73
ROI	23,9 %	– 1,7 %	– 9,4 %	– 10,6 %
<i>Index (2008=100)</i>	100	– 7	– 39	– 44

Source: questionnaire replies

- (82) The return on investments ('ROI'), expressed as the profit in percent of the net book value of investments, broadly followed the profitability trend.

(d) Cash flow and ability to raise capital

- (83) The net cash flow from operating activities was positive at EUR 9,3 million in 2008. It improved modestly in 2009 to EUR 9,8 million, but deteriorated in 2010 and fell to only EUR 1,5 million before reaching the negative EUR – 4,6 million in the IP.
- (84) There were no indications that the Union industry encountered difficulties in raising capital, mainly due to the fact that some of the producers are incorporated in larger groups.

Table 14

Cash flow

Sample	2008	2009	2010	IP
Units (EUR)	9 279 264	9 851 842	1 470 524	– 4 662 347
Index (2008=100)	100	106	16	– 50

Source: questionnaire replies

(e) Investments

- (85) The sampled companies' annual investments in the production of the like product decreased constantly during the period considered. The biggest drop was in 2009 with a 32 % decrease followed by a 25 percentage points decline in 2010 and a further 8 percentage points in the IP. Overall the annual investment fell from EUR 8,3 million in 2008 to EUR 2,9 million in the IP.

Table 15

Net investments

Sample	2008	2009	2010	IP
Units (EUR)	8 309 731	5 658 145	3 579 323	2 946 383
Index (2008=100)	100	68	43	35

Source: questionnaire replies

5. Conclusion on injury

- (86) The analysis of the macroeconomic data show that the Union producers decreased significantly their production and sales during the period considered. This coincided with a drop in demand on the Union market, hence a slight increase in the Union's industry market share. The capacity utilisation declined from an already low 53 % in 2008 to as low as 30 % in the IP. Employment also decreased by 18 %.
- (87) At the same time the relevant microeconomic indicators show a clear deterioration of the economic situation of the sampled Union producers. The developments of prices, profitability and return on investment show a very negative picture dropping from healthy levels in 2008 to substantial losses in the IP. Cash flow also deteriorated significantly.
- (88) In the light of the foregoing, it is provisionally concluded that the Union industry has suffered material injury within the meaning of Article 3(5) of the basic Regulation.

E. CAUSATION**1. Introduction**

- (89) In accordance with Article 3(6) and (7) of the basic Regulation, the Commission examined whether the dumped imports have caused injury to the Union industry to a degree that enables it to be classified as material. Known factors other than the dumped imports, which could at the same time have injured the Union industry, were also examined to ensure that possible injury caused by these other factors was not attributed to the dumped imports.

2. Effect of the dumped imports

(90) Between 2008 and the IP, the volume of the dumped imports of the product concerned increased by 46 % in a market contracting by 40 %, which resulted in an increase of their market share from 2 % to 5 %.

(91) The increase in dumped imports of the product concerned from the countries concerned over the period considered coincided with a downward trend in all injury indicators of the Union industry, with the exception of market share. The Union industry lost 38 % of their Union sales and the sales prices decreased by 11 % due to the price pressure exerted by low-priced dumped imports on the Union market.

(92) The significant price undercutting prevented the Union industry from passing on the increased production costs, which resulted in decreasing and negative profitability levels during the IP.

(93) Based on the above it is provisionally concluded that the low-priced dumped imports from Russia and Turkey are causing material injury to the Union industry.

3. Effect of other factors

3.1. Imports from other third countries

(94) During the period considered, there were significant imports from other third countries, including from countries under anti-dumping measures. The total market share of imports from countries other than Russia and Turkey has decreased between 2008 and the IP from 28 % to 23 %.

(95) The following table shows the development of import volumes, prices and market shares of countries under anti-dumping measures and other third countries, all based on Eurostat data.

Table 16

Imports from other countries

Country		2008	2009	2010	IP
Countries under anti-dumping measures	Volumes (tonnes)	20 614	13 286	9 721	9 784
	Market share (%)	21 %	24 %	18 %	17 %
	Av. price (EUR)	1 639	1 749	1 468	1 563
Other third countries	Volumes (tonnes)	6 705	2 844	4 093	3 608
	Market share (%)	7 %	5 %	7 %	6 %
	Av. price (EUR)	2 279	2 962	2 319	2 925
Total of all third countries except Russia and Turkey	Volumes (tonnes)	27 319	16 131	13 814	13 392
	Market share (%)	28 %	29 %	25 %	23 %
	Av. price (EUR)	1 796	1 963	1 720	1 930

(96) As indicated in the table above, imports from the eight countries under anti-dumping measures continued to penetrate the Union market although their market share declined from 21 % in 2008 to 17 % in the IP. The average prices of those imports are generally lower than those of the dumped imports from the countries concerned. Of course, the table above based on Eurostat data shows average CIF prices before the application of duties. Still, even when the anti-dumping duty is taken into account, the prices of those imports remain low and comparable with the prices of Russian and Turkish imports and are much below the average prices of the Union producers.

(97) However, it is recognised that the product under investigation has a significant number of different types and the comparison of overall average prices might not be a meaningful indicator. At the same time, it is considered that the anti-dumping measures currently in force eliminate the injurious effect of those imports.

(98) Consequently, and given that the market share of imports from the countries under measures is declining, it is provisionally concluded that any negative effect of these low priced imports is not such as to break the causal link between the dumped imports from the countries concerned and the injury suffered by the Union industry.

(99) The market share of imports from other third countries declined slightly during the period considered from 7 % in 2008 to 6 % in the IP. The average prices of those imports are generally higher than the dumped imports from the countries concerned, but somewhat lower than the average prices of the Union producers.

(100) Even if the comparison of overall average prices might not be considered a meaningful indicator due to variety of product types, given the declining trend for those imports, it is provisionally concluded that any negative effect of imports from other third countries is also not such as to break the causal link between the dumped imports from the countries concerned and the injury suffered by the Union industry.

3.2. Impact of market contraction and the economic crisis

(101) The financial and economic crisis of 2008/09 is in all likelihood the reason behind the decreased consumption for pipe fittings. The consumption has dropped by over 40 % between 2008 and 2009 and remained at this low level throughout the rest of the period considered (although slightly increasing in the IP). Given that fixed costs make up to 40 % of the manufacturing costs of the Union producers, the decreased demand, sales and output result in significantly higher unit manufacturing costs. This obviously has an important impact on the profitability of the Union industry.

