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Legislation

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2015/702

of 13 July 2007

on the signing and provisional application of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310, in conjunction with the second sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the 2003 Act of Accession, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 10 February 2004, the Council authorised the Commission, on behalf of the Community and its Member States, to open negotiations with the Republic of Lebanon with a view to adjusting the Euro-Mediterranean Association Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part ⁽¹⁾, to take account of the accession of the new Member States to the EU.
- (2) These negotiations have been concluded to the satisfaction of the Commission.
- (3) Article 9(2) of the Protocol negotiated with the Republic of Lebanon provides for the provisional application of the Protocol before its entry into force.
- (4) The Protocol should be signed on behalf of the Community and its Member States and applied on a provisional basis, subject to its conclusion at a later date.

HAS DECIDED AS FOLLOWS:

Article 1

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the Community and its Member States, the Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and Lebanon, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union.

The text of the Protocol is attached to this Decision.

⁽¹⁾ OJ L 143, 30.5.2006, p. 2.

Article 2

The Protocol shall be applied provisionally subject to its conclusion at a later date.

Done at Brussels, 13 July 2007.

For the Council
The President
E. A. SANTOS

PROTOCOL

to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as 'EC Member States', represented by the Council of the European Union, and

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community', represented by the Council of the European Union and the Commission of the European Community,

of the one part, and

THE REPUBLIC OF LEBANON, hereinafter referred to as 'Lebanon',

of the other part,

WHEREAS the Euro-Mediterranean Agreement between the European Community and its Member States, of the one part, and Lebanon, of the other part, hereinafter referred to as 'the Euro-Mediterranean Agreement', was signed in Luxembourg on 17 June 2002 and entered into force on 1 April 2006;

WHEREAS the Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union was signed in Athens on 16 April 2003 and entered into force on 1 May 2004;

WHEREAS an Interim Agreement on trade and trade-related provisions of the Euro-Mediterranean Agreement entered into force on 1 March 2003;

WHEREAS, pursuant to Article 6(2) of the 2003 Act of Accession, the accession of the new Contracting Parties to the Euro-Mediterranean Agreement is to be agreed by the conclusion of a protocol to the said Agreement;

WHEREAS consultations pursuant to Article 21 of the Euro-Mediterranean Agreement have taken place in order to ensure that account has been taken of the mutual interests of the Community and Lebanon,

HAVE AGREED AS FOLLOWS:

Article 1

The Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic hereby become Parties to the Euro-Mediterranean Agreement between the European Community and its Member States, of the one part, and Lebanon, of the other part, and shall respectively adopt and take note, in the same manner as the other Member States of the Community, of the texts of the Agreement, and of the joint declarations, unilateral declarations and exchanges of letters.

Article 2

To take account of recent institutional developments within the European Union, the Parties agree that following expiry of the Treaty establishing the European Coal and Steel Community, existing provisions in the Agreement referring to the European Coal and Steel Community shall be deemed to refer to the European Community, which has taken over all rights and obligations contracted by the European Coal and Steel Community.

CHAPTER I

AMENDMENTS TO THE TEXT OF THE EURO-MEDITERRANEAN AGREEMENT, INCLUDING ITS ANNEXES AND PROTOCOLS

Article 3

Rules of Origin

Protocol 4 is hereby amended as follows:

1. Article 18(4) shall be replaced by the following:

‘4. Movement certificates EUR.1 issued retrospectively shall be endorsed with one of the following phrases:

ES “EXPEDIDO A POSTERIORI”

CS “VYSTAVENO DODATEČNĚ”

DA “UDSTEDT EFTERFØLGENDE”

DE “NACHTRÄGLICH AUSGESTELLT”

ET “VÄLJA ANTUD TAGANTJÄRELE”

EL “ΕΚΔΟΘΕΝ ΕΚ ΤΩΝ ΥΣΤΕΡΩΝ”

EN "ISSUED RETROSPECTIVELY"
FR "DÉLIVRÉ A POSTERIORI"
IT "RILASCIATO A POSTERIORI"
LV "IZSNIEGTS RETROSPEKTĪVI"
LT "RETROSPEKTYVUSIS IŠDAVIMAS"
HU "KIADVA VISSZAMENŐLEGES HATÁLLYAL"
MT "MAHRUĠ RETROSPETTIVAMENT"
NL "AFGEGEVEN A POSTERIORI"
PL "WYSTAWIONE RETROSPEKTYWNIĘ"
PT "EMITIDO A POSTERIORI"
SL "IZDANO NAKNADNO"
SK "VYDANÉ DODATOČNE"
FI "ANNETTU JÄLKIKÄTEEN"
SV "UTFÄRDAT I EFTERHAND"
AR "الصادرة بأثر رجعي";

2. Article 19(2) shall be replaced by the following:

‘2. The duplicate issued in this way shall be endorsed with one of the following words:

ES "DUPLICADO"
CS "DUPLIKÁT"
DA "DUPLIKAT"
DE "DUPLIKAT"
ET "DUPLIKAAT"
EL "ΑΝΤΙΓΡΑΦΟ"
EN "DUPLICATE"
FR "DUPLICATA"
IT "DUPLICATO"
LV "DUBLIKĀTS"
LT "DUBLIKATAS"
HU "MÁSODLAT"
MT "DUPLIKAT"
NL "DUPLICAAT"
PL "DUPLIKAT"
PT "SEGUNDA VIA"
SL "DVOJNIK"

SK “DUPLIKÁT”

FI “KAKSOISKAPPALE”

SV “DUPLIKAT”

AR “نسخة”;

3. Annex V shall be replaced by the following:

‘ANNEX V

INVOICE DECLARATION

The invoice declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

Spanish version

El exportador de los productos incluidos en el presente documento (autorización aduanera nº ... ⁽¹⁾.) declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial. ... ⁽²⁾.

Czech version

Vývozce výrobků uvedených v tomto dokumentu (číslo povolení ... ⁽¹⁾) prohlašuje, že kromě zřetelně označených mají tyto výrobky preferenční původ v ... ⁽²⁾.

Danish version

Eksportøren af varer, der er omfattet af nærværende dokument, (toldmyndighedernes tilladelse nr. ... ⁽¹⁾), erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i ... ⁽²⁾.

German version

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr. ... ⁽¹⁾) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anders angegeben, präferenzbegünstigte ... ⁽²⁾ Ursprungswaren sind.

Estonian version

Käesoleva dokumendiga hõlmatud toodete eksportija (tolli kinnitus nr. ... ⁽¹⁾) deklareerib, et need tooted on ... ⁽²⁾ sooduspäritoluga, välja arvatud juhul kui on selgelt näidatud teisiti.

Greek version

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο (άδεια τελωνείου υπ' αριθ. ... ⁽¹⁾) δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμσιακής καταγωγής ... ⁽²⁾.

English version

The exporter of the products covered by this document (customs authorisation No ... ⁽¹⁾) declares that, except where otherwise clearly indicated, these products are of ... ⁽²⁾ preferential origin.

French version

L'exportateur des produits couverts par le présent document (autorisation douanière n° ... ⁽¹⁾) déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle ... ⁽²⁾.

Italian version

L'esportatore delle merci contemplate nel presente documento (autorizzazione doganale n. ... ⁽¹⁾) dichiara che, salvo espressa indicazione contraria, le merci sono di origine preferenziale ... ⁽²⁾.

Latvian version

Eksportētājs produktiem, kuri ietverti šajā dokumentā (muitas pilnvara Nr. ... ⁽¹⁾), deklarē, ka, izņemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir priekšrocību izcelsme no ... ⁽²⁾.

Lithuanian version

Šiame dokumente išvardintų prekių eksportuotojas (muitinės liudijimo Nr ... ⁽¹⁾) deklaruoja, kad, jeigu kitaip nenurodyta, tai yra ... ⁽²⁾ preferencinės kilmės prekės.

Hungarian version

A jelen okmányban szereplő áruk exportőre (vámfelhatalmazási szám: ... ⁽¹⁾) kijelentem, hogy eltérő jelzés hiányában az áruk preferenciális ... ⁽²⁾ származásúak.

Maltese version

L-esportatur tal-prodotti koperti b'dan id-dokument (awtorizzazzjoni tad-dwana nru. ... ⁽¹⁾) jiddikjara li, hlief fejn indikat b'mod ċar li mhux hekk, dawn il-prodotti huma ta' oriġini preferenzjali ... ⁽²⁾.

Dutch version

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. ... ⁽¹⁾), verklaart dat, behoudens uitdrukkelijk andersluidende vermelding, deze goederen van preferentiële ... oorsprong zijn ⁽²⁾.

Polish version

Eksporter produktów objętych tym dokumentem (upoważnienie władz celnych nr ... ⁽¹⁾) deklaruje, że z wyjątkiem gdzie jest to wyraźnie określone, produkty te mają ... ⁽²⁾ preferencyjne pochodzenie.

Portuguese version

O exportador dos produtos cobertos pelo presente documento (autorização aduaneira nº. ... ⁽¹⁾), declara que, salvo indicação clara em contrário, estes produtos são de origem preferencial ... ⁽²⁾.

Slovenian version

Izvoznik blaga, zajetega s tem dokumentom (pooblastilo carinskih organov št ... ⁽¹⁾) izjavlja, da, razen če ni drugače jasno navedeno, ima to blago preferencialno ... ⁽²⁾ poreklo.

Slovak version

Vývozca výrobkov uvedených v tomto dokumente (číslo povolenia ... ⁽¹⁾) vyhlasuje, že okrem zreteľne označených, majú tieto výrobky preferenčný pôvod v ... ⁽²⁾.

Finnish version

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupa n:o ... ⁽¹⁾) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperätuotteita ⁽²⁾.

Swedish version

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr. ... ⁽¹⁾) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande ... ursprung ⁽²⁾.

Arabic version

بصرح مصدر المنتجات التي تشملها هذه الوثيقة (التصريح الجمركي رقم⁽¹⁾) بإستثناء ما ينص بوضوح على خلاف ذلك، بأن هذه المنتجات من منشأ تفضيلي من⁽²⁾.

..... ⁽³⁾

(Place and date)

..... ⁽⁴⁾

(Signature of the exporter; in addition, the name of the person signing the declaration has to be indicated in clear script)

⁽¹⁾ When the invoice declaration is made out by an approved exporter within the meaning of Article 22 of the Protocol, the authorisation number of the approved exporter must be entered in this space. When the invoice declaration is not made out by an approved exporter, the words in brackets will be omitted or the space left blank.

⁽²⁾ Origin of products to be indicated. When the invoice declaration relates in whole or in part to products originating in Ceuta and Melilla within the meaning of Article 37 of the Protocol, the exporter must clearly indicate them in the document on which the declaration is made out by means of the symbol "CM".

⁽³⁾ These indications may be omitted if the information is contained in the document itself.

⁽⁴⁾ See Article 21(5) of the Protocol. In cases where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory.

CHAPTER II

TRANSITIONAL PROVISIONS

Article 4

Proofs of origin and administrative cooperation

1. Proofs of origin properly issued by either Lebanon or a new Member State under preferential agreements or autonomous arrangements applied between them shall be accepted in the respective countries under this Protocol, provided that:

- (a) the acquisition of such origin confers preferential tariff treatment on the basis of either the preferential tariff measures contained in the EU-Lebanon Association Agreement or in the Community System of Generalised Preferences;
- (b) the proof of origin and the transport documents were issued no later than the day before the date of accession;
- (c) the proof of origin is submitted to the customs authorities within a period of four months from the date of accession.

Where goods were declared for importation in either Lebanon or a new Member State, prior to the date of accession, under preferential agreements or autonomous arrangements applied between Lebanon and that new Member State at that time, proof of origin issued retrospectively under those agreements or arrangements may also be accepted, provided that it is submitted to the customs authorities within a period of four months from the date of accession.

2. Lebanon and the new Member States are authorised to retain authorisations granting 'approved exporter' status under preferential agreements or autonomous arrangements applied between them, provided that:

- (a) such provision is also made in the agreement concluded prior to the date of accession between Lebanon and the Community; and
- (b) the approved exporter applies the rules of origin in force under that agreement.

These authorisations shall be replaced, no later than one year after the date of accession, by new authorisations issued under the conditions of the Agreement.

3. Requests for subsequent verification of proof of origin issued under the preferential agreements or autonomous arrangements referred to in paragraphs 1 and 2 shall be accepted by the competent customs authorities of either Lebanon or the new Member States for a period of three years after the issue of the proof of origin concerned and may be made by those authorities for a period of three years after acceptance of the proof of origin submitted to those authorities in support of an import declaration.

Article 5

Goods in transit

1. The Agreement may be applied to goods, exported either from Lebanon to one of the new Member States or from one of the new Member States to Lebanon, which comply with the provisions of Protocol 4 and which on the date of accession are either en route or in temporary storage, in a customs warehouse or in a free zone in Lebanon or in that new Member State.

