

Official Journal of the European Union

L 322



English edition

Legislation

Volume 58

8 December 2015

Contents

II *Non-legislative acts*

REGULATIONS

- ★ Council Regulation (EU, Euratom) 2015/2264 of 3 December 2015 extending and phasing out the temporary derogation measures from Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community and Regulation No 1 of 15 April 1958 determining the languages to be used by the European Atomic Energy Community introduced by Regulation (EC) No 920/2005 1
- ★ Council Regulation (EU) 2015/2265 of 7 December 2015 opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2016-2018 4
- ★ Commission Implementing Regulation (EU) 2015/2266 of 24 November 2015 entering a name in the register of protected designations of origin and protected geographical indications [Asperges du Blayais (PGI)] 12
- ★ Commission Implementing Regulation (EU) 2015/2267 of 24 November 2015 entering a name in the register of protected designations of origin and protected geographical indications (Pampapato di Ferrara/Pampepato di Ferrara (PGI)) 13
- ★ Commission Implementing Regulation (EU) 2015/2268 of 24 November 2015 entering a name in the register of protected designations of origin and protected geographical indications [Drniški pršut (PGI)] 14
- ★ Commission Regulation (EU) 2015/2269 of 3 December 2015 establishing a prohibition of fishing for cod in area VIIId by vessels flying the flag of Belgium 15
- ★ Commission Regulation (EU) 2015/2270 of 3 December 2015 establishing a prohibition of fishing for plaice in areas VIIh, VIIj and VIIk by vessels flying the flag of France 17
- ★ Commission Regulation (EU) 2015/2271 of 3 December 2015 establishing a prohibition of fishing for ling in Union and international waters of V by vessels flying the flag of France 19

EN

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

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

★ Commission Implementing Regulation (EU) 2015/2272 of 7 December 2015 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes of iron or steel originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009	21
Commission Implementing Regulation (EU) 2015/2273 of 7 December 2015 establishing the standard import values for determining the entry price of certain fruit and vegetables	42

DECISIONS

★ Council Decision (CFSP) 2015/2274 of 7 December 2015 appointing the European Union Special Representative for the Sahel	44
★ Council Decision (CFSP) 2015/2275 of 7 December 2015 amending Decision 2012/389/CFSP on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR)	50
★ Council Decision (CFSP) 2015/2276 of 7 December 2015 amending and extending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya)	51
★ Commission Implementing Decision (EU) 2015/2277 of 2 December 2015 on the approval by the Commission of national plans for the implementation of the validation systems in accordance with Article 109(8) of Council Regulation (EC) No 1224/2009 (notified under document C(2015) 8830)	53
★ Commission Implementing Decision (EU) 2015/2278 of 4 December 2015 amending Annexes I and II to Decision 2004/558/EC as regards the infectious bovine rhinotracheitis-free status of the Federal States of Bremen, Hesse and Lower Saxony of Germany (notified under document C(2015) 8462) ⁽¹⁾	55
★ Commission Implementing Decision (EU) 2015/2279 of 4 December 2015 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize NK603 × T25 (MON-ØØ6Ø3-6 × ACS-ZMØØ3-2) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (notified under document C(2015) 8581) ⁽¹⁾	58
★ Commission Implementing Decision (EU) 2015/2280 of 7 December 2015 on the approval of the DENSO efficient alternator as an innovative technology for reducing CO ₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council ⁽¹⁾	64
★ Commission Implementing Decision (EU) 2015/2281 of 4 December 2015 authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON 87427 (MON-87427-7) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (notified under document C(2015) 8587) ⁽¹⁾	67

⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU, Euratom) 2015/2264**of 3 December 2015****extending and phasing out the temporary derogation measures from Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community and Regulation No 1 of 15 April 1958 determining the languages to be used by the European Atomic Energy Community introduced by Regulation (EC) No 920/2005**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 342 thereof,

Whereas:

- (1) Council Regulation (EC) No 920/2005 ⁽¹⁾ granted Irish the status of official language and working language of the institutions of the Union.
- (2) Council Regulation (EU) No 1257/2010 ⁽²⁾ extended the derogation provided for in the first paragraph of Article 2 of Regulation (EC) No 920/2005 for a period of five years until 31 December 2016.
- (3) Regulation (EC) No 920/2005 provides that, for practical reasons and on a transitional basis, the institutions of the Union are not to be bound by the obligation to draft or translate all acts, including judgments of the Court of Justice, in the Irish language, with the exception of Regulations adopted jointly by the European Parliament and the Council. It is for the Council to determine, not later than four years from the date of application of Regulation (EC) No 920/2005 and at five-yearly intervals thereafter, whether to put an end to that derogation.
- (4) While it is considered necessary to further extend the derogation provided for in the first paragraph of Article 2 of Regulation (EC) No 920/2005 for a period of five years from 1 January 2017, the institutions of the Union should continue their proactive approach to increasing the availability of information in Irish on the activities of the Union. The scope of the derogation should therefore be gradually reduced, with a view to ending the derogation at the end of the current period of five years.
- (5) In order to prevent delays in the Union's legislative process, the reduction of the scope of the derogation should be closely monitored and reviewed in light of the available translation capacity. The Irish authorities and the Commission, in collaboration with the other Union institutions, should meet regularly to monitor the progress of relevant recruitment to the Union institutions, the capacity of external service providers and the increased collaboration on language resources, as well as on issues related to the availability of the *acquis*,

⁽¹⁾ Council Regulation (EC) No 920/2005 of 13 June 2005 amending Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community and Regulation No 1 of 15 April 1958 determining the languages to be used by the European Atomic Energy Community and introducing temporary derogation measures from those Regulations (OJ L 156, 18.6.2005, p. 3).

⁽²⁾ Council Regulation (EU) No 1257/2010 of 20 December 2010 extending the temporary derogation measures from Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community and Regulation No 1 of 15 April 1958 determining the languages to be used by the European Atomic Energy Community introduced by Regulation (EC) No 920/2005 (OJ L 343, 29.12.2010, p. 5).

HAS ADOPTED THIS REGULATION:

Article 1

The derogation provided for in the first paragraph of Article 2 of Regulation (EC) No 920/2005 is hereby extended for a period of five years from 1 January 2017.

This Article shall not apply to Regulations adopted jointly by the European Parliament and the Council. Furthermore, it shall not apply to the categories of acts listed in the Annex, as from the respective dates specified therein for each category.

Article 2

The Irish authorities and the Commission, in collaboration with the other Union institutions, shall meet regularly to monitor the recruitment of a sufficient number of Irish language personnel by the Union institutions in order to successfully handle the gradual reduction of the derogation indicated in the Annex, and to monitor the capacity and use of external service providers in order to cater for the Irish language requirements of the Union institutions.

No later than October 2019, the Commission shall report to the Council of progress by the Union institutions towards implementation of the gradual reduction of the derogation indicated in the Annex.

After considering this implementation report, the Council may decide, in accordance with Article 342 of the Treaty, to revise the dates as set out in the Annex.

Article 3

No later than June 2021, the Commission shall report to the Council on whether the Union institutions have sufficient available capacity, relative to the other official languages, to apply Regulation No 1 determining the languages to be used by the European Economic Community ⁽¹⁾, and Regulation No 1 determining the languages to be used by the European Atomic Energy Community ⁽²⁾, without a derogation as of 1 January 2022, on the basis of the factors referred to in Article 2.

Article 4

In the absence of a Council Regulation stating otherwise, the derogation provided for in the first paragraph of Article 2 of Regulation (EC) No 920/2005 shall cease to apply as from 1 January 2022.

Article 5

Article 3 of Regulation (EC) No 920/2005 is deleted.

Article 6

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

It shall apply from 1 January 2017.

⁽¹⁾ OJ 17, 6.10.1958, p. 385.

⁽²⁾ OJ 17, 6.10.1958, p. 401.

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

Done at Brussels, 3 December 2015.

For the Council
The President
F. BRAZ

ANNEX

Timetable for the gradual reduction of the derogation

Acts	Dates
Directives adopted by the European Parliament and the Council	No later than 1 January 2017
Decisions adopted by the European Parliament and the Council	No later than 1 January 2018
Directives adopted by the Council which are addressed to all Member States	No later than 1 January 2020
Regulations adopted by the Council	No later than 1 January 2020
Decisions adopted by the Council which do not specify to whom they are addressed	No later than 1 January 2020
Regulations adopted by the Commission	No later than 1 January 2021
Directives adopted by the Commission which are addressed to all Member States	No later than 1 January 2021
Decisions adopted by the Commission which do not specify to whom they are addressed	No later than 1 January 2021

COUNCIL REGULATION (EU) 2015/2265**of 7 December 2015****opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2016-2018**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Union supplies of certain fishery products currently depend on imports from third countries. In the last 18 years, the Union has become more dependent on imports to meet its consumption of fishery products. In order not to jeopardise the Union production of fishery products and to ensure an adequate supply to the Union processing industry, import duties should be reduced or suspended for a number of fishery products within tariff quotas of an appropriate volume. To guarantee a level playing field for the Union producers, the sensitivity of individual fishery products on the Union market should also be taken into consideration.
- (2) Council Regulation (EU) No 1220/2012 ⁽¹⁾ opened and provided for the management of autonomous Union tariff quotas for certain fishery products for the period 2013-2015. Given that the period of application of that Regulation expires on 31 December 2015, it is important that the relevant rules contained therein be reflected in the period 2016-2018.
- (3) Equal and uninterrupted access to the tariff quotas provided for in this Regulation should be ensured for all Union importers, and the rates laid down for the tariff quotas should be applied without interruption to all imports of the fishery products concerned into all Member States until the tariff quotas have been used up.
- (4) Commission Regulation (EEC) No 2454/93 ⁽²⁾ provides for a system of tariff-quota management which follows the chronological order of the dates of acceptance of the declarations for release for free circulation. The tariff quotas opened by this Regulation should be managed by the Commission and the Member States in accordance with that system.
- (5) The application of the Comprehensive Economic and Trade Agreement between the European Union and Canada will alter the available preferential access to the Union market for shrimps and prawns of the species *Pandalus borealis* covered by a tariff quota provided for in this Regulation. That quota should therefore be adapted to ensure the same level of preferential supply to the Union market as before the entry into force or provisional application of that Agreement.
- (6) The application of the additional protocol to the agreement between the European Economic Community and the Kingdom of Norway that was negotiated in parallel to the EEA Financial Mechanism 2014-2021 will alter the available preferential access to the Union market for herrings covered by two tariff quotas provided for in this Regulation. Those quotas should therefore be adapted to ensure the same level of preferential supply to the Union market as before the entry into force or provisional application of that additional protocol.
- (7) It is important to provide the fishery processing industry with security of supply of raw fishery materials to permit continued growth and investment, and, most importantly, to enable it to adapt to the replacement of suspensions by quotas without any disruption of supply. It is therefore appropriate to provide, in respect of certain fishery products to which suspensions have applied, for a system which triggers an automatic increase of the applicable tariff quotas under certain conditions.
- (8) To ensure the efficiency of a common management of the tariff quotas, Member States should be permitted to draw from the tariff quota amount the necessary quantities corresponding to their actual imports. Since that method of management requires close cooperation between the Member States and the Commission, the Commission should be able to monitor the rate at which the tariff quotas are used up and should inform the Member States accordingly,

⁽¹⁾ Council Regulation (EU) No 1220/2012 of 3 December 2012 on trade related measures to guarantee the supply of certain fishery products to Union processors from 2013 to 2015, amending Regulations (EC) No 104/2000 and (EU) No 1344/2011 (OJ L 349, 19.12.2012, p. 4).

⁽²⁾ 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).

HAS ADOPTED THIS REGULATION:

Article 1

Import duties on the products listed in the Annex shall be reduced or suspended within the tariff quotas at the rates, for the periods and up to the amounts indicated therein.