(102) While recognising that drop in output could have an impact on the situation of the Union industry, especially in 2009 (when the drop actually occurred), it could be reasonably expected that the Union industry would be normally in a position to increase their prices at least in the medium to long term and pass on the cost increase in the following years. However, as evident from the dropping Union prices this was not the case, and it is considered that this was not possible due to severe undercutting by the dumped imports.

(103) Given the above circumstances, it is provisionally concluded that any negative effect of contraction in demand is not such as to break the causal link between the injury suffered by the Union industry and the dumped imports from Russia and Turkey.

4. Conclusion on causation

(104) In conclusion, the dumped imports from Russia and Turkey have caused the material injury suffered by the Union industry.

(105) Other factors which could have caused injury to the Union industry have also been analysed. In this respect, it was found that imports from other third countries, including from countries under anti-dumping measures and the impact of the contraction in demand, although possibly contributing to the injury, do not break the causal link.

(106) Based on the above analysis, which has properly distinguished and separated the effects of all known factors having an effect on the situation of the Union industry from the injurious effect of the dumped imports, it is provisionally concluded that the dumped imports from the countries concerned have caused material injury to the Union industry within the meaning of Article 3(6) of the basic Regulation.

F. UNION INTEREST

(107) In accordance with Article 21 of the basic Regulation, the Commission examined whether, despite the provisional conclusion on injurious dumping, compelling reasons existed for concluding that it is not in the Union interest to adopt measures in this particular case. The analysis of the Union interest was based on an appreciation of all the various interests involved, including those of the Union industry, importers, and users of the product concerned.

1. Interest of the Union industry

(108) It is expected that if measures are imposed, the price depression and losses will be mitigated and that the sales prices of the Union industry will start to recover, resulting in a significant improvement of the Union industry's financial situation.

(109) On the other hand, should anti-dumping measures not be imposed, most likely the deterioration of the Union industry's situation would continue. In such a scenario, the Union industry would possibly lose market share, as it is not able to follow the market prices set by dumped imports from the countries concerned. The likely effects would entail unnecessary cuts in costs and the closure of production facilities in the Union, resulting in substantial job losses.

- (110) Taking into account the above factors, it is provisionally concluded that the imposition of anti-dumping measures would be in the interest of the Union industry.

2. Interest of unrelated importers in the Union

- (111) As indicated above, only two unrelated importers fully cooperated in this investigation by submitting a questionnaire reply. Only a small part of the turnover of these two importers was related to resales of the product concerned. Consequently, the impact of the measures is likely to be minimal.

3. Interest of the users

- (112) Four users have cooperated in this proceeding by submitting a questionnaire reply. None of them imports the product in question from the countries concerned and they all have indicated that impact of the measures, if any, would not be meaningful.

- (113) Given that no user importing from the countries concerned came forward, and in the absence of any information that would indicate the contrary, it can provisionally be concluded that the impact of measures on the user industry's profitability and economic situation will be rather limited.

4. Conclusion on Union interest

- (114) It can be concluded that the imposition of measures on dumped imports of the product concerned from Russia and Turkey is expected to provide an opportunity for the Union industry to improve its situation through increased sales volumes, sales prices and profits. While some negative effects may occur in the form of cost increases for certain importers, they are likely to be limited.

- (115) Two cooperating Turkish exporters argued that imposition of measures against a small exporting country like Turkey would practically leave the whole Union market in the hands of few producers with a resulting negative impact on the competitive environment.

- (116) It is noted in this regard that as a matter of rule an anti-dumping duty is not meant to be prohibitive and seal off the trade flows from the countries under investigation. Measures are supposed to level the playing field between different market players. At the same time it is noted that on the Union market there are more than 20 European manufacturers and imports from other third countries are significant. Consequently, any reservations with regard to competitive environment on the Union market do not appear to be warranted.

- (117) In the light of the above, it is provisionally concluded that no compelling reasons exist against the imposition of provisional measures on imports of the product concerned originating in Russia and Turkey.

G. PROVISIONAL ANTI-DUMPING MEASURES

- (118) In view of the conclusions reached with regard to dumping, injury, causation and Union interest, provisional measures should be imposed on imports of the product concerned originating in Russia and Turkey in order to prevent further injury to the Union industry by the dumped imports.

1. Injury elimination level

- (119) The provisional measures on imports originating in the countries concerned should be imposed at a level sufficient to eliminate dumping, without exceeding the level of injury caused to the Union industry by the dumped imports. When calculating the amount of duty necessary to remove the effects of the injurious dumping, it is considered that any measures should allow the Union industry to cover its costs of production and obtain overall a profit before tax that could be reasonably achieved under normal conditions of competition, i.e. in the absence of dumped imports.

- (120) Given that the established undercutting margins are in all cases higher than the respective dumping margins and that the Union industry suffered losses in the IP, any calculated injury elimination level would *per se* be always even higher. Consequently, it was considered that a detailed calculation of the injury levels is not necessary.

2. Provisional measures

- (121) In the light of the foregoing and pursuant to Article 7(2) of the basic Regulation, it is considered that a provisional anti-dumping duty should be imposed on imports of the product concerned originating in Russia and Turkey at the level of the lower of the dumping margin and injury elimination level found, in accordance with the lesser duty rule, which is in all cases the dumping margin.

- (122) For Russia, in the absence of cooperation by Russian exporting producers, a country-wide dumping margin was calculated as explained in recitals 21 to 31 above.

- (123) For Turkey, given that the level of cooperation was considered to be relatively low, the residual dumping margin was based on a reasonable method leading to a margin which is higher than the highest among the individual margins of the three cooperating companies as explained in recital 49 above.

(124) On the basis of the above, the proposed duty rates are:

Country	Company	Provisional anti-dumping duty
Russia	All companies	23,8 %
Turkey	RSA	9,6 %
	Sardogan	2,9 %
	Unifit	12,1 %
	All other companies	16,7 %

(125) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of the present investigation. Therefore, they reflect the situation found during that investigation with respect to these companies. These duty rates (as opposed to the countrywide duty applicable to 'all other companies') are thus exclusively applicable to imports of products originating in the countries concerned and produced by the companies and thus by the specific legal entities mentioned. Imported products produced by any other company not specifically mentioned in the operative part of this Regulation with its name and address, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.

(126) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting-up of new production or sales entities) should be addressed to the Commission ⁽¹⁾ forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with, for example, that name change or that change in the production and sales entities. If appropriate, the Regulation will accordingly be amended by updating the list of companies benefiting from individual duty rates.

(127) In order to ensure a proper enforcement of the anti-dumping duty, the duty level for all other companies should not only apply to the non-cooperating exporting producers, but also to those producers which did not have any exports to the Union during the IP.

