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Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Council Implementing Regulation (EU) No 430/2013 of 13 May 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of threaded tube or pipe cast fittings, of malleable cast iron, originating in the People's Republic of China and Thailand and terminating the proceeding with regard to Indonesia** 1
- ★ **Council Regulation (EU) No 431/2013 of 13 May 2013 amending Regulation (EC) No 147/2003 concerning certain restrictive measures in respect of Somalia** 12
- ★ **Council Regulation (EU) No 432/2013 of 13 May 2013 amending Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia** 15
- ★ **Commission Implementing Regulation (EU) No 433/2013 of 7 May 2013 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Κοπανιστή (Kopanisti) (PDO))** 17
- ★ **Commission Implementing Regulation (EU) No 434/2013 of 7 May 2013 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Mâche nantaise (PGI))** 19

Price: EUR 3

(Continued overleaf)

EN

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

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

★ Commission Implementing Regulation (EU) No 435/2013 of 7 May 2013 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Βόρειος Μυλοπόταμος Ρεθύμνης Κρήτης (Vorios Mylopotamos Rethymnis Kritis) (PDO))	21
★ Commission Implementing Regulation (EU) No 436/2013 of 7 May 2013 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Queijo de Cabra Transmontano/Queijo de Cabra Transmontano Velho (PDO))	23
★ Commission Implementing Regulation (EU) No 437/2013 of 8 May 2013 amending Regulation (EC) No 798/2008 as regards the entry for Mexico in the list of third countries, territories, zones or compartments from which certain commodities may be imported into or transit through the Union ⁽¹⁾	25
★ Commission Regulation (EU) No 438/2013 of 13 May 2013 amending and correcting Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of certain food additives ⁽¹⁾	28
★ Commission Implementing Regulation (EU) No 439/2013 of 13 May 2013 amending for the 192nd time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al Qaida network	34
Commission Implementing Regulation (EU) No 440/2013 of 13 May 2013 establishing the standard import values for determining the entry price of certain fruit and vegetables	36

DECISIONS

2013/217/EU:

★ Commission Implementing Decision of 8 May 2013 amending Decision 2007/777/EC as regards the entry for Mexico in the list of third countries or parts thereof from which the introduction of meat products and treated stomachs, bladders and intestines into the Union is authorised (notified under document C(2013) 2589) ⁽¹⁾	38
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Notice to readers — Council Regulation (EU) No 216/2013 of 7 March 2013 on the electronic publication of the *Official Journal of the European Union* (see page 3 of the cover)



⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) No 430/2013

of 13 May 2013

imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of threaded tube or pipe cast fittings, of malleable cast iron, originating in the People's Republic of China and Thailand and terminating the proceeding with regard to Indonesia

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Whereas:

A. PROCEDURE

1. Provisional measures

- (1) On 15 November 2012 by Regulation (EU) No 1071/2012⁽²⁾ ('the provisional Regulation') the European Commission ('the Commission') imposed a provisional anti-dumping duty on imports of threaded tube or pipe cast fittings, of malleable cast iron, originating in the People's Republic of China ('the PRC') and Thailand.
- (2) The proceeding was initiated by a notice of initiation⁽³⁾ published on 16 February 2012, following a complaint lodged on 3 January 2012 by the Defence Committee of Tube or Pipe Cast Fittings, of Malleable Cast Iron of the European Union ('the complainant') on behalf of producers representing more than 50 % of the total Union production of threaded tube or pipe cast fittings of malleable cast iron ('threaded malleable fittings').

- (3) As set out in recital 15 to the provisional Regulation, the investigation of dumping and injury covered the period from 1 January to 31 December 2011 ('investigation period' or 'IP'). The examination of trends relevant for the assessment of injury covered the period from 1 January 2008 to the end of the IP ('period considered').

2. Subsequent procedure

- (4) Subsequent to the disclosure of the essential facts and considerations on the basis of which it was decided to impose provisional anti-dumping measures ('provisional disclosure'), several interested parties made written submissions making their views on the provisional findings known. The parties who so requested were also granted the opportunity to be heard.
- (5) The Commission continued to seek and analyse all the information it deemed necessary for its definitive findings.

B. PRODUCT CONCERNED AND LIKE PRODUCT

- (6) One interested party claimed that the product they import should not be part of the product concerned, since its product had certain technical peculiarities. Those malleable fittings use tapered threads, contrary to the parallel threads of the other imported malleable fittings.
- (7) However, the investigation has shown that, apart from those technical specifications, those taper threaded fittings have the same physical and technical characteristics as the other imported malleable fittings. Furthermore, as concerns the use, the investigation has shown that the taper threaded fittings are used in a similar way to the other imported malleable fittings. Indeed, in one Member State where both types are used, they have been found to be interchangeable. The claim was therefore rejected.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 318, 15.11.2012, p. 10.

⁽³⁾ OJ C 44, 16.2.2012, p. 33.

- (8) One interested party claimed that white-heart malleable threaded fittings can be sold throughout the Union, while black-heart malleable threaded fittings can only be sold in Ireland, Cyprus, Malta and United Kingdom. Therefore, allegedly, black-heart and white-heart malleable threaded fittings do not compete fully on the Union market.
- (9) However, the investigation has shown that the majority of imports of black-heart malleable threaded fittings originating in the countries concerned go to continental European countries such as Germany, Italy, Poland or Spain. It is therefore concluded that black-heart and white heart malleable threaded fittings fully compete on the Union market, and not only in a limited number of Member States.
- (10) An importer reiterated its claim that bodies of compression fittings should not fall under the definition of the product concerned. That importer argued that bodies of compression fittings have a different use and provided supporting evidence that the thread on the body of compression fittings can be easily distinguished from the thread on a standard fitting, because it is done according to a different ISO standard ⁽¹⁾. After considering the evidence that was submitted, it was concluded that the product scope should be limited accordingly.
- (11) Two other interested parties argued for exclusion from the product scope of malleable iron electrical conduit fittings and, in particular, malleable iron threaded circular junction boxes that are a key component of all electrical conduit tube and conduit fittings installations. They claimed that such junction boxes serve different purposes (i.e. containment and protection of electrical wiring systems, as opposed to ensuring leak-less flow of gas or water as in the case of standard fittings investigated in this proceeding). They are also easily distinguishable from other fittings (rather than having to be absolutely gas or liquid tight they have light lids when assembled into a system after importation to allow easy access to cables). After careful consideration of those arguments, it was concluded that malleable iron threaded circular junction boxes without a lid should be excluded from the product scope.
- (12) In view of the above, it was deemed appropriate to revise the product scope definition determined in the provisional Regulation. Therefore, the product concerned is definitively defined as threaded tube or pipe cast fittings, of malleable cast iron, currently falling within CN code ex 7307 19 10, excluding bodies of compression fittings using ISO DIN 13 metric thread and malleable iron threaded circular junction boxes without a lid.

⁽¹⁾ Compression fittings use ISO DIN 13 metric threads, while standard threaded fittings usually use ISO 7/1 and ISO 228/1 threads.

- (13) In the absence of any other comments concerning the product concerned and the like product, the findings in recitals 17 to 21 and 23 to 28 to the provisional Regulation are hereby confirmed.

C. SAMPLING

- (14) Following provisional disclosure, no comments concerning sampling of Union producers, exporting producers in the PRC and unrelated importers were received. Consequently, the findings set out in recitals 29 to 31 to the provisional Regulation are hereby confirmed.

D. DUMPING

1. People's Republic of China

1.1. Market economy treatment and individual treatment

- (15) In the absence of any comments concerning market economy treatment and individual treatment, the provisional findings in recitals 32 to 46 to the provisional Regulation are hereby confirmed.

1.2. Analogue country

- (16) In the absence of any comments concerning the analogue country, the findings in recitals 47 to 53 to the provisional Regulation are hereby confirmed.

1.3. Normal value, export price, comparison

- (17) One Chinese exporting producer claimed that the normal value should be calculated on the basis of the domestic sales by the sole cooperating analogue country producer, even if they are not made in representative quantities as set out in Article 2(2) of the basic Regulation. The claim can be accepted in the case of an analogue country. Accordingly, domestic sales in the ordinary course of trade by the sole cooperating analogue country producer were used to establish the normal value.
- (18) The same Chinese exporting producer claimed that the dumping margin should be established using all export sales, and not only for the product types directly comparable with the types sold by the analogue country producer on its domestic market. This claim was accepted. For these not directly comparable product types, the normal value was based on the arithmetical average normal value for the matching product types, adjusted by the market value of the differences in the physical characteristics pursuant to Article 2(10)(a) of the basic Regulation.

- (19) In the absence of any other comments concerning the normal value, export price and comparison, the findings in recitals 54, 59 to 61 and 64 to 67 to the provisional Regulation are hereby confirmed.

1.4. Dumping margins

- (20) For the sampled companies, the weighted average normal value of each type of the like product established for the analogue country was compared with the weighted average export price of the corresponding type of the product concerned, as provided for in Article 2(11) and (12) of the basic Regulation.

- (21) On this basis the definitive dumping margins expressed as a percentage of the CIF Union frontier price, duty unpaid, are as follows:

Company	Dumping Margin (%)
Hebei Jianzhi	57,8
Jinan Meide	40,8
Qingdao Madison	24,6

- (22) The weighted average dumping margin of the cooperating exporting producers not included in the sample was calculated in accordance with the provisions of Article 9(6) of the basic Regulation. Accordingly, that margin was established on the basis of the margins established for the sampled exporting producers.