Article 2

The tariff quotas referred to in Article 1 of this Regulation shall be managed in accordance with Articles 308a and 308b and Article 308c(1) of Regulation (EEC) No 2454/93.

Article 3

1. The tariff quota applicable under order number 09.2794 for shrimps and prawns of the species *Pandalus borealis* and *Pandalus montagui*, cooked and peeled, for processing, set in the Annex to this Regulation at 30 000 tonnes per year, shall be automatically reduced to 7 000 tonnes per year starting from 1 January of the year following that in which the Comprehensive Economic and Trade Agreement between the European Union and Canada enters into force or is applied provisionally, whichever occurs first.

2. The tariff quota applicable under order number 09.2788 for herrings, of a weight exceeding 100 g per piece or flaps of a weight exceeding 80 g per piece, for processing, set in the Annex to this Regulation at 17 500 tonnes per year, shall be automatically reduced to 12 000 tonnes per year starting two months after the additional protocol to the agreement between the European Economic Community and the Kingdom of Norway that was negotiated in parallel to the EEA Financial Mechanism 2014-2021 enters into force or is applied provisionally, whichever occurs first. However, no automatic reduction shall apply where the available balance of that tariff quota at the relevant moment is lower than or equal to 12 000 tonnes.

3. The tariff quota applicable under order number 09.2792 for herrings, spiced and/or vinegar-cured, in brine, preserved in barrels of at least 70 kg net drained weight, for processing, set in the Annex to this Regulation at 15 000 tonnes per year, shall be automatically reduced to 7 500 tonnes per year starting two months after the additional protocol to the agreement between the European Economic Community and the Kingdom of Norway that was negotiated in parallel to the EEA Financial Mechanism 2014-2021 enters into force or is applied provisionally, whichever occurs first. However, no automatic reduction shall apply where the available balance of that tariff quota at the relevant moment is lower than or equal to 7 500 tonnes.

4. The Commission shall without undue delay inform Member States that the conditions established in paragraphs 1 to 3 have been fulfilled and shall publish information on the newly applicable tariff quota in the C series of the *Official Journal of the European Union*.

Article 4

1. Without undue delay, the Commission shall ascertain whether, as of 30 September of the relevant calendar year, 80 % of the annual tariff quota in respect of a fishery product to which this Article applies in accordance with the Annex has been used. If that is the case, the annual tariff quota set in the Annex shall be deemed to be automatically increased by 20 %. The increased annual tariff quota shall be the applicable tariff quota in respect of that fishery product for the relevant calendar year.

2. At the request of at least one Member State and without prejudice to paragraph 1, the Commission shall ascertain whether 80 % of the annual tariff quota in respect of a fishery product to which this Article applies in accordance with the Annex has been used prior to 30 September of the relevant calendar year. If that is the case, paragraph 1 shall apply.

3. The Commission shall without undue delay inform Member States that the conditions established in paragraphs 1 or 2 have been fulfilled and shall publish information on the newly applicable tariff quota in the C series of the *Official Journal of the European Union*.

4. No further increase may apply for the relevant calendar year to a tariff quota increased according to paragraph 1.

Article 5

The Commission and the customs authorities of the Member States shall cooperate closely to ensure the proper management and control of the application of this Regulation.

Article 6

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

It shall apply from 1 January 2016 to 31 December 2018.

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

Done at Brussels, 7 December 2015.

For the Council

The President

C. CAHEN

ANNEX

Order No	CN code	TARIC subdivision	Description	Annual amount of quota (tonnes) (*)	Quota duty	Quota period
09.2759	ex 0302 51 10	20	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , excluding livers and roes, fresh, chilled or frozen, for processing ⁽¹⁾ ⁽²⁾	75 000 ⁽⁹⁾	0 %	1.1.2016-31.12.2018
	ex 0302 51 90	10				
	ex 0302 59 10	10				
	ex 0303 63 10	10				
	ex 0303 63 30	10				
	ex 0303 63 90	10				
	ex 0303 69 10	10				
09.2765	ex 0305 62 00	20	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , salted or in brine, but not dried or smoked, for processing ⁽¹⁾ ⁽²⁾	4 000	0 %	1.1.2016-31.12.2018
		25				
		29				
	ex 0305 69 10	10				
09.2776	ex 0304 71 10	10	Cod (<i>Gadus morhua</i> , <i>Gadus macrocephalus</i>), frozen fillets and frozen meat, for processing ⁽¹⁾ ⁽²⁾	38 000	0 %	1.1.2016-31.12.2018
	ex 0304 71 90	10				
	ex 0304 95 21	10				
	ex 0304 95 25	10				
09.2761	ex 0304 79 50	10	Blue grenadier (<i>Macruronus Novaezelandiae</i>), frozen fillets and other frozen meat, for processing ⁽¹⁾ ⁽²⁾	17 500	0 %	1.1.2016-31.12.2018
	ex 0304 95 90	11				
09.2798	ex 0306 16 99	20	Shrimps and prawns of the species <i>Pandalus borealis</i> and <i>Pandalus montagui</i> , in shells, fresh, chilled or frozen, for processing ⁽¹⁾ ⁽²⁾ ⁽³⁾	10 000	0 %	1.1.2016-31.12.2018
		30				
		12				
		14				
		92				
	ex 0306 26 90	93				

Order No	CN code	TARIC subdivision	Description	Annual amount of quota (tonnes) (*)	Quota duty	Quota period
09.2794	ex 1605 21 90	45	Shrimps and prawns of the species <i>Pandalus borealis</i> and <i>Pandalus montagui</i> , cooked and peeled, for processing ⁽¹⁾ ⁽²⁾ ⁽³⁾	30 000 ⁽⁴⁾	0 %	1.1.2016-31.12.2018
		62				
	ex 1605 29 00	50				
		55				
09.2800	ex 1605 21 90	55	Shrimps and prawns of the species <i>Pandalus jordani</i> , cooked and peeled, for processing ⁽¹⁾ ⁽²⁾ ⁽³⁾	3 500	0 %	1.1.2016-31.12.2018
	ex 1605 29 00	60				
09.2802	ex 0306 17 92	20	Shrimps and prawns of the species <i>Penaeus vannamei</i> and <i>Penaeus monodon</i> , whether in shell or not, fresh, chilled or frozen, not cooked, for processing ⁽¹⁾ ⁽²⁾ ⁽³⁾	40 000	0 %	1.1.2016-31.12.2016
	ex 0306 27 99	30		30 000		1.1.2017-31.12.2017 1.1.2018-31.12.2018
09.2760	ex 0303 66 11	10	Hake (<i>Merluccius</i> spp. excluding <i>Merluccius merluccius</i> , <i>Urophycis</i> spp.) and pink cusk-eel (<i>Genypterus blacodes</i> and <i>Genypterus capensis</i>), frozen, for processing ⁽¹⁾ ⁽²⁾	15 000	0 %	1.1.2016-31.12.2018
	ex 0303 66 12	10				
	ex 0303 66 13	10				
	ex 0303 66 19	11				
	ex 0303 89 70	91				
		10				
	ex 0303 89 90	30				
09.2774	ex 0304 74 19	10	North Pacific hake (<i>Merluccius productus</i>), frozen fillets and other meat, for processing ⁽¹⁾ ⁽²⁾	15 000	0 %	1.1.2016-31.12.2018
	ex 0304 95 50	10				
09.2770	ex 0305 63 00	10	Anchovies (<i>Engraulis anchoita</i>), salted or in brine, but not dried or smoked, for processing ⁽¹⁾ ⁽²⁾	2 500	0 %	1.1.2016-31.12.2018
09.2754	ex 0303 89 45	10	Anchovies (<i>Engraulis anchoita</i> and <i>Engraulis capensis</i>), frozen, for processing ⁽¹⁾ ⁽²⁾	1 000	0 %	1.1.2016-31.12.2018
09.2788	ex 0302 41 00	10	Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), of a weight exceeding 100 g per piece or flaps of a weight exceeding 80 g per piece, excluding livers and roes, for processing ⁽¹⁾ ⁽²⁾	17 500 ⁽⁵⁾	0 %	1.10.2016-31.12.2016
	ex 0303 51 00	10				1.10.2017-31.12.2017
	ex 0304 59 50	10				1.10.2018-31.12.2018
	ex 0304 99 23	10				

Order No	CN code	TARIC subdivision	Description	Annual amount of quota (tonnes) (*)	Quota duty	Quota period
09.2792	ex 1604 12 99	11	Herrings, spiced and/or vinegar-cured, in brine, preserved in barrels of at least 70 kg net drained weight, for processing ⁽¹⁾ ⁽²⁾	15 000 ⁽⁶⁾ ⁽⁷⁾	5 %	1.1.2016-31.12.2018
09.2790	ex 1604 14 26	10	Fillets known as 'loins' of tunas and skipjack, for processing ⁽¹⁾ ⁽²⁾	25 000	0 %	1.1.2016-31.12.2018
	ex 1604 14 36	10				
	ex 1604 14 46	11				
		21				
		91				
09.2785	ex 0307 49 59	10	Pod ⁽⁸⁾ of squid (<i>Ommastrephes</i> spp. — excluding <i>Todarodes sagittatus</i> (synonym <i>Ommastrephes sagittatus</i>) — <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.) and <i>Illex</i> spp., frozen, with skin and fins, for processing ⁽¹⁾ ⁽²⁾	40 000	0 %	1.1.2016-31.12.2018
	ex 0307 99 11	10				
	ex 0307 99 17	21				
09.2786	ex 0307 49 59	20	Squid (<i>Ommastrephes</i> spp., <i>Todarodes</i> spp. — excluding <i>Todarodes sagittatus</i> (synonym <i>Ommastrephes sagittatus</i>) — <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.) and <i>Illex</i> spp., frozen, whole or tentacles and fins, for processing ⁽¹⁾ ⁽²⁾	1 500	0 %	1.1.2016-31.12.2018
	ex 0307 99 11	20				
		29				
09.2777	ex 0303 67 00	10	Alaska pollock (<i>Theragra chalcogramma</i>), frozen, frozen fillets and other frozen meat, for processing ⁽¹⁾ ⁽²⁾	300 000 ⁽⁹⁾	0 %	1.1.2016-31.12.2018
	ex 0304 75 00	10				
	ex 0304 94 90	10				
09.2772	ex 0304 93 10	10	Surimi, frozen, for processing ⁽¹⁾ ⁽²⁾	60 000	0 %	1.1.2016-31.12.2018
	ex 0304 94 10	10				
	ex 0304 95 10	10				
	ex 0304 99 10	10				
09.2746	ex 0302 89 90	30	Southern red snapper (<i>Lutjanus purpureus</i>), fresh, chilled, for processing ⁽¹⁾ ⁽²⁾	1 500	0 %	1.1.2016-31.12.2018
09.2748	ex 0302 90 00	95	Hard fish roes, fresh, chilled or frozen, salted or in brine, for processing ⁽¹⁾ ⁽²⁾	7 000	0 %	1.1.2016-31.12.2018
	ex 0303 90 90	91				
	ex 0305 20 00	30				

Order No	CN code	TARIC subdivision	Description	Annual amount of quota (tonnes) (*)	Quota duty	Quota period
09.2750	ex 1604 32 00	20	Hard fish roes, washed, cleaned of adherent organs and simply salted or in brine, for processing of caviar substitutes ⁽¹⁾ ⁽²⁾	3 000	0 %	1.1.2016-31.12.2018
09.2778	ex 0304 83 90 ex 0304 99 99	21 65	Flatfish, frozen fillets and other fish meat (<i>Limanda aspera</i> , <i>Lepidopsetta bilineata</i> , <i>Pleuronectes quadrituberculatus</i> , <i>Limanda ferruginea</i> , <i>Lepidopsetta polyxystra</i>), for processing ⁽¹⁾ ⁽²⁾	5 000	0 %	1.1.2016-31.12.2018
09.2824	ex 0302 52 00 ex 0303 64 00	10 10	Haddock (<i>Melanogrammus aeglefinus</i>), fresh, chilled or frozen with heads off, gilled and gutted, for processing ⁽¹⁾ ⁽²⁾	5 000	2,6 %	1.1.2016-31.12.2018
09.2826	ex 0306 17 99 ex 0306 27 99	10 20	Shrimps and prawns of the species <i>Pleoticus muelleri</i> , whether in shell or not, fresh, chilled or frozen, for processing ⁽¹⁾ ⁽²⁾ ⁽³⁾	10 000	4,2 %	1.1.2016-31.12.2018

(*) Expressed in net weight, unless otherwise stated.