H. FINAL PROVISION

(128) In the interest of sound administration, a period should be fixed within which the interested parties which made

themselves known within the time limit specified in the notice of initiation may make their views known in writing and request a hearing. Furthermore, it should be stated that the findings concerning the imposition of duties made for the purposes of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive measures,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of tube and pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, currently falling within CN codes ex 7307 93 11, ex 7307 93 19 and ex 7307 99 80 (TARIC codes 7307 93 11 91, 7307 93 11 93, 7307 93 11 94, 7307 93 11 95, 7307 93 11 99, 7307 93 19 91, 7307 93 19 93, 7307 93 19 94, 7307 93 19 95, 7307 93 19 99, 7307 99 80 92, 7307 99 80 93, 7307 99 80 94, 7307 99 80 95 and 7307 99 80 98) and originating in Russia and Turkey.

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

Country	Company	Provisional anti-dumping duty	TARIC additional code
Russia	All companies	23,8 %	—
Turkey	RSA Tesisat Malzemeleri San ve Ticaret AŞ, Küçükköy, Istanbul	9,6 %	B295
	SARDOĞAN Endüstri ve Ticaret, Kurtköy Pendik, Istanbul	2,9 %	B296
	UNIFIT Boru Bağlantı Elemanları Ltd Sti, Tuzla, Istanbul	12,1 %	B297
	All other companies	16,7 %	B999

3. The release for free circulation in the Union of the product referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

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

⁽¹⁾ European Commission
Directorate-General for Trade
Direction H
Office Nerv 105
B-1049 Brussels.

Article 2

Without prejudice to Article 20 of Council Regulation (EC) No 1225/2009, interested parties may request disclosure of the essential facts and considerations on the basis of which this Regulation was adopted, make their views known in writing and apply to be heard orally by the Commission within one month of the date of entry into force of this Regulation.

Pursuant to Article 21(4) of Regulation (EC) No 1225/2009, the parties concerned may comment on the application of this Regulation within one month of the date of its entry into force.

Article 3

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

Article 1 of this Regulation shall apply for a period of six months.

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

Done at Brussels, 30 July 2012.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 700/2012**of 30 July 2012****operating deductions from fishing quotas available for certain stocks in 2012 on account of overfishing in the previous years**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ⁽¹⁾, and in particular Article 105(1), (2) and (3) thereof,

Whereas:

(1) Fishing quotas for the year 2011 have been established by:

- Council Regulation (EU) No 1124/2010 of 29 November 2010 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea ⁽²⁾,
- Council Regulation (EU) No 1225/2010 of 13 December 2010 fixing for 2011 and 2012 the fishing opportunities for EU vessels for fish stocks of certain deep-sea fish species ⁽³⁾,
- Council Regulation (EU) No 1256/2010 of 17 December 2010 fixing the fishing opportunities for certain fish stocks applicable in the Black Sea for 2011 ⁽⁴⁾ and,
- Council Regulation (EU) No 57/2011 of 18 January 2011 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters ⁽⁵⁾.

(2) Fishing quotas for the year 2012 have been established by:

- Regulation (EU) No 1225/2010,
- Council Regulation (EU) No 716/2011 of 19 July 2011 establishing the fishing opportunities for anchovy in the Bay of Biscay for the 2011/2012 fishing season ⁽⁶⁾,

— Council Regulation (EU) No 1256/2011 of 30 November 2011 fixing for 2012 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) No 1124/2010 ⁽⁷⁾,

— Council Regulation (EU) No 5/2012 of 19 December 2011 fixing for 2012 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Black Sea ⁽⁸⁾,

— Council Regulation (EU) No 43/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements ⁽⁹⁾ and,

— Council Regulation (EU) No 44/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements ⁽¹⁰⁾.

(3) According to Article 105(1) of Regulation (EC) No 1224/2009, when the Commission has established that a Member State has exceeded the fishing quotas which have been allocated to it, the Commission is to operate deductions from future fishing quotas of that Member State.

(4) Article 105(2) and (3) of Regulation (EC) No 1224/2009 provide that such deductions shall be operated in the following year or years by applying certain multiplying factors as set out therein.

(5) Certain Member States have exceeded their fishing quotas for the year 2011. It is therefore appropriate to operate deductions on the fishing quotas allocated to them in 2012 and, where appropriate, in subsequent years, for the overfished stocks.

(6) Commission Implementing Regulation (EU) No 1016/2011 of 23 September 2011 operating deductions from fishing quotas available for certain stocks in 2011,

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 318, 4.12.2010, p. 1.

⁽³⁾ OJ L 336, 21.12.2010, p. 1.

⁽⁴⁾ OJ L 343, 29.12.2010, p. 2.

⁽⁵⁾ OJ L 24, 27.1.2011, p. 1.

⁽⁶⁾ OJ L 193, 23.7.2011, p. 11.

⁽⁷⁾ OJ L 320, 3.12.2011, p. 3.

⁽⁸⁾ OJ L 3, 6.1.2012, p. 1.

⁽⁹⁾ OJ L 25, 27.1.2012, p. 1.

⁽¹⁰⁾ OJ L 25, 27.1.2012, p. 55.

on account of overfishing of those stocks in the previous year ⁽¹⁾ and Commission Implementing Regulation (EU) No 1021/2011 of 14 October 2011 operating deductions from fishing quotas available for certain stocks in 2011, on account of overfishing of other stocks in the previous year ⁽²⁾ have operated deductions from fishing quotas for certain countries and species for 2011. However, for certain Member States the deductions to be applied were higher than their respective 2011 quota and could therefore not be operated entirely in that year. To ensure that also in such cases the full amount be deducted, the remaining quantities should be taken into account when establishing deductions from 2012 and, where appropriate, subsequent quotas.

- (7) Deductions provided by this Regulation should apply without prejudice to deductions applicable to 2012 quotas pursuant to:

— Commission Regulation (EC) No 147/2007 of 15 February 2007 adapting certain fish quotas from 2007 to 2012 pursuant to Article 23(4) of Council Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽³⁾, and

— Commission Regulation (EU) No 165/2011 of 22 February 2011 providing for deductions from certain mackerel quotas allocated to Spain in 2011 and subsequent years on account of overfishing in 2010 ⁽⁴⁾.

- (8) Where the deductions cannot be applied because the quota is not or not sufficiently available to the Member State concerned, the provisions of Article 105(5) of Regulation (EC) No 1224/2009 will apply,

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing quotas fixed in Regulations (EU) No 1225/2010, (EU) No 716/2011, (EU) No 1256/2011, (EU) No 5/2012, (EU) No 43/2012 and (EU) No 44/2012 for the year 2012 are reduced as shown in the Annex.