2. Preferential treatment may be granted in such cases, subject to the submission to the customs authorities of the importing country, within four months of the date of accession, of proof of origin issued retrospectively by the customs authorities of the exporting country.

GENERAL AND FINAL PROVISIONS

Article 6

Lebanon undertakes that it shall neither make any claim, request or referral nor modify or withdraw any concession pursuant to GATT 1994 Articles XXIV.6 and XXVIII in relation to this enlargement of the Community.

Article 7

This Protocol shall form an integral part of the Euro-Mediterranean Agreement. The Annexes and the declaration attached to this Protocol shall form an integral part thereof.

Article 8

1. This Protocol shall be approved by the Community, by the Council of the European Union on behalf of the Member States, and by Lebanon in accordance with their own procedures.

2. The Parties shall notify each other of the accomplishment of the corresponding procedures referred to in paragraph 1. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.

Article 9

1. This Protocol shall enter into force on the first day of the first month following the date of the deposit of the last instrument of approval.
2. This Protocol shall apply provisionally as from 1 April 2006.

Article 10

This Protocol shall be drawn up in duplicate in each of the official languages of the Contracting Parties, each of these texts being equally authentic.

Article 11

The texts of the Euro-Mediterranean Agreement, including the Annexes and Protocols forming an integral part thereof, and the Final Act, together with the declarations attached thereto, shall be drawn up in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian languages and these texts shall be authentic in the same way as the original texts. The Association Council shall approve these texts.

Съставено в Брюксел на първи април две хиляди и петнадесета година.

Hecho en Bruselas, el uno de abril de dos mil quince.

V Bruselu dne prvného dubna dva tisíce patnáct.

Udfærdiget i Bruxelles den første april to tusind og femten.

Geschehen zu Brüssel am ersten April zweitausendfünfzehn.

Kahe tuhande viieteistkümnenda aasta aprillikuu esimesel päeval Brüsselis.

Έγινε στις Βρυξέλλες, την πρώτη Απριλίου δύο χιλιάδες δεκαπέντε.

Done at Brussels on the first day of April in the year two thousand and fifteen.

Fait à Bruxelles, le premier avril deux mille quinze.

Sastavljeno u Bruxellesu prvog travnja dvije tisuće petnaeste.

Fatto a Bruxelles, addì primo aprile duemilaquindici.

Briselē, divi tūkstoši piecpadsmitā gada pirmajā aprīlī.

Priimta du tūkstančiai penkioliktų metų balandžio pirmą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizenötödik év április havának első napján.

Magħmul fi Brussell, fl-ewwel jum ta' April tas-sena elfejn u ħmistax.

Gedaan te Brussel, de eerste april tweeduizend vijftien.

Sporządzono w Brukseli dnia pierwszego kwietnia roku dwa tysiące piętnastego.

Feito em Bruxelas, em um de abril de dois mil e quinze.

Întocmit la Bruxelles la întâi aprilie două mii cincisprezece.

V Bruseli prvého apríla dvetisícpätnásť.

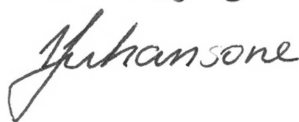
V Bruslju, dne prvega aprila leta dva tisoč petnajst.

Tehty Brysselissä ensimmäisenä päivänä huhtikuuta vuonna kaksituhattaviisitoista.

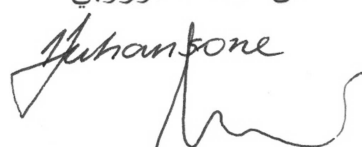
Som skedde i Bryssel den första april tjugohundrafemton.

وُقِعَ فِي بروكسل فِي الأول من نيسان من عام ألفين وخمسة عشر

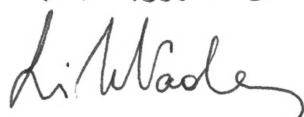
За държавите-членки
 Por los Estados miembros
 Za členské státy
 For medlemsstaterne
 Für die Mitgliedstaaten
 Liikmesriikide nimel
 Για τα κράτη μέλη
 For the Member States
 Pour les États membres
 Za države članice
 Per gli Stati membri
 Dalībvalstu vārdā
 Valstybių narių vardu
 A tagállamok részéről
 Għall-Istati Membri
 Voor de lidstaten
 W imieniu państw Członkowskich
 Pelos Estados-Membros
 Pentru statele membre
 Za členské štáty
 Za države članice
 Jäsenvaltioiden puolesta
 För medlemsstaterna
 عن الدول الأعضاء



За Европейския съюз
 Por la Unión Europea
 Za Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Za Europsku uniju
 Per l'Unione europea
 Eiropas Savienības vārdā —
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Għall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen
 عن الاتحاد الأوروبي



За Република Ливан
 Por la República Libanesa
 Za Libanonskou republiku
 For Den Libanesiske Republik
 Für die Libanesische Republik
 Liibanoni Vabariigi nimel
 Για τη Δημοκρατία του Λιβάνου
 For the Republic of Lebanon
 Pour la République libanaise
 Za Libanonsku Republiku
 Per la Repubblica del Libano
 Libānas Republikas vārdā –
 Libano Respublikos vardu
 A Libanoni Köztársaság részéről
 Għar-repubblika tal-Libanu
 Voor de Republiek Libanon
 W imieniu Republiki Libańskiej
 Pela República do Líbano
 Pentru Republica Libaneză
 Za Libanonskú republiku
 Za Republika Libanon
 Libanonin tasavallan puolesta
 För Republiken Libanon
 عن الجمهورية اللبنانية



TRANSLATION

JOINT DECLARATION

by the European Union and the Republic of Lebanon on the signature of the Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union

As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date the European Union exercises all rights and assumes all obligations of the European Community.

Therefore, references to 'the European Community' in the text of the aforementioned Protocol, are, where appropriate, to be read as 'the European Union'.

Done at Brussels, 1 April 2015.

For the European Union

For the Republic of Lebanon

REGULATIONS

COMMISSION REGULATION (EU) 2015/703

of 30 April 2015

establishing a network code on interoperability and data exchange rules

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 ⁽¹⁾ and in particular Article 6(11) thereof;

Whereas:

- (1) Regulation (EC) No 715/2009 defines several tasks for the European network of transmission system operators for gas ('Entsog') and for the Agency for the Cooperation of Energy Regulators established by Regulation (EC) No 713/2009 of the European Parliament and of the Council ⁽²⁾ (the 'Agency'). Amongst these is the development of European-wide network codes in the areas referred to in Article 8(6) of Regulation (EC) No 715/2009 to be applied by all transmission system operators for gas.
- (2) In order to encourage and facilitate efficient gas trading and transmission across gas transmission systems within the Union, and thereby to move towards greater internal market integration, a network code on interoperability and data exchange rules as referred to in Article 8(6)(e) and (d) of Regulation (EC) No 715/2009 should be established, on the basis of a draft developed by Entsog and recommended by the Agency and in accordance with the procedure set out in Article 6 of Regulation (EC) No 715/2009.
- (3) The lack of harmonisation in technical, operational and communication areas could create barriers to the free flow of gas in the Union, thus hampering market integration. Union interoperability and data exchange rules should allow the necessary harmonisation in those areas, therefore leading to effective market integration. For that purpose and for facilitating commercial and operational cooperation between adjacent transmission system operators, this Regulation should address interconnection agreements, units, gas quality, odourisation and data exchange. It should provide rules and procedures to reach an appropriate level of harmonisation towards efficient gas trading and transport across gas transmission systems in the Union.
- (4) Adjacent transmission system operators should reinforce transparency as well as cooperation between them where differences in gas quality and odourisation practices at either side of an interconnection point might create an obstacle to gas market integration. The obligations provided for in this Regulation with particular regard to gas quality and odourisation are without prejudice to the competences of Member States.
- (5) The provisions of this Regulation relating to gas quality should provide effective solutions without prejudice to the adoption of a European-wide standard for high-calorific gas as is being developed by CEN pursuant to the standardisation process under mandate M/400.
- (6) The interoperability rules fixed in Articles 13, 17 and 18 aim at ensuring market integration as prescribed by Article 8(7) of the Regulation (EC) No 715/2009 and have a broader scope of application than solely interconnection points.

⁽¹⁾ OJ L 211, 14.8.2009, p. 36.

⁽²⁾ Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators (OJ L 211, 14.8.2009, p. 1).

- (7) Article 13 of this Regulation does not affect the units or reference conditions used by Member States for the purposes of Article 1(2) of Directive 2009/142/EC of the European Parliament and of the Council ⁽¹⁾. The concerned parties may use the conversion table in the Annex in line with EN ISO 13443 'Natural Gas — Standard reference conditions'.
- (8) Chapter V of this Regulation should ensure the appropriate degree of harmonisation of data exchange for supporting the completion and functioning of the European internal gas market, security of supply and appropriate and secure access to information, facilitating cross-border transmission activities.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Committee established pursuant to Article 51 of Directive 2009/73/EC of the European Parliament and of the Council ⁽²⁾.
- (10) In accordance with Article 8(8) and (9) of Regulation (EC) No 715/2009 Entso-g should monitor and analyse the implementation of this Regulation and report its findings to the Agency in order to allow the Agency to fulfil its tasks under Article 9(1) of Regulation (EC) No 715/2009,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter and scope

1. This Regulation establishes a network code which sets out rules regarding interoperability and data exchange as well as harmonised rules for the operation of gas transmission systems.
2. This Regulation shall apply at interconnection points. With regard to data publication, Article 13 shall apply to relevant points defined in paragraph 3.2 of Annex I to Regulation (EC) No 715/2009. In addition to interconnection points, Article 17 shall apply to other points on transmission network where the gas quality is measured. Article 18 shall apply to transmission systems. This Regulation may also apply at entry points from and exit points to third countries, subject to the decision of the national authorities.
3. This Regulation shall not apply to interconnection points between Member States as long as one of these Member States holds a derogation on the basis of Article 49 of Directive 2009/73/EC, unless agreed otherwise by the respective Member States.

Article 2

Definitions

For the purposes of this Regulation, the definitions in Article 2 of Regulation (EC) No 715/2009, Article 3 of Commission Regulation (EU) No 984/2013 ⁽³⁾, Article 3 of Commission Regulation (EU) No 312/2014 ⁽⁴⁾ as well as in Article 2 of Directive 2009/73/EC shall apply. In addition, the following definitions shall apply:

- (a) 'exceptional event' means any unplanned event that is not reasonably controllable or preventable and that may cause, for a limited period, capacity reductions, affecting thereby the quantity or quality of gas at a given interconnection point, with possible consequences on interactions between transmission system operators as well as between transmission system operator and network users;
- (b) 'initiating transmission system operator' means the transmission system operator initiating the matching process by sending the necessary data to the matching transmission system operator;

⁽¹⁾ Directive 2009/142/EC of the European Parliament and of the Council of 30 November 2009 relating to appliances burning gaseous fuels (OJ L 330, 16.12.2009, p. 10).

⁽²⁾ Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas (OJ L 211, 14.8.2009, p. 94).

⁽³⁾ Commission Regulation (EC) No 984/2013 of 14 October 2013 establishing a Network Code on Capacity Allocation Mechanisms in Gas Transmission Systems and supplementing Regulation (EC) No 715/2009 of the European Parliament and of the Council (OJ L 273, 15.10.2013, p. 5).

⁽⁴⁾ Commission Regulation (EU) No 312/2014 of 26 March 2014 establishing a Network Code on Gas Balancing of Transmission Networks (OJ L 91, 27.3.2014, p. 15).

- (c) 'lesser rule' means that, in case of different processed quantities at either side of an interconnection point, the confirmed quantity will be equal to the lower of the two processed quantities.
- (d) 'matching process' is the process of comparing and aligning processed quantities of gas for network users at both sides of a specific interconnection point, which results in confirmed quantities for the network users;
- (e) 'matching transmission system operator' means the transmission system operator performing the matching process and sending the result of the matching process to the initiating transmission system operator;
- (f) 'measured quantity' means the quantity of gas that, according to the measurement equipment from the transmission system operator, has physically flowed across an interconnection point per time period;
- (g) 'operational balancing account' means an account between adjacent transmission system operators, to be used to manage steering differences at an interconnection point in order to simplify gas accounting for network users involved at the interconnection point;
- (h) 'processed quantity' means the quantity of gas determined by the initiating transmission system operator and by the matching transmission system operator, which takes into account the network user's nomination or re-nomination and contractual provisions as defined under the relevant transport contract and which is used as the basis for the matching process;
- (i) 'steering difference' means the difference between the quantity of gas that the transmission system operators had scheduled to flow and the measured quantity for an interconnection point.