⁽¹⁾ The tariff quota is subject to the conditions laid down in Articles 291 to 300 of Regulation (EEC) No 2454/93.

⁽²⁾ The tariff quota is not available for products intended solely for one or more of the following operations:

- cleaning, gutting, tailing, heading,
- cutting,
- repacking of frozen IQF (individually quick frozen) fillets,
- sampling, sorting,
- labelling,
- packing,
- chilling,
- freezing,
- deep freezing,
- glazing,
- thawing,
- separation.

The tariff quota is not available for products intended, in addition, to undergo treatment or operations which give quota entitlement, where such treatment or operations are carried out at retail or catering level. The reduction of import duties shall apply only for products intended for human consumption.

The tariff quota is, however, available for materials intended for one or more of the following operations:

- dicing,
- cutting into rings, cutting into strips for materials under CN codes 0307 49 59, 0307 99 11, 0307 99 17,
- filleting,
- production of flaps,
- cutting of frozen blocks,
- splitting of frozen interleaved fillet blocks.

- (³) Products under CN codes 0306 16 99 (TARIC subdivisions 20 and 30), 0306 26 90 (TARIC subdivisions 12, 14, 92 and 93), 1605 21 90 (TARIC subdivisions 45 and 62), 1605 29 00 (TARIC subdivisions 50 and 55), 0306 17 92 (TARIC subdivision 20), 0306 27 99 (TARIC subdivision 30), 0306 17 99 (TARIC subdivision 10) and 0306 27 99 (TARIC subdivision 20) shall, notwithstanding footnote (2), qualify for the quota if they undergo the operation of subjecting the shrimps and prawns to processing treatment by packaging gases as defined in Annex I to Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).
- (⁴) Tariff quota 09.2794 is automatically reduced to 7 000 tonnes per year starting from 1 January of the year following that in which the Comprehensive Economic and Trade Agreement between the European Union and Canada enters into force or is applied provisionally, whichever occurs first.
- (⁵) Tariff quota 09.2788 is automatically reduced to 12 000 tonnes per year starting two months after the additional protocol to the agreement between the European Economic Community and the Kingdom of Norway that was negotiated in parallel to the EEA Financial Mechanism 2014-2021 enters into force or is applied provisionally, whichever occurs first.
- (⁶) Tariff quota 09.2792 is automatically reduced to 7 500 tonnes per year starting two months after the additional protocol to the agreement between the European Economic Community and the Kingdom of Norway that was negotiated in parallel to the EEA Financial Mechanism 2014-2021 enters into force or is applied provisionally, whichever occurs first.
- (⁷) Expressed in net drained weight.
- (⁸) Body of cephalopod or the squid headless and without tentacle, with skin and fins.
- (⁹) Article 4 applies.
-

COMMISSION IMPLEMENTING REGULATION (EU) 2015/2266**of 24 November 2015****entering a name in the register of protected designations of origin and protected geographical indications [Asperges du Blayais (PGI)]**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, France's application to register the name 'Asperges du Blayais' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Asperges du Blayais' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Asperges du Blayais' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.6 Fruit, vegetables and cereals, fresh or processed, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.

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, 24 November 2015.

For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 238, 21.7.2015, p. 13.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

COMMISSION IMPLEMENTING REGULATION (EU) 2015/2267**of 24 November 2015****entering a name in the register of protected designations of origin and protected geographical indications (Pampapato di Ferrara/Pampepato di Ferrara (PGI))**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Italy's application to register the name 'Pampapato di Ferrara'/'Pampepato di Ferrara' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Pampapato di Ferrara'/'Pampepato di Ferrara' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Pampapato di Ferrara'/'Pampepato di Ferrara' (PGI) is hereby entered in the register.

The name referred to in the first paragraph identifies a product in Class 2.3 Bread, pastry, cakes, confectionery, biscuits and other baker's wares, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.

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, 24 November 2015.

For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 238, 21.7.2015, p. 9.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

COMMISSION IMPLEMENTING REGULATION (EU) 2015/2268**of 24 November 2015****entering a name in the register of protected designations of origin and protected geographical indications [Drniški pršut (PGI)]**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Croatia's application to register the name 'Drniški pršut' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Drniški pršut' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Drniški pršut' (PGI) is hereby entered in the register.

The name referred to in the first paragraph identifies a product in Class 1.2 Meat products (cooked, salted, smoked, etc.) of Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.*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, 24 November 2015.

For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 241, 23.7.2015, p. 6.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

COMMISSION REGULATION (EU) 2015/2269
of 3 December 2015
establishing a prohibition of fishing for cod in area VIIId by vessels flying the flag of Belgium

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Council Regulation (EU) 2015/104 ⁽²⁾ lays down quotas for 2015.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2015.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2015 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

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

Article 3

Entry into force

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

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2015/104 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters, amending Regulation (EU) No 43/2014 and repealing Regulation (EU) No 779/2014 (OJ L 22, 28.1.2015, p. 1).

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

Done at Brussels, 3 December 2015.

*For the Commission,
On behalf of the President,
João AGUIAR MACHADO
Director-General for Maritime Affairs and Fisheries*

ANNEX

No	63/TQ104
Member State	Belgium
Stock	COD/07D.
Species	Cod (<i>Gadus morhua</i>)
Zone	VIIId
Closing date	1.11.2015

COMMISSION REGULATION (EU) 2015/2270**of 3 December 2015****establishing a prohibition of fishing for plaice in areas VIIh, VIIj and VIIk by vessels flying the flag of France**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Council Regulation (EU) 2015/104 ⁽²⁾ lays down quotas for 2015.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2015.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2015 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2015/104 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters, amending Regulation (EU) No 43/2014 and repealing Regulation (EU) No 779/2014 (OJ L 22, 28.1.2015, p. 1).

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

Done at Brussels, 3 December 2015.

*For the Commission,
On behalf of the President,
João AGUIAR MACHADO
Director-General for Maritime Affairs and Fisheries*

ANNEX

No	65/TQ104
Member State	France
Stock	PLE/7HJK.
Species	Plaice (<i>Pleuronectes platessa</i>)
Zone	VIIh, VIIj and VIIk
Closing date	6.11.2015

COMMISSION REGULATION (EU) 2015/2271**of 3 December 2015****establishing a prohibition of fishing for ling in Union and international waters of V by vessels flying the flag of France**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Council Regulation (EU) 2015/104 ⁽²⁾ lays down quotas for 2015.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2015.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2015 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2015/104 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters, amending Regulation (EU) No 43/2014 and repealing Regulation (EU) No 779/2014 (OJ L 22, 28.1.2015, p. 1).

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

Done at Brussels, 3 December 2015.

For the Commission,
On behalf of the President,
João AGUIAR MACHADO
Director-General for Maritime Affairs and Fisheries

ANNEX

No	64/TQ104
Member State	France
Stock	LIN/05EI.
Species	Ling (<i>Molva molva</i>)
Zone	Union and international waters of V
Closing date	6.11.2015

COMMISSION IMPLEMENTING REGULATION (EU) 2015/2272**of 7 December 2015****imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes of iron or steel originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009**

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

- (1) Following an anti-dumping investigation ('the original investigation') in accordance with Article 5 of the basic Regulation, the Council imposed a definitive anti-dumping duty on imports of certain seamless pipes and tubes of iron and steel ('SPT') originating in the People's Republic of China ('the PRC', by Regulation (EC) No 926/2009 ⁽²⁾ ('the 'original measures'). The original measures were based on a finding of a threat of injury and were annulled by a judgment of the General Court ⁽³⁾ as far as the exports of products produced by Hubei Xinyegang Steel Co. Ltd were concerned. The judgment is currently subject to appeal before the Court of Justice ⁽⁴⁾.
- (2) The imposed measures took the form of the following ad valorem duty rates: 17,7 % for the company Shandong Luxing Steel Pipe Co. Ltd, 27,2 % (other cooperating companies) and 39,2 % (all other companies).

2. Measures in force in respect of other third countries

- (3) Anti-dumping measures are currently in force on imports of SPT originating in Russia and Ukraine ⁽⁵⁾. The anti-dumping measures against Croatia were terminated on 26 June 2012 ⁽⁶⁾.

3. Initiation of an expiry review

- (4) Following the publication of a notice of impending expiry ⁽⁷⁾ of the anti-dumping measures in force, the Commission received a request for the initiation of an expiry review of these measures pursuant to Article 11(2) of the basic Regulation.
- (5) The request was lodged by the Defence Committee of the Seamless Steel Tubes Industry of the European Union ('the applicant') on behalf of producers representing more than 25 % of the total Union production of seamless pipes and tubes.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ Council Regulation (EC) No 926/2009 of 24 September 2009 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain seamless pipes and tubes of iron or steel originating in the People's Republic of China (OJ L 262, 6.10.2009, p. 19).

⁽³⁾ General Court judgment of 29 January 2014, in case T-528/09, *Hubei Xinyegang Steel v Council*.

⁽⁴⁾ Case C-186/14 P, *ArcelorMittal Tubular Products Ostrava and Others v Hubei Xinyegang Steel Co.*

⁽⁵⁾ Council Implementing Regulation (EU) No 585/2012 of 26 June 2012 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes, of iron or steel, originating in Russia and Ukraine, following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009, and terminating the expiry review proceeding concerning imports of certain seamless pipes and tubes, of iron or steel, originating in Croatia (OJ L 174, 4.7.2012, p. 5).

⁽⁶⁾ See footnote 5.

⁽⁷⁾ Notice of impending expiry of certain anti-dumping measures (OJ C 49, 21.2.2014, p. 6).

- (6) The request was based on the grounds that the expiry of the measures would be likely to result in a continuation of dumping and a continuation or recurrence injury to the Union industry.
- (7) On 3 October 2014, the Commission initiated an expiry review pursuant to Article 11(2) of the basic Regulation. It published a notice in the *Official Journal of the European Union* ⁽⁸⁾ ('Notice of Initiation').

4. Parties concerned by the investigation

- (8) In the Notice of Initiation, the Commission invited interested parties to contact it in order to participate in the investigation. In addition, the Commission specifically informed the applicant, other known Union producers, exporting producers, importers and users in the Union known to be concerned, and the Chinese authorities of the initiation of the expiry review and invited them to participate.
- (9) The Commission also informed producers in the United States of America (the 'USA') about the initiation of the investigation and invited them to participate. In the Notice of Initiation, the Commission informed interested parties that it envisaged the USA as a third market economy country ('analogue country') within the meaning of Article 2(7)(a) of the basic Regulation.
- (10) All interested parties had the opportunity to comment on the initiation of the review and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.

4.1. Sampling

- (11) In the Notice of Initiation, the Commission stated that it might sample interested parties, in accordance with Article 17 of the basic Regulation.

(a) Sampling of Union producers

- (12) In the Notice of Initiation, the Commission stated that it had provisionally selected a sample of Union producers and invited interested parties to comment. The sample was selected on the basis of sales volumes of the like product during the review investigation period in the Union whilst ensuring a geographical spread. The sample consisted of six companies in the Czech Republic, France, Germany, Italy, Romania and Slovakia, representing about 55 % of the total sales to unrelated customers in the Union. No comments were received and thus the provisionally selected companies were retained in the final sample.