2. Paragraph 1 shall apply without prejudice to reductions provided for in Regulations (EC) No 147/2007 and (EU) No 165/2011.

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, 30 July 2012.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 270, 15.10.2011, p. 1.

⁽²⁾ OJ L 270, 15.10.2011, p. 16.

⁽³⁾ OJ L 46, 16.2.2007, p. 10.

⁽⁴⁾ OJ L 48, 23.2.2011, p. 11.

ANNEX

Member State	Species code	Area code	Species name	Area name	Permitted landings 2011 (Total adapted quantity in tons) ⁽¹⁾	Total catches 2011 (quantity in tons)	Quota consumption (%)	Overfishing related to permitted landing (quantity in tons)	Multiplying factor ⁽²⁾	Additional multiplying factor ^{(3), (4)}	Remaining deduction from 2011 ⁽⁵⁾ (quantity in tons)	Deductions 2012 ⁽⁶⁾ (quantity in tons)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
DK	DGS	03A-C	Spurdog/ dogfish	EU waters of IIIa	0,00	1,00	—	1,00	1		12	13,00
DK	SAN	*234_6	Sandeel	EU waters of sandeel management areas	420,00	489,60	116,6 %	69,60	1			69,60
DE	DGS	2AC4-C	Spurdog/ dogfish	EU waters of IIa and IV	0,00	0,70	—	0,70	1			0,70
DE	MAC	2CX14-	Mackerel	VI, VII, VIIa, VIIb, VIIc and VIII; EU and international waters of Vb; international waters of IIa, XII and XIV	21 401,00	21 860,70	102,1 %	459,70	1			459,70
DE	PLE	3BCD-C	Plaice	EU waters of Subdivisions 22-32	425,00	426,40	100,3 %	1,40	1			1,40
IE	HER	4AB.	Herring	EU and Norwegian waters of IV north of 53° 30' N	0,00	40,00	—	40,00	1			40,00
IE	NOP	2A3A4.	Norway pout and associated by-catches	IIIa; EU waters of IIa and IV	0,00	5,00	—	5,00	1			5,00
ES	ALF	3X14-	Alfonsinos	EU and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV	66,00	69,00	104,5 %	3,00	1			3,00
ES	ANE	9/3411	Anchovy	IX and X; EU waters of CECAF 34.1.1	5 560,00	6 361,90	114,4 %	801,90	1,2			962,28
ES	ANF	8C3411	Anglerfish	VIIIc, IX and X; EC waters of CECAF 34.1.1	1 293,00	1 453,90	112,4 %	160,90	1,2			193,08

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
ES	BLI	67- (new code BLI/5B67-)	Blue Ling	EU waters and international waters of Vb, VI, VII	0,00	0,00	—	0,00	—		41	41,00
ES	BSF	8910-	Black scabbardfish	EU and international waters of VIII, IX and X	17,00	17,60	103,5 %	0,60	1			0,60
ES	BSF	56712-	Black scabbardfish	EU and international waters of V, VI, VII and XII	135,00	216,90	160,7 %	81,90	1			81,90
ES	COD	7XAD34	Cod	VIIb, VIIc, VIIe-k, VIII, IX and X; EU waters of CECAF 34.1.1	0,00	0,90	—	0,90	1			0,90
ES	DGS	15X14	Spurdog/dogfish	EU and international waters of I, V, VI, VII, VIII, XII and XIV	1,00	6,20	620,0 %	5,20	1			5,20
ES	DWS	56789-	Deep-sea sharks	EU and international waters of V, VI, VII, VIII	2,79	25,90	928,3 %	23,11	1			23,11
ES	GFB	89-	Forkbeards	EU and international waters of VIII and IX	222,00	250,20	112,7 %	28,20	1			28,20
ES	GFB	567-	Forkbeards	EU and international waters of V, VI and VII	608,00	638,50	105,0 %	30,50	1			30,50
ES	HAD	5BC6A.	Haddock	EU and international waters of Vb and VIa	14,00	35,80	255,7 %	21,80	1			21,80
ES	HAD	1N2AB	Haddock	Norwegian waters of I and II	60,00	65,30	108,8 %	5,30	1			5,30
ES	JAX	2A-14	Horse mackerel and associated by-catches	EU waters of IIa, IVa; VI, VIIa-c, VIIe-k, VIIla, VIIlb, VIIld and VIIle; EU and international waters of Vb; international waters of XII and XIV	2 419,00	2 519,90	104,2 %	100,90	1			100,90
ES	JAX	09.	Horse mackerel	IX	7 859,00	8 478,30	107,9 %	619,30	1,1			681,23
ES	JAX	08C.	Horse mackerel	VIIIc	24 129,00	32 431,80	134,4 %	8 302,80	1,4			11 623,92

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
ES	LEZ	8C3411	Megrim	VIIIc, IX and X; EU waters of CECAF 34.1.1	917,00	1 005,30	109,6 %	88,30	1			88,30
ES	ORY	1CX14	Orange roughly	EU and international waters of I, II, III, IV, V, VIII, IX, X, XII and XIV	0,00	0,60	—	0,60	1			0,60
ES	POK	56-14	Saithe	VI; EU and international waters of Vb, XII and XIV	3,00	30,60	1 020,0 %	27,60	1			27,60
ES	POL	8ABDE.	Pollack	VIIIa, VIIIb, VIId and VIle	61,00	65,30	107,0 %	4,30	1			4,30
ES	POL	08C.	Pollack	VIIIc	208,00	256,00	123,1 %	48,00	1			48,00
ES	PRA	N3L.	Northern prawn	NAFO 3L	214,00	292,00	136,4 %	78,00	1			78,00
ES	RED	N3LN.	Redfish	NAFO 3LN	0,00	43,50	—	43,50	1			43,50
ES	SBR	*678-	Red seabream	EU and international waters of VI, VII and VIII	49,12	62,30	126,8 %	13,18	1			13,18
ES	SOL	8AB.	Common sole	VIIIa and VIIIb	10,00	10,70	107,0 %	0,70	1	c ⁽⁷⁾		1,05
ES	USK	567EI.	Tusk	EU and international waters of V, VI and VII	8,30	50,70	610,8 %	42,40	1			42,40
ES	WHB	8C3411	Blue whiting	VIIIc, IX and X; EC waters of CECAF 34.1.1	1 987,00	2 258,30	113,7 %	271,30	1,2			325,56
FR	DWS	56789-	Deep-sea sharks	EU and international waters of V, VI, VII, VIII and IX	10,17	26,00	255,7 %	15,83	1			15,83
FR	SOL	07E.	Common sole	VIle	283,00	290,00	102,5 %	7,00	1	c ⁽⁸⁾		10,50
LT	JAX	2A-14	Horse mackerel and associated by-catches	EU waters of IIa, IVa; VI, VIIa-c, VIIe-k, VIIIa, VIIIb, VIId and VIle; EU and international waters of Vb; international waters of XII and XIV	356,00	660,40	185,5 %	304,40	2			608,80