- (23) On that basis, the dumping margin for the cooperating companies not included in the sample was established at 41,1 %.

- (24) With regard to all other exporting producers in the PRC, the dumping margins were established on the basis of the facts available in accordance with Article 18 of the basic Regulation. To that end the level of cooperation was first established by comparing the volume of exports to the Union reported by the cooperating exporting producers with the volume of Chinese exports, as established in recital 51 below.

- (25) As the cooperation accounted for more than 50 % of total Chinese exports to the Union and the industry can be considered fragmented due to the high number of exporting producers in the PRC, the level of cooperation can be considered high. Therefore, the residual dumping margin was set at the level of the sampled company with the highest dumping margin.

- (26) On this basis the definitive dumping margins expressed as a percentage of the CIF Union frontier price, duty unpaid, are as follows:

Company	Dumping Margin (%)
Hebei Jianzhi	57,8
Jinan Meide	40,8
Qingdao Madison	24,6
Other cooperating companies	41,1
All other companies	57,8

2. Indonesia

2.1. Normal value, export price and comparison

- (27) In the absence of any comments concerning normal value, export price and comparison, the findings in recitals 75 to 87 and 91 to the provisional Regulation with regard to Indonesia are hereby confirmed.

2.2. Dumping margins

- (28) Given that the level of cooperation was considered high (the volume of exports of the sole cooperating Indonesian company represented more than 80 % of total Indonesian exports to the Union during the IP), the dumping margin for all other Indonesian exporting producers was set at the same level as for the cooperating company.

- (29) On this basis the definitive dumping margins for the Indonesian companies expressed as a percentage of the CIF Union frontier price, duty unpaid, are as follows:

Company	Dumping Margin (%)
PT. Tri Sinar Purnama	11,0
All other companies	11,0

3. Thailand

3.1. Normal value, export price and comparison

- (30) No comments were received that would lead to any change in the methodology applied or the actual dumping calculation performed with regard to Thailand.

- (31) Consequently, the findings in recitals 75 to 88 of the provisional Regulation concerning normal value, export price and comparison with regard to Thailand are hereby confirmed.

3.2. Dumping margins

- (32) A review and fine-tuning of the dumping calculation resulted in a slightly lower dumping margin of 15,5 % for one of the Thai exporting producers. The dumping margin for the other cooperating exporting producer is definitively confirmed at the provisional level.

- (33) Given that the level of cooperation was considered high (the volume of exports of the two cooperating Thai companies represented more than 80 % of total Thai exports to the Union during the IP), the dumping margin for all other Thai exporting producers was set at the level of the highest dumping margin of the two cooperating companies.
- (34) On this basis the definitive dumping margins for the Thai companies expressed as a percentage of the CIF Union frontier price, duty unpaid, are as follows:

Company	Dumping Margin (%)
BIS Pipe Fitting Industry Co., Ltd	15,5
Siam Fittings Co., Ltd	50,7
All other companies	50,7

E. INJURY

1. Union production

- (35) In the absence of any comments with regard to Union production, recital 94 to the provisional Regulation is hereby confirmed. It is added that during the period considered the like product was manufactured by three more producers in the Union that ceased production between 2008 and 2009, and another producer which ceased production around the end of the period considered.

2. Definition of the Union industry

- (36) Interested parties claimed that both sampled groups of Union producers are importing the product concerned, and should not therefore be considered part of the Union industry pursuant to Article 4(1)(a).
- (37) In this respect, it was established that both sampled groups of Union producers do indeed import the product concerned. However, first, it should be noted that the finding that a Union producer is also an importer of the product concerned does not lead automatically to the exclusion of this Union producer from the Union industry, and second, for each of the Union producers, these imports were minor compared to the total production and sales of the groups of companies. It is therefore confirmed that both groups of companies are considered part of the Union industry.
- (38) In addition, one interested party claimed that one Union producer should not be considered part of the Union industry, since the Union producer is allegedly related to an importer of the product concerned. However, first, it should be noted that the finding of a relationship/link between a Union producer and an exporter does not lead automatically to the exclusion of that Union

producer from the Union industry, and second, no evidence was provided that the relationship/link between the Union producer and the importer, if any, would meet the criteria of Article 4(2) of the basic Regulation. Furthermore, the quantities imported by the allegedly related importer are only a small fraction of the quantities produced and sold by the allegedly related Union producer. Therefore, even if a relationship/link were to be found to exist between the Union producer and the importer, the Union producer would still be considered part of the Union industry.

- (39) With regard to the definition of the Union industry for the purposes of the injury assessment, all Union producers manufacturing the like product during the period considered are considered to constitute the Union industry and they will therefore be referred to as the 'Union industry' within the meaning of Article 4(1) of the basic Regulation.

3. Union consumption

- (40) One interested party commented on the fact that during the whole period considered, the production of the Union industry exceeds its sales. At the same time, a decrease in stocks was reported, which is implausible as production exceeding sales should lead to an increase in stocks.
- (41) It is noted in this respect that indeed, while at the provisional stage production and stocks were found to have been reported correctly, an error occurred in reporting the Union sales of the Union industry and some sales volumes of the non-sampled Union producers were not completely taken account of. This was corrected and as a consequence, the Union consumption and market shares on the Union market also had to be revised accordingly. Due to the shut-down of three Union producers during the period considered mentioned in recital 113 to the provisional Regulation, the revision with regard to the Union consumption has a more significant impact at the beginning of the period considered.
- (42) Union consumption significantly decreased by 28 % between 2008 and 2009, subsequently increasing by 7 percentage points to a level of 21 % below the consumption at the beginning of the period considered.

Union consumption (tonnes)				
	2008	2009	2010	IP
Union consumption	84 270	60 807	60 640	66 493
Index	100	72	72	79

Source: Complaint data, Eurostat and questionnaire replies.

4. Imports from the countries concerned

4.1. Cumulative assessment of the effects of the imports concerned

(43) With regard to the volumes of the dumped imports from Indonesia, it is definitively confirmed that they constituted only around 2,5 % of all imports of the like product to the Union during the IP. Therefore, they can be considered as not constituting a cause of material injury to the Union industry in the sense of Article 9(3) of the basic Regulation or the provisions of the WTO Anti-Dumping Agreement.

(44) In the light of the above, it is definitively decided not to cumulate those imports with the dumped imports from the PRC and Thailand.

(45) Regarding the cumulative assessment of imports from the PRC and Thailand for the purpose of the injury and causation analysis, interested parties claimed that Thai imports should not be cumulatively assessed with Chinese imports for a number of reasons.

(46) Firstly, it was argued that the sales quantity of Thai imports is much lower than that of Chinese imports, and that the sales quantity of Thai imports is decreasing in absolute terms. However, the quantity of Thai imports is not negligible, and therefore sufficient to allow cumulation. In addition, even though the Thai imports are decreasing in absolute terms as demonstrated in the table in recital 51 below, they were gaining 19 % of market share during the period considered, as demonstrated in the table in recital 52 below.

(47) In terms of prices, it was argued that Thai imports are sold, on average, at higher prices than Chinese imports. While this is correct, Thai imports are nevertheless significantly undercutting Union industry prices. Furthermore, the price difference between Thai imports and Chinese imports was constantly decreasing during the period considered from 698 EUR/tonne in 2008 to 472 EUR/tonne during the IP, as shown in the table of recital 108 to the provisional Regulation.

(48) In the absence of any other claim or comments, the content of recitals 98 to 105 to the provisional Regulation is hereby confirmed.

4.2. Volume, market share of the dumped imports concerned, their import prices and undercutting

(49) Some interested parties claimed that the import volumes for the PRC stated in recital 106 of the provisional

Regulation are too high, as the relevant CN code includes all types of malleable cast iron fittings, not only threaded fittings.

(50) In this respect, it is noted that not the full quantities reported in the CN code were presumed to be threaded fittings. The volumes reported in the provisional Regulation were already corrected downwards, based on information provided by national customs authorities. These volumes were in line with the information contained in the complaint. Interested parties had sufficient time to comment on this. However, no information in this regard was submitted by any interested party either before the publication of the provisional Regulation, nor within the time limit granted for submitting comments to the provisional Regulation. The Chinese Chamber of Commerce provided some quantified information concerning the allegedly correct level of Chinese imports very late in the procedure, almost two months after the deadline for submitting comments to the provisional Regulation, which means it was provided only almost one year after the initiation of the investigation, when the import figures were disclosed for the first time in the non-limited version of the complaint. The submission of this information outside the deadline does not allow for its verification through an objective process of examination without unduly extending the period of the investigation beyond the overriding 15-month deadline as laid down in Article 6(9) of the basic Regulation. In any case, this information appears to substantially understate the Chinese import quantities, since it is based on estimates concerning exports of cooperating companies only and could not therefore be regarded as accurate. This claim therefore was rejected.

(51) However, a number of importers provided information concerning their imports of products other than the product concerned imported under the same CN code during the period considered. This information could be taken into account, and the import volumes from the countries concerned were revised downwards accordingly.