(b) Sampling of importers

- (13) To decide whether sampling was necessary and, if so, to select a sample, the Commission requested all unrelated importers to provide the information specified in the Notice of Initiation.
- (14) Given that only four unrelated importers came forward by providing the information requested in the Notice of Initiation, sampling was not necessary. However, out of the four unrelated importers only one cooperated in the investigation and submitted a reply to the questionnaire sent.

(c) Sampling of exporting producers in the PRC

- (15) In view of the apparent large number of exporting producers in the PRC, sampling was envisaged in the Notice of Initiation.
- (16) To decide whether sampling was necessary and, if so, to select a sample, the Commission asked all exporting producers in the PRC to provide the information specified in the Notice of initiation. In addition, the Commission requested the Mission of the PRC to the European Union to identify and/or contact other exporting producers, if any, that could be interested in participating in the investigation.

⁽⁸⁾ Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of certain seamless pipes and tubes of iron or steel originating in the People's Republic of China (OJ C 347, 3.10.2014, p. 6).

- (17) Given that only three exporting producers in the PRC provided the Commission with the information requested, sampling was not considered necessary.

4.2. Questionnaires and verification visits

- (18) The Commission sought and verified all the information it deemed necessary for the determination of the likelihood of continuation or recurrence of dumping and resulting injury and for the determination of the Union interest.
- (19) Questionnaires were sent to the three Chinese exporting producers that came forward in the sampling exercise, to the six sampled Union producers, to the four unrelated importers that came forward in the sampling exercise and to seven users. Twenty-two potential analogue producers in six countries, namely Argentina, Brazil, Japan, Mexico, Ukraine and the USA were identified and received questionnaires.
- (20) Questionnaire replies were received from one Chinese exporting producer, three analogue country producers in the USA, the six sampled Union producers, one importer and three users.
- (21) Verification visits were carried out at the premises of the following companies:
- (a) Exporting producer in the PRC
 - Shandong Luxing Steel Pipe Co., Ltd, the PRC
 - (b) Union producers
 - Arcelor Mittal Tubular Products Ostrava AS, Czech Republic
 - Benteler Deutschland GmbH, Germany
 - Tenaris-Dalmine SpA, Italy
 - TMK-Artrom, Romania
 - Vallourec Tubes France, France
 - Železiarne Podbrezová, Slovakia
 - (c) Importer
 - Handelsonderneming Jan van Meever BV, the Netherlands
 - (d) Producers in an analogue country:
 - IPSCO Tubulars Inc. DBA TMK IPSCO, USA
 - Vallourec Star, L.P., USA
 - ArcelorMittal Tubular Products, USA

5. Review investigation period and period considered

- (22) The investigation of the likelihood of continuation or recurrence of dumping covered the period from 1 July 2013 to 30 June 2014 (the 'review investigation period'). The examination of the trends relevant for the assessment of the likelihood of a continuation or recurrence of injury covered the period from 1 January 2011 to the end of the review investigation period (the 'period considered').

6. Disclosure

- (23) All interested parties were informed of the essential facts and considerations on the basis of which it was intended to maintain the definitive anti-dumping measures in force. The parties were also granted a period within which they could make representations subsequent to this disclosure. Only the applicant submitted comments after disclosure.

B. PRODUCT CONCERNED AND LIKE PRODUCT**1. Product concerned**

- (24) The product concerned is the same as in the original investigation referred to in recital 1, i.e. seamless pipes and tubes, of iron or steel, of circular cross section, of an external diameter not exceeding 406,4 mm with a Carbon Equivalent Value (CEV) not exceeding 0,86 according to the International Institute of Welding (IIW) formula and chemical analysis ⁽⁹⁾, originating in the PRC, currently falling within CN codes ex 7304 19 10, ex 7304 19 30, ex 7304 23 00, ex 7304 29 10, ex 7304 29 30, ex 7304 31 20, ex 7304 31 80, ex 7304 39 10, ex 7304 39 52, ex 7304 39 58, ex 7304 39 92, ex 7304 39 93, ex 7304 51 81, ex 7304 51 89, ex 7304 59 10, ex 7304 59 92 and ex 7304 59 93.

2. Like product

- (25) The investigation showed that the following products have the same basic physical and chemical characteristics as well as the same basic uses:
- the product concerned,
 - the product produced and sold on the domestic market in the USA, which served as an analogue country, and
 - the product produced and sold in the Union by the Union industry.
- (26) The Commission concluded that these products are like products within the meaning of Article 1(4) of the basic Regulation.

C. LIKELIHOOD OF A CONTINUATION OR RECURRENCE OF DUMPING**1. Preliminary remarks**

- (27) In accordance with Article 11(2) of the basic Regulation, it was examined whether dumping was taking place and whether the expiry of existing measures would be likely to lead to a continuation or recurrence of dumping.
- (28) As mentioned above three Chinese exporting producers came forward after the initiation and received a questionnaire. However, only one reply was received. The cooperating exporting producer accounted for more than 25 % of the Chinese imports in the Union and its imports were considered to be representative of total imports from the PRC into the Union. Therefore the findings in relation to the likelihood of a continuation or recurrence of dumping set out below were based on data of the cooperating exporting producer.

2. Dumping during the review investigation period**2.1. Analogue country**

- (29) According to Article 2(7)(a) of the basic Regulation, normal value was determined on the basis of the price or constructed value in a market economy third country. For this purpose, a market economy third country had to be selected ('the analogue country').
- (30) The Commission informed interested parties in the Notice of Initiation that it envisaged the USA, as in the original investigation, as a possible analogue country and invited parties to comment. No comments were received.
- (31) The Commission nevertheless contacted a number of other potential analogue countries (Argentina, Brazil, India, Japan, Republic of Korea, Mexico, Russian Federation and Ukraine) to seek their cooperation and to provide information.
- (32) Three producers from the USA cooperated and submitted a questionnaire reply.

⁽⁹⁾ The CEV shall be determined in accordance with Technical Report, 1967, IIW doc. IX-535-67, published by the International Institute of Welding (IIW).

- (33) The level of competition on the US market was found to be high, with a large number of producers selling domestically and with significant import levels (despite the existing anti-dumping duties against the PRC). The quantities sold in the US market were substantial and the latter was comparable to the Chinese market also in terms of product range. In addition, the raw materials used and production process of the cooperating producers in an analogue country were found to be similar to the ones on the Chinese market. Therefore, and in view of the cooperation received, the USA were considered to be an appropriate analogue country under Article 2(7)(a) of the basic Regulation.

2.2. Normal value

- (34) The information received from the cooperating producers in the USA was used as a basis for the determination of the normal value applicable to exporting producers in the PRC.
- (35) In accordance with Article 2(2) of the basic Regulation, the Commission first examined whether the total volume of domestic sales for the cooperating producers in the USA was representative during the review investigation period. The domestic sales were considered representative if the total domestic sales volume of the like product to independent customers on the domestic market represented at least 5 % of the total Chinese export sales volume of the product concerned to the Union during the review investigation period. On this basis the domestic sales in the USA were representative.
- (36) The Commission further examined whether the domestic sales of the like product could be regarded as having been made in the ordinary course of trade pursuant to Article 2(4) of the basic Regulation. The examination was made by establishing the proportion of the profitable sales to the independent customers of the product type in question. In cases where the domestic sales of the particular product type were made in sufficient quantities and in the ordinary course of trade, normal value was based on the actual domestic price, calculated as a weighted average of all the domestic sales of that type made during the review investigation period.
- (37) For those product types where more than 80 % by volume of sales on the domestic market of the product type were above cost and the weighted average sales price of that type was equal to or above the unit cost of production, normal value, by product type, was calculated as the weighted average of the actual domestic prices of all sales of the type in question, irrespective of whether those sales were profitable or not.
- (38) Where the volume of profitable sales of a product type represented 80 % or less of the total sales volume of that type, or where the weighted average price of that type was below the unit cost of production, normal value was based on the actual domestic price, which was calculated as a weighted average price of only the profitable domestic sales of that type made during the review investigation period.

2.3. Export price

- (39) The cooperating exporting producer exported to the Union directly to independent customers. The export price was the price actually paid or payable for the product under review when sold for export to the Union, in accordance with Article 2(8) of the basic Regulation.

2.4. Comparison

- (40) The Commission compared the normal value and the export price on an ex-works basis. Where justified for the purpose of a fair comparison, the export price and normal value were adjusted for differences affecting prices and price comparability in accordance with Article 2(10) of the basic Regulation. Adjustments were made for transport costs (domestic and ocean freight), insurance costs, bank charges and commissions.

2.5. Dumping margin

- (41) The Commission compared the weighted average normal value of each type of the like product in the analogue country with the weighted average export price of the corresponding type of the product concerned for the cooperating exporting producer, in accordance with Article 2(11) and (12) of the basic Regulation. On this basis, the weighted average dumping margin for the cooperating exporting producer expressed as a percentage of the cost, insurance, freight ("CIF") Union frontier price, duty unpaid, was 158,3 %.

3. Development of imports should measures be repealed

- (42) The Commission analysed whether there was a likelihood of continuation of dumping should the measures lapse. The following elements were analysed: export price to other destinations, the production capacity and spare capacity in the PRC and the attractiveness of the Union market.

3.1. Chinese exports to other destinations

- (43) According to the Chinese Export Statistics Database, Chinese exports of SPT worldwide (124 countries excluding the Union) amounted to 4,6 million tonnes in 2013. The prices ranged between 400 EUR/ton and 4 500 EUR/ton. Chinese imports to the Union amounted to 68 000 tonnes in the review investigation period with an average price below 700 EUR/ton (based on Eurostat data). The Commission considered that such considerable differences in prices do not allow to draw any meaningful conclusion on Chinese export price behaviour to other third countries. However, the investigation found that the average export price of the cooperating exporting producer in the PRC to third markets (Chile, Iran, Korea, UEA and Turkey) was lower than the average Chinese export price to the Union. In addition, the quantities exported and the prices charged by the Chinese exporting producers in some important export markets like the Union, Canada, the USA, Colombia, Mexico, Brazil, Russia, Belarus and Kazakhstan, are affected by the existing measures such as anti-dumping duties or safeguards.

3.2. Chinese production capacity and spare capacity

- (44) The investigation established that the production capacity in the PRC grew significantly since the original investigation. Publically available data collected during the on the spot visit indicate a production capacity at a level of 32 million tonnes ⁽¹⁰⁾. The data provided by the applicant indicates even higher production capacity levels up to 43 million tonnes. Both sources confirm that since the original investigation, the production capacity of the Chinese producers increased significantly, i.e. by at least 60 %.
- (45) All information collected confirms the existence of overcapacity of the Chinese industry. No information was put forward indicating that the domestic consumption in the PRC would increase in the following years, in sufficient proportion to absorb the existing overcapacity in the PRC.
- (46) The investigation established that the production in the PRC was in the range of 30 million tonnes in the review investigation period thus leaving at least 2 million tonnes of spare capacity. That spare capacity constitutes more than 100 % of the Union consumption in the review investigation period and was therefore considered significant. There is therefore an important spare production capacity available in the PRC which will likely be used, in view of the conclusions with regard to the attractiveness of the Union market and of the difficulties, for the internal market, to absorb it, to increase export volumes to the Union market absent the measures.

3.3. Attractiveness of the Union market

- (47) According to Eurostat, imports from the PRC to the Union first decreased from over 78 000 tonnes in 2011 to over 47 000 tonnes in 2012 and increased again to nearly 68 000 tonnes in the review investigation period. The decrease of imports in 2012 coincided with a contraction in demand on the Union market. While the contraction in demand continued in the review investigation period, the volume of imports grew which translated in an increase in market share of the Chinese imports, reaching 3,6 % in the review investigation period.
- (48) As established in recital 41, the imports from the PRC were dumped during the review investigation period while measures were in force. The dumping margin established was even substantially higher than the dumping margin found during the original investigation. If the imports continued to be dumped in the presence of measures, then, there is no reason to believe that, absent the measures, the prices of imports from the PRC would increase, let alone to a level sufficient to eliminate the dumping.