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
LT	MAC	2CX14-	Mackerel	VI, VII, VIIa, VIIb, VIId and VIII; EU and international waters of Vb; international waters of IIa, XII and XIV	26,00	28,80	110,8 %	2,80	1			2,80
NL	BSF	56712-	Black scabbardfish	EU and international waters of V, VI, VII and XII	0,00	0,00	—	0,00	—		5	5,00
NL	SBR	678-	Red seabream	EU and international waters of VI, VII and VIII	0,00	0,00	—	0,00	—		6	6,00
PL	COD	1N2AB	Cod	Norwegian waters of I and II	0,00	0,00	—	0,00	—		2	2,00
PL	GHL	1N2AB	Greenland halibut	Norwegian waters of I and II	0,00	0,00	—	0,00	—		1	1,00
PL	HAD	2AC4	Haddock	IV; EU waters of IIa	0,00	0,00	—	0,00	—		16	16,00
PL	HER	03A.	Herring	IIIa	0,00	38,20	—	38,20	1			38,20
PL	LIN	04-C.	Ling	EU waters of IV	0,00	3,00	—	3,00	1			3,00
PL	MAC	2A34	Mackerel	IIIa and IV; EU waters of IIa, IIIb, IIIc and Subdivisions 22-32	0,00	0,00	—	0,00	—		5	5,00
PL	RED	514GRN	Redfish	Greenland waters of V and XIV	0,00	0,00	—	0,00	—		1	1,00
PL	SPR	03A	Sprat	IIIa	0,00	119,60	—	119,60	1			119,60
PL	WHB	1X14	Blue whiting	EU and international waters of I, II, III, IV, V, VI, VII, VIIa, VIIb, VIId, VIIe, XII and XIV	0,00	0,00	—	0,00	—		8	8,00
PT	ALF	3X14-	Alfonsinos	EU and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV	220,10	241,10	109,5 %	21,00	1			21,00
PT	ANE	9/3411	Anchovy	IX and X; EU waters of CECAF 34.1.1	2 882,00	2 920,20	101,3 %	38,20	1			38,20
PT	ANF	8C3411	Anglerfish	VIIIc, IX and X; EU waters of CECAF 34.1.1	260,20	335,30	128,9 %	75,10	1	a		112,65

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
PT	BET	ATLANT	Bigeye Tuna	Atlantic Ocean	6 879,70	7 022,40	102,1 %	142,70	1			142,70
PT	BSF	8910-	Black scabbardfish	EU and international waters of VIII, IX and X	3 305,00	3 547,20	107,3 %	242,20	1,1			266,42
PT	BUM	ATLANT	Blue marlin	Atlantic Ocean	69,00	72,30	104,8 %	3,30	1			3,30
PT	COD	N3M.	Cod	NAFO 3M	2 525,70	2 753,80	109,0 %	228,10	1,1			250,91
PT	GFB	89-	Forkbeards	EU and international waters of VIII and IX	10,00	12,00	120,0 %	2,00	1	a		3,00
PT	GHL	1N2AB	Greenland halibut	Norwegian waters of I and II	0,00	0,00	—	0,00	—		11	11,00
PT	GHL	N3LMNO.	Greenland halibut	NAFO 3LMNO	2 413,80	2 508,20	103,9 %	94,40	1			94,40
PT	HAD	1N2AB	Haddock	Norwegian waters of I and II	78,00	30,00	38,5 %	– 48,00	—		458	410,00
PT	POK	1N2AB	Saithe	Norwegian waters of I and II	80,00	40,90	51,1 %	– 39,10	—		294	254,90
PT	RED	51214D	Redfish	EU and international waters of V; international waters of XII and XIV	603,00	719,10	119,3 %	116,10	1,2	a		208,98
PT	RED	N3LN.	Redfish	NAFO 3LN	932,80	983,50	105,4 %	50,70	1			50,70
PT	WHB	8C3411	Blue whiting	VIIIc, IX and X; EC waters of CECAF 34.1.1	483,00	711,90	147,4 %	228,90	1,8			412,02
PT	WHG	08.	Whiting	VIII	0,00	1,20	—	1,20	1			1,20
UK	COD	N01514	Cod	Greenland waters of NAFO 0 and 1; Greenland waters of V and XIV	717,00	724,60	101,1 %	7,60	1			7,60
UK	BET	ATLANT	Bigeye Tuna	Atlantic Ocean	10,00	0,00	0,0 %	– 10,00	—		10	0,00
UK	BLI	24-	Blue ling	EU waters and waters not under the sovereignty or jurisdiction of third countries of II, IV and V	1,50	1,50	100,0 %	0,00	—		2	2,00
UK	HAD	1N2AB	Haddock	Norwegian waters of I and II	781,00	781,60	100,1 %	0,60	1			0,60

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
UK	HER	4AB.	Herring	EU and Norwegian waters of IV north of 53° 30' N	27 687,00	27 887,40	100,7 %	200,40	1			200,40
UK	MAC	2CX14-	Mackerel	VI, VII, VIIa, VIIb, VIIc and VIId; EU and international waters of Vb; international waters of IIa, XII and XIV	173 520,50	179 960,30	103,7 %	6 439,80	1			6 439,80

(¹) Quotas available to a Member State pursuant to the relevant fishing opportunities Regulations after taking into account exchanges of fishing opportunities in accordance with Article 20(5) of Council Regulation (EC) No 2371/2002 (OJ L 358, 31.12.2002, p. 59), quota transfers in accordance with Article 4(2) of Council Regulation (EC) No 847/96 (OJ L 115, 9.5.1996, p. 3) and/or reallocation and deduction of fishing opportunities in accordance with Articles 37 and 105 of Regulation (EC) No 1224/2009.

(²) As set out in Article 105(2) of Regulation (EC) No 1224/2009.

(³) As set out in Article 105(3) of Regulation (EC) No 1224/2009.

(⁴) Letter 'a' indicates that an additional multiplying factor of 1,5 has been applied due to consecutive overfishing in the years 2009, 2010 and 2011. In this regard, see: Commission Regulation (EU) No 1004/2010 of 8 November 2010 operating deductions from certain fishing quotas for 2010 on account of overfishing in the previous year, as amended (OJ L 291, 9.11.2010, p. 31), Implementing Regulation (EU) No 1016/2011 operating deductions from fishing quotas available for certain stocks in 2011, on account of overfishing of those stocks in the previous year and Implementing Regulation (EU) No 1021/2011 operating deductions from fishing quotas available for certain stocks in 2011, on account of overfishing of other stocks in the previous year. Letter 'c' indicates that an additional multiplying factor of 1,5 has been applied as the stock is subject to a multiannual plan.