Union import volume (tonnes)				
	2008	2009	2010	IP
PRC	24 180	20 876	20 416	28 894
<i>Index</i>	100	86	84	119
Thailand	3 723	2 681	3 331	3 485
<i>Index</i>	100	72	89	94
Two countries concerned	27 903	23 558	23 747	32 379
<i>Index</i>	100	84	85	116

Source: Complaint data, Eurostat and questionnaire replies.

- (52) As a consequence of the issue concerning the Union sales of the Union industry mentioned in recital 41 above, the market share of the dumped imports from the two countries concerned had to be revised as well. The market share of dumped imports from the two countries concerned has increased by 15,6 percentage points from 33,1 % to 48,7 % during the period considered. This market share growth took place to a large extent between 2010 and the IP, during a period of recovering demand.

Union market share				
	2008	2009	2010	IP
PRC	28,7 %	34,3 %	33,7 %	43,5 %
<i>Index</i>	100	120	117	151
Thailand	4,4 %	4,4 %	5,5 %	5,2 %
<i>Index</i>	100	100	124	119
Two countries concerned	33,1 %	38,7 %	39,2 %	48,7 %
<i>Index</i>	100	117	118	147

Source: Complaint data, Eurostat and questionnaire replies.

- (53) One interested party requested the aggregated sales price information by product type for the Union industry should be disclosed. However, since the sample of Union producers was comprised of only two groups of producers, as indicated in recital 111 of the provisional Regulation, for confidentiality reasons the actual aggregated information could not be disclosed. This reason also applies to the disclosure of the aggregated sales price by product type.
- (54) Interested parties claimed that the imports from the countries concerned enter the Union at a different level of trade than the goods sold by the Union producers. Indeed, it was confirmed that this is the case, and the Union industry and the importers typically share a substantial number of customers. The claim could therefore be accepted and an allowance in the form of an adjustment for level of trade was applied.
- (55) As a result the undercutting margins given in recital 110 to the provisional Regulation were revised downwards. Nevertheless, the undercutting margins found typically remain substantial at 25 % to 45 %, with the sole exception of one Thai exporter where the undercutting margin found was around 10 %.
- (56) In the absence of any other claim or comments, the content of recitals 108 to 109 to the provisional Regulation is hereby confirmed.

5. Situation of the Union industry

- (57) In the absence of any claim or comments, recital 111 to the provisional Regulation is hereby confirmed.

5.1. Production, production capacity and capacity utilisation

- (58) In the absence of any comments with regard to production, production capacity and capacity utilisation, recitals 112 to 114 to the provisional Regulation are hereby confirmed.

5.2. Stocks

- (59) In the absence of any comments with regard to stocks, recital 115 to the provisional Regulation is hereby confirmed.

5.3. Sales volume and market share

- (60) As a consequence of the issue mentioned in recital 41 above, the sales volume and market share of the Union industry had to be revised as well. The sales volume of all Union producers on the Union market significantly decreased by 36 % between 2008 and 2009 due to a decreasing demand. After 2009, however, the demand in the Union increased by around 6 000 tonnes, as mentioned in recital 42 above, but the Union sales further decreased by another 5 percentage points or 2 440 tonnes until the end of the period considered.

Union sales volume (tonnes)				
<i>All producers</i>	2008	2009	2010	IP
Union sales	48 823	31 069	30 466	28 629
<i>Index</i>	100	64	62	59

Source: Questionnaire replies sampled Union producers, complaint.

- (61) The market share of the Union industry continuously decreased by 26 % or 14,8 percentage points during the period considered, while the dumped imports gained 15,6 percentage points of market share during the same period, as indicated in recital 52 above.

Union market share				
<i>All producers</i>	2008	2009	2010	IP
Market share	57,9 %	51,1 %	50,2 %	43,1 %
<i>Index</i>	100	88	87	74

Source: Complaint data, Eurostat and questionnaire replies.

(62) One interested party claimed that the market shares in the non-domestic market segment in the United Kingdom would show different market shares, with the Union industry holding a larger market share, while the market share of Chinese imports would be smaller on this particular segment of the Union market.

(63) It may very well be the case that the Union industry holds a higher market share in a particular market segment in a single Member State. It is indeed normal that the various economic operators do not have the same market shares in all market segments of all Member States. However, the present injury analysis covers the Union market as a whole. In this respect, it was indeed confirmed that the market share of the Union industry significantly decreased, as explained above.

6. Conclusion on injury

(64) In the absence of any other claim or comments, the content of recitals 118 to 133 to the provisional Regulation including the conclusion that Union industry has suffered material injury within the meaning of Article 3(5) of the basic Regulation is hereby confirmed.

F. CAUSATION

1. Effect of other factors

1.1. Imports from other third countries

(65) As a consequence of the issue concerning the Union sales of the Union industry mentioned in recital 41 above, the market share of the other third countries had to be revised as well. For the other third countries, there were limited imports throughout the whole period considered. The total market share of imports from countries other than the two countries concerned has decreased during the period considered by 0,8 percentage points, from 9,0 % to 8,2 %.

(66) The next largest sources of imports during the IP were Brazil, Indonesia and Turkey, which held market shares between 1,3 % and 1,5 %, and all of these countries had stable or decreasing market shares during the period considered.

Import market share				
	2008	2009	2010	IP
Brazil	3,1 %	3,6 %	3,9 %	1,5 %
Indonesia	1,5 %	2,4 %	1,9 %	1,5 %
Turkey	1,3 %	1,9 %	1,8 %	1,3 %
Other Countries	3,0 %	2,3 %	3,1 %	3,9 %
Total	9,0 %	10,2 %	10,6 %	8,2 %
Index	100	114	118	92

Source: Eurostat.

(67) Due to the limited volumes and the stable trend, it can be concluded that imports from third countries other than the countries concerned have not contributed to the injury suffered by the Union industry during the IP.

1.2. Development of Union consumption

(68) Interested parties argued that the Union consumption developed negatively due to the emergence of substitute products manufactured with different materials other than malleable cast iron, such as plastic, stainless steel, carbon steel and copper, as well as new connection technologies. As a consequence, some Union producers have broadened their product range, which now also includes some of these substitute products.

(69) In this respect, it is noted that the substitution effects were addressed in recital 146 to the provisional Regulation. These substitution effects had a negative impact on the Union consumption, which as a consequence had an effect on production and sales volume of the Union producers.

(70) However, as already indicated in the provisional Regulation, the injurious effect of the shrinking Union consumption was aggravated by the steady increase of dumped imports which gained 15,6 percentage points of market share in a shrinking market. As indicated in recital 60 above, the demand in the Union increased by around 6 000 tonnes between 2009 and the IP, but the Union industry's sales further decreased by another 2 440 tonnes until the end of the period considered in a recovering market.

(71) On the basis of the above, it is concluded that the negative development of Union consumption does not break the causal link between the dumped imports and the injury suffered by the Union industry.

1.3. Decrease in production capacity not due to dumped imports

(72) Interested parties claimed that the decrease in the Union production capacity mentioned in recital 113 to the provisional Regulation is due to the shutdown of three Union producers between 2008 and 2009 due to the economic crisis. This decrease can therefore allegedly not be attributed to imports from the countries concerned.

(73) In this respect, it is pointed out that it was already mentioned in recital 113 to the provisional Regulation that the main reason for the reduction of the production capacity was the shutdown of three Union producers.

- (74) However, the shutdown of the three Union producers cannot only be seen as an effect of decreasing demand. During the period considered, the shrinking Union market referred to in recital 42 above has been subject to continuously increasing imports from the countries concerned, which gained 15,6 percentage points of market share, as explained in recital 52 above. It is therefore clear that not only the decreasing demand has contributed to the shutdown of three Union producers and thereby to the decrease of the production capacity of the Union industry. There is also a clear link between the decrease in the Union production capacity and the increasing market share of dumped imports.

1.4. Imports of the product concerned by Union producers

- (75) Interested parties claimed that the injury suffered by Union producers was self-inflicted, as they allegedly imported significant quantities of the product concerned. This claim was not supported by the findings of the investigation. Information supplied by both the Union producers and the cooperating exporters showed that, for each of the sampled groups of Union producers, these imports were minor compared to their total production and sales of own-produced goods as already indicated in recital 37 above. Given the insignificance of the volumes of imports of the product concerned by the Union industry, it was concluded that those imports did not contribute to the injury suffered by the Union industry. Consequently, the claim was rejected.

1.5. Use of 2008 as a starting year

- (76) Interested parties claimed that the deteriorating trend of the EU industry is largely based on the use of 2008 as a reference point for the period considered. Allegedly, 2008 was an exceptionally good year for the Union industry. However, information included in the complaint suggests that the situation of the EU industry in 2007 was similar or better than the situation in 2008. It is therefore concluded that the finding of injury does not depend on the use of 2008 as a starting year.

2. Conclusion on causation

- (77) Account taken of the above and in the absence of any other claim or comments, the content of recitals 134 to 153 to the provisional Regulation is hereby confirmed.
- (78) In conclusion, it is confirmed that the material injury of the Union industry, which is characterised by decreasing profitability, production volumes, capacity utilisation, sales volumes and market share was caused by the dumped imports concerned. Indeed, the effect of

decreasing demand on the Union industry's negative developments in terms of production capacity, production and sales was limited.