⁽¹⁰⁾ China Industry Data Website (www.chyxx.com), China Steel News Web (www.csteelnews.com) and China Business Info Web (www.askci.com).

- (49) As mentioned in recital 43, the existing measures on Chinese imports of SPT in a number of important export markets for Chinese SPT exporting producers greatly limit the possibility of expansion or continuation of the Chinese exports to these markets. At the same time, it was established that the export price to the Union of the cooperating Chinese exporting producer was higher than its export price in third markets, which indicates the attractiveness of the Union market despite the duties in force. It was further shown that the Union market would be an open target to absorb a significant part of the Chinese spare capacities that would most certainly be directed to the Union market at dumped prices in the absence of anti-dumping measures.
- (50) Furthermore, prior to the imposition of the measures in force in 2009 the Chinese exports to the Union amounted to 542 840 tonnes to the Union, i.e. nearly eight times more than in the review investigation period. This indicates that the Union market is attractive for Chinese imports in terms of market size and that there is a capacity in the Union market to absorb increased import volumes from PRC. The anti-dumping duties in place prevented Chinese exporting producers to increase their sales volumes to the Union, which will, most likely increase again should measures be allowed to lapse in particular considering the availability of significant spare capacities in PRC as outlined below.
- (51) In addition, even if the consumption on the Chinese market grew significantly since the original investigation, it is unlikely that the significant spare production capacity of the Chinese producers can be absorbed domestically, as explained in recital 45.
- (52) Therefore, should the current measures be allowed to lapse, the Chinese exporting producers are likely to significantly increase their exports to the Union market at dumped prices.

3.4. Conclusion on the likelihood of a continuation of dumping

- (53) The investigation showed that Chinese sales of SPT to the Union were made at dumped prices in the review investigation period. In view of the significant spare capacity available in the PRC (exceeding the total Union consumption during the review investigation period), the measures in place against Chinese imports in other third markets and the attractiveness of the Union market, the Commission concluded that there is a very high likelihood of a continuation of dumping should measures be removed.

D. LIKELIHOOD OF A CONTINUATION OR RECURRENCE OF INJURY

1. Definition of the Union industry and Union production

- (54) The Union industry did not undergo major structural changes since the original investigation. During the review investigation period, the like product was manufactured by around 20 known producers in the Union. They constitute the Union industry within the meaning of Article 4(1) of the basic Regulation.
- (55) The total Union production during the review investigation period was established on the basis of the information collected from the cooperating Union producers and on data submitted by the applicant.
- (56) As indicated under recital 12, due to the large number of Union producers, a sample of six Union producers was selected. The sample was considered representative for the Union industry, representing about 60 % of the total sales in the Union.

2. Union consumption

- (57) The Commission established the Union consumption on the basis of (i) the sales volumes of the Union industry on the Union market based on data provided by the applicant; and (ii) the import volumes from third countries on the Union market obtained from Eurostat statistics. The applicant collected and aggregated the sales data from sixteen Union producers and estimated the data for the rest.

- (58) On this basis, Union consumption developed as follows:

Table 1

Union consumption

	2011	2012	2013	Review investigation period
Total Union consumption (tonnes)	2 353 291	2 058 262	1 841 591	1 904 410
<i>Index</i> (2011 = 100)	100	87	78	81

Source: Eurostat and data submitted by the applicant

- (59) Throughout the period considered the Union consumption decreased by 19 %. More specifically, the Union market for the product under review and like product decreased steadily until 2013 (by 22 %) and then slightly improved in the review investigation period (by 3,4 %).
- (60) The declining trend in the Union consumption can be mainly explained by the contraction in demand coming from the construction, industrial and power generation sectors, which did not recover to the pre-crisis levels, i.e. before the year 2009.

3. Imports from the country concerned**3.1. Volume and market share of imports from the country concerned**

Table 2

Import volume and market share

Country		2011	2012	2013	Review investigation period
PRC	Volume (tonne)	78 153	47 279	55 777	67 977
	<i>Index</i>	100	60	71	87
	Market share (%)	3,3	2,3	3	3,6

Source: Eurostat

- (61) The volume of imports of the product under review from the PRC to the Union decreased by 13 % throughout the period considered, from around 78 000 tonnes in 2011 to 68 000 tonnes in the review investigation period. The import volume from the PRC dropped significantly in 2012 (by 40 %) and grew steadily ever since (by 18 % in 2013 as compared with 2012 and then by 22 % in the review investigation period as compared with 2013).
- (62) The imports of the product under review from the PRC into the Union decreased to a lesser extent than the Union consumption and this resulted in a marginal market share increase of the Chinese imports from 3,3 % in 2011 to 3,6 % in the review investigation period. More specifically, the market share decreased to 2,3 % in 2012 and increased after that to 3 % and 3,6 % in 2013 and the review investigation period respectively.

3.2. Prices of imports from the country concerned

- (63) The table below shows the average price of imports from the PRC:

Table 3

Import prices

Country		2011	2012	2013	Review investigation period
PRC	Average price (EUR/tonne)	801	828	747	692
	Index	100	103	93	86

Source: Eurostat

- (64) Between 2011 and the review investigation period, the average import price of the product under review originating in the PRC decreased by 14 % from 801 EUR/tonne in 2011 to 692 EUR/tonne in the review investigation period. More specifically, the Chinese import price increased by 3 % in 2012 and then decreased by more than 16 % in the review investigation period. The average import price of the cooperating exporting producer was in the same range as the average import prices from Eurostat and followed the same trend over the period considered.

3.3. Price undercutting

- (65) The Commission determined the price undercutting during the review investigation period by comparing the weighted average sales price of the sampled Union producers charged on the Union market, adjusted to an ex-works level and the average price of the imports from the country concerned to the first independent customer on the Union market, established at a cost, insurance, freight (CIF) level on the basis of the verified data from the cooperating Chinese exporting producer.
- (66) For the purposes of calculating price undercutting, information from all sampled Union producers for the review investigation period was used. The comparison showed that, during the review investigation period, the weighted average price undercutting margin, expressed as a percentage of the Union industry's sales prices was 28,4 %. Should the anti-dumping duty of 17,7 % applicable to the cooperating Chinese exporting producer be deducted, the undercutting margin would amount to 39,2 %.

4. Imports from third countries

- (67) The volume, market share and prices of imports from other third countries developed as follows:

Table 4

Imports from other third countries

Country		2011	2012	2013	Review investigation period
Ukraine	Volume (tonnes)	44 615	39 168	57 915	59 656
	Index	100	88	130	134

Country		2011	2012	2013	Review investigation period
	Market share (%)	1,9	1,9	3,1	3,1
	Average price (EUR/tonne)	900	898	838	776
	<i>Index</i>	100	100	93	86
Japan	Volume (tonnes)	51 852	47 163	23 721	21 426
	<i>Index</i>	100	91	46	41
	Market share (%)	2,2	2,3	1,3	1,1
	Average price (EUR/tonne)	2 303	2 526	2 244	2 330
	<i>Index</i>	100	110	97	101
Belarus	Volume (tonnes)	33 614	35 761	28 380	29 600
	<i>Index</i>	100	106	84	88
	Market share (%)	1,4	1,7	1,5	1,6
	Average price (EUR/tonne)	849	856	803	783
	<i>Index</i>	100	101	95	92
Russia	Volume (tonnes)	19 018	13 375	7 154	7 977
	<i>Index</i>	100	70	38	42
	Market share (%)	0,8	0,6	0,4	0,4
	Average price (EUR/tonne)	1 065	1 068	1 021	901
	<i>Index</i>	100	100	96	85
Other third countries	Volume (tonnes)	43 230	54 977	43 713	56 509
	<i>Index</i>	100	127	101	131
	Market share (%)	2,6	3,3	2,8	3,4
	Average price (EUR/tonne)	1 249	1 659	1 195	1 327
	<i>Index</i>	100	133	96	106

Source: Eurostat

- (68) In the period considered, import volumes from Ukraine increased by 34 %, to reach 59 656 tonnes in the review investigation period, while import volumes from Japan, Russia and Belarus decreased by 59 %, 58 % and 12 % respectively and were 21 426 tonnes, 7 977 tonnes and 29 600 tonnes in the same period. The import volumes from other third countries increased by 31 % from 43 230 tonnes to 56 509 tonnes. In terms of market share, Ukraine and other third countries had around 3 % of the Union market while Japan and Belarus had around 1 % and 2 % respectively. Russia's market share was marginal at 0,4 % in the review investigation period.

- (69) Import prices from Ukraine, Belarus and Russia showed a downward trend throughout the period considered while import prices Japan and other third countries showed an increasing trend. In the review investigation period, the import price of SPT was around 780 EUR/tonne for Belarus and Ukraine while for Japan and other third countries it was around 2 330 EUR/tonne and 1 327 EUR/tonne. The import price for Russia was around 900 EUR/tonne in the review investigation period. Current anti-dumping measures exist on imports of SPT from Ukraine and Russia.

5. Economic situation of the Union industry

5.1. General remarks

- (70) In accordance with Article 3(5) of the basic Regulation, the examination of the impact of the dumped imports on the Union industry included an evaluation of all economic indicators having a bearing on the state of the Union industry during the period considered.
- (71) For the injury analysis, the Commission distinguished between macroeconomic and microeconomic injury indicators. The Commission evaluated the macroeconomic indicators on the basis of the data submitted by the applicant, which consisted of data relating to 16 Union producers, and of estimations for the rest as mentioned in recital 57; the data relate to all known Union producers. The Commission evaluated the microeconomic indicators on the basis of data related to the sampled Union producers.
- (72) The macroeconomic indicators are: production, production capacity, capacity utilisation, sales volume, market share, growth, employment, productivity, magnitude of the dumping margin, and recovery from past dumping.
- (73) The microeconomic indicators are: average unit prices, unit cost, labour costs, inventories, profitability, cash flow, investments, return on investments, and ability to raise capital.

5.2. Macroeconomic indicators

(a) Production, production capacity and capacity utilisation

- (74) The total Union production, production capacity and capacity utilisation developed over the period considered as follows:

Table 5

Production, production capacity and capacity utilisation

	2011	2012	2013	Review investigation period
Production volume	3 746 432	3 585 043	3 292 752	3 361 226
<i>Index (2011 = 100)</i>	100	96	88	90
Production capacity	5 118 662	5 085 063	5 039 564	5 046 214
<i>Index (2011 = 100)</i>	100	99	98	99
Capacity utilisation	73 %	71 %	65 %	67 %

Source: data submitted by the applicant

- (75) The Union industry's production decreased by 10 % during the period considered from a level of 3 746 432 tonnes in 2011 to a level of 3 361 226 tonnes in the review investigation period. More specifically, it first decreased by 12 % until 2013 and then increased marginally by 2 % in the review investigation period.

- (76) The production capacity remained overall stable in the period considered and was around 5 million tonnes in the review investigation period.
- (77) As a result of the decrease in production volume and stable production capacity, the capacity utilisation developed in line with the production volume, namely it decreased to 65 % until 2013 and then improved slightly to 67 % in the review investigation period. Overall, capacity utilisation decreased from 73 % in 2011 to 67 % in the review investigation period.

(b) Sales volume and market share

- (78) The Union industry's sales volume and market share in the Union developed over the period considered as follows:

Table 6

Sales volume and market share

	2011	2012	2013	Review investigation period
Total sales volume in the Union	2 082 810	1 820 539	1 624 931	1 661 265
Index (2011 = 100)	100	87	78	80
Market share of the Union industry	89 %	89 %	88 %	87 %

Source: data submitted by the applicant

- (79) The total sales volume of the Union industry reported in Table 6 includes sales to unrelated and related customers which were found to be made at arm's length.
- (80) Total sales of the Union industry on the Union market declined by 20 % during the period considered. The sales of the Union industry gradually dropped by 22 % until 2013 and then improved marginally to reach over 1,6 million tonnes in the review investigation period. The decrease in the Union industry sales is mainly a consequence of the contraction of the Union demand for SPT (see recital 60). As a consequence, the Union industry lost 2 percentage points of market share during the period considered, reaching 87 % in the review investigation period.