(⁵) Implementing Regulation (EU) No 1016/2011 and Implementing Regulation (EU) No 1021/2011 have operated deductions from fishing quotas for certain countries and species for 2011. However, for certain Member States the deductions to be applied were higher than their respective 2011 quota and could therefore not be operated entirely in that year. To ensure that also in such cases the full amount be deducted, the remaining quantities should be taken into account when establishing deductions from 2012 and, where appropriate, subsequent quotas.

(⁶) Amounts to be deducted from 2012 adapted quotas or following year(s) quotas where appropriate.

(⁷) As defined by Council Regulation (EC) No 388/2006 of 23 February 2006 establishing a multiannual plan for the sustainable exploitation of the stock of sole in the Bay of Biscay (OJ L 65, 7.3.2006, p. 1).

(⁸) As defined by Council Regulation (EC) No 509/2007 of 7 May 2007 establishing a multi-annual plan for the sustainable exploitation of the stock of sole in the Western Channel (OJ L 122, 11.5.2007, p. 7).

COMMISSION IMPLEMENTING REGULATION (EU) No 701/2012**of 30 July 2012****amending Implementing Regulation (EU) No 543/2011 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**

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 Articles 103h, 127(c) and 143 in conjunction with Article 4 thereof,

Whereas:

(1) Regulation (EC) No 1234/2007 establishes a common organisation of agricultural markets which includes the fruit and vegetables and processed fruit and vegetables sectors. Pursuant to Article 103c of that Regulation, operational programmes in the fruit and vegetables sector may include crisis prevention and management measures, aimed at avoiding and dealing with crises on the fruit and vegetable markets.

(2) In accordance with Article 79(1) of Commission Implementing Regulation (EU) No 543/2011 ⁽²⁾, Annex XI to that Implementing Regulation sets out the maximum amounts of support for market withdrawals for the products listed therein. Those amounts should be fixed so as to avoid that withdrawals become a permanent alternative outlet for products compared to placing them on the market and to ensure, at the same time, that withdrawals remain an effective instrument for crisis prevention and management.

(3) In order to ensure that withdrawals remain an effective instrument for crisis prevention and management, the maximum amounts of support for market withdrawals should be increased for those fruit and vegetables where current support levels are particularly low compared to the average producer prices in the Union. This is the case for tomatoes, grapes, apricots, pears, aubergines and melons. In addition, in order to avoid overcompensation of withdrawals of lower-priced tomatoes intended for processing, a differentiated amount should be introduced for tomatoes produced from 1 June to 31 October, which is the period in which tomatoes intended for processing may be withdrawn.

(4) In order to encourage the free distribution of withdrawn fruit and vegetables within the meaning of Article 103d(4) of Regulation (EC) No 1234/2007 and any other equivalent destinations approved by the Member States, a higher maximum amount of aid should be fixed than for other destinations, if the difference between the average producer price in the Union and the current maximum support levels allows this without creating an alternative outlet for the products compared to placing them on the market. This is the case for cauliflowers, tomatoes, apples, grapes, apricots, pears, aubergines, melons, watermelons, clementines and lemons.

(5) In order to facilitate the distribution of withdrawn products by charitable organisations and institutions, those organisations and institutions should only be obliged to keep financial accounts for the operation in question if they have requested and obtained the authorisation from the competent authorities of the Member State to ask a symbolic financial contribution from the final recipients. The possibility to request such a contribution should also be extended to fresh products.

(6) In order to take past experiences in applying crisis prevention and management measures into account, it is appropriate to clarify the definitions of green harvesting and non-harvesting and the situations in which green harvesting and non-harvesting measures may be undertaken. In addition, so as to align the various crisis prevention and management measures and to increase their effectiveness, it is appropriate to delete the specific obligation provided for in Article 85(2) of Implementing Regulation (EU) No 543/2011 to include a compulsory market analysis in the first notification of each intended green harvesting operation.

(7) In order to react to a sudden crisis situation, green harvesting and non-harvesting should be possible for fruit and vegetables with a longer harvesting period, although the normal harvest has already begun or commercial production has already been taken from the area in question, subject to restrictions to be decided by Member States. In such cases, only the production to be harvested in the six weeks following the operation should be compensated. As plants bearing fruit and vegetables with a longer harvesting period often bear both ripe and unripe products at the same time, it is appropriate to derogate from the general rule opposing the application of green harvesting and non-harvesting measures for the same product and the same given area in any given year.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

- (8) In order to ensure that the obligation to demonstrate that each lot was disposed of in accordance with the relevant conditions is fulfilled and to allow for effective customs controls based on risk analysis, detailed rules should be set out as regards the obligation to make available to the customs authorities certain documents relevant for the controls to be undertaken.
- (9) Implementing Regulation (EU) No 543/2011 should therefore be amended accordingly.
- (10) It is appropriate to apply the new amounts of support for market withdrawals retroactively as from 1 July 2012 when the summer marketing season starts. In order to give time to importers to adapt to the new rules concerning the entry price system, those rules should apply from 1 September 2012.
- (11) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Implementing Regulation (EU) No 543/2011

Implementing Regulation (EU) No 543/2011 is amended as follows:

- (1) In Article 80(2), the second subparagraph is replaced by the following:

‘Upon request, Member States may authorise the charitable organisations and institutions referred to in Article 103d(4) of Regulation (EC) No 1234/2007 to ask a symbolic contribution from the final recipients of products withdrawn from the market. When the charitable organisations and institutions concerned have obtained the authorisation, they shall, in addition to the obligations under Article 83(1) of this Regulation, keep financial accounts for the operation in question.’

- (2) In Article 83(1), point (b) is replaced by the following:

‘(b) keep separate stock records for the operations in question;’

- (3) In Article 84(1), points (a) and (b) are replaced by the following:

‘(a) “green harvesting” means the total harvesting of unripe non-marketable products on a given area. The products concerned shall not have been damaged prior to the green harvesting, whether due to climatic reasons or disease or otherwise;

(b) “non-harvesting” means the termination of the current production cycle from the area concerned where the

product is well developed and is of sound, fair and marketable quality. Destruction of products due to a climatic event or disease shall not be considered as non-harvesting.’