CHAPTER II

INTERCONNECTION AGREEMENTS

Article 3

General provisions

Adjacent transmission system operators shall ensure that at least the following terms and conditions detailed in Articles 6 to 12 are covered by an interconnection agreement in respect of each interconnection point:

- (a) rules for flow control;
- (b) measurement principles for gas quantities and quality;
- (c) rules for the matching process;
- (d) rules for the allocation of gas quantities;
- (e) communication procedures in case of exceptional events;
- (f) settlement of disputes arising from interconnection agreements;
- (g) amendment process for the interconnection agreement.

Article 4

Information obligation

1. The transmission system operators shall identify the information contained in interconnection agreements that directly affects network users and shall inform them thereof.
2. Before concluding or amending an interconnection agreement which contains the rules referred to in Article 3(c), (d) and (e), transmission system operators shall invite network users to comment on the proposed text of those rules at least two months before the agreement is concluded or amended. The transmission system operators shall take the network users' comments into account when concluding or amending their interconnection agreement.
3. The mandatory terms of interconnection agreements listed in Article 3 or any amendments thereof concluded after the entry into force of this Regulation shall be communicated by the transmission system operators to their national regulatory authority and to EntsoG within 10 days after conclusion or amendment of the agreement. Transmission system operators shall also communicate interconnection agreements upon request of competent national authorities of the Member State within 10 days.

*Article 5***Interconnection agreement template**

1. By 30 June 2015, Entso-g shall develop and publish a draft interconnection agreement template covering the default terms and conditions set out in Articles 6 to 10.
2. Any national regulatory authority may provide an opinion on the compliance of the template with national law to the Agency by 31 August 2015. The Agency having due regard to the opinions of the national regulatory authorities shall then provide its opinion on the Entso-g template by 31 October 2015. After taking into account the opinion provided by the Agency, Entso-g shall publish on its website the final template by 31 December 2015.
3. If adjacent transmission system operators fail to agree on one or more of the terms and conditions set out in Articles 6 to 10 in their interconnection agreement in accordance with Article 3, they shall conclude an interconnection agreement on the basis of the Entso-g template in respect of any term they failed to agree upon.

*Article 6***Rules for flow control**

1. In respect of flow control, the adjacent transmission system operators shall:
 - (a) ensure that rules are established in order to facilitate a controllable, accurate, predictable and efficient gas flow across the interconnection point;
 - (b) ensure that rules are established for steering the gas flow across the interconnection point and for minimising the deviations from the flow pursuant to the matching process;
 - (c) designate the transmission system operator who is responsible for steering the gas flow across the interconnection point. If the adjacent transmission system operators fail to agree on this designation, the transmission system operator that operates the flow control equipment shall, in cooperation with the other transmission system operator(s), be responsible for steering the gas flow across the interconnection point.
2. In order to steer the gas flow, the adjacent transmission system operators shall decide on the quantity and direction of the gas flow for each interconnection point and for each hour of the gas day.

The transmission system operator designated pursuant to point (c) of paragraph 1 shall be responsible for steering the gas flow across the interconnection point provided that contractual obligations regarding pressure are complied with by all adjacent transmission system operators:

- (a) at a level of accuracy sufficient to minimise the steering difference; and
 - (b) at a level of stability in line with the efficient use of the gas transmission networks.
3. The quantity and direction of the gas flow decided by the adjacent transmission system operators shall reflect:
 - (a) the result of the matching process;
 - (b) the operational balancing account correction;
 - (c) any efficient flow control arrangements between the adjacent transmission system operators for purposes such as ramp-up, ramp-down, minimum flow, split of the flow at the virtual interconnection point if any, and/or switch of flow direction or operational cost efficiency;
 - (d) any arrangement managing cross-border trade restrictions due to gas quality differences pursuant to Article 15 and/or odourisation practices pursuant to Article 19.
4. A transmission system operator may decide to alter the quantity of gas or the gas flow direction or both, if this is needed, in order to:
 - (a) comply with provisions laid down in national or Union safety legislation applicable to the interconnection point;
 - (b) comply with requirements laid down in Emergency Plans and Preventive Action Plans developed in accordance with Regulation (EU) No 994/2010 of the European Parliament and of the Council ⁽¹⁾;
 - (c) react in case the operator's system is affected by an exceptional event.

⁽¹⁾ Regulation (EU) No 994/2010 of the European Parliament and of the Council of 20 October 2010 concerning measures to safeguard security of gas supply and repealing Council Directive 2004/67/EC (OJ L 295, 12.11.2010, p. 1).

*Article 7***Measurement principles for gas quantity and quality**

1. In respect of the measurement principles for volume, energy and gas quality, the adjacent transmission system operators shall ensure that:
 - (a) the details of the measurement standards applicable at the interconnection point are established;
 - (b) the transmission system operator responsible for the installation, operation and maintenance of the measurement equipment is identified. This operator shall have the obligation to make all information and data in respect of the measurement of gas flows at the interconnection point available to the other adjacent transmission system operator(s) in a timely manner and at a frequency specified.
2. The installation, operation and maintenance of measurement equipment at an interconnection point shall take into account the technical requirements imposed by national regulations on the adjacent transmission system operators.
3. The adjacent transmission system operators shall agree on measurement principles which shall at least include:
 - (a) a description of the metering station including measurement and analysis equipment to be used and details of any secondary equipment that may be used in case of failure;
 - (b) the gas quality parameters and volume and energy that shall be measured, as well as the range and the maximum permissible error or uncertainty margin within which the measurement equipment shall operate, the frequency of measurements, in what units and according to what standards the measurement shall be made as well as any conversion factors used;
 - (c) the procedures and methods that shall be used to calculate those parameters which are not directly measured;
 - (d) a description of the method of calculation in respect of the maximum permissible error or uncertainty in the determination of energy transported;
 - (e) a description of the data validation process in use for the measured parameters;
 - (f) the measurement validation and quality assurance arrangements, including verification and adjustment procedures to be agreed between the adjacent transmission system operators;
 - (g) the way data, including frequency and content, is provided among the adjacent transmission system operators in respect of the measured parameters;
 - (h) the specific list of signals and alarms to be provided by the adjacent transmission system operator(s) who operate(s) the measurement equipment to the other adjacent transmission system operator(s);
 - (i) the method of determining a correction to a measurement and any subsequent procedures that may be necessary in a temporary situation where the measurement equipment is found to be or have been in error (either under-reading or over-reading outside of its defined uncertainty range). This transmission system operator shall take appropriate action to end this situation.
 - (j) rules that shall apply between adjacent transmission system operators in the event of failure of the measurement equipment;
 - (k) rules that shall apply between the adjacent transmission system operators for:
 - (i) access to the measurement facility;
 - (ii) additional verifications of measurement facility;
 - (iii) modification of the measurement facility;
 - (iv) attendance during calibration and maintenance work at the measurement facility.
4. If the adjacent transmission system operators fail to comply with their obligations provided for in paragraphs 1 and 3:
 - (a) the transmission system operator in control of the measurement equipment shall be responsible for the installation, operation and maintenance of such equipment and for providing the other transmission system operator with the data regarding the measurement of gas flows at the interconnection point in a timely manner;
 - (b) the European standard EN1776 'Gas Supply Natural Gas Measuring Stations Functional Requirements' in the version applicable at the time shall apply.

*Article 8***Rules for the matching process**

1. In respect of the matching process, the adjacent transmission system operators shall establish:
 - (a) the rules detailing the matching process taking into account daily-hourly nomination arrangements where relevant;
 - (b) the rules governing the communication and processing of the relevant data among the adjacent transmission system operators in order to calculate the processed quantities and confirmed quantities of gas for network users and the quantity of gas that needs to be scheduled to flow at the interconnection point(s).
2. Nominations and re-nominations shall be managed in accordance with the following:
 - (a) the application of a matching rule shall lead to identical confirmed quantities for each pair of network users at both sides of the interconnection point when processed quantities are not aligned;
 - (b) the adjacent transmission system operators may agree to maintain or implement a matching rule other than the lesser rule, provided that this rule is published and network users are invited to comment on the proposed matching rule within a period of time of not less than two months after publication of the matching rule;
 - (c) the adjacent transmission system operators shall specify their respective roles in the matching process by indicating whether they are the initiating or the matching transmission system operator;
 - (d) the adjacent transmission system operators shall specify the applicable time schedule for the matching process within the nomination or re-nomination cycle, given that the whole matching process shall not take more than two hours from the starting of the nomination or re-nomination cycle, and shall take into account:
 - (i) the data that needs to be exchanged between the adjacent transmission system operators in order to enable them to inform network users of their confirmed quantities before the end of the nomination or re-nomination cycle, including as a minimum the data referred to in paragraph 4(b);
 - (ii) the data exchange process defined in point (i) above shall enable the adjacent transmission system operators to perform all calculation and communication steps in an accurate and timely manner.
3. When processing nominations for an interconnection point, the adjacent transmission system operators shall ensure that the gas flow at both sides of the interconnection point is calculated on a consistent basis taking into account any temporary reduction of capacity due to any of the conditions referred to in Article 6(4) on one or both sides of the interconnection point.
4. Each interconnection agreement shall specify in its provisions on data exchange for the matching process:
 - (a) the use of data exchange between the adjacent transmission system operators for the matching process;
 - (b) the harmonised information contained within the data exchange for the matching process which shall contain at least the following:
 - (i) interconnection point identification;
 - (ii) network user identification or if applicable its portfolio identification;
 - (iii) identification of the party delivering to or receiving gas from the network user or if applicable its portfolio identification;
 - (iv) start and end time of the gas flow for which the matching is made;
 - (v) gas day;
 - (vi) processed and confirmed quantities;
 - (vii) direction of gas flow.
5. Unless otherwise agreed by the adjacent transmission system operators in their interconnection agreement, the following shall apply:
 - (a) the transmission system operators shall use the lesser rule. The application of the lesser rule as the default rule may only be restricted in case the conditions of point 2.2.3.1 of Annex I of Regulation (EC) No 715/2009 are fulfilled and its application would prevent the offer of firm capacity from the congestion management procedures;
 - (b) the transmission system operator in control of the flow control equipment shall be the matching transmission system operator;

- (c) the transmission system operators shall perform the matching process in the following sequential steps:
 - (i) calculating and sending of processed quantities of gas by the initiating transmission system operator within 45 minutes of the start of the nomination or re-nomination cycle;
 - (ii) calculating and sending of confirmed quantities of gas by the matching transmission system operator within 90 minutes from the start of the nomination or re-nomination cycle;
 - (iii) sending confirmed quantities of gas to network users and scheduling the gas flow across the interconnection point by the adjacent transmission system operators within two hours from the start of the nomination or re-nomination cycle. These sequential steps shall be without prejudice to the rule for minimum interruption lead times referred to in Article 22 of Regulation (EU) No 984/2013 and paragraph 2 (d) of this Article.

Article 9

Rules for the allocation of gas quantities

1. In respect of the allocation of gas quantities, the adjacent transmission system operators shall establish rules ensuring consistency between the allocated quantities at both sides of the interconnection point.
2. Unless otherwise agreed in the interconnection agreement, the transmission system operators shall use an operational balancing account. The transmission system operator in control of the measurement equipment shall recalculate the operational balancing account with validated quantities and communicate it to the adjacent transmission system operator(s).
3. Where an operational balancing account applies:
 - (a) the steering difference shall be allocated to an operational balancing account of the adjacent transmission system operators and the allocations to be provided by each adjacent transmission system operator to their respective network users shall be equal to the confirmed quantities;
 - (b) the adjacent transmission system operators shall maintain an operational balancing account balance that is as close to zero as possible;
 - (c) the operational balancing account limits shall take into account specific characteristics of each interconnection point and/or the interconnected transmission networks, in particular:
 - (i) physical characteristics of the interconnection point;
 - (ii) linepack capability of each transmission network;
 - (iii) the total technical capacities at the interconnection point;
 - (iv) gas flow dynamics at the interconnected transmission networks.

Where the defined limits of the operational balancing account are reached, the adjacent transmission system operators may agree to extend those limits in order to provide allocations to network users that are equal to their confirmed quantities or otherwise allocate quantities to network users proportionally based on the measured quantity.

4. The adjacent transmission system operators may agree to maintain or implement an allocation rule other than the operational balancing account, provided that this rule is published and network users are invited to comment on the proposed allocation rule within at least two months after publication of the allocation rule.

Article 10

Communication procedures in case of exceptional events

1. The adjacent transmission system operators shall ensure that communication procedures which facilitate fast and simultaneous communication in cases of exceptional events are established. Unless otherwise agreed, the communication between the involved transmission system operators shall be performed by oral communication in English for information, followed by an electronic written confirmation.