(c) Growth

- (81) While Union consumption decreased by 19 % over the period considered, the sales volume of the Union industry decreased by 20 %, which translated in a loss of market share of 2 percentage points.

(d) Employment and productivity

- (82) Employment and productivity developed over the period considered as follows:

Table 7

Employment and productivity

	2011	2012	2013	Review investigation period
Number of employees	21 131	20 850	20 455	20 768
Index (2011 = 100)	100	99	97	98

	2011	2012	2013	Review investigation period
Productivity (unit/employee)	177	172	161	162
<i>Index (2011 = 100)</i>	100	97	91	91

Source: data submitted by the applicant.

- (83) Employment of the Union industry diminished by 2 % in the period considered and was 20 768 employees in the review investigation period.
- (84) Productivity decreased by 9 % over the period considered due to a slower decrease in Union employment than in Union production. Indeed, under normal economic conditions it takes longer for the Union industry to adapt to the contraction in demand and therefore there is usually a lagged effect between the decrease in production and the reduction of the number of employees.

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

- (85) The dumping margin established for the PRC was well above the *de minimis* level, while the import volumes from PRC remained low throughout the period considered. The investigation established that imports of SPT from PRC continued to enter the Union market at dumped prices and that the situation of the Union industry deteriorated significantly as concluded in recitals 99 to 102.

5.3. Microeconomic indicators

(a) Prices and factors affecting prices

- (86) The average sales prices of the Union industry to unrelated customers in the Union developed over the period considered as follows:

Table 8

Average sales prices

	2011	2012	2013	Review investigation period
Average unit price Union market (EUR/tonne)	1 294	1 258	1 187	1 170
<i>Index (2011 = 100)</i>	100	97	92	90
Unit cost of production (EUR/tonne)	1 257	1 186	1 167	1 128
<i>Index (2011 = 100)</i>	100	94	93	90

Source: questionnaire replies of the sampled Union producers

- (87) The Union industry's average unit selling price to unrelated customers in the Union decreased by 10 % over the period considered to reach 1 170 EUR/tonne in the review investigation period. The decrease in price can be seen as a consequence of the efforts made by the Union industry to cut costs and also of the price pressure of the low-priced Chinese imports.
- (88) Likewise, the average cost of production of the Union industry dropped by 10 % over the period considered, from 1 257 EUR/tonne in 2011 to 1 128 EUR/tonne in the review investigation period. The cuts in cost of production could be explained mainly by more efficient production process and equipment.

(b) Labour costs

- (89) The average labour costs of the Union industry developed over the period considered as follows:

Table 9

Average labour costs per employee

	2011	2012	2013	Review investigation period
Average labour costs per employee (EUR)	41 710	41 465	41 662	41 191
Index (2011 = 100)	100	99	100	99

Source: questionnaire replies of the sampled Union producers

- (90) The average labour costs per employee remained relatively stable over the period considered with marginal decrease of 1 % over the period considered. Specifically, the average labour costs decreased by 1 % in 2012, then increased by 0,5 % and then decreased again by 1 %.

(c) Inventories

- (91) Stock levels of the sampled Union producers developed over the period considered as follows:

Table 10

Inventories

	2011	2012	2013	Review investigation period
Closing stocks (tonnes)	145 083	129 772	166 387	153 971
Index (2011 = 100)	100	89	115	106
Closing stocks as a percentage of production (%)	3,9	3,6	5,1	4,6

Source: questionnaire replies of the sampled Union producers

- (92) Overall closing stocks increased by 6 % over the period considered. From 2011 to 2012 the closing stocks decreased following a decrease in production volume and an increase in export sales volume. From 2012 to 2013 stocks increased due to a decrease in the total sales of the Union industry. From 2013 to the review investigation period closing stocks decreased again mainly because of an increase in the sales of the Union industry both outside and on the Union market.
- (93) The investigation showed that, in this industry, the production is executed mainly on the basis of customers' short-term orders and therefore the stocks represent a relatively low percentage of the production. Closing stocks as a percentage of production followed the trend of the closing stocks and increased marginally from 3,9 % in 2011 to 4,6 % in the review investigation period mainly due to the decrease in the total Union sales. More specifically, it decreased by 0,3 percentage points from 2011 to 2012 and then it increased by 1,5 percentage points in 2013 for the reasons explained in recital 92.

(d) Profitability, cash flow, investments, return on investments and ability to raise capital

- (94) Profitability, cash flow, investments and return on investments of the sampled Union producers developed over the period considered as follows:

Table 11

Profitability, cash flow, investments and return on investments

	2011	2012	2013	Review investigation period
Profitability Union industry (% net sales)	2,9	5,7	1,7	3,6
Cash flow (EUR)	59 174 934	274 503 811	191 142 121	246 791 720
Index (2011 = 100)	100	464	323	417
Investments (EUR)	141 658 302	134 147 382	140 277 636	146 208 274
Index (2011 = 100)	100	95	99	103
Return on investments (%)	3,7	8,2	5,9	7,6

Source: questionnaire replies of the sampled Union producers

- (95) The Commission established the profitability of the Union industry by expressing the pre-tax net profit of the sales of the like product to unrelated customers in the Union as a percentage of the turnover of those sales. The profitability of the Union industry fluctuated from one year to another depending on the market conditions and, overall, increased from 2,9 % to 3,6 % during the period considered mainly due to the product mix sold, i.e. the Union industry sold more products with relatively higher profit margin. In particular, the profitability of the Union industry increased to 5,7 % in 2012 then dropped to 1,7 % in 2013 and increased again to 3,6 % in the review investigation period.
- (96) The net cash flow is the Union industry's ability to self-finance their activities. The net cash flow increased more than four times during the period considered. The substantial increase in cash flow is mainly explained by changes in the working capital.
- (97) The investments increased marginally, by 3 %, over the period considered. They mainly represented investments necessary for the replacement of production equipment.
- (98) The return on investments is the profit in percentage of the net book value of investments. The return on investment from the production and sale of the like product increased from 3,7 % to 7,6 % during the period considered. Like the profit, the trend of the return on investment was unstable as it first increased to 8,2 % in 2012, then decreased to 5,9 % in 2013 and then increased again to 7,6 % in the review investigation period.

5.4. Conclusion on injury

- (99) A number of indicators, in particular the financial indicators, improved over the period considered. The profitability increased marginally from 2,9 % to 3,6 %, which is slightly above the target profit of 3 % established in the original investigation. The return on investment improved from 3,7 % to 7,6 % while the cash flow level increased more than four fold. These developments suggest that the anti-dumping measures in place were effective since the Union industry was sheltered from the potential injurious effect of the dumped Chinese imports of SPT.
- (100) On the other hand, some of the main injury indicators, in particular the macroeconomic indicators, still experienced a negative development during the period considered. Thus the production volume decreased by 10 %, the sales volume to unrelated customers in the Union decreased by 20 %, the capacity utilisation decreased

to 67 %, the Union's market share decreased by 2 percentage points and employment by 2 %. In the context of a decreasing demand for SPT, the Union industry produced and sold less on the Union market resulting in relatively low capacity utilisation levels, which negatively impacted on the fixed costs of the Union industry. To be noted that the capacity utilisation level dropped significantly from the original investigation, specifically from 90 % in the original investigation to 67 % in the review investigation period.

- (101) Therefore, the picture of the Union industry was mixed. Some of the main injury indicators such as sales, production volumes and market share showed negative trends in the period considered. At the same time, other factors such as profitability, return on investment and the cash flow showed positive trends in the same period. However, the investigation has established that despite these positive trends observed for some injury factors, overall, the Union industry is in a situation where it would not be able to cope with a surge of dumped imports from PRC. More importantly, the situation of the Union industry overall showed in fact a significant deterioration when compared to the investigation period of the original investigation. Thus, even though the Union industry was profitable during the period considered, the profit levels were much lower as compared to the original investigation (3,6 % in the review investigation period as compared with 15,4 % in the investigation period of the original investigation) and also varied greatly from one year to another according to the SPT market conditions (e.g. from 5,7 % in 2012 to 1,7 % in 2013 and then to 3,6 % in the review investigation period).
- (102) On the basis of the above, the Commission concluded that in the review investigation period, the Union industry did not suffer material injury within the meaning of Article 3(5) of the basic Regulation and was not exposed to a threat of injury within the meaning of Article 3(9) of the basic Regulation, mainly due to the fact that the anti-dumping measures in force shielded it from the injurious effect of the Chinese dumped imports. Nevertheless, the situation of the Union industry strongly deteriorated as compared to the original investigation with instable profit levels and low capacity utilisation rates.

6. Likelihood of a recurrence of injury

- (103) As concluded in recitals 99 to 102, the Union industry did not suffer material injury during the review investigation period, but its situation strongly deteriorated as compared to the original investigation. As outlined in recital 41, Chinese imports were made at dumped price levels during the review investigation period and, as concluded in recital 53, there is a very high likelihood of a continuation of dumping should the measures be allowed to lapse.
- (104) The original investigation determined the existence of a threat of injury in accordance with Article 3(9) of the basic Regulation. In the current investigation it was determined that there exists a likelihood of a recurrence of a threat of injury should the measures be allowed to lapse. This determination is based on the assessment of the following factors: (a) the likely development of the volume of dumped imports; (b) the availability of spare capacity of the exporters; (c) the level of prices of the Chinese imports and the likely demand for further imports; and (d) the level of inventories.

(a) likely development of the volume of dumped imports

- (105) As mentioned in recital 50, the Chinese imports of SPT into the Union amounted to 542 840 tonnes in the original investigation and dropped to 68 000 tonnes (i.e. eight times less) in the review investigation period. It is likely that, due to their low prices, the Chinese dumped imports of SPT could reach the level of imports in the original investigation (542 840 tonnes) should the measures be allowed to lapse. In the context of a decreasing Union demand of SPT (from 3,2 million tonnes in the original investigation to 1,9 million tonnes in the review investigation period), this likely increase in Chinese dumped imports of SPT would likely translate into a Chinese market share increase from the current 3,6 % to around 30 %. Indeed, the investigation revealed that the Union customers will relatively easy switch their short-term orders from the Union producers to the Chinese exporting producers should the measures be allowed to lapse. This will negatively impact the Union producers since fewer orders imply lower production levels and thus working at economically unsustainable capacity utilisation levels. For the reasons outlined and taking into account that Chinese production capacity of SPT has grown significantly (by around 60 %) since the original investigation, it is likely that the dumped Chinese imports of SPT will imminently flood the Union market and gain substantial market share at the expense of the Union industry should the measures be allowed to lapse.

(b) availability of spare capacity of the exporters

- (106) As established in recital 46, the total spare capacity of SPT in the PRC was estimated at around 2 million tonnes in the review investigation period. This amount exceeded the total Union consumption of SPT during the same period. Therefore, the PRC would be able to export significant additional volumes to the Union market. Furthermore, Canada, the USA, Colombia, Mexico and Brazil have anti-dumping and safeguard measures in place on Chinese SPT, while Russia, Belarus and Kazakhstan provisionally imposed measures on the unfairly priced Chinese imports. These countries were important export markets for the Chinese exporting producers before the imposition of measures⁽¹⁾. Furthermore, the evidence collected indicates that the significant Chinese overcapacity and the recent downturn of the Chinese economy exert strong pressure on the Chinese SPT producers to produce at high capacity utilisation rates. In view of these elements, the investigation has established that there is a strong likelihood that, should the measures be lifted, the Chinese exporting producers would direct their production to the Union market, which remains an attractive market as established in recitals 47 to 52.