- (79) Given the above analysis, which has properly distinguished and separated the effects of all the known factors on the situation of the Union industry from the injurious effects of the dumped imports, it is hereby confirmed that these other factors as such do not reverse the fact that the assessed injury must be attributed to the dumped imports.

G. UNION INTEREST

- (80) In the absence of any comments, recitals 154 to 164 to the provisional Regulation, including the conclusion that no compelling reasons exist against the imposition of measures on the dumped imports from the countries concerned are hereby confirmed.

H. DEFINITIVE MEASURES

1. Injury elimination level

- (81) The injury elimination levels were adjusted to take into account the level of trade adjustment made in the calculation of undercutting as set out in recitals 54 and 55 above. In the absence of any other specific comments, recitals 165 to 170 to the provisional Regulation are hereby confirmed.

2. Definitive measures

- (82) In view of the conclusions reached with regard to dumping, injury, causation and Union interest, and in accordance with Article 9 of the basic Regulation, it is considered that a definitive anti-dumping duty should be imposed on imports of the product concerned originating in the PRC and Thailand at the level of the lowest of the dumping and injury margins found, in accordance with the lesser duty rule, which is in all, but one, cases the dumping margin.
- (83) Given the high level of cooperation of the Chinese and Thai exporting producers, the 'all other companies' duty for both countries was set at the level of the highest duty to be imposed on the companies, respectively, sampled or cooperating in the investigation from the respective country. The 'all other companies' duty will be applied to those companies that had not cooperated in the investigation and to companies that have not had exports of the product concerned to the Union during the IP.

- (84) For the cooperating non-sampled Chinese companies listed in the Annex to this Regulation, the definitive duty rate is set at the weighted average of the rates of the sampled companies.

- (85) The rates of the definitive anti-dumping duties are as follows:

People's Republic of China

Company	Dumping margin (%)	Injury margin (%)	Duty Rate (%)
Hebei Jianzhi Casting Group Ltd	57,8	96,1	57,8
Jinan Meide Casting Co., Ltd	40,8	84,4	40,8
Qingdao Madison Industrial Co., Ltd	24,6	89,4	24,6
Other cooperating companies	41,1	86,3	41,1
All other companies			57,8

Thailand

Company	Dumping margin (%)	Injury margin (%)	Duty Rate (%)
BIS Pipe Fitting Industry Co., Ltd	15,5	43,1	15,5
Siam Fittings Co., Ltd	50,7	14,9	14,9
All other companies			15,5

- (86) 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 this investigation with respect to these companies. These duty rates (as opposed to the country-wide duty applicable to 'all other companies') are thus exclusively applicable to imports of product concerned originating in the PRC and Thailand and produced by the companies and thus by the specific legal entities mentioned. Imported product concerned 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'.
- (87) Any claim requesting the application of an individual company anti-dumping duty rate (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 then be amended accordingly by updating the list of companies benefiting from individual duty rates.

- (88) With regard to the PRC, in order to ensure equal treatment between any new exporters and the cooperating companies not included in the sample, provision should be made for the weighted average duty imposed on the latter companies to be applied to any new exporters which would otherwise be entitled to a review pursuant to Article 11(4) of the basic Regulation as that Article does not apply where sampling has been used.
- (89) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of a definitive anti-dumping duty on imports of threaded tube or pipe cast fittings, of malleable cast iron, originating in the PRC and Thailand, and the definitive collection of the amounts secured by way of the provisional duty ('final disclosure'). They were also granted a period within which they could make representations subsequent to this disclosure.
- (90) Given that following the final disclosure no new arguments that would influence the outcome of the assessment of the case were brought forward, no modification of the findings as detailed above is warranted.

I. UNDERTAKING

- (91) One cooperating Thai exporting producer offered a price undertaking in accordance with Article 8(1) of the basic Regulation. However, the product concerned exists in a multitude of product types (the exporting producer reported over 900 product types sold to the EU), for which prices vary significantly (by up to 200 % within the most sold types but some less sold product types may be even 10 times as expensive as others), thus posing a very high risk of cross-compensation. In addition, the product types may evolve in design and finishing. It was therefore considered that the product is not suitable for a price undertaking. Also, it has been the Commissions consistent practice during the last years not to accept undertakings in cases where the product exists in such a multitude of types. Consequently, the undertaking offer was rejected.

J. DEFINITIVE COLLECTION OF THE PROVISIONAL DUTY

- (92) In view of the magnitude of the dumping margin found and given the level of the injury caused to the Union industry, it is considered necessary that the amounts secured by way of a provisional anti-dumping duty imposed by the provisional Regulation should be definitively collected. Where the definitive duties are higher

⁽¹⁾ European Commission, Directorate-General for Trade, Directorate H, Office N105, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË.

than the provisional duties, only the amounts secured at the level of provisional duties should be definitively collected, while the amounts secured in excess of the definitive rate of anti-dumping duties should be released.

- (93) As bodies of compression fittings using ISO DIN 13 metric thread and malleable iron threaded circular junction boxes without having a lid are now excluded from the product scope (see recitals 8 and 11 above), the amounts provisionally secured on imports of bodies of compression fittings using ISO DIN 13 metric thread and malleable iron threaded circular junction boxes without having a lid should be released.

K. TERMINATION OF THE PROCEEDING WITH REGARD TO INDONESIA

- (94) As explained in recital 43 above, the volumes of the dumped imports from Indonesia can be considered as not constituting a cause of material injury to the Union industry. Consequently, it is considered that protective measures are not necessary and that the proceeding with regard to Indonesia should be terminated.
- (95) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the termination and no objections were raised,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of threaded tube or pipe cast fittings, of malleable cast iron, excluding bodies of compression fittings using ISO DIN 13 metric thread and malleable iron threaded circular junction boxes without having a lid, currently falling within CN code ex 7307 19 10 (TARIC code 7307 19 10 10) and originating in the People's Republic of China ('PRC') and Thailand.

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

Country	Company	Duty Rate (%)	TARIC additional code
PRC	Hebei Jianzhi Casting Group Ltd — Yutian County	57,8	B335
	Jinan Meide Casting Co., Ltd — Jinan	40,8	B336
	Qingdao Madison Industrial Co., Ltd — Qingdao	24,6	B337

Country	Company	Duty Rate (%)	TARIC additional code
	Hebei XinJia Casting Co., Ltd — XuShui County	41,1	B338
	Shijiazhuang Donghuan Malleable Iron Castings Co., Ltd — Xizhaotong Town	41,1	B339
	Linyi Oriental Pipe Fittings Co., Ltd — Linyi City	41,1	B340
	China Shanxi Taigu County Jingu Cast Co., Ltd — Taigu County	41,1	B341
	Yutian Yongli Casting Factory Co., Ltd — Yutian County	41,1	B342
	Langfang Pannext Pipe Fitting Co., Ltd — LangFang, Hebei	41,1	B343
	Tangshan Daocheng Casting Co., Ltd — Hongqiao Town, Yutian County	41,1	B344
	Tangshan Fangyuan Malleable Steel Co., Ltd — Tangshan	41,1	B345
	Taigu Tongde Casting Co., Ltd — Nanyang Village, Taigu	41,1	B346
	All other companies	57,8	B999
Thailand	BIS Pipe Fitting Industry Co., Ltd — Samutsakorn	15,5	B347
	Siam Fittings Co., Ltd — Samutsakorn	14,9	B348
	All other companies	15,5	B999

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

Article 2

1. Amounts secured by way of provisional anti-dumping duties pursuant to Regulation (EU) No 1071/2012 on imports of threaded tube or pipe cast fittings, of malleable cast iron, excluding bodies of compression fittings using ISO DIN 13 metric thread and malleable iron threaded circular junction boxes without having a lid, currently falling within CN code ex 7307 19 10 (TARIC code 7307 19 10 10) and originating in the PRC and Thailand, shall be definitively collected. The amounts secured in excess of the rates of the definitive anti-dumping duties shall be released.

2. The amounts secured by way of provisional anti-dumping duties pursuant to Regulation (EU) No 1071/2012 on imports of bodies of compression fittings using ISO DIN 13 metric thread and malleable iron threaded circular junction boxes without having a lid and originating in the PRC and Thailand, shall be released.

Article 3

Where any new exporting producer in the PRC provides sufficient evidence to the Commission that:

- it did not export to the Union the product described in Article 1(1) during the investigation period (1 January-31 December 2011),
- it is not related to any of the exporters or producers in the PRC which are subject to the measures imposed by this Regulation,

- it has actually exported to the Union the product concerned after the investigation period on which the measures are based, or it has entered into an irrevocable contractual obligation to export a significant quantity to the Union,

Article 1(2) may be amended by adding the new exporting producer to the cooperating companies not included in the sample and thus subject to the weighted average duty rate of 41,1 %.

Article 4

The anti-dumping proceeding concerning imports of threaded tube or pipe cast fittings, of malleable cast iron, currently falling within CN code ex 7307 19 10 and originating in Indonesia is hereby terminated.

Article 5

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, 13 May 2013.