2. The transmission system operator affected by an exceptional event shall be required, as a minimum, to inform its network users with respect to point (b) and (c) of this paragraph if there is a potential impact on their confirmed quantities and the adjacent transmission system operator(s) with respect to point (a) and (c) of this paragraph of the occurrence of such exceptional event and to provide all necessary information about:

- (a) the possible impact on the quantities and quality of gas that can be transported through the interconnection point;
- (b) the possible impact on the confirmed quantities for network users active at the concerned interconnection point(s);
- (c) the expected and actual end of the exceptional event.

3. This Article applies without prejudice to the provisions set forth under Regulation (EU) No 1227/2011 of the European Parliament and of the Council ⁽¹⁾ and to its implementing acts.

Article 11

Settlement of disputes arising from Interconnection Agreements

1. The adjacent transmission system operators shall endeavour to solve amicably any disputes arising out of or in connection with the interconnection agreement and specify therein a dispute settlement mechanism for disputes which could not be amicably settled.

The dispute settlement mechanism shall at least specify:

- (a) the applicable law; and
- (b) the court of jurisdiction or the terms and conditions of the appointment of experts either within the framework of an institutional forum or on an ad hoc basis, which may include arbitration.

Where the dispute settlement mechanism is arbitration, the Convention on the Recognition and Enforcement of Foreign Arbitral Awards shall apply.

2. In the absence of agreement on the dispute settlement mechanism, Council Regulation (EC) No 44/2001 ⁽²⁾ and Regulation (EC) No 593/2008 of the European Parliament and of the Council ⁽³⁾ shall apply.

Article 12

Amendment process

1. The adjacent transmission system operators shall establish a transparent and detailed amendment process of their interconnection agreement to be triggered by a written notice of one of the transmission system operators.

2. If the adjacent transmission system operators fail to reach an agreement on the amendment process, they may use the dispute settlement mechanisms developed in accordance with Article 11.

CHAPTER III

UNITS

Article 13

Common set of units

1. Each transmission system operator shall use the common set of units defined in this Article for any data exchange and data publication related to Regulation (EC) No 715/2009.

2. For the parameters of pressure, temperature, volume, gross calorific value, energy, and Wobbe-index the transmission system operators shall use:

- (a) pressure: bar
- (b) temperature: °C (degree Celsius)

⁽¹⁾ Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (OJ L 326, 8.12.2011, p. 1).

⁽²⁾ Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 12, 16.1.2001, p. 1).

⁽³⁾ Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

- (c) volume: m³
- (d) gross calorific value (GCV): kWh/m³
- (e) energy: kWh (based on GCV)
- (f) Wobbe-index: kWh/m³ (based on GCV)

For pressure, the transmission system operators shall indicate whether it refers to absolute pressure (bar (a)) or gauge pressure (bar (g)).

The reference conditions for volume shall be 0 °C and 1,01325 bar(a). For GCV, energy and Wobbe-index the default combustion reference temperature shall be 25 °C.

Whenever transmission system operators communicate data on the volume, GCV, energy and Wobbe-index, they shall specify under which reference conditions these values were calculated.

3. In cases where one Member State is connected to only one other Member State, the adjacent transmission system operators and the parties they communicate with may agree to continue to use other reference conditions for data exchange in connection with Regulation (EC) No 715/2009, subject to the approval of their national regulatory authorities.

Article 14

Additional units

The transmission system operators and the parties they communicate with in connection with Regulation (EC) No 715/2009 may agree to use, in addition to the common set of units, additional units or reference conditions for data exchange or data publication. In such a situation conversion between reference conditions shall be done on the basis of the actual gas composition. If the relevant gas composition data is not available, the conversion factors used shall be consistent with the Annex based on EN ISO 13443 'Natural gas — Standard reference conditions' in the version applicable at the time.

CHAPTER IV

GAS QUALITY AND ODOURISATION

Article 15

Managing cross-border trade restrictions due to gas quality differences

1. Transmission system operators shall cooperate to avoid restrictions to cross-border trade due to gas quality differences. These actions, initiated and carried out by the transmission system operators in their standard operations, may include, among others, swapping and co-mingling.
2. Where a restriction to cross-border trade due to gas quality differences cannot be avoided by the concerned transmission system operators and is recognised by the national regulatory authorities, those authorities may require the transmission system operators to perform, within 12 months, the actions referred to in points (a) to (e) in sequence:
 - (a) cooperate and develop technically feasible options, without changing the gas quality specifications, which may include flow commitments and gas treatment, in order to remove the recognised restriction;
 - (b) jointly carry out a cost benefit analysis on the technically feasible options to define economically efficient solutions which shall specify the breakdown of costs and benefits among the categories of affected parties;
 - (c) produce an estimate of the implementation time for each potential option;
 - (d) conduct a public consultation on identified feasible solutions and take into consideration the results of the consultation;
 - (e) submit a joint proposal for removing the recognised restriction, including the timeframe for implementation, based on the cost benefit analysis and results of the public consultation to their respective national regulatory authorities for approval and to the other competent national authorities of each involved Member State for information.

Where the concerned transmission system operators do not reach an agreement on a solution, each transmission system operator shall promptly inform its national regulatory authority.

3. Before adopting a decision pursuant to point (e) of paragraph 2, each national regulatory authority shall consult the national regulatory authorities of the concerned Member States. In adopting its decision, each national regulatory authority shall take account of the adjacent national regulatory authorities' opinion with a view to have a coordinated decision based on mutual agreement.

Article 16

Short term monitoring on gas quality — data publication

Transmission system operators shall publish on their website for each interconnection point, with a frequency of at least once per hour during the gas day, the Wobbe-index and gross calorific value for gas directly entering their transmission networks at all physical interconnection points. EntsoG shall publish on its Union-wide central platform established pursuant to point 3.1.1(1)(h) of Annex I of Regulation (EC) No 715/2009 a link to the relevant information on the websites of the transmission system operators.

Article 17

Information provision on short-term gas quality variation

1. In addition to interconnection points, this Article shall apply to other points on transmission networks where the gas quality is measured.
2. A transmission system operator may select one or several of the following parties to receive information on gas quality variation:
 - (a) final customers directly connected to the transmission system operator's network, whose operational processes are adversely affected by gas quality changes or a network user acting on behalf of a final customer whose operational processes are adversely affected by gas quality changes, where a direct contractual arrangement between a transmission system operator and its directly connected final customers is not foreseen by the national rules;
 - (b) distribution system operators directly connected to the transmission system operator's network, with connected final customers whose operational processes are adversely affected by gas quality changes;
 - (c) storage system operators directly connected to the transmission system operator's network, whose operational processes are adversely affected by gas quality changes.
3. Each transmission system operator shall:
 - (a) define and maintain a list of parties entitled to receive indicative gas quality information;
 - (b) cooperate with the parties identified in the above list in order to assess:
 - (i) the relevant information on gas quality parameters to be provided;
 - (ii) the frequency for the information to be provided;
 - (iii) the lead time;
 - (iv) the method of communication.
4. Paragraph 3 shall not impose an obligation on transmission system operators to install additional measurement or forecasting equipment, unless otherwise required by the national regulatory authority. The information under paragraph 3(b)(i) of this Article shall be provided as the transmission system operator's best estimate at a point in time and for the internal use of the recipient of the information.

Article 18

Long-term monitoring on gas quality in transmission systems

1. EntsoG shall publish every two years a long-term gas quality monitoring outlook for transmission systems in order to identify the potential trends of gas quality parameters and respective potential variability within the next 10 years. The first long-term gas quality monitoring outlook shall be published along with the Ten-Year Network Development Plan of 2017.
2. The outlook shall be based on the inputs gathered in the framework of the regional cooperation established within EntsoG in accordance with Article 12(1) of Regulation (EC) No 715/2009.

3. The long-term gas quality monitoring outlook shall cover at least the Wobbe-index and gross calorific value. Additional gas quality parameters may be included after consultation with the stakeholders referred to in paragraph 8.
4. The long-term gas quality monitoring outlook shall identify potential new supply sources from a gas quality perspective.
5. In order to define the reference values of gas quality parameters for the respective supply sources to be used in the outlook, an analysis of the previous years shall be carried out. Such data may be replaced by stakeholders' inputs which result from the stakeholders' engagement process referred to in paragraph 8.
6. For every gas quality parameter considered and every region, the analysis shall result in a range within which the parameter is likely to evolve.
7. The long-term gas quality monitoring outlook shall be consistent and aligned with the EntsoG Union-wide Ten-Year Network Development Plan under preparation at the same time.
8. The stakeholders' consultation process used for the Union-wide Ten-Year Network Development Plan shall be expanded to include gas quality as an item. Through this process, stakeholders shall be invited to provide EntsoG with their views on the evolution of gas quality parameters of supplies.

Article 19

Managing cross-border trade restrictions due to differences in odourisation practices

1. Where a restriction to cross-border trade due to differences in odourisation practices cannot be avoided by the concerned transmission system operators and is recognised by national authorities, the authorities may require the concerned transmission system operators to reach an agreement within six months, which may include swapping and flow commitments, to solve any restriction recognised. The concerned adjacent transmission system operators shall provide their respective national authorities with the agreement for approval.
2. Where no agreement can be reached between the concerned transmission system operators after the six-month period referred to in paragraph 1 or where the national authorities agree that the proposed agreement by the concerned adjacent transmission system operators is not sufficiently effective to remove the restriction, the concerned transmission system operators, in cooperation with national authorities, shall, within the following 12 months, define a detailed plan setting out the most cost effective method to remove a recognised restriction at the specific cross-border interconnection point.
3. For the purpose of fulfilling the obligations under paragraph 2, the concerned transmission system operators shall in sequence:
 - (a) develop options to remove the restriction by identifying and assessing:
 - (i) a conversion towards cross-border physical flow of non-odourised gas;
 - (ii) the potential physical flow of odourised gas into the non-odourised transmission network or part thereof and interconnected downstream systems;
 - (iii) an acceptable level of odourant for cross-border physical gas flow.
 - (b) jointly carry out a cost-benefit analysis on the technically feasible options to define economically efficient solutions. That analysis shall:
 - (i) take into account the level of safety;
 - (ii) include information on projected volumes of gas to be transported and details of costs of necessary infrastructure investments;
 - (iii) specify the breakdown of costs and benefits between the categories of affected parties;
 - (c) produce an estimate of the implementation time for each potential option;
 - (d) conduct a public consultation and take into consideration the results of such consultation;
 - (e) submit the feasible solutions including the cost recovery mechanism and implementation timing to the national authorities for approval.

Once a solution is approved by the national authorities, that solution shall be implemented in accordance with the timeframe provided for in point (e).

4. If the national authorities do not approve any solution submitted under point (e) of paragraph 3 within six months from its submission or if the concerned transmission system operators fail to propose a solution within the 12 months' framework of paragraph 2, a shift towards the cross-border physical flow of non-odourised gas shall be implemented within a time-frame approved by the national authorities, but not exceeding four years. After a full technical shift towards non-odourised gas, transmission system operators shall accept technically unavoidable levels of successively reducing residual amounts of odourants in cross-border flows.

CHAPTER V

DATA EXCHANGE

Article 20

General provisions

1. For the purposes of this Chapter, 'counterparties' means network users active at:
 - (a) interconnection points; or
 - (b) both interconnection points and virtual trading points.
2. The data exchange requirements foreseen by point 2.2 of Annex I to Regulation (EC) No 715/2009, Commission Regulation (EU) No 984/2013, Commission Regulation (EU) No 312/2014, Commission Regulation (EU) No 1227/2011 and this Regulation between transmission system operators and from transmission system operators to their counterparties shall be fulfilled by common data exchange solutions set out in Article 21.

Article 21

Common data exchange solutions

1. Depending on the data exchange requirements under Article 20(2), one or more of the following types of data exchange may be implemented and used:
 - (a) document-based data exchange: the data is wrapped into a file and automatically exchanged between the respective IT systems;
 - (b) integrated data exchange: the data is exchanged between two applications directly on the respective IT systems;
 - (c) interactive data exchange: the data is exchanged interactively through a web application via a browser.
2. The common data exchange solutions shall comprise the protocol, the data format and the network. The following common data exchange solutions shall be used for each of the types of data exchange listed in paragraph 1:
 - (a) For the document-based data exchange:
 - (i) protocol: AS4;
 - (ii) data format: Edig@s-XML, or an equivalent data format ensuring identical degree of interoperability. EntsoG shall publish such an equivalent data format.
 - (b) For the integrated data exchange:
 - (i) protocol: HTTP/S-SOAP;
 - (ii) data format: Edig@s-XML, or an equivalent data format ensuring identical degree of interoperability. EntsoG shall publish such an equivalent data format.
 - (c) For the interactive data exchange, the protocol shall be HTTP/S.