(c) likely evolution of the level of Chinese prices

- (107) As explained in recitals 64 to 66, the current Chinese prices are substantially below the Union industry's sale prices, with an average undercutting margin of 28,4 % during the review investigation period. As established in recital 52, Chinese imports of SPT will likely continue to enter the Union market at dumped prices should the measures be repealed. In addition, as mentioned in recital 66, without the anti-dumping measures the Chinese imports would undercut the Union industry's sales prices by 39,2 %. Should the measures be repealed, this will, in all likelihood, create a significant price pressure on the Union market, which will be accentuated by the likely imminent surge of SPT imports from the PRC. The investigation revealed that the Union producers cannot decrease their prices to compete with the dumped priced Chinese imports. The prices are usually agreed with the customers on the basis of the product type and quantity ordered. As explained in recitals 92 and 93, the Union producers mainly produce on the basis of short-term orders. This makes it relatively easy for the customers to switch to the cheaper Chinese imports of SPT. Therefore, the likely negative effect would be twofold: (a) on the one hand, the significant price differential is likely to cause a shift towards the low priced dumped imports from the PRC. There is no indication that the Union consumption will increase in the short to medium term. Therefore, the increased dumped imports from the PRC are likely to gain a significant market share on the Union market to the detriment of the Union industry. This would also result in an even lower capacity utilisation by the Union industry, which is one of the crucial elements that is contributing to the current overall negative situation of the Union industry; (b) on the other hand, the low-priced dumped Chinese imports will exert significant price pressure on the Union market and will force the Union industry to further lower its sales prices to economically unsustainable levels, which will ultimately lead to losses.
- (108) Therefore, there is a strong likelihood that, as a consequence of the significant Chinese spare capacity, the existing anti-dumping and safeguard measures on Chinese imports of the product under review in some of its important export markets for SPT, and of the attractiveness of the Union market as described in recitals 47 to 52, significantly increased quantities of low priced Chinese dumped imports into the Union would be imminent should the measures be allowed to lapse.

(d) level of inventories

- (109) As explained in recitals 92 and 93 the level of inventories is not of any particular significance for the analysis because the Union producers mainly produce on the basis of short-term orders from customers and the inventories represent an insignificant percentage of the Union producers' production.

7. Conclusion

- (110) In view of the findings of the investigation, namely the significant spare capacity in the PRC, the attractiveness of the Union market, the situation in other main export markets, the likely imminent increase of significant

⁽¹⁾ The anti-dumping measures in force on imports of SPT from China in these countries range from 32,7 % to 429,95 %.

quantities of Chinese dumped imports and the expected price levels of these dumped imports, while also taking into consideration the overall deterioration of the Union industry since the imposition of the original measures and the shrinking of the Union market for SPT, it is considered that the repeal of the measures would in all likelihood lead to a recurrence of a threat of injury.

- (111) It is therefore concluded that the repeal of the existing measures would be likely to lead to a continuation of dumping and to a recurrence of a threat of injury.

E. UNION INTEREST

- (112) In accordance with Article 21 of the basic Regulation, the Commission examined whether maintaining the existing anti-dumping measures against the PRC would be against the interest of the Union as a whole. The determination of the Union interest was based on an appreciation of all the various interests involved, including those of the Union industry, importers and users.

- (113) All interested parties were given the opportunity to make their views known pursuant to Article 21(2) of the basic Regulation.

- (114) On this basis, the Commission examined whether, despite the conclusions on the likelihood of a continuation of dumping and recurrence of a threat of injury, compelling reasons existed which would lead to the conclusion that it was not in the Union interest to maintain the existing measures.

1. Interest of the Union industry

- (115) The investigation established that the Union industry was in a vulnerable position during the review investigation period. As mentioned in recital 60 the contraction in the Union demand together with instable profit margins and low capacity utilisation levels of the Union industry indicate that the Union industry would not be able to cope with unfairly priced Chinese imports. The investigation also established that there was a likelihood of recurrence of a threat of injury should measures against Chinese imports be allowed to lapse. In particular, it is expected that the Union industry suffer material injury and possibly disappear should Chinese imports of SPT resume on the Union market at dumped prices due to the fact that any lost sale would increase the fixed costs.

- (116) Should measures be maintained it is expected that the Union industry will be able to fully benefit from the effects of the measures imposed, namely it will be able to maintain its market share on the Union market and improve capacity utilisation levels. Eventually it should be able to keep the profit levels on the positive side.

- (117) It was therefore concluded that maintaining the measures in force against the PRC would be in the interest of the Union industry.

2. Interest of importers/traders

- (118) Out of the four importers that came forward following the publication of the Notice of Initiation, only one unrelated importer submitted a reply to the questionnaire.

- (119) The analysis of the verified data showed that SPT constitutes only about 5 % to 10 % of their total sales. The cooperating importer was profitable in the period under review. Profitability of the cooperating importer of the business related to SPT was between 1 % and 7 % in the review investigation period. On this basis, should the measures be maintained, it is likely that they would not significantly affect the activity of this cooperating importer. Furthermore, given the non-cooperation of other importers, there are no factors suggesting that the rest of importers would be disproportionately affected if measures were to be extended.

3. Interest of users

- (120) Three users co-operated in the investigation. Two out of the three cooperating users purchased SPT from the Union producers and the third one purchased Chinese SPT from a trader. None of the three users put forward any argument against the maintenance of the measures in force. On the basis of the information submitted and in line with the conclusions drawn in the original investigation, it is expected that the continuation of measures will not have a significant negative impact on users. To the contrary, it is expected that the continuation of the measures will ensure competition in the EU market giving the possibility to choose among different suppliers, including European and other third country suppliers.

4. Conclusion on Union interest

- (121) In view of the above, the Commission concluded that there are no compelling reasons of Union interest against the maintenance of the current anti-dumping measures on imports from the PRC.

F. ANTI-DUMPING MEASURES

- (122) It follows from the above considerations that, under Article 11(2) of the basic Regulation, the anti-dumping measures applicable to imports of certain seamless pipes and tubes originating in the PRC, imposed by Regulation (EC) No 926/2009 should be maintained.
- (123) This regulation is in accordance with the opinion of the Committee established by Article 15(1) Regulation (EC) No 1225/2009,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of seamless pipes and tubes, of iron or steel, of circular cross section, of an external diameter not exceeding 406,4 mm with a Carbon Equivalent Value (CEV) not exceeding 0,86 according to the International Institute of Welding (IIW) formula and chemical analysis ⁽¹²⁾, currently falling within CN codes ex 7304 19 10, ex 7304 19 30, ex 7304 23 00, ex 7304 29 10, ex 7304 29 30, ex 7304 31 20, ex 7304 31 80, ex 7304 39 10, ex 7304 39 52, ex 7304 39 58, ex 7304 39 92, ex 7304 39 93, ex 7304 51 81, ex 7304 51 89, ex 7304 59 10, ex 7304 59 92 and ex 7304 59 93 ⁽¹³⁾ (TARIC codes 7304 19 10 20, 7304 19 30 20, 7304 23 00 20, 7304 29 10 20, 7304 29 30 20, 7304 31 20 20, 7304 31 80 30, 7304 39 10 10, 7304 39 52 20, 7304 39 58 30, 7304 39 92 30, 7304 39 93 20, 7304 51 81 20, 7304 51 89 30, 7304 59 10 10, 7304 59 92 30 and 7304 59 93 20) and originating in the People's Republic of China.

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

Company	AD duty rate (%)	TARIC additional code
Shandong Luxing Steel Pipe Co., Ltd, Qingzhou City, the PRC	17,7	A949
Other cooperating companies listed in the Annex	27,2	A950
All other companies	39,2	A999

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

⁽¹²⁾ The CEV shall be determined in accordance with Technical Report, 1967, IIW doc. IX-555-67, published by the International Institute of Welding (IIW)

⁽¹³⁾ As defined in Commission Regulation (EC) No 1101/2014 of 16 October 2014 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 312, 31.10.2014, p. 1). The product coverage is determined in combining the product description in Article 1(1) and the product description of the corresponding CN codes taken together.

Article 2

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

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

Done at Brussels, 7 December 2015.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

List of cooperating producers referred to in Article 1(2) under TARIC additional code A950

Company Name	City
Hebei Hongling Seamless Steel Pipes Manufacturing Co., Ltd	Handan
Hengyang Valin MPM Co., Ltd	Hengyang
Hengyang Valin Steel Tube Co., Ltd	Hengyang
Hubei Xinyegang Steel Co., Ltd	Huangshi
Jiangsu Huacheng Industry Group Co., Ltd	Zhangjiagang
Jiangyin City Seamless Steel Tube Factory	Jiangyin
Jiangyin Metal Tube Making Factory	Jiangyin
Pangang Group Chengdu Iron & Steel Co., Ltd	Chengdu
Shenyang Xinda Co., Ltd	Shenyang
Suzhou Seamless Steel Tube Works	Suzhou
Tianjin Pipe (Group) Corporation (TPCO)	Tianjin
Wuxi Dexin Steel Tube Co., Ltd	Wuxi
Wuxi Dongwu Pipe Industry Co., Ltd	Wuxi
Wuxi Seamless Oil Pipe Co., Ltd	Wuxi
Zhangjiagang City Yiyang Pipe Producing Co., Ltd	Zhangjiagang
Zhangjiagang Yichen Steel Tube Co., Ltd	Zhangjiagang

COMMISSION IMPLEMENTING REGULATION (EU) 2015/2273**of 7 December 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, 7 December 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	MA	84,5
	TR	83,5
	ZZ	84,0
0707 00 05	MA	95,7
	TR	155,0
	ZZ	125,4
0709 93 10	MA	67,5
	TR	150,7
	ZZ	109,1
0805 10 20	MA	83,9
	TR	59,6
	UY	52,1
	ZA	79,5
	ZZ	68,8
0805 20 10	MA	72,8
	ZZ	72,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	TR	89,1
	ZA	96,8
	ZZ	93,0
0805 50 10	TR	113,3
	ZZ	113,3
0808 10 80	AU	155,4
	CL	87,9
	NZ	213,1
	US	120,1
	ZA	149,3
	ZZ	145,2
0808 30 90	CN	80,5
	TR	143,4
	ZZ	112,0

⁽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 (CFSP) 2015/2274

of 7 December 2015

appointing the European Union Special Representative for the Sahel

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 33 and Article 31(2) thereof,

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

Whereas:

- (1) On 18 March 2013, the Council adopted Decision 2013/133/CFSP⁽¹⁾ appointing Mr Michel Dominique REVEYRAND — DE MENTHON as the European Union Special Representative (EUSR) for the Sahel. The EUSR's mandate expired on 31 October 2015.
- (2) A new EUSR for the Sahel should be appointed for the period from 1 November 2015 to 28 February 2017.
- (3) The EUSR will implement the EUSR's mandate in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

European Union Special Representative

1. Mr Ángel LOSADA FERNÁNDEZ is hereby appointed as the European Union Special Representative for the Sahel until 28 February 2017. The mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the High Representative of the Union for Foreign Affairs and Security Policy (HR).
2. For the purposes of the EUSR's mandate, the Sahel is defined as comprising the primary focus of the EU Strategy for Security and Development in the Sahel (the 'Strategy') and its Regional Action Plan (the 'RAP'), namely Burkina Faso, Chad, Mali, Mauritania and Niger. For issues with broader regional implications, the EUSR shall engage with the countries of the Lake Chad Basin and other countries and regional or international entities beyond the Sahel, and also West Africa and the Gulf of Guinea, as appropriate.

Article 2

Policy objectives

1. The mandate of the EUSR shall be based on the policy objective of the Union in relation to the Sahel to contribute actively to regional and international efforts to achieve lasting peace, security and development in the region. The EUSR shall furthermore aim to enhance the quality, intensity and impact of the Union's comprehensive engagement in the Sahel.