For the Council
The President
S. COVENEY

COUNCIL REGULATION (EU) No 431/2013**of 13 May 2013****amending Regulation (EC) No 147/2003 concerning certain restrictive measures in respect of Somalia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia ⁽¹⁾,

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission,

Whereas:

- (1) Council Regulation (EC) No 147/2003 ⁽²⁾ imposes a general ban on the provision of technical advice, assistance, training, financing and financial assistance relating to military activities to any person, entity or body in Somalia.
- (2) On 6 March 2013, the United Nations Security Council adopted Resolution 2093 (2013). That Resolution amended the arms embargo imposed by United Nations Security Council Resolution (UNSCR) 733 (1992) and further elaborated upon by UNSCR 1425 (2002). UNSCR 2093 (2013) thus provides for a derogation from the prohibition of assistance relating to weapons and military equipment intended for the support of Amisom's strategic partners, for United Nations personnel, and for the successor mission of the United Nations Political Office for Somalia, and partially suspends the arms embargo in relation to the development of the Security Forces of the Federal Government of Somalia.
- (3) On 25 April 2013 the Council adopted Decision 2013/201/CFSP ⁽³⁾, which amends Decision 2010/231/CFSP and provides for derogations equivalent to those provided by the UNSCR 2093 (2013).
- (4) These measures fall within the scope of the Treaty on the Functioning of the European Union and regulatory action at the level of the Union is therefore necessary in order to implement it, in particular with a view to ensuring its uniform application by economic operators in all Member States.

- (5) Regulation (EC) No 147/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 147/2003 is amended as follows:

- (1) Article 2a is replaced by the following:

'Article 2a

By way of derogation from Article 1, the competent authority, as indicated in the websites set out in Annex I, in the Member State where the service provider is established, may authorise, under such conditions as it deems appropriate:

- (a) the provision of financing, financial assistance, technical advice, assistance or training relating to military activities, if it has determined that such financing, advice, assistance or training is intended solely for the support of, or use by, the African Union Mission in Somalia (Amisom) referred to in paragraph 1 of United Nations Security Council Resolution (UNSCR) 2093 (2013) or for the sole use of States and regional organisations undertaking measures in accordance with paragraph 6 of UNSCR 1851 (2008) and paragraph 10 of UNSCR 1846 (2008);
- (b) the provision of financing, financial assistance, technical advice, assistance or training relating to military activities, if it has determined that such financing, advice, assistance or training is intended solely for the support of, or use by, Amisom's strategic partners, operating solely under the African Union Strategic Concept of 5 January 2012, and in cooperation and coordination with Amisom as stipulated in paragraph 36 of UNSCR 2093 (2013);
- (c) the provision of financing, financial assistance, technical advice, assistance or training relating to military activities, if it has determined that such financing, advice, assistance or training is intended solely for the support of or use by United Nations personnel, including the United Nations Political Office for Somalia or its successor mission, as stipulated in paragraph 37 of UNSCR 2093 (2013);

⁽¹⁾ OJ L 105, 27.4.2010, p. 17.

⁽²⁾ OJ L 24, 29.1.2003, p. 2.

⁽³⁾ OJ L 116, 26.4.2013, p. 10.

- (d) the provision of technical advice, assistance or training relating to military activities, if the following conditions are met:
- (i) the competent authority concerned has determined that such advice, assistance or training is intended solely for the purpose of helping to develop security sector institutions, consistent with the political process set out in paragraphs 1, 2 and 3 of UNSCR 1744 (2007); and
 - (ii) the Member State concerned has notified the Committee established by paragraph 11 of United Nations Security Council Resolution 751 (1992) of the determination that such advice, assistance or training is intended solely for the purpose of helping to develop security sector institutions, consistent with the political process set out in paragraphs 1, 2 and 3 of Resolution UNSCR 1744 (2007) and of the intention of its competent authority to grant an authorisation, and the Committee has not objected to that course of action within five working days of notification;
- (e) the provision of financing, financial assistance, technical advice, assistance or training relating to military activities, except in relation to the items set out in Annex III, if the following conditions are met:
- (i) the competent authority concerned has determined that such advice, assistance or training is intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somali people; and
 - (ii) a notification to the Committee established by paragraph 11 of United Nations Security Council Resolution 751 (1992) has been made at least five days in advance of any provision of advice, assistance or training intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somali people, providing details of such advice, assistance or training in accordance with paragraph 38 of UNSCR 2093 (2013); or, if appropriate,
 - (iii) the Member State concerned, after having informed the Federal Government of Somalia of its intention to do so, has notified the Committee established by paragraph 11 of United Nations Security Council Resolution 751 (1992), at least five days in advance, of the determination that such advice, assistance or training is intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somali people, and of the intention of its competent authority to grant an authorisation, including all the relevant information in accordance with paragraph 38 of UNSCR 2093 (2013).;
- (2) in Article 3(1), points (c) and (d) are deleted;
- (3) the text set out in the Annex to this Regulation is added as Annex III.

Article 2

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

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

Done at Brussels, 13 May 2013.

For the Council
The President
E. GILMORE

ANNEX

'ANNEX III

List of items referred to in point (e) of Article 2a

1. Surface to air missiles, including Man-Portable Air-Defence Systems (Manpads);
 2. Guns, howitzers, and cannons with a calibre greater than 12,7 mm, and ammunition and components specially designed for these. (This does not include shoulder fired anti-tank rocket launchers such as RPGs or LAWs, rifle grenades, or grenade launchers);
 3. Mortars with a calibre greater than 82 mm;
 4. Anti-tank guided weapons, including Anti-tank Guided Missiles (ATGMs) and ammunition and components specially designed for these items;
 5. Charges and devices intended for military use containing energetic materials; mines and related materiel;
 6. Weapon sights with a night vision capability.'
-

COUNCIL REGULATION (EU) No 432/2013**of 13 May 2013****amending Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Article 1

Article 2(3) of Regulation (EU) No 356/2010 is replaced by the following:

Having regard to Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia ⁽¹⁾,

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission,

Whereas:

- (1) Council Regulation (EU) No 356/2010 ⁽²⁾ imposes restrictive measures against the persons entities and bodies identified in Annex I to that Regulation, as provided for in United Nations' Security Council Resolution 1844 (2008).
- (2) On 6 March 2013, the United Nations Security Council adopted Resolution 2093 (2013) updating the designation criteria applied by the Security Council Sanctions Committee established pursuant to Resolution 751 (1992) concerning Somalia.
- (3) On 25 April 2013 the Council adopted Decision 2013/201/CFSP ⁽³⁾, which amends Decision 2010/231/CFSP and updates it with respect to UNSCR 2093 (2013).
- (4) This measure falls within the scope of the Treaty and regulatory action at the level of the Union is therefore necessary in order to implement it, in particular with a view to ensuring its uniform application by economic operators in all Member States.
- (5) Regulation (EU) No 356/2010 should therefore be amended accordingly,

'3. Annex I shall consist of natural or legal persons, entities or bodies designated by the Security Council or the Sanctions Committee as:

- (a) engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the peace and reconciliation process in Somalia, or threaten the Federal Government of Somalia or the African Union Mission in Somalia (AMISOM) by force;
- (b) having acted in violation of the arms embargo or the prohibition against providing related assistance or the arms resale and transfer restrictions as stipulated in paragraph 34 of UNSCR 2093 (2013);
- (c) obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;
- (d) being political or military leaders recruiting or using children in armed conflicts in Somalia in violation of applicable international law;
- (e) being responsible for violations of applicable international law in Somalia involving the targeting of civilians, including children and women, in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement.'

Article 2

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

⁽¹⁾ OJ L 105, 27.4.2010, p. 17.

⁽²⁾ OJ L 105, 27.4.2010, p. 1.

⁽³⁾ OJ L 116, 26.4.2013, p. 10.

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

Done at Brussels, 13 May 2013.

For the Council

The President

E. GILMORE

COMMISSION IMPLEMENTING REGULATION (EU) No 433/2013**of 7 May 2013****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Κοπανιστή (Kopanisti) (PDO))**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EU) No 1151/2012 entered into force on 3 January 2013. It repealed and replaced Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽²⁾.
- (2) By virtue of the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined Greece's application for the approval of amendments to the specification for the protected designation of origin 'Κοπανιστή' (Kopanisti) registered under Commission Regulation (EC) No 1107/96 ⁽³⁾.

- (3) Since the amendments in question are not minor, the Commission published the amendment application in the *Official Journal of the European Union* ⁽⁴⁾, as required by Article 6(2) of Regulation (EC) No 510/2006. As no statement of objection under Article 7 of that Regulation has been received by the Commission, the amendments should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name contained in the Annex to this Regulation are hereby approved.

Article 2

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

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

Done at Brussels, 7 May 2013.

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

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 93, 31.3.2006, p. 12.

⁽³⁾ OJ L 148, 21.6.1996, p. 1.

⁽⁴⁾ OJ C 186, 26.6.2012, p. 11.

ANNEX

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

Class 1.3. Cheeses

GREECE

Κοπανιστή (Kopanisti) (PDO)

COMMISSION IMPLEMENTING REGULATION (EU) No 434/2013**of 7 May 2013****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Mâche nantaise (PGI))**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EU) No 1151/2012 entered into force on 3 January 2013. It repealed and replaced Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽²⁾.
- (2) By virtue of the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined France's application for the approval of amendments to the specification for the protected geographical indication 'Mâche nantaise' registered under Commission Regulation (EC) No 1645/1999 ⁽³⁾.