- (4) Article 85 is amended as follows:

(a) in paragraph 2, the second subparagraph is deleted;

(b) paragraph 3 is replaced by the following:

‘3. Green harvesting measures shall not be undertaken in respect of fruit and vegetables of which the normal harvest has already begun, and non-harvesting measures shall not be undertaken where commercial production has been taken from the area concerned during the normal production cycle.

However, the first subparagraph shall not apply where fruit and vegetable plants have a harvesting period exceeding one month. In such cases, the amounts referred to in paragraph 4 shall only compensate for the production to be harvested in the six weeks following the green harvesting and non-harvesting operation. Those fruit and vegetable plants shall not be used for further production purposes after the operation has taken place.

For the purposes of the second subparagraph, Member States may prohibit the application of green harvesting and non-harvesting measures if, in the case of green harvesting, a significant part of the normal harvest has been carried out and, in the case of non-harvesting, a significant part of the commercial production has already been taken. A Member State intending to apply this provision shall lay down in its national strategy the part it deems to be significant.

Green harvesting and non-harvesting shall not both be applied for the same product and the same given area in any given year, except for the purposes of the second subparagraph where both operations may be applied simultaneously.’

(c) in paragraph 4, point (b) is replaced by the following:

‘(b) at a level to cover not more than 90 % of the maximum support level for market withdrawals applicable to withdrawals for destinations other than free distribution as referred to in Article 103d(4) of Regulation (EC) No 1234/2007.’

- (5) In Article 109(5), point (a) is replaced by the following:

‘(a) a sample check on the stock records to be kept by recipients and on the financial accounts of the charitable organisations and institutions concerned where the second subparagraph of Article 80(2) applies;’

(6) Article 110 is amended as follows:

- (a) in paragraph 1, the second subparagraph is deleted;
- (b) in paragraph 2, the following third subparagraph is added:

‘Where the second subparagraph of Article 85(3) applies, the requirement provided for in the first subparagraph of this paragraph that no partial harvest has taken place shall not apply.’

- (c) the following paragraph 2a is inserted:

‘2a. Where the second subparagraph of Article 85(3) applies, Member States shall ensure that the fruit and vegetable plants on which non-harvesting and green harvesting measures have been undertaken shall not be used for further production purposes.’

(7) Article 121 is amended as follows:

- (a) in paragraph 1, point (a) is deleted;
 - (b) in paragraph 2, the following subparagraph is added:
- ‘Point (b) of the first subparagraph of this paragraph shall not apply where the second subparagraph of Article 85(3) applies.’

(8) In Article 137(4), the following fourth and fifth subparagraphs are added:

‘In order to prove that the lot was disposed of under the conditions set out in the first subparagraph, the importer shall make available, in addition to the invoice, all documents needed for the carrying out of the relevant customs controls in relation to the sale and disposal of each product of the lot in question. This shall include documents relating to the transport, insurance, handling and storage of the lot.

Where the marketing standards referred to in Article 3 require the product variety or the commercial type of the fruit and vegetables to be indicated on the packaging, the product variety or the commercial type of the fruit and vegetables that form part of the lot shall be indicated on documents related to transport, invoices and the delivery order.’

(9) Annex XI is replaced by the text set out in the Annex to this Regulation.

Article 2

Entry into force

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

However, point (8) of Article 1 shall apply from 1 September 2012 and point (9) of Article 1 shall apply from 1 July 2012.

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

Done at Brussels, 30 July 2012.

For the Commission
The President
José Manuel BARROSO

ANNEX

‘ANNEX XI

Maximum amounts of support for market withdrawals as referred to in article 79(1)

Product	Maximum support (EUR/100 kg)	
	Free distribution	Other destinations
Cauliflowers	15,69	10,52
Tomatoes (1 June – 31 October)	7,25	7,25
Tomatoes (1 November-31 May)	27,45	18,30
Apples	16,98	13,22
Grapes	39,16	26,11
Apricots	40,58	27,05
Nectarines	26,90	26,90
Peaches	26,90	26,90
Pears	23,85	15,90
Aubergines	22,78	15,19
Melons	31,37	20,91
Watermelons	8,85	6,00
Oranges	21,00	21,00
Mandarins	19,50	19,50
Clementines	22,16	19,50
Satsumas	19,50	19,50
Lemons	23,99	19,50'

COMMISSION IMPLEMENTING REGULATION (EU) No 702/2012**of 30 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, 30 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
0702 00 00	MK	58,9
	XS	38,5
	ZZ	48,7
0707 00 05	MK	53,8
	TR	95,4
	ZZ	74,6
0709 93 10	TR	98,0
	ZZ	98,0
0805 50 10	AR	94,3
	TR	91,0
	UY	105,4
	ZA	104,9
	ZZ	98,9
0806 10 10	EG	216,8
	IL	192,5
	IN	210,3
	MA	250,0
	MX	301,8
	TR	150,9
	ZZ	220,4
0808 10 80	AR	116,7
	BR	98,9
	CL	107,4
	NZ	135,3
	US	114,9
	ZA	107,6
	ZZ	113,5
0808 30 90	AR	159,7
	CL	129,6
	NZ	175,8
	ZA	113,9
	ZZ	144,8
0809 10 00	AR	124,4
	TR	165,1
	ZZ	144,8
0809 29 00	TR	333,9
	ZZ	333,9
0809 30	TR	167,0
	ZZ	167,0
0809 40 05	BA	67,1
	ZZ	67,1

⁽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'.

DECISIONS

COMMISSION IMPLEMENTING DECISION

of 27 July 2012

amending Decision 2003/467/EC as regards the declaration of Latvia as officially enzootic-bovine-leukosis-free Member State*(notified under document C(2012) 5185)***(Text with EEA relevance)**

(2012/449/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, and in particular Annex D(I)(E) thereto,

Whereas:

- (1) Directive 64/432/EEC applies to trade within the Union in bovine animals and swine. It lays down the conditions whereby a Member State or region of a Member State may be declared officially enzootic-bovine-leukosis-free as regards bovine herds.
- (2) Annex III to Commission Decision 2003/467/EC of 23 June 2003 establishing the official tuberculosis, brucellosis and enzootic-bovine-leukosis-free status of certain Member States and regions of Member States as regards bovine herds ⁽²⁾ lists the Member States and regions thereof which are declared officially enzootic-bovine-leukosis-free.
- (3) Latvia has submitted to the Commission documentation demonstrating compliance with the conditions for the officially enzootic-bovine-leukosis-free status laid down in Directive 64/432/EEC for its whole territory.

- (4) Following the evaluation of the documentation submitted by Latvia, that Member State should be declared as officially enzootic-bovine-leukosis-free.