For all data exchange types set out in points (a) to (c), the network shall be internet.

3. Where a potential need to change the common data exchange solution is identified, EntsoG, on its own initiative or on the request of ACER, should evaluate relevant technical solutions and produce a cost-benefit analysis of the potential change(s) that would be needed including the analysis of the reasons that make a technological evolutionary step necessary. A public consultation involving all stakeholders shall be carried out by EntsoG including the presentation of the result of the evaluation and proposal(s) based on the cost-benefit analysis realised.

Where an amendment to the common data exchange solutions is considered necessary, EntsoG shall submit a proposal to ACER in accordance with the procedure set out in Article 7 of Regulation (EC) No 715/2009.

*Article 22***Data exchange system security and availability**

1. Each transmission system operator and each counterparty shall be responsible for ensuring that the appropriate security measures are undertaken. In particular, they shall:
 - (a) secure the communication chain in order to provide secured and reliable communications, including the protection of the confidentiality by encryption, integrity and the authenticity by signature of the sender and non-repudiation by a signed confirmation;
 - (b) implement appropriate security measures in order to prevent unauthorised access of their IT infrastructure;
 - (c) notify the other parties it communicates with, without delay, in regard to any unauthorised access which has or may have occurred on his own system.
2. Each transmission system operator shall be responsible for ensuring the availability of its own system and shall:
 - (a) take appropriate measures to prevent that a single point of failure causes an unavailability of the data exchange system, including up to the network connection(s) with the internet service provider(s);
 - (b) obtain the appropriate services and support from its internet service provider(s);
 - (c) keep the downtime, as a consequence of planned IT maintenance, to a minimum and shall inform its counterparties in a timely manner, prior to the planned unavailability.

*Article 23***Implementation of the common data exchange solutions**

1. Depending on the data exchange requirements under Article 20(2), transmission system operators shall make available and use the common data exchange solutions defined in Article 21.
2. Where data exchange solutions between a transmission system operator and concerned counterparties are in place on the date of entry into force of this Regulation and provided that the existing data exchange solutions are compatible with Article 22 and with data exchange requirements under Article 20(2), the existing data exchange solutions may continue to apply after consultation with network users and subject to the approval of the national regulatory authority of the transmission system operator.

*Article 24***Development process for common network operation tools**

1. For each data exchange requirement under Article 20(2), EntsoG shall develop a common network operation tool in accordance with Article 8(3)(a) of Regulation (EC) No 715/2009 and shall publish it on its website. A common network operation tool shall specify the common data exchange solution relevant for the respective data exchange requirement. A common network operation tool may also include business requirement specifications, release management and implementation guidelines.
2. EntsoG shall establish a transparent process for the development of all common network operation tools. EntsoG shall conduct a consultation for each common network operation tool.

CHAPTER VI

FINAL PROVISIONS*Article 25***Implementation monitoring**

1. By 30 September 2016 at the latest, EntsoG shall monitor and analyse how transmission system operators have implemented Chapters II to V of this Regulation in accordance with its monitoring and reporting obligations under Article 8(8) and (9) of Regulation (EC) No 715/2009 and submit to the Agency all necessary information allowing the Agency to comply with its obligations under Article 9(1) of Regulation (EC) No 715/2009.
2. By 31 July 2016 at the latest transmission system operators shall communicate to EntsoG all necessary information enabling EntsoG to comply with its obligations under paragraph 1.

*Article 26***Entry into force**

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

It shall apply from 1 May 2016 without prejudice to Article 5.

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

Done at Brussels, 30 April 2015.

For the Commission
The President
Jean-Claude JUNCKER

*ANNEX***Conversion factors between reference conditions**

Reference temperature in °C (combustion, volume)	25/20 to 25/0	25/20 to 15/15	25/20 to 0/0	25/0 to 15/15	25/0 to 0/0	15/15 to 0/0
Volume-basis real superior calorific value	1,0738	1,0185	1,0766	0,9486	1,0026	1,0570
Volume-basis real inferior calorific value	1,0738	1,0176	1,0741	0,9477	1,0003	1,0555
Real Wobbe index	1,0736	1,0185	1,0764	0,9487	1,0026	1,0569

Source: EN ISO 13443 'Natural gas — Standard reference conditions'

COMMISSION REGULATION (EU) 2015/704**of 30 April 2015****amending Regulation (EC) No 1881/2006 as regards the maximum level of non-dioxin-like PCBs in wild caught spiny dogfish (*Squalus acanthias*)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1881/2006 ⁽²⁾ sets maximum levels for dioxins, dioxin-like polychlorinated biphenyls (PCBs) and non-dioxin-like PCBs in fish and fishery products.
- (2) Stakeholder associations provided data on the presence of non-dioxin-like PCBs in wild caught spiny dogfish (*Squalus acanthias*). From those data it can be observed that the current maximum level of 75 ng/g wet weight is not achievable on many occasions following good fishery practices under normal catch and growing conditions. The provided data demonstrate that the current maximum level is not in line with the principle that maximum levels for contaminants are set at a level as low as reasonably achievable. It is therefore appropriate to increase the current maximum level of non-dioxin-like PCBs in wild caught spiny dogfish (*Squalus acanthias*), without endangering public health.
- (3) Regulation (EC) No 1881/2006 should therefore be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1881/2006 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, 30 April 2015.

*For the Commission**The President*

Jean-Claude JUNCKER

⁽¹⁾ OJ L 37, 13.2.1993, p. 1.⁽²⁾ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

ANNEX

The Annex to Regulation (EC) No 1881/2006 is amended as follows:

(1) point 5.3 is replaced by the following:

'5.3	Muscle meat of fish and fishery products and products thereof ⁽²⁵⁾ ⁽³⁴⁾ , with the exemption of: — wild caught eel — wild caught spiny dogfish (<i>Squalus acanthias</i>) — wild caught fresh water fish, with the exception of diadromous fish species caught in fresh water — fish liver and derived products — marine oils The maximum level for crustaceans applies to muscle meat from appendages and abdomen ⁽⁴⁴⁾ . In case of crabs and crab-like crustaceans (<i>Brachyura</i> and <i>Anomura</i>) it applies to muscle meat from appendages.	3,5 pg/g wet weight	6,5 pg/g wet weight	75 ng/g wet weight'
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(2) the following point 5.4a is inserted after point 5.4:

'5.4a	Muscle meat of wild caught spiny dogfish (<i>Squalus acanthias</i>) and products thereof ⁽³⁴⁾	3,5 pg/g wet weight	6,5 pg/g wet weight	200 ng/g wet weight'
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COMMISSION REGULATION (EU) 2015/705**of 30 April 2015****laying down methods of sampling and performance criteria for the methods of analysis for the official control of the levels of erucic acid in foodstuffs and repealing Commission Directive 80/891/EEC****(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 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽¹⁾, and in particular Article 11(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1881/2006 ⁽²⁾ sets maximum levels for erucic acid in vegetable oils and fats intended as such for human consumption, foods containing added vegetable oils and fats, infant formulae and follow-on formulae.
- (2) Commission Directive 80/891/EEC ⁽³⁾ establishes a method of analysis for determining the erucic acid content in oils and fats intended to be used as such for human consumption and in foodstuffs containing added oils and fats. This method of analysis has become obsolete and needs to be replaced.
- (3) It is appropriate not to establish a specific method of analysis but to establish performance criteria with which the method of analysis used for official control has to comply. Furthermore rules should be laid down concerning the method of sampling.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

1. Sampling and analysis for the official control of the levels of erucic acid set in sections 8 of the Annex to Regulation (EC) No 1881/2006 shall be carried out in accordance with the Annex to this Regulation.
2. Paragraph 1 shall apply without prejudice to the provisions of Regulation (EC) No 882/2004.

Article 2

Directive 80/891/EEC is repealed.

References to the repealed Directive shall be construed as references to this Regulation.

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.

⁽²⁾ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

⁽³⁾ Commission Directive 80/891/EEC of 25 July 1980 relating to the Community method of analysis for determining the erucic acid content in oils and fats intended to be used as such for human consumption and foodstuffs containing added oils or fats (OJ L 254, 27.9.1980, p. 35).

Article 3

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

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

Done at Brussels, 30 April 2015.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

PART A: DEFINITIONS

For the purposes of this Annex, the following definitions shall apply:

- 'lot': an identifiable quantity of food delivered at one time and determined by the official to have common characteristics, [such as origin, variety, type of packing, packer, consignor or markings].
- 'sublot': designated part of a large lot in order to apply the sampling method on that designated part. Each sublot must be physically separated and identifiable;
- 'incremental sample': a quantity of material taken from a single place in the lot or sublot;
- 'aggregate sample': the combined total of all the incremental samples taken from the lot or sublot; aggregate samples shall be considered as representative of the lots or sublots from which they are taken;
- 'laboratory sample': a sample intended for the laboratory.

PART B: SAMPLING METHODS

B.1. GENERAL PROVISIONS**B.1.1. Personnel**

Sampling shall be performed by an authorised person designated by the Member State.

B.1.2. Material to be sampled

Each lot or sublot which is to be examined shall be sampled separately.

B.1.3. Precautions to be taken

In the course of sampling, precautions shall be taken to avoid any changes which would affect the levels of erucic acid, adversely affect the analytical determination or make the aggregate samples unrepresentative.

B.1.4. Incremental samples

As far as possible incremental samples shall be taken at various places distributed throughout the lot or sublot. Departure from such procedure shall be recorded in the record provided for under point B.1.8 of this Annex

B.1.5. Preparation of the aggregate sample

The aggregate sample shall be made up combining the incremental samples.

B.1.6. Samples for enforcement, defence and referee purposes

The samples for enforcement, defence and referee purposes shall be taken from the homogenised aggregate sample unless this conflicts with the rules of the Member States as regards the rights of the food business operators.

B.1.7. Packaging and transmission of samples

Each sample shall be placed in a clean, inert container offering adequate protection from contamination, from loss of analytes by adsorption to the internal wall of the container and against damage in transit. All necessary precautions shall be taken to avoid any change in composition of the sample which might arise during transportation or storage.

B.1.8. Sealing and labelling of samples

Each sample taken for official use shall be sealed at the place of sampling and identified in accordance with the rules of the Member States.

A record shall be kept of each sampling, permitting each lot or subplot from which the sample has been taken to be identified unambiguously. That record shall indicate all of the following:

- (i) reference to the number of lot from which the sample has been taken;
- (ii) the date and place of sampling;
- (iii) any additional information likely to be of assistance to the analyst.

B.2. SAMPLING PLANS

B.2.1. Division of lots into sublots

Large lots shall be divided into sublots on condition that the subplot may be separated physically. The weight or number of sublots of products traded in bulk consignments shall be as given in Table 1. The weight or number of sublots of other products shall be as given in Table 2. Taking into account that the weight of the lot is not always an exact multiple of the weight of the sublots, the weight of the subplot indicated in Tables 1 and 2 may be exceeded by a maximum of 20 %.

B.2.2. Number, weight and volume of incremental samples

The aggregate sample shall be at least 1 kg or 1 litre except where this is not possible e.g. when the sample consists of one package or unit.

The minimum number of incremental samples to be taken from the lot or subplot shall be as given in Table 3.

In the case of bulk liquid products the lot or subplot shall be thoroughly mixed insofar as possible and insofar it does not affect the quality of the product, by either manual or mechanical means immediately prior to sampling. In this case, a homogeneous distribution of contaminants is assumed within a given lot or subplot. It is therefore sufficient to take three incremental samples from a lot or subplot to form the aggregate sample.

The incremental samples shall be of similar weight or volume. The weight or volume of an incremental sample shall be at least 100 grams or 100 millilitres, resulting in an aggregate sample of at least about 1 kg or 1 litre. Departure from this method shall be recorded in the record provided for under point B.1.8 of this Annex.

Table 1

Subdivision of lots into sublots for products traded in bulk consignments

Lot weight (tonne)	Weight or number of sublots
$\geq 1\ 500$	500 tonnes
> 300 and $< 1\ 500$	3 sublots
≥ 100 and ≤ 300	100 tonnes
< 100	—

Table 2

Subdivision of lots into sublots for other products

Lot weight (tonne)	Weight or number of sublots
≥ 15	15-30 tonnes
< 15	—

Table 3

Minimum number of incremental samples to be taken from the lot or subplot

Weight or volume of lot/sublot (in kg or litre)	Minimum number of incremental samples to be taken
< 50	3
≥ 50 and ≤ 500	5
> 500	10

If the lot or subplot consists of individual packages or units the number of packages or units which shall be taken to form the aggregate sample is given in Table 4.