- (3) Since the amendments in question are not minor, the Commission published the amendment application in the *Official Journal of the European Union* ⁽⁴⁾, as required by Article 6(2) of Regulation (EC) No 510/2006. As no statement of objection under Article 7 of that Regulation has been received by the Commission, the amendments should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name contained in the Annex to this Regulation are hereby approved.

Article 2

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

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

Done at Brussels, 7 May 2013.

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

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 93, 31.3.2006, p. 12.

⁽³⁾ OJ L 195, 28.7.1999, p. 7.

⁽⁴⁾ OJ C 242, 11.8.2012, p. 13.

ANNEX

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

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

FRANCE

Mâche nantaise (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 435/2013

of 7 May 2013

approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Βόρειος Μυλοπόταμος Ρεθύμνης Κρήτης (Vorios Mylopotamos Rethymnis Kritis) (PDO))

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EU) No 1151/2012 entered into force on 3 January 2013. It repealed and replaced Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽²⁾.
- (2) In accordance with the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined Greece's application for the approval of amendments to the specification for the protected designation of origin 'Βόρειος Μυλοπόταμος Ρεθύμνης Κρήτης' (Vorios Mylopotamos Rethymnis Kritis) registered under Commission Regulation (EC) No 1107/96 ⁽³⁾.

nation of origin 'Βόρειος Μυλοπόταμος Ρεθύμνης Κρήτης' (Vorios Mylopotamos Rethymnis Kritis) registered under Commission Regulation (EC) No 1107/96 ⁽³⁾.

- (3) Since the amendments in question are not minor, the Commission published the amendment application in the *Official Journal of the European Union*, as required by Article 6(2) of Regulation (EC) No 510/2006 ⁽⁴⁾. As no statement of objection under Article 7 of that Regulation has been received by the Commission, the amendments should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name contained in the Annex to this Regulation are hereby approved.

Article 2

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

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

Done at Brussels, 7 May 2013.

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

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 93, 31.3.2006, p. 12.

⁽³⁾ OJ L 148, 21.6.1996, p. 1.

⁽⁴⁾ OJ C 183, 23.6.2012, p. 21.

ANNEX

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

Class 1.5. Oils and fats (butter, margarine, oils, etc.)

GREECE

Βόρειος Μυλοπόταμος Ρεθύμνης Κρήτης (Vorios Mylopotamos Rethymnis Kritis) (PDO)

COMMISSION IMPLEMENTING REGULATION (EU) No 436/2013

of 7 May 2013

approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Queijo de Cabra Transmontano/Queijo de Cabra Transmontano Velho (PDO))

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EU) No 1151/2012 entered into force on 3 January 2013. It repealed and replaced Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽²⁾.
- (2) By virtue of the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined Portugal's application for the approval of amendments to the specification for the protected

designation of origin 'Queijo de Cabra Transmontano'/'Queijo de Cabra Transmontano Velho' registered under Commission Regulation (EC) No 1263/96 ⁽³⁾.

- (3) Since the amendments in question are not minor, the Commission published the amendment application in the *Official Journal of the European Union* ⁽⁴⁾, as required by Article 6(2) of Regulation (EC) No 510/2006. As no statement of objection under Article 7 of that Regulation has been received by the Commission, the amendments should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name contained in the Annex to this Regulation are hereby approved.

Article 2

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

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

Done at Brussels, 7 May 2013.

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

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 93, 31.3.2006, p. 12.

⁽³⁾ OJ L 163, 2.7.1996, p. 19.

⁽⁴⁾ OJ C 163, 9.6.2012, p. 5.

ANNEX

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

Class 1.3. Cheeses

PORTUGAL

Queijo de Cabra Transmontano/Queijo de Cabra Transmontano Velho (PDO)

COMMISSION IMPLEMENTING REGULATION (EU) No 437/2013**of 8 May 2013****amending Regulation (EC) No 798/2008 as regards the entry for Mexico in the list of third countries, territories, zones or compartments from which certain commodities may be imported into or transit through the Union****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption⁽¹⁾ and in particular the introductory phrase of Article 8, the first subparagraph of point 1 of Article 8 and point 4 of Article 8 thereof,

Whereas:

- (1) Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements⁽²⁾ provides that the commodities covered by it are only to be imported into and transited through the Union from the third countries, territories, zones or compartments listed in columns 1 and 3 of the table in Part 1 of Annex I thereto.
- (2) Regulation (EC) No 798/2008 also lays down the conditions for a third country, territory, zone or compartment to be considered as free from highly pathogenic avian influenza (HPAI) and the requirements for the veterinary certification in that respect for commodities destined for importation into the Union.
- (3) Mexico is listed in the table in Part 1 of Annex I to Regulation (EC) No 798/2008 as a third country from which specified pathogen-free eggs and egg products may be imported into the Union, provided that they are accompanied by the relevant certificate referred to in column 4 of the table in Part 1 of Annex I thereto.
- (4) In the case of egg products, the certificate referred to in column 4 of the table in Part 1 of Annex I to Regulation (EC) No 798/2008 includes an animal health attestation that they come from an establishment which is free from HPAI. In addition, that attestation certifies either that there has been no outbreak of HPAI for at least the previous 30 days within a 10 km radius of that establishment or that the egg products were processed in accordance with one of the treatments set out in that certificate.

- (5) In 2012 several outbreaks of HPAI of the subtype H7N3 were confirmed in the State of Jalisco in Mexico, in an area with a high density of poultry holdings. Mexico applied a stamping-out policy and carried out emergency vaccination against avian influenza to control the outbreaks.
- (6) The latest HPAI outbreak of that epidemic was confirmed at the end of September 2012 and Mexico declared the outbreaks as eradicated in December 2012.
- (7) On 8 January 2013, Mexico notified the Commission of two HPAI outbreaks of the H7N3 subtype in poultry on its territory in the State of Aguascalientes. The disease has also spread to the States of Jalisco and Guanajuato.
- (8) In view of the confirmation of the HPAI outbreaks, the territory of Mexico may no longer be considered as free from that disease.
- (9) The recurrence of HPAI outbreaks raises concerns as to the effectiveness of the measures including vaccination applied in Mexico to control HPAI.
- (10) Imports of egg products processed in accordance with one of the treatments set out in the relevant certificate referred to in column 4 of the table in Part 1 of Annex I to Regulation (EC) No 798/2008, originating in third countries, territories, zones or compartments that are not free from HPAI, are considered to pose a negligible risk for virus introduction into the Union.
- (11) However, given the rapid spread of the disease HPAI and the risk that the HPAI outbreaks may not be detected in time by the Mexican competent authority, imports into or transit through the Union of egg products from Mexico should be temporarily prohibited until satisfactory guarantees can be provided by that country.
- (12) Regulation (EC) No 798/2008 should therefore be amended accordingly.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 798/2008 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ OJ L 226, 23.8.2008, p. 1.

Article 2

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

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

Done at Brussels, 8 May 2013.

For the Commission
The President
José Manuel BARROSO

ANNEX

In Part 1 of Annex I to Regulation (EC) No 798/2008, the entry for Mexico is replaced by the following:

'MX-Mexico	MX-0	Whole country	SPF							
			EP		P2	17 May 2013'				

COMMISSION REGULATION (EU) No 438/2013

of 13 May 2013

amending and correcting Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of certain food additives

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives⁽¹⁾, and in particular Article 10(3) thereof,

Whereas:

- (1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in foods and their conditions of use.
- (2) That list may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings⁽²⁾ either on the initiative of the Commission or following an application.
- (3) The Union list of food additives was established based on food additives permitted for use in foods in accordance with European Parliament and Council Directive 94/35/EC of 30 June 1994 on sweeteners for use in foodstuffs⁽³⁾, European Parliament and Council Directive 94/36/EC of 30 June 1994 on colours for use in foodstuffs⁽⁴⁾ and European Parliament and Council Directive 95/2/EC of 20 February 1995 on food additives other than colours and sweeteners⁽⁵⁾ and after reviewing their compliance with Articles 6, 7 and 8 of Regulation (EC) No 1333/2008. The Union list set out in Annex II to Regulation (EC) No 1333/2008 lists food additives on the basis of the categories of food to which those additives may be added.
- (4) Due to the difficulties encountered during the transfer of food additives to the new categorisation system provided

in Annex II to Regulation (EC) No 1333/2008, certain errors have been introduced and should be corrected. In particular, the use of antioxidants in peeled, cut and shredded fruit and vegetables should be restricted to prepacked refrigerated unprocessed fruit and vegetables ready for consumption only. The use of Sorbic acid — sorbates, Benzoic acid — benzoates; p-hydroxybenzoates (E 200-219) should continue to be authorised in heat-treated meat products and the use of Natamycin (E 235) should continue to be authorised in heat-treated dried cured sausages. Maximum limits for the use of Curcumine (E 100) in processed fish and fishery products including molluscs and crustaceans should be introduced corresponding to the levels specified in Directive 94/36/EC. The maximum limits for the use of Silicon dioxide — silicates (E 551-559) should be changed to *quantum satis* as specified in Directive 95/2/EC and for the use of Silicon dioxide — silicates (E 551-553) as specified by Commission Regulation (EU) No 380/2012 of 3 May 2012 amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the conditions of use and the use levels for aluminium-containing food additives⁽⁶⁾.