- (5) Decision 2003/467/EC should therefore be amended accordingly.

- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Annex III to Decision 2003/467/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 July 2012.

For the Commission

John DALLI

Member of the Commission

⁽¹⁾ OJ L 121, 29.7.1964, p. 1977/64.

⁽²⁾ OJ L 156, 25.6.2003, p. 74.

ANNEX

In Annex III to Decision 2003/467/EC, Chapter 1 is replaced by the following:

‘CHAPTER 1**Officially enzootic-bovine-leukosis-free Member States**

ISO code	Member State
BE	Belgium
CZ	Czech Republic
DK	Denmark
DE	Germany
IE	Ireland
ES	Spain
FR	France
CY	Cyprus
LV	Latvia
LT	Lithuania
LU	Luxembourg
NL	Netherlands
AT	Austria
SI	Slovenia
SK	Slovakia
FI	Finland
SE	Sweden
UK	United Kingdom’

COMMISSION IMPLEMENTING DECISION

of 27 July 2012

amending Decision 2009/821/EC as regards the list of border inspection posts

(notified under document C(2012) 5187)

(Text with EEA relevance)

(2012/450/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, and in particular Article 20(1) and (3) thereof,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽²⁾, and in particular the second sentence of the second subparagraph of Article 6(4) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽³⁾, and in particular Article 6(2) thereof,

Whereas:

- (1) Commission Decision 2009/821/EC of 28 September 2009 drawing up a list of approved border inspection posts, laying down certain rules on the inspections carried out by Commission veterinary experts and laying down the veterinary units in TRACES ⁽⁴⁾ lays down a list of border inspection posts approved in accordance with Directives 91/496/EEC and 97/78/EC. That list is set out in Annex I to that Decision.
- (2) Following communication from the Czech Republic, Germany, Spain, Italy, Portugal and the United Kingdom, the entries for the border inspection posts in those Member States should be amended in the list set out in Annex I to Decision 2009/821/EC.
- (3) Following satisfactory inspections by the Commission inspection services, the Food and Veterinary Office, new border inspection posts at Jade-Weser-Port Wilhelmshaven in Germany, at Riga airport in Latvia and at

Edinburgh airport in the United Kingdom should be added to the entries for those Member States in the list set out in Annex I to Decision 2009/821/EC.

- (4) In addition, Italy has communicated that the border inspection post at Milano-Linate airport should be temporarily suspended and that the temporary suspension of the border inspection post at Torino-Caselle should be lifted. The list of entries for that Member State as set out in Annex I to Decision 2009/821/EC should therefore be amended accordingly.
- (5) In addition, Latvia has communicated that the border inspection post at Patarnieki should be temporarily suspended and the relevant entry for that Member State as set out in Annex I to Decision 2009/821/EC should therefore be amended accordingly.
- (6) Decision 2009/821/EC should therefore be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 2009/821/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 July 2012.

For the Commission

John DALLI

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 268, 24.9.1991, p. 56.

⁽³⁾ OJ L 24, 30.1.1998, p. 9.

⁽⁴⁾ OJ L 296, 12.11.2009, p. 1.

ANNEX

Annex I to Decision 2009/821/EC is amended as follows:

(1) in the part concerning the Czech Republic, the entry for the airport at Praha-Ruzyně is replaced by the following:

Praha-Ruzyně	CZ PRG 4	A		HC(2), NHC-T(CH)(2), NHC-NT(2)	O'
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(2) the part concerning Germany is amended as follows:

(a) the entry for the port at Brake is deleted;

(b) the entry for the airport at Düsseldorf is replaced by the following:

Düsseldorf	DE DUS 4	A		HC(2), NHC-T(CH)(2), NHC-NT(2)'	
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(c) the following entry for a new border inspection post at the port at Jade-Weser is inserted between the entry for the airport at Hannover-Langenhagen and the entry for the airport at Köln:

Jade-Weser-Port Wilhelmshaven	DE WVN 1	P		HC, NHC-T(FR), NHC-NT'	
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(3) the part concerning Spain is amended as follows:

(a) the entry for the port at Almería is replaced by the following:

Almería	ES LEI 1	P		HC, NHC	O'
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(b) the entry for the port at Villagarcía-Ribeira-Caramiñal is replaced by the following:

Villagarcía-Ribeira-Caramiñal	ES RIB 1	P	Villagarcía	HC, NHC	
			Ribeira	HC	
			Caramiñal	HC'	

(4) the part concerning Italy is amended as follows:

(a) the entry for the airport at Bergamo is replaced by the following:

Bergamo	IT BGO 4	A		HC(2), NHC(2)'	
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(b) the entry for the port at Livorno-Pisa is replaced by the following:

Livorno-Pisa	IT LIV 1	P	Porto Commerciale	HC, NHC-NT	
			Sintermar (*)	HC (*), NHC (*)	
			Lorenzini	HC, NHC-NT	
			Terminal Darsena Toscana	HC, NHC-NT, NHC-T(FR)'	

- (c) the entry for the airport at Milano-Linate is replaced by the following:

'Milano-Linate (*)	IT LIN 4	A		HC(2) (*), NHC-T(2) (*), NHC-NT (*)'	
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- (d) the entry for the airport at Milano-Malpensa is replaced by the following:

'Milano-Malpensa	IT MXP 4	A	Magazzini aeroportuali ALHA	HC(2), NHC(2)	
			SEA		U, E
			Cargo City MLE	HC(2)	O'

- (e) the entry for the airport at Torino-Caselle is replaced by the following:

'Torino-Caselle	IT CTI 4	A		HC(2), NHC-NT(2)'	
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- (5) the part concerning Latvia is amended as follows:

- (a) the entry for Patarnieki road is replaced by the following:

'Patarnieki (*)	LV PAT 3	R	IC 1 (*)	HC (*), NHC-T(CH) (*), NHC-NT (*)	
			IC 2 (*)		U (*), E (*), O (*)'

- (b) the following entry for a new border inspection post at Riga airport is inserted between the entry for Rēzekne rail and the entry for the port at Riga (Riga port):

'Riga (Airport)	LV RIX 4	A		HC-T(FR)(2)'	
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- (6) in the part concerning Portugal, the entry for the port at Aveiro is deleted;

- (7) the part concerning the United Kingdom is amended as follows:

- (a) the following entry for a new border inspection post at Edinburgh airport is inserted between the entry for the port at Bristol and the entry for the port at Falmouth:

'Edinburgh	GB EDI 4	A	Extrordinair		O'
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- (b) the entry for the port at Hull is replaced by the following:

'Hull	GB HUL 1	P		HC-T(1)(3), HC-NT(1)(3)'	
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