Table 4

Number of packages or units (incremental samples) which shall be taken to form the aggregate sample if the lot or subplot consists of individual packages or units

Number of packages or units in the lot/sublot	Number of packages or units to be taken
≤ 25	at least 1 package or unit
26 — 100	about 5 %, at least 2 packages or units
> 100	about 5 %, at maximum 10 packages or units

Where sampling using the method set out in this chapter B.2 would lead to unacceptable commercial consequences (e.g. because of packaging forms, damage to the lot, etc.) or would be practically impossible, an alternative method of sampling may be applied provided that it is sufficiently representative for the sampled lot or subplot and is fully documented in the report provided for under point B.1.8.

B.3. SAMPLING AT RETAIL STAGE

Sampling of foodstuffs at retail stage shall be done where possible in accordance with the sampling provisions set out in point B.2.2.

Where sampling using the method set out in point B.2.2 would lead to unacceptable commercial consequences (e.g. because of packaging forms, damage to the lot, etc.) or would be practically impossible, an alternative method of sampling may be applied provided that it is sufficiently representative for the sampled lot or subplot and is fully documented in the report provided for under point B.1.8.

PART C: SAMPLE PREPARATION AND ANALYSIS**C.1. LABORATORY QUALITY STANDARDS**

Laboratories shall comply with the provisions of Article 12 of Regulation (EC) No 882/2004.

Laboratories shall participate in appropriate proficiency testing schemes which comply with the 'International Harmonised Protocol for the Proficiency Testing of (Chemical) Analytical Laboratories' ⁽¹⁾ developed under the auspices of IUPAC/ISO/AOAC.

Laboratories shall be able to demonstrate that they have internal quality control procedures in place. Examples of these are the 'ISO/AOAC/IUPAC Guidelines on Internal Quality Control in Analytical Chemistry Laboratories' ⁽²⁾.

⁽¹⁾ 'The international harmonized protocol for the proficiency testing of analytical chemistry laboratories' by M. Thompson, S.L.R. Ellison and R. Wood, Pure Appl. Chem., 2006, 78, 145-196.

⁽²⁾ Edited by M. Thompson and R. Wood, Pure Appl. Chem., 1995, 67, 649-666.

Wherever possible the trueness of analysis shall be estimated by including suitable certified reference materials in the analysis.

C.2. SAMPLE PREPARATION

C.2.1. Precautions and general considerations

The basic requirement is to obtain a representative and homogeneous laboratory sample without introducing secondary contamination.

All of the sample material received by the laboratory shall be used for the preparation of the laboratory sample.

Compliance with maximum levels laid down in Regulation (EC) No 1881/2006 shall be established on the basis of the levels determined in the laboratory samples.

C.2.2. Treatment of the sample as received in the laboratory

The complete aggregate sample shall be finely ground (where relevant) and thoroughly mixed using a process that has been demonstrated to achieve complete homogenisation.

C.3. PERFORMANCE CRITERIA FOR THE METHODS OF ANALYSIS

C.3.1. Definitions

The following definitions shall apply:

'r' = Repeatability the value below which the absolute difference between single test results obtained under repeatability conditions (i.e., same sample, same operator, same apparatus, same laboratory, and short interval of time) may be expected to lie within a specific probability (typically 95 %) and hence $r = 2,8 \times s_r$.

's_r' = Standard deviation calculated from results generated under repeatability conditions.

'RSD_r' = Relative standard deviation calculated from results generated under repeatability conditions $[(s_r/\bar{x}) \times 100]$.

'R' = Reproducibility the value below which the absolute difference between single test results obtained under reproducibility conditions (i.e., on identical material obtained by operators in different laboratories, using the standardised test method), may be expected to lie within a certain probability (typically 95 %); $R = 2,8 \times s_R$.

's_R' = Standard deviation, calculated from results under reproducibility conditions.

'RSD_R' = Relative standard deviation calculated from results generated under reproducibility conditions $[(s_R/\bar{x}) \times 100]$.

'LOD' = Limit of detection, smallest measured content, from which it is possible to deduce the presence of the analyte with reasonable statistical certainty. The limit of detection is numerically equal to three times the standard deviation of the mean of blank determinations ($n > 20$).

'LOQ' = Limit of quantification, lowest content of the analyte which can be measured with reasonable statistical certainty. If both accuracy and precision are constant over a concentration range around the limit of detection, then the limit of quantification is numerically equal to six or ten times the standard deviation of the mean of blank determinations ($n > 20$).

'u' = Combined standard measurement uncertainty obtained using the individual standard measurement uncertainties associated with the input quantities in a measurement model ⁽¹⁾.

'U' = The expanded measurement uncertainty, using a coverage factor of 2 which gives a level of confidence of approximately 95 % ($U = 2u$).

'U_f' = Maximum standard measurement uncertainty.

⁽¹⁾ International vocabulary of metrology — Basic and general concepts and associated terms (VIM), JCGM 200:2008.

C.3.2. General requirements

Methods of analysis used for food control purposes shall comply with the provisions of Annex III to Regulation (EC) No 882/2004.

C.3.3. Specific requirements**C.3.3.1. Performance criteria**

Where no specific methods for the determination of contaminants in foodstuffs are prescribed at European Union level, laboratories may select any validated method of analysis for the respective matrix provided that the selected method meets the specific performance criteria set out in Table 5.

It is recommended that fully validated methods (i.e. methods validated by collaborative trial for the respective matrix) are used where appropriate and available. Other suitable validated methods (e.g. in-house validated methods for the respective matrix) may also be used provided that they fulfil the performance criteria set out in Table 5.

Further details are given in the Notes to the performance criteria as set out in this point.

Where possible, the validation of in-house validated methods shall include a certified reference material.

Table 5

Performance criteria for methods of analysis for erucic acid

Parameter	Criterion
Applicability	Foods specified in Regulation (EC) No 1881/2006
Specificity	Free from matrix or spectral interferences
Repeatability (RSD_r)	0,66 times RSD_R as derived from (modified) Horwitz equation
Reproducibility (RSD_R)	2 × value derived from (modified) Horwitz equation
Recovery	95 — 105 %
LOD	≤ 1 g/kg
LOQ	≤ 5 g/kg

Notes to the performance criteria:

The Horwitz equation ⁽¹⁾ (for concentrations $1,2 \times 10^{-7} \leq C \leq 0,138$) and the modified Horwitz equation ⁽²⁾ (for concentrations $C < 1,2 \times 10^{-7}$) are generalised precision equations which are independent of analyte and matrix but solely dependent on concentration for most routine methods of analysis.

Modified Horwitz equation for concentrations $C < 1,2 \times 10^{-7}$:

$$RSD_R = 22 \%$$

where:

- RSD_R is the relative standard deviation calculated from results generated under reproducibility conditions $\left[(s_R/\bar{x}) \times 100 \right]$
- C is the concentration ratio (i.e. 1 = 100 g/100 g, 0,001 = 1 000 mg/kg). The modified Horwitz equation applies to concentrations $C < 1,2 \times 10^{-7}$.

⁽¹⁾ W. Horwitz, L.R. Kamps, K.W. Boyer, J.Assoc.Off.Analy.Chem.,1980, 63, 1344.

⁽²⁾ M. Thompson, Analyst, 2000, 125, 385-386.

Horwitz equation for concentrations $1,2 \times 10^{-7} \leq C \leq 0,138$:

$$\text{RSD}_R = 2C^{(-0,15)}$$

where:

- RSD_R is the relative standard deviation calculated from results generated under reproducibility conditions $[(s_R/\bar{x}) \times 100]$
- C is the concentration ratio (i.e. $1 = 100 \text{ g/100 g}$, $0,001 = 1 \text{ 000 mg/kg}$). The Horwitz equation applies to concentrations $1,2 \times 10^{-7} \leq C \leq 0,138$.

C.3.3.2. 'Fitness-for-purpose' approach

For in-house validated methods, as an alternative a 'fitness-for-purpose' approach ⁽¹⁾ may be used to assess their suitability for official control. Methods suitable for official control shall produce results with a combined standard measurement uncertainty (u) less than the maximum standard measurement uncertainty calculated using the formula below:

$$U_f = \sqrt{(\text{LOD}/2)^2 + (\alpha C)^2}$$

where:

- U_f is the maximum standard measurement uncertainty ($\mu\text{g/kg}$);
- LOD is the limit of detection of the method ($\mu\text{g/kg}$). The LOD must meet the performance criteria set out in point C.3.3.1 for the concentration of interest;
- C is the concentration of interest ($\mu\text{g/kg}$);
- α is a numeric factor to be used depending on the value of C . The values to be used are given in Table 6.

Table 6

Numeric values to be used for α as constant in formula set out in this point, depending on the concentration of interest

C ($\mu\text{g/kg}$)	α
≤ 50	0,2
51-500	0,18
501-1 000	0,15
1 001-10 000	0,12
$> 10 \text{ 000}$	0,1

PART D: REPORTING AND INTERPRETATION OF RESULTS

D.1. REPORTING

D.1.1. Expression of results

The results shall be expressed in the same units and with the same number of significant figures as the maximum levels laid down in Regulation (EC) No 1881/2006.

⁽¹⁾ M. Thompson and R. Wood, *Accred. Qual. Assur.*, 2006, 10, 471-478.

D.1.2. Recovery calculations

If an extraction step is applied in the analytical method, the analytical result shall be corrected for recovery. In this case the level of recovery shall be reported.

In case no extraction step is applied in the analytical method, the result may be reported uncorrected for recovery if evidence is provided by ideally making use of suitable certified reference material that the certified concentration allowing for the measurement uncertainty is achieved (i.e. high accuracy of the measurement) and thus that the method is not biased. In case the result is reported uncorrected for recovery this shall be mentioned.

D.1.3. Measurement uncertainty

The analytical result shall be reported as $x \pm U$ whereby x is the analytical result and U is the expanded measurement uncertainty, using a coverage factor of 2 which gives a level of confidence of approximately 95 % ($U = 2u$).

The analyst shall note the 'Report on the relationship between analytical results, measurement uncertainty, recovery factors and the provisions in EU food and feed legislation (¹)'.

D.2. INTERPRETATION OF RESULTS**D.2.1. Acceptance of a lot or subplot**

The lot or subplot is accepted if the analytical result of the laboratory sample does not exceed the respective maximum level laid down in Regulation (EC) No 1881/2006 taking into account the expanded measurement uncertainty and correction of the result for recovery if an extraction step has been applied in the analytical method used.

D.2.2. Rejection of a lot or subplot

The lot or subplot is rejected if the analytical result of the laboratory sample exceeds beyond reasonable doubt the respective maximum level laid down in Regulation (EC) No 1881/2006 taking into account the expanded measurement uncertainty and correction of the result for recovery if an extraction step has been applied in the analytical method used.

D.2.3. Applicability

The interpretation rules set out under points D.2.1 and D.2.2 shall apply for the analytical result obtained on the sample for enforcement. In case of analysis for defence or referee purposes, the national rules shall apply.

(¹) http://ec.europa.eu/food/food/chemicalsafety/contaminants/report-sampling_analysis_2004_en.pdf

COMMISSION IMPLEMENTING REGULATION (EU) 2015/706**of 30 April 2015**

initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Commission Implementing Regulation (EU) 2015/82 on imports of citric acid originating in the People's Republic of China by imports of citric acid consigned from Malaysia, whether declared as originating in Malaysia or not, and making such imports subject to registration

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the basic Regulation) and in particular Articles 13(3) and 14(5) thereof,

After having informed the Member States,

Whereas:

A. EX OFFICIO INITIATION

- (1) The European Commission (the Commission) has decided, pursuant to Articles 13(3) and 14(5) of the basic Regulation to investigate on its own initiative the possible circumvention of the anti-dumping measures imposed on imports of citric acid originating in the People's Republic of China and to make imports of citric acid consigned from Malaysia, whether declared as originating in Malaysia or not, subject to registration.

B. PRODUCT

- (2) The product concerned by the possible circumvention is citric acid (including trisodium citrate dihydrate), falling within CN codes 2918 14 00 and ex 2918 15 00 and originating in the People's Republic of China (the product concerned).
- (3) The product under investigation is the same as that defined in the previous recital, but consigned from Malaysia, whether declared as originating in Malaysia or not, currently falling within the same CN codes as the product concerned (the product under investigation).

C. EXISTING MEASURES

- (4) The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Commission Implementing Regulation (EU) 2015/82 ⁽²⁾ (the existing measures).

D. GROUNDS

- (5) The Commission has at its disposal sufficient *prima facie* evidence that the existing anti-dumping measures on imports of the product concerned originating in the People's Republic of China are being circumvented by imports of the product under investigation from Malaysia.
- (6) The *prima facie* evidence at the Commission's disposal is as follows.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ Commission Implementing Regulation (EU) 2015/82 of 21 January 2015 imposing a definitive anti-dumping duty on imports of citric acid originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009 and of partial interim reviews pursuant to Article 11(3) of Regulation (EC) No 1225/2009 (OJ L 15, 22.1.2015, p. 8.)