- (5) There are clarifications necessary as regards the use of food additives in certain food categories. In food category 13.1.4 'Other food for young children' conditions of use for the food additives E 332 'Potassium citrates' and E 338 'Phosphoric acid' should be set. In food category 14.2.6 'Spirit drinks as defined in Regulation (EC) No 110/2008' the use of food colours should not be authorised in Geist as defined in Annex II.17 of Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89⁽⁷⁾. The use of the food colours Quinoline Yellow (E 104), Sunset Yellow FCF/Orange Yellow S (E 110) and Ponceau 4R, Cochineal Red A (E 124) in certain spirit drinks should be reintroduced as this use is not of safety concern for children. It should be clarified that Caramels (E 150a-d) can be used in all products belonging to food category 14.2.7.1 'Aromatised wines'.
- (6) Therefore, the Union list of food additives should be corrected, clarified and completed in order to include all the uses permitted and complying with Articles 6, 7 and 8 of Regulation (EC) No 1333/2008.

⁽¹⁾ OJ L 354, 31.12.2008, p. 16.

⁽²⁾ OJ L 354, 31.12.2008, p. 1.

⁽³⁾ OJ L 237, 10.9.1994, p. 3.

⁽⁴⁾ OJ L 237, 10.9.1994, p. 13.

⁽⁵⁾ OJ L 61, 18.3.1995, p. 1.

⁽⁶⁾ OJ L 119, 4.5.2012, p. 14.

⁽⁷⁾ OJ L 39, 13.2.2008, p. 16.

- (7) Pursuant to Article 3(2) of Regulation (EC) No 1331/2008, the Commission has to seek the opinion of the European Food Safety Authority ('the Authority') in order to update the Union list of food additives set out in Annex II to Regulation (EC) No 1333/2008, except where the update in question is not liable to have an effect on human health. Since the Union list is amended in order to include uses already permitted in accordance with Directive 94/35/EC, Directive 94/36/EC, and Directive 95/2/EC, it constitutes an update of that list which is not liable to have an effect on human health. Therefore, it is not necessary to seek the opinion of the Authority.
- (8) Annex II to Regulation (EC) No 1333/2008 should therefore be amended and corrected accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health, and neither the European Parliament nor the Council has opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 1333/2008 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 13 May 2013.

For the Commission

The President

José Manuel BARROSO

ANNEX

Part E of Annex II to Regulation (EC) No 1333/2008 is amended as follows:

- (1) In food category 01.7.1 'Unripened cheese excluding products falling in category 16', the entry concerning 'Group I' is replaced by the following:

	'Group I	Additives			except <i>mozzarella</i>
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- (2) In food category 04.1.2 'Peeled, cut and shredded fruit and vegetables', the entries concerning food additives E 300 'Ascorbic acid', E 301 'Sodium ascorbate', E 302 'Calcium ascorbate', E 330 'Citric acid', E 331 'Sodium citrates', E 332 'Potassium citrates' and E 333 'Calcium citrates' are replaced by the following:

	E 300	Ascorbic acid	<i>quantum satis</i>		only prepacked refrigerated unprocessed fruit and vegetables ready for consumption and prepacked unprocessed and peeled potatoes
	E 301	Sodium ascorbate	<i>quantum satis</i>		only prepacked refrigerated unprocessed fruit and vegetables ready for consumption and prepacked unprocessed and peeled potatoes
	E 302	Calcium ascorbate	<i>quantum satis</i>		only prepacked refrigerated unprocessed fruit and vegetables ready for consumption and prepacked unprocessed and peeled potatoes
	E 330	Citric acid	<i>quantum satis</i>		only prepacked refrigerated unprocessed fruit and vegetables ready for consumption and prepacked unprocessed and peeled potatoes
	E 331	Sodium citrates	<i>quantum satis</i>		only prepacked refrigerated unprocessed fruit and vegetables ready for consumption and prepacked unprocessed and peeled potatoes
	E 332	Potassium citrates	<i>quantum satis</i>		only prepacked refrigerated unprocessed fruit and vegetables ready for consumption and prepacked unprocessed and peeled potatoes
	E 333	Calcium citrates	<i>quantum satis</i>		only prepacked refrigerated unprocessed fruit and vegetables ready for consumption and prepacked unprocessed and peeled potatoes'

- (3) Food category 08.2.2 'Heat-treated processed meat' is amended as follows:

- (a) the following entry concerning food additive E 200-219 is inserted after the entry concerning food additive E 200-203 'Sorbic acid — sorbates':

	E 200-219	Sorbic acid — sorbates, Benzoic acid — benzoates; p-hydroxybenzoates	<i>quantum satis</i>	(1) (2)	only surface treatment of dried meat products'
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(b) the following entry concerning food additive E 235 is inserted after the entry concerning food additive E 210-213 'Benzoic acid — benzoates':

	E 235	Natamycin	1	(8)	only surface treatment of dried cured sausages'
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(c) the following footnote (8) is inserted after footnote (7):

'(8): mg/dm² surface (not present at a depth of 5 mm)';

(4) Food category 09.2 'Processed fish and fishery products including molluscs and crustaceans' is amended as follows:

(a) the entry concerning food additive E 100 'Curcumin' for use in fish paste and crustacean paste is replaced by the following:

	E 100	Curcumin	100	(35)	only fish paste and crustacean paste'
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(b) the entry concerning the food additive E 100 'Curcumine' for use in smoked fish is replaced by the following:

	E 100	Curcumin	100	(37)	only smoked fish'
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(c) footnotes (35), (36), and (37) are replaced by the following:

'(35): Maximum individually or for the combination of E 100, E 102, E 120, E 122, E 142, E 151, E 160e, E 161b

(36): Maximum individually or for the combination of E 100, E 102, E 120, E 122, E 129, E 142, E 151, E 160e, E 161b

(37): Maximum individually or for the combination of E 100, E 102, E 120, E 151, E 160e';

(5) Food category 13.1.4 'Other foods for young children' is amended as follows:

(a) the entries concerning food additives E 331 'Sodium citrates', E 332 'Potassium citrates' and E 338 'Phosphoric acid' are replaced by the following:

	E 331	Sodium citrates	2 000	(43)	
	E 332	Potassium citrates	<i>quantum satis</i>	(43)	
	E 338	Phosphoric acid		(1) (4) (44)'	

(b) the following footnotes (43) and (44) are added:

'(43): E 331 and E 332 are authorised individually or in combination and in conformity with the limits set in Directives 2006/141/EC, 2006/125/EC and 1999/21/EC

(44): In conformity with the limits set in Directives 2006/141/EC, 2006/125/EC and 1999/21/EC';

(6) In food category 13.1.5.2 'Dietary foods for babies and young children for special medical purposes as defined in Directive 1999/21/EC', the text in the first row is replaced by the following:

'The additives of categories 13.1.2 and 13.1.3 are applicable, except for E 270, E 333, E 341';

(7) Food category 14.2.6 'Spirit drinks as defined in Regulation (EC) No 110/2008' is amended as follows:

(a) the entries concerning food additives belonging to Group II, Group III and concerning food additives E 123 'amaranth' and E 150a-d 'Caramels' are replaced by the following:

	'Group II	Colours at <i>quantum satis</i>	<i>quantum satis</i>		except: spirit drinks as defined in Article 5(1) and sales denominations listed in Annex II, paragraphs 1-14 of Regulation (EC) No 110/2008 and spirits (preceded by the name of the fruit) obtained by maceration and distillation, Geist (with the name of the fruit or the raw material used), London Gin, Sambuca, Maraschino, Marrasquino or Maraskino and Mistrà
	Group III	Colours with combined maximum limit	200		except: spirit drinks as defined in Article 5(1) and sales denominations listed in Annex II, paragraphs 1-14 of Regulation (EC) No 110/2008 and spirits (preceded by the name of the fruit) obtained by maceration and distillation, Geist (with the name of the fruit or the raw material used), London Gin, Sambuca, Maraschino, Marrasquino or Maraskino and Mistrà
	E 123	Amaranth	30		except: spirit drinks as defined in Article 5(1) and sales denominations listed in Annex II, paragraphs 1-14 of Regulation (EC) No 110/2008 and spirits (preceded by the name of the fruit) obtained by maceration and distillation, Geist (with the name of the fruit or the raw material used), London Gin, Sambuca, Maraschino, Marrasquino or Maraskino and Mistrà
	E 150a-d	Caramels	<i>quantum satis</i>		except: fruit spirits, spirits (preceded by the name of the fruit) obtained by maceration and distillation Geist (with the name of the fruit or the raw material used), London Gin, Sambuca, Maraschino, Marrasquino or Maraskino and Mistrà. Whisky, whiskey can only contain E 150a'

(b) the following entries concerning food additives E 104 and E 110 are inserted after the entry concerning Group III:

	E 104	Quinoline Yellow	180	(61)	except: spirit drinks as defined in Article 5(1) and sales denominations listed in Annex II, paragraphs 1-14 of Regulation (EC) No 110/2008 and spirits (preceded by the name of the fruit) obtained by maceration and distillation, Geist (with the name of the fruit or the raw material used), London Gin, Sambuca, Maraschino, Marrasquino or Maraskino and Mistrà
	E 110	Sunset Yellow FCF/ Orange Yellow S	100	(61)	except: spirit drinks as defined in Article 5(1) and sales denominations listed in Annex II, paragraphs 1-14 of Regulation (EC) No 110/2008 and spirits (preceded by the name of the fruit) obtained by maceration and distillation, Geist (with the name of the fruit or the raw material used), London Gin, Sambuca, Maraschino, Marrasquino or Maraskino and Mistrà'

(c) the following entry concerning food additive E 124 is inserted after the entry concerning food additive E 123 'Amaranth':

	E 124	Ponceau 4R, Cochineal Red A	170	(61)	except: spirit drinks as defined in Article 5(1) and sales denominations listed in Annex II, paragraphs 1-14 of Regulation (EC) No 110/2008 and spirits (preceded by the name of the fruit) obtained by maceration and distillation, Geist (with the name of the fruit or the raw material used), London Gin, Sambuca, Maraschino, Marrasquino or Maraskino and Mistrà
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(d) the following footnote (61) is added:

'(61): The total quantity of E 104, E 110, E 124 and the colours in Group III shall not exceed the maximum listed for Group III';

(8) In food category 14.2.7.1 'Aromatised wines', the following entry concerning food additive E 150a-d Caramels is deleted:

	E 150a-d	Caramels	<i>quantum satis</i>		only <i>americano</i> , <i>bitter vino</i>
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(9) In food category 17.1 'Food supplements supplied in a solid form including capsules and tablets and similar forms, excluding chewable forms', the entry concerning food additives E 551-559 'Silicon dioxide — silicates' is replaced by the following:

	E 551-559	Silicon dioxide — silicates	<i>quantum satis</i>		Period of application: until 31 January 2014
	E 551-553	Silicon dioxide — silicates	<i>quantum satis</i>		Period of application: From 1 February 2014'

(10) In food category 17.2 'Food supplements supplied in a liquid form', the entry concerning food additives E 551-559 'Silicon dioxide — silicates' is replaced by the following:

	E 551-559	Silicon dioxide — silicates	<i>quantum satis</i>		Period of application: until 31 January 2014
	E 551-553	Silicon dioxide — silicates	<i>quantum satis</i>		Period of application: From 1 February 2014'

(11) In food category 17.3 'Food supplements supplied in a syrup-type or chewable form', the entry concerning food additives E 551-559 'Silicon dioxide — silicates' is replaced by the following:

	E 551-559	Silicon dioxide — silicates	<i>quantum satis</i>		Period of application: until 31 January 2014
	E 551-553	Silicon dioxide — silicates	<i>quantum satis</i>		Period of application: From 1 February 2014'

COMMISSION IMPLEMENTING REGULATION (EU) No 439/2013**of 13 May 2013****amending for the 192nd time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al Qaida network**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 2 May 2013 the Sanctions Committee of the United Nations Security Council (UNSC) decided to remove one natural person from its list of persons, groups and

entities to whom the freezing of funds and economic resources should apply after considering the de-listing request submitted by this person and the Comprehensive Report of the Ombudsperson established pursuant to UNSC Resolution 1904(2009).

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 13 May 2013.

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

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

ANNEX

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

The following entry under the heading 'Natural persons' is deleted:

'Mohamed Ben Mohamed Ben Khalifa **Abdelhedi** (*alias* Mohamed Ben Mohamed **Abdelhedi**). Address: (a) Via Galileo Ferraries 64, Varese, Italy; (b) 261 Kramdah Road (km 2), Sfax, Tunisia. Date of birth: 10.8.1965. Place of birth: Sfax, Tunisia. Nationality: Tunisian. Passport No: L965734 (Tunisian passport issued on 6.2.1999, expired on 5.2.2004). Other information: (a) Italian fiscal code: BDL MMD 65M10 Z352S, (b) Mother's name: Shadhliah Ben Amir; (c) Resided in Italy as at August 2009. Date of designation referred to in Article 2a(4)(b): 23.6.2004.'

COMMISSION IMPLEMENTING REGULATION (EU) No 440/2013**of 13 May 2013****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, 13 May 2013.

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

Jerzy PLEWA
*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	AL	25,2
	MA	60,8
	TN	116,7
	TR	91,1
	ZZ	73,5
0707 00 05	AL	32,3
	MK	34,4
	TR	132,0
	ZZ	66,2
0709 93 10	AL	78,9
	TR	133,0
	ZZ	106,0
0805 10 20	EG	50,2
	IL	63,8
	MA	55,1
	ZZ	56,4
0805 50 10	TR	98,0
	ZA	97,2
	ZZ	97,6
0808 10 80	AR	113,6
	BR	104,5
	CL	122,0
	CN	91,8
	MK	32,3
	NZ	155,0
	US	209,3
	ZA	112,7
	ZZ	117,7

⁽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 8 May 2013

amending Decision 2007/777/EC as regards the entry for Mexico in the list of third countries or parts thereof from which the introduction of meat products and treated stomachs, bladders and intestines into the Union is authorised

*(notified under document C(2013) 2589)***(Text with EEA relevance)**

(2013/217/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption⁽¹⁾ and in particular the introductory phrase of Article 8, the first subparagraph of point 1 of Article 8 and point 4 of Article 8 thereof,

Whereas:

- (1) Commission Decision 2007/777/EC of 29 November 2007 laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries and repealing Decision 2005/432/EC⁽²⁾ lays down rules on imports into the Union and the transit and storage in the Union of consignments of meat products, treated stomachs, bladders and intestines, as defined in Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin⁽³⁾.
- (2) Part 2 of Annex II to that Decision sets out a list of third countries or parts thereof from which the introduction of meat products, treated stomachs, bladders and intestines into the Union is authorised, provided that those commodities comply with treatment referred to in that Part.
- (3) Part 4 of Annex II to Decision 2007/777/EC sets out the treatments referred to in Part 2 of that Annex, assigning a code to each of those treatments. That Part sets out a non-specific treatment 'A' and specific treatments 'B' to 'F' listed in descending order of severity.

- (4) Mexico is listed in Part 2 of Annex II to Decision 2007/777/EC as authorised for the introduction into the Union of meat products and treated stomachs, bladders and intestines for human consumption obtained from poultry, farmed feathered game and wild game birds, which have undergone the specific treatment D.
- (5) In 2012 several outbreaks of highly pathogenic avian influenza (HPAI) of the subtype H7N3 were confirmed in the State of Jalisco in Mexico, in an area with a high density of poultry holdings. Mexico applied a stamping-out policy and carried out emergency vaccination against avian influenza to control the outbreaks.
- (6) The latest HPAI outbreak of that epidemic was confirmed at the end of September 2012 and Mexico declared the outbreaks as eradicated in December 2012.
- (7) On 8 January 2013, Mexico notified the Commission of two HPAI outbreaks of the H7N3 subtype in poultry on its territory in the State of Aguascalientes. The disease has also spread to the States of Jalisco and Guanajuato.
- (8) In view of the confirmation of the HPAI outbreaks, the territory of Mexico may no longer be considered as free from that disease.
- (9) The recurrence of HPAI outbreaks raises concerns as to the effectiveness of the measures including vaccination applied in Mexico to control HPAI.
- (10) Imports of meat products and treated stomachs, bladders and intestines for human consumption obtained from poultry, farmed feathered game and wild game birds having undergone a treatment as set out in Annex II to Decision 2007/777/EC, from third countries or parts thereof that are not free from HPAI, are considered to pose a negligible risk for virus introduction into the Union.

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.⁽²⁾ OJ L 312, 30.11.2007, p. 49.⁽³⁾ OJ L 139, 30.4.2004, p. 55.

- (11) However, given the rapid spread of HPAI and the risk that HPAI outbreaks may not be detected in time by the Mexican competent authority, imports into and transit through the Union of meat products and treated stomachs, bladders and intestines for human consumption originating in that third country should only be authorised where those commodities have undergone the specific treatment B as set out in Part 4 of Annex II to Decision 2007/777/EC, since that treatment is more severe than the one currently applicable to those commodities pursuant to Part 2 of that Annex.
- (12) Decision 2007/777/EC should therefore be amended accordingly.
- (13) To avoid unnecessary disruptions of trade, a transitional period should be provided for, during which consignments of meat products and treated stomachs, bladders and intestines for human consumption obtained from poultry, farmed feathered game and wild game birds, originating in Mexico and complying with the conditions laid down in Decision 2007/777/EC prior to the date of taking effect of this Decision may continue to be imported into or transit through the Union.
- (14) 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 II to Decision 2007/777/EC is amended in accordance with the Annex to this Decision.

Article 2

For a transitional period until 15 August 2013, consignments, including those transported on the high seas, originating in Mexico, containing meat products and treated stomachs, bladders and intestines for human consumption obtained from poultry, farmed feathered game and wild game birds which have undergone the specific treatment D set out Part 4 of Annex II to Decision 2007/777/EC may be imported into or transit through the Union provided that they are accompanied by the relevant certificate completed and signed before 17 May 2013.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 8 May 2013.

For the Commission

Tonio BORG

Member of the Commission

ANNEX

In Part 2 of Annex II to Decision 2007/777/EC, the entry for Mexico is replaced by the following:

'MX	Mexico	A	D	D	A	B	B	A	D	D	XXX	A	B	XXX'
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