- (7) The information at the Commission's disposal shows that a significant change in the pattern of trade involving exports from the People's Republic of China and Malaysia to the Union has taken place following the imposition of measures on the product concerned, ⁽¹⁾ without sufficient due cause or economic justification for such a change other than the imposition of the duty.
- (8) This change appears to stem from the consignment of the product concerned via Malaysia to the Union. However, the investigation covers any practice, process or work for which there is insufficient due cause or economic justification other than the imposition of the anti-dumping duty.
- (9) Furthermore, the Commission has at its disposal sufficient prima facie evidence that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined both in terms of quantity and price. Significant volumes of imports of the product under investigation appear to have replaced imports of the product concerned. In addition, there is sufficient prima facie evidence that imports of the product under investigation are made at prices below the non-injurious price established in the investigation that led to the existing measures.
- (10) Finally, the Commission has sufficient prima facie evidence that the prices of the product under investigation are dumped in relation to the normal value previously established for the product concerned.

E. PROCEDURE

- (11) In light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13(3) of the basic Regulation and to make imports of the product under investigation, whether declared as originating in Malaysia or not, subject to registration, in accordance with Article 14(5) of the basic Regulation.

(a) Questionnaires

- (12) In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the known exporters/producers and to the known associations of exporters/producers in Malaysia, to the known exporters/producers and to the known associations of exporters/producers in the People's Republic of China, to the known importers and to the known associations of importers in the Union and to the authorities of the People's Republic of China and Malaysia. Information, as appropriate, may also be sought from the Union industry.
- (13) In any event, all interested parties should contact the Commission forthwith, but not later than within the time-limits set in Article 3 of this Regulation, and request a questionnaire within the time-limit set in Article 3(1) of this Regulation, given that the time-limit set in Article 3(2) of this Regulation applies to all interested parties.
- (14) The authorities of the People's Republic of China and Malaysia will be notified accordingly of the initiation of the investigation.

(b) Collection of information and holding of hearings

- (15) All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) Exemption of registration of imports or measures

- (16) In accordance with Article 13(4) of the basic Regulation, imports of the product under investigation may be exempted from registration or measures if the importation does not constitute circumvention.

⁽¹⁾ Anti-dumping measures on imports of citric acid originating in the PRC were originally imposed by Council Regulation (EC) No 1193/2008 (OJ L 323, 3.12.2008, p. 1). The anti-dumping measures were maintained, following an expiry review, by Commission Implementing Regulation (EC) No 2015/82.

- (17) Since the possible circumvention takes place outside the Union, exemptions may be granted, in accordance with Article 13(4) of the basic Regulation, to producers in Malaysia of citric acid, that can show that they are not related ⁽¹⁾ to any producer subject to the existing measures ⁽²⁾ and that are found not to be engaged in circumvention practices as defined in Articles 13(1) and 13(2) of the basic Regulation. Producers wishing to obtain an exemption should submit a request duly supported by evidence within the time-limit indicated in Article 3(3) of this Regulation.

F. REGISTRATION

- (18) Pursuant to Article 14(5) of the basic Regulation, imports of the product under investigation should be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties of an appropriate amount can be levied from the date on which registration of such imports consigned from Malaysia was imposed.

G. TIME-LIMITS

- (19) In the interest of sound administration, time-limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,
 - producers in Malaysia may request exemption from registration of imports or measures,
 - interested parties may make a written request to be heard by the Commission.
- (20) Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the time-limits laid down in Article 3 of this Regulation.

H. NON-COOPERATION

- (21) In cases in which any interested party refuses access to or does not provide the necessary information within the time-limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (22) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of facts available.
- (23) If an interested party does not cooperate or cooperates only partially and findings are therefore based on the facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.
- (24) Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

⁽¹⁾ In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1), persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognized partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. In this context 'person' means any natural or legal person.

⁽²⁾ However, even if producers are related in the aforementioned sense to companies subject to the existing measures, an exemption may still be granted if there is no evidence that the relationship with the companies subject to the existing measures was established or used to circumvent such measures.

I. SCHEDULE OF THE INVESTIGATION

- (25) The investigation will be concluded, pursuant to Article 13(3) of the basic Regulation, within nine months of the date of the publication of this Regulation in the *Official Journal of the European Union*.

J. PROCESSING OF PERSONAL DATA

- (26) It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 ⁽¹⁾.

K. HEARING OFFICER

- (27) Interested parties may request the intervention of the Hearing Officer in trade proceedings. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.
- (28) A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. For hearings on issues pertaining to the initial stage of the investigation the request must be submitted within 15 days of the date of publication of this Commission Regulation in the *Official Journal of the European Union*. Thereafter, a request to be heard must be submitted within specific deadlines set by the Commission in its communication with the parties.
- (29) The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered on issues pertaining, among other things, the existence of a change in the pattern of trade, (in-)sufficient due cause or economic justification for such a change, the undermining of the remedial effects of the existing measures, dumping with regard to the normal value established for the product under investigation.
- (30) For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's website: <http://ec.europa.eu/trade/trade-policy-and-you/contacts/hearing-officer/>.

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is hereby initiated pursuant to Article 13(3) of Regulation (EC) No 1225/2009, in order to determine if imports into the Union of citric acid and trisodium citrate dihydrate, currently falling within CN codes ex 2918 14 00 (TARIC code 2918 14 00 10) and ex 2918 15 00 (TARIC code 2918 15 00 11) consigned from Malaysia, whether declared as originating in Malaysia or not, are circumventing the measures imposed by Implementing Regulation (EU) 2015/82.

Article 2

The Customs authorities shall, pursuant to Article 13(3) and Article 14(5) of Regulation (EC) No 1225/2009, take the appropriate steps to register the imports into the Union identified in Article 1 of this Regulation.

Registration shall expire nine months following the date of entry into force of this Regulation.

⁽¹⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

The Commission, by regulation, may direct Customs authorities to cease registration in respect of imports into the Union of products manufactured by producers having applied for an exemption from registration and having been found to fulfil the conditions for an exemption to be granted.

Article 3

1. Questionnaires must be requested from the Commission within 15 days from publication of this Regulation in the *Official Journal of the European Union*.
2. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit questionnaire replies or any other information within 37 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.
3. Producers in Malaysia requesting exemption from registration of imports or measures must submit a request duly supported by evidence within the same 37-day time-limit.
4. Interested parties may also apply to be heard by the Commission within the same 37-day time-limit.
5. Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing (a) the Commission to use the information and data for the purpose of this trade defence proceeding and (b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their right of defence.
6. All written submissions, including the information requested in this Commission Regulation, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Limited' ⁽¹⁾.
7. Interested parties providing information labelled as 'Limited' are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which must be labelled 'For inspection by interested parties'. These summaries must be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence. If an interested party providing confidential information does not furnish a non-confidential summary of it in the requested format and quality, such information may be disregarded.
8. Interested parties are invited to make all submissions and requests by e-mail including scanned powers of attorney and certification sheets, with the exception of voluminous replies which shall be submitted on a CD-ROM or DVD by hand or by registered mail. By using e-mail, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf. The interested parties must indicate their name, address, telephone and a valid e-mail address and they should ensure that the provided e-mail address is a functioning official business e-mail which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by e-mail only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions by e-mail, interested parties should consult the communication instructions with interested parties referred to above.
9. Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: CHAR 04/039
1040 Brussels
BELGIUM
E-mail: TRADE-R614-CITRIC-CIRCUMVENTION@ec.europa.eu

⁽¹⁾ A 'Limited' document is a document which is considered confidential pursuant to Article 19 of Council Regulation (EC) No 1225/2009 and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

Article 4

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

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

Done at Brussels, 30 April 2015.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2015/707

of 30 April 2015

concerning the non-approval of *Rheum officinale* root extract as a basic substance in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market

(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 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 23(5) in conjunction with Article 13(2) thereof,

Whereas:

- (1) In accordance with Article 23(3) of Regulation (EC) No 1107/2009, the Commission received on 26 April 2013 an application from the Institut Technique de l'Agriculture Biologique for the approval of *Rheum officinale* root extract as basic substance. That application was accompanied by the information required by the second subparagraph of Article 23(3).
- (2) The Commission asked the European Food Safety Authority (hereinafter 'the Authority') for scientific assistance. The Authority presented to the Commission a Technical Report on the substance concerned on 12 June 2014 ⁽²⁾. The Commission presented the review report ⁽³⁾ and the draft of this Regulation on the non-approval of *Rheum officinale* root extract to the Standing Committee on Plants, Animals, Food and Feed on 20 March 2015.
- (3) The documentation provided by the applicant shows that *Rheum officinale* root extract does not fulfil the criteria of a foodstuff as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽⁴⁾.
- (4) Specific concerns were identified in the Technical Report, regarding the risk to operators, workers, bystanders, consumers and non-target organisms.
- (5) The Commission invited the applicant to submit its comments on the examination of the Authority and on the draft review report. The applicant submitted its comments, which have been carefully examined.
- (6) However, despite the arguments put forward by the applicant, the concerns related to the substance cannot be eliminated.
- (7) Consequently, it has not been established, with respect to the uses which were examined and detailed in the Commission review report, that the requirements laid down in Article 23 of Regulation (EC) No 1107/2009 are satisfied. It is therefore appropriate not to approve *Rheum officinale* root extract as basic substance.
- (8) This Regulation does not prejudice the submission of a further application for the approval of *Rheum officinale* root extract as basic substance in accordance with Article 23(3) of Regulation (EC) No 1107/2009.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Outcome of the consultation with Member States and EFSA on the basic substance application for *Rheum officinale* and the conclusions drawn by EFSA on the specific points raised. 2014:EN-617. 31 pp.

⁽³⁾ http://ec.europa.eu/sanco_pesticides/public/?event=activesubstance.selection&language=EN

⁽⁴⁾ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Non-approval as a basic substance

The substance *Rheum officinale* root extract is not approved as basic substance.

Article 2

Entry into force

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

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

Done at Brussels, 30 April 2015.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2015/708**of 30 April 2015****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 30 April 2015.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and Rural Development*

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	153,9
	MA	84,1
	MK	119,9
	TR	96,0
	ZZ	113,5
0707 00 05	AL	97,3
	TR	125,6
	ZZ	111,5
0709 93 10	MA	102,7
	TR	139,9
	ZZ	121,3
0805 10 20	EG	45,0
	IL	75,7
	MA	52,1
	TR	70,3
	ZZ	60,8
0805 50 10	TR	90,6
	ZZ	90,6
0808 10 80	AR	101,4
	BR	109,9
	CL	117,0
	CN	167,0
	MK	31,3
	NZ	155,2
	US	226,6
	UY	92,0
	ZA	126,8
	ZZ	125,2

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COUNCIL DECISION (EU) 2015/709

of 21 April 2015

on the position to be adopted on behalf of the European Union within the EU-Turkey Association Council as regards the replacement of Protocol 3 to Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, by a new protocol which, as regards the rules of origin, refers to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Protocol 3 to Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products ⁽¹⁾, concerns the definition of the concept of 'originating products' and methods of administrative cooperation ('Protocol 3').
- (2) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽²⁾ ('the Convention') lays down provisions on the origin of goods traded under relevant agreements concluded between the Contracting Parties.
- (3) The Union and Turkey signed the Convention on 15 June 2011 and 4 November 2011 respectively.
- (4) The Union and Turkey deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 4 December 2013 respectively. Consequently, in application of Article 10(3) of the Convention, the Convention entered into force in relation to the Union and Turkey on 1 May 2012 and on 1 February 2014 respectively.
- (5) Article 6 of the Convention provides that each Contracting Party is to take appropriate measures to ensure that the Convention is effectively applied. To that effect, the EU-Turkey Association Council should adopt a decision replacing Protocol 3 by a new protocol which, with regard to the rules of origin, refers to the Convention.
- (6) The position of the Union within the EU-Turkey Association Council should therefore be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the European Union within the EU-Turkey Association Council as regards the replacement of Protocol 3 to Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, by a new protocol which, as regards the rules of origin, refers to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin, shall be based on the draft decision of the EU-Turkey Association Council attached to this Decision.

Minor changes to the draft decision of the EU-Turkey Association Council may be agreed to by the representatives of the Union in the EU-Turkey Association Council without further decision of the Council.

⁽¹⁾ OJ L 86, 20.3.1998, p. 1.

⁽²⁾ OJ L 54, 26.2.2013, p. 4.

Article 2

The decision of the EU-Turkey Association Council shall be published in the *Official Journal of the European Union*.

Article 3

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

Done at Luxembourg, 21 April 2015.

For the Council
The President
E. RINKĒVIČS

DRAFT

DECISION No ... OF THE EU-TURKEY ASSOCIATION COUNCIL**of ...****replacing Protocol 3 to Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products, concerning the definition of the concept of 'originating products' and methods of administrative cooperation**

THE EU-TURKEY ASSOCIATION COUNCIL,

Having regard to Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products ⁽¹⁾, and in particular Article 4 thereof,

Having regard to Protocol 3 to Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products, concerning the definition of the concept of 'originating products' and methods of administrative cooperation,

Whereas:

- (1) Article 4 of Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products refers to Protocol 3 to that Decision ('Protocol 3') which lays down the rules of origin and provides for cumulation of origin between the Union, Turkey and other Contracting Parties to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽²⁾ ('the Convention').
- (2) Article 39 of Protocol 3 provides that the Association Council may decide to amend the provisions of that Protocol.
- (3) The Convention aims to replace the protocols on rules of origin currently in force among the countries of the pan-Euro-Mediterranean area with a single legal act.
- (4) The Union and Turkey signed the Convention on 15 June 2011 and 4 November 2011 respectively.
- (5) The Union and Turkey deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 4 December 2013 respectively. Consequently, in application of Article 10(3) of the Convention, the Convention entered into force in relation to the Union and Turkey on 1 May 2012 and on 1 February 2014 respectively.
- (6) The Convention has included the participants in the Stabilisation and Association Process in the pan-Euro-Mediterranean zone of cumulation of origin.
- (7) Protocol 3 should therefore be replaced by a new protocol making reference to the Convention,

HAS ADOPTED THIS DECISION:

Article 1

Protocol 3 to Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products, concerning the definition of the concept of 'originating products' and methods of administrative cooperation is replaced by the text set out in the Annex to this Decision.

⁽¹⁾ OJ L 86, 20.3.1998, p. 1.

⁽²⁾ OJ L 54, 26.2.2013, p. 4.

Article 2

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

It shall apply from ... (*).

Done at ...,

For the EU-Turkey Association Council
The President

(*) Date of application to be determined by the Association Council.

ANNEX

‘Protocol 3

concerning the definition of the concept of “originating products” and methods of administrative cooperation

*Article 1***Applicable rules of origin**

1. For the purpose of implementing this Decision, Appendix I and the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽¹⁾ (“the Convention”) shall apply.
2. All references to the “relevant agreement” in Appendix I and in the relevant provisions of Appendix II to the Convention shall be construed so as to mean this Decision.

*Article 2***Dispute settlement**

1. Where disputes arise in relation to the verification procedures of Article 32 of Appendix I to the Convention that cannot be settled between the customs authorities requesting the verification and the customs authorities responsible for carrying out that verification, they shall be submitted to the Association Council.
2. In all cases the settlement of disputes between the importer and the customs authorities of the importing country shall take place under the legislation of that country.

*Article 3***Amendments to the Protocol**

The Association Council may decide to amend this Protocol.

*Article 4***Withdrawal from the Convention**

1. Should either the European Union or Turkey give notice in writing to the depositary of the Convention of their intention to withdraw from the Convention according to Article 9 thereof, the European Union and Turkey shall immediately enter into negotiations on rules of origin for the purpose of implementing this Decision.
2. Until the entry into force of such newly negotiated rules of origin, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention, applicable at the moment of withdrawal, shall continue to apply to this Decision. However, as of the moment of withdrawal, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention shall be construed so as to allow bilateral cumulation between the European Union and Turkey only.

*Article 5***Transitional provisions — cumulation**

Notwithstanding Articles 16(5) and 21(3) of Appendix I to the Convention, where cumulation involves only EFTA States, the Faroe Islands, the European Union, Turkey and the participants in the Stabilisation and Association Process, the proof of origin may be a movement certificate EUR.1 or an origin declaration.*.

⁽¹⁾ OJ L 54, 26.2.2013, p. 4.

COUNCIL DECISION (EU) 2015/710**of 21 April 2015**

on the position to be adopted on behalf of the European Union within the Joint Committee established by the Agreement between the European Coal and Steel Community and the Republic of Turkey on trade in products covered by the Treaty establishing the European Coal and Steel Community, as regards the replacement of Protocol 1 to that Agreement, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, by a new protocol which, as regards the rules of origin, refers to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Protocol 1 to the Agreement between the European Coal and Steel Community and the Republic of Turkey on trade in products covered by the Treaty establishing the European Coal and Steel Community ⁽¹⁾ ('the Agreement'), concerns the definition of the concept of 'originating products' and methods of administrative cooperation ('Protocol 1').
- (2) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽²⁾ ('the Convention') lays down provisions on the origin of goods traded under relevant agreements concluded between the Contracting Parties.
- (3) The Union and Turkey signed the Convention on 15 June 2011 and 4 November 2011 respectively.
- (4) The Union and Turkey deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 4 December 2013 respectively. Consequently, in application of Article 10(3) of the Convention, the Convention entered into force in relation to the Union and Turkey on 1 May 2012 and on 1 February 2014 respectively.
- (5) Article 6 of the Convention provides that each Contracting Party is to take appropriate measures to ensure that the Convention is effectively applied. To that effect, the Joint Committee established by the Agreement should adopt a decision replacing Protocol 1 by a new protocol which, with regard to the rules of origin, refers to the Convention.
- (6) The position of the Union within the Joint Committee should therefore be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the European Union within the Joint Committee established by the Agreement between the European Coal and Steel Community and the Republic of Turkey on trade in products covered by the Treaty establishing the European Coal and Steel Community, as regards the replacement of Protocol 1 to that Agreement, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, by a new protocol which, as regards the rules of origin, refers to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin, shall be based on the draft decision of the Joint Committee attached to this Decision.

Minor changes to the draft decision of the Joint Committee may be agreed to by the representatives of the Union in the Joint Committee without further decision of the Council.

⁽¹⁾ OJ L 227, 7.9.1996, p. 3.

⁽²⁾ OJ L 54, 26.2.2013, p. 4.

Article 2

The decision of the Joint Committee shall be published in the *Official Journal of the European Union*.

Article 3

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

Done at Luxembourg, 21 April 2015.

For the Council

The President

E. RINKĒVIČS

DRAFT

DECISION No ... OF THE EU-TURKEY JOINT COMMITTEE**of ...**

replacing Protocol 1 to the Agreement between the European Coal and Steel Community and the Republic of Turkey on trade in products covered by the Treaty establishing the European Coal and Steel Community, concerning the definition of the concept of 'originating products' and methods of administrative cooperation

THE EU-TURKEY JOINT COMMITTEE,

Having regard to the Agreement between the European Coal and Steel Community and the Republic of Turkey on trade in products covered by the Treaty establishing the European Coal and Steel Community ⁽¹⁾, and in particular Article 6(2) thereof,

Having regard to Protocol 1 to the Agreement between the European Coal and Steel Community and the Republic of Turkey on trade in products covered by the Treaty establishing the European Coal and Steel Community, concerning the definition of the concept of 'originating products' and methods of administrative cooperation,

Whereas:

- (1) Article 6(2) of the Agreement between the European Coal and Steel Community and the Republic of Turkey on trade in products covered by the Treaty establishing the European Coal and Steel Community ('the Agreement') refers to Protocol 1 to the Agreement ('Protocol 1') which lays down the rules of origin and provides for cumulation of origin between the Union, Turkey and other Contracting Parties to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽²⁾ ('the Convention').
- (2) Article 39 of Protocol 1 provides that the Joint Committee established in accordance with Article 14 of the Agreement may decide to amend the provisions of that Protocol.
- (3) The Convention aims to replace the protocols on rules of origin currently in force among the countries of the pan-Euro-Mediterranean area with a single legal act.
- (4) The Union and Turkey signed the Convention on 15 June 2011 and 4 November 2011 respectively.
- (5) The Union and Turkey deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 4 December 2013 respectively. Consequently, in application of Article 10(3) of the Convention, the Convention entered into force in relation to the European Union and Turkey on 1 May 2012 and on 1 February 2014 respectively.
- (6) The Convention has included the participants in the Stabilisation and Association Process in the pan-Euro-Mediterranean zone of cumulation of origin.
- (7) Protocol 1 should therefore be replaced by a new protocol making reference to the Convention,

HAS ADOPTED THIS DECISION:

Article 1

Protocol 1 to the Agreement between the European Coal and Steel Community and the Republic of Turkey on trade in products covered by the Treaty establishing the European Coal and Steel Community, concerning the definition of the concept of 'originating products' and methods of administrative cooperation is replaced by the text set out in the Annex to this Decision.

⁽¹⁾ OJ L 227, 7.9.1996, p. 3.

⁽²⁾ OJ L 54, 26.2.2013, p. 4.

Article 2

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

It shall apply from ... (*).

Done at ...,

For the EU-Turkey Joint Committee

The Chairman

(*) Date of application to be determined by the Joint Committee.

ANNEX

Protocol 1

concerning the definition of the concept of “originating products” and methods of administrative cooperation

Article 1

Applicable rules of origin

1. For the purpose of implementing this Agreement, Appendix I and the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽¹⁾ (“the Convention”) shall apply.
2. All references to the “relevant agreement” in Appendix I and in the relevant provisions of Appendix II to the Convention shall be construed so as to mean this Agreement.

Article 2

Dispute settlement

1. Where disputes arise in relation to the verification procedures of Article 32 of Appendix I to the Convention that cannot be settled between the customs authorities requesting the verification and the customs authorities responsible for carrying out that verification, they shall be submitted to the Joint Committee.
2. In all cases the settlement of disputes between the importer and the customs authorities of the importing country shall take place under the legislation of that country.

Article 3

Amendments to the Protocol

The Joint Committee may decide to amend this Protocol.

Article 4

Withdrawal from the Convention

1. Should either the European Union or Turkey give notice in writing to the depositary of the Convention of their intention to withdraw from the Convention according to Article 9 thereof, the European Union and Turkey shall immediately enter into negotiations on rules of origin for the purpose of implementing this Agreement.
2. Until the entry into force of such newly negotiated rules of origin, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention, applicable at the moment of withdrawal, shall continue to apply to this Agreement. However, as of the moment of withdrawal, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention shall be construed so as to allow bilateral cumulation between the European Union and Turkey only.

Article 5

Transitional provisions — cumulation

Notwithstanding Articles 16(5) and 21(3) of Appendix I to the Convention, where cumulation involves only EFTA States, the Faroe Islands, the European Union, Turkey and the participants in the Stabilisation and Association Process, the proof of origin may be a movement certificate EUR.1 or an origin declaration.¹

⁽¹⁾ OJ L 54, 26.2.2013, p. 4.

POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2015/711**of 28 April 2015****on the acceptance of a third State's contribution to the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) (ATALANTA/4/2015)**

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Joint Action 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast ⁽¹⁾, and in particular Article 10 thereof,

Having regard to Political and Security Committee Decision ATALANTA/3/2009 of 21 April 2009 on the setting up of the Committee of Contributors for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) (2009/369/CFSP) ⁽²⁾,

Whereas:

- (1) Pursuant to Article 10(2) of Joint Action 2008/851/CFSP, the Council authorised the Political and Security Committee (PSC) to take the relevant decisions on acceptance of the proposed contributions by third States.
- (2) On 29 April 2014, the PSC adopted Decision ATALANTA/2/2014 ⁽³⁾ which amended Decision ATALANTA/3/2009.
- (3) Following the letter dated 10 December 2014 from the Chairman of the European Union Military Committee, the recommendation on a contribution from the Republic of Korea by the Deputy EU Operation Commander on 9 April 2015 and the recommendation by the European Union Military Committee on 15 April 2015, the contribution from the Republic of Korea should be accepted.
- (4) The participation of the Republic of Korea is subject to the entry into force of the Agreement between the European Union and the Republic of Korea establishing a framework for the participation of the Republic of Korea in European Union crisis management operations ⁽⁴⁾, signed on 23 May 2014.
- (5) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and implementation of decisions and actions of the Union which have defence implications,

HAS ADOPTED THIS DECISION:

Article 1

1. The contribution from the Republic of Korea to the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) is accepted and is considered to be significant.
2. The Republic of Korea is exempted from financial contributions to the budget of Atalanta.

⁽¹⁾ OJ L 301, 12.11.2008, p. 33.

⁽²⁾ OJ L 112, 6.5.2009, p. 9.

⁽³⁾ Political and Security Committee Decision Atalanta/2/2014 of 29 April 2014 on the acceptance of a third State's contribution to the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) and amending Decision ATALANTA/3/2009 (2014/244/CFSP) (OJ L 132, 3.5.2014, p. 63).

⁽⁴⁾ OJ L 166, 5.6.2014, p. 3.

Article 2

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

Done at Brussels, 28 April 2015.

For the Political and Security Committee
The Chairperson
W. STEVENS