⁽¹⁾ Council Decision 2013/133/CFSP of 18 March 2013 appointing the European Union Special Representative for the Sahel (OJ L 75, 19.3.2013, p. 29).

2. The EUSR shall contribute to developing and implementing all the Union's efforts in the region, in particular in the political, security and development areas, including the Strategy and its RAP, and to coordinating all relevant instruments for Union actions.
3. Priority shall be given to Mali and to its long-term stabilisation and to the regional dimensions of the conflict, in coordination with the EU delegation.
4. The Union's policy objectives should aim, through the coordinated and effective use of all its instruments, to promote a return for Mali and its people to a path of peace, reconciliation, security and development.
5. Due attention should be paid to the other countries in the region, such as Mauritania, Burkina Faso, Niger and Chad, including the upcoming elections in the last three countries.

Article 3

Mandate

1. In order to achieve the Union's policy objectives in relation to the Sahel, the mandate of the EUSR shall be to:
 - (a) actively contribute to the implementation of the Strategy and its RAP and to coordinate and further develop the Union's comprehensive approach to the regional crisis, with a view to enhancing the overall coherence and effectiveness of Union activities in the Sahel;
 - (b) engage with all relevant stakeholders of the region, governments, regional organisations, in particular G5 Sahel, international organisations, civil society and diasporas, including with the countries of the Maghreb and Lake Chad Basin, with a view to furthering the Union's objectives and contribute to a better understanding of the role of the Union in the Sahel;
 - (c) represent and promote the interests of the Union in relevant regional and international fora, including participation in the Comité de Suivi of the Mali Peace Agreement, and ensure visibility for Union support to crisis management and conflict prevention, including EUTM Mali, EUCAP Sahel Mali and EUCAP Sahel Niger;
 - (d) maintain close cooperation with the United Nations (UN), in particular the Special Representative of the Secretary-General for West Africa, the Special Representative of the Secretary-General for Mali, and the Special Envoy of the Secretary General for the Sahel, the African Union (AU), in particular the AU High Representative for Mali and the Sahel, the Economic Community of West African States (ECOWAS), the G5 Sahel, the Lake Chad Basin Commission and other leading national, regional and international stakeholders including other Special Envoys for the Sahel, as well as with the relevant bodies in the Maghreb area;
 - (e) closely follow the regional and trans-boundary dimensions of the challenges in the Sahel, including terrorism, organised crime, arms smuggling, human trafficking, and smuggling, drug trafficking, refugee and migration flows and related financial flows; in close cooperation with the EU Counter-Terrorism Coordinator, contribute to the further implementation of the EU Counter-Terrorism Strategy;
 - (f) closely follow the humanitarian, political, security and development consequences of large scale refugee and migration flows and related illicit financial flows across the region; upon request, engage in dialogues on migration with relevant stakeholders and contribute more generally to Union policy on migration and refugees with respect to the region, in line with the Union's political priorities, in order to increase cooperation including on return and readmission; work with countries of the Sahel to follow up action agreed at the Valletta Summit in November 2015;
 - (g) maintain regular high level political contacts with the countries in the region affected by terrorism and international crime in order to ensure a coherent and comprehensive approach and to ensure the Union's key role in the international efforts to fight terrorism and international crime. This includes the Union's active support to regional capacity-building in the security sector, and ensuring that the root causes of terrorism and international crime in the Sahel are adequately addressed;
 - (h) closely follow the political, security and development consequences of humanitarian crises in the region;
 - (i) with regard to Mali, contribute to the stabilisation of the country, in particular a full return to constitutional normalcy and governance throughout the territory and a credible national inclusive dialogue in the overall framework of the Mali peace Agreement. This also includes promoting institution building, security sector reform and long-term peace building and reconciliation and fighting against corruption and impunity in Mali;

- (j) contribute to the implementation of the Union's human rights policy in the region in cooperation with the EUSR for Human Rights, including the EU Guidelines on human rights, in particular the EU Guidelines on Children and Armed Conflict, as well as on violence against women and girls and combating all forms of discrimination against them, and the Union's policy on Women, Peace and Security, and promote inclusiveness and gender equality in the state building process, in line with the UN Security Council Resolution 1325 (2000) and subsequent resolutions on Women, Peace and Security, including Resolution 2242 (2015). The contribution will include monitoring and reporting on developments, as well as formulating recommendations in this regard and maintain regular contacts with the relevant authorities in Mali and in the region, the Office of the Prosecutor of the International Criminal Court, the Office of the High Commissioner for Human Rights and the human rights defenders and observers in the region.
 - (k) follow up and report on compliance with relevant resolutions of the UN Security Council (UNSCRs), in particular UNSCRs 2056 (2012), 2071 (2012), 2085 (2012), 2100 (2013) and 2227 (2015).
2. For the purpose of the fulfilment of the mandate, the EUSR shall, inter alia:
- (a) advise and report on the formulation of Union positions in regional and international fora, as appropriate, in order to proactively promote and strengthen the Union's comprehensive approach towards the crisis in the Sahel;
 - (b) maintain an overview of all activities of the Union and cooperate closely with relevant Union delegations.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority of the HR.
2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the responsibilities of the HR.
3. The EUSR shall work in close coordination with the European External Action Service (EEAS) and the relevant departments thereof, in particular with the Sahel Coordinator.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 November 2015 to 28 February 2017 shall be EUR 1 770 000.
2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

1. Within the limits of the EUSR's mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting the EUSR's team. The team shall include the expertise on specific policy and security issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of the team.

2. Member States, institutions of the Union, and the EEAS may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded to the EUSR shall be covered by the Member State concerned, the institution of the Union concerned or the EEAS. Experts seconded by Member States to the institutions of the Union or the EEAS may also be posted to the EUSR. International contracted staff shall have the nationality of a Member State.
3. All seconded personnel shall remain under the administrative authority of the sending Member State, institution of the Union or the EEAS and shall carry out their duties and act in the interest of the mandate of the EUSR.
4. The EUSR staff shall be co-located with the relevant EEAS departments or Union delegations in order to ensure coherence and consistency of their respective activities.

Article 7

Privileges and immunities of the EUSR and of the EUSR's staff

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of the EUSR's staff shall be agreed with the host countries, as appropriate. Member States and the EEAS shall grant all necessary support to such effect.

Article 8

Security of EU classified information

The EUSR and the members of the EUSR's team shall respect the security principles and minimum standards established by Council Decision 2013/488/EU ⁽¹⁾.

Article 9

Access to information and logistical support

1. Member States, the Commission, the EEAS and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.
2. The Union delegations and/or Member States, as appropriate, shall provide logistical support in the region.

Article 10

Security

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in accordance with the EUSR's mandate and the security situation in the area of responsibility, for the security of all personnel under the direct authority of the EUSR, in particular by:

- (a) establishing a specific security plan based on guidance from the EEAS, including specific physical, organisational and procedural security measures, governing the management of the secure movement of personnel to, and within, the area of responsibility, as well as the management of security incidents and including a contingency and evacuation plan;

⁽¹⁾ Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

- (b) ensuring that all personnel deployed outside the Union are covered by high-risk insurance as required by the conditions in the area of responsibility;
- (c) ensuring that all members of the EUSR's team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the area of responsibility, based on the risk ratings assigned to that area by the EEAS;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the Council, the HR and the Commission with written reports on their implementation and on other security issues within the framework of the progress report and with the mandate implementation report.

Article 11

Reporting

1. The EUSR shall regularly provide the HR and the PSC with reports. The EUSR shall also report as necessary to Council working parties. Regular reports shall be circulated through the COREU network. The EUSR may provide the Foreign Affairs Council with reports. In accordance with Article 36 of the Treaty, the EUSR may be involved in briefing the European Parliament.
2. The EUSR shall report on the best way of pursuing Union initiatives, such as the contribution of the Union to reforms, and including the political aspects of relevant Union development projects, in coordination with Union delegations in the region.

Article 12

Coordination with other Union actors

1. In the framework of the Strategy, the EUSR shall contribute to the unity, consistency and effectiveness of the Union's political and diplomatic action and shall help ensure that all Union instruments and Member States' actions are engaged consistently, to attain the Union's policy objectives.
2. The activities of the EUSR shall be coordinated with those of Union delegations and of the Commission, the EEAS and other services of the Union as well as those of other EUSRs active in the region. The EUSR shall provide Member States' missions and Union delegations in the region with regular briefings.
3. In the field, close liaison shall be maintained with the Heads of Union delegations and Member States' Heads of Mission. The EUSR, in close cooperation with relevant Union delegations shall provide local political guidance to the Heads of Mission of EUCAP Sahel Niger and EUCAP Sahel Mali and the Mission Commander of EUTM Mali. The EUSR, the Mission Commander of EUTM Mali and the Civilian Operations Commander of EUCAP Sahel Niger and EUCAP Sahel Mali shall consult each other as required.

Article 13

Review

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the HR, the Council and the Commission with a progress report by the end of June 2016 and a comprehensive mandate implementation report by the end of November 2016.

*Article 14***Entry into force**

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

It shall apply from 1 November 2015.

Done at Brussels, 7 December 2015.

For the Council

The President

C. CAHEN

COUNCIL DECISION (CFSP) 2015/2275**of 7 December 2015****amending Decision 2012/389/CFSP on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28 and Articles 42(4) and 43(2) thereof,

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

Whereas:

- (1) On 16 July 2012, the Council adopted Decision 2012/389/CFSP ⁽¹⁾ on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR).
- (2) On 22 July 2014, the Council adopted Decision 2014/485/CFSP ⁽²⁾ extending EUCAP NESTOR until 12 December 2016.
- (3) On 6 October 2015, the Council adopted Decision (CFSP) 2015/1793 ⁽³⁾ extending the period covered by the financial reference amount until 15 December 2015.
- (4) Decision 2012/389/CFSP should be amended to provide for a financial reference amount for the period from 16 December 2015 to 12 December 2016,

HAS ADOPTED THIS DECISION:

Article 1

Article 13(1) of Decision 2012/389/CFSP is replaced as follows:

‘1. The financial reference amount intended to cover the expenditure related to EUCAP NESTOR for the period from 16 July 2012 to 15 November 2013 shall be EUR 22 880 000.

The financial reference amount intended to cover the expenditure related to EUCAP NESTOR for the period from 16 November 2013 to 15 October 2014 shall be EUR 11 950 000.

The financial reference amount intended to cover the expenditure related to EUCAP NESTOR for the period from 16 October 2014 to 15 December 2015 shall be EUR 17 900 000.

The financial reference amount intended to cover the expenditure related to EUCAP NESTOR for the period from 16 December 2015 to 12 December 2016 shall be EUR 12 000 000.’.

Article 2

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

Done at Brussels, 7 December 2015.

For the Council
The President
C. CAHEN

⁽¹⁾ Council Decision 2012/389/CFSP of 16 July 2012 on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR) (OJ L 187, 17.7.2012, p. 40).

⁽²⁾ Council Decision 2014/485/CFSP of 22 July 2014 amending Decision 2012/389/CFSP on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR) (OJ L 217, 23.7.2014, p. 39).

⁽³⁾ Council Decision (CFSP) 2015/1793 of 6 October 2015 amending Decision 2012/389/CFSP on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR) (OJ L 260, 7.10.2015, p. 30).

COUNCIL DECISION (CFSP) 2015/2276**of 7 December 2015****amending and extending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article 28, Article 42(4) and Article 43(2) thereof,

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

Whereas:

- (1) On 22 May 2013, the Council adopted Decision 2013/233/CFSP ⁽¹⁾ establishing the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya).
- (2) On 21 May 2015, the Council adopted Decision (CFSP) 2015/800 ⁽²⁾ amending and extending Decision 2013/233/CFSP, in particular by extending EUBAM Libya until 21 November 2015 and providing for a financial reference amount for the same period.
- (3) EUBAM Libya should be extended for a further period of three months, until 21 February 2016.
- (4) Decision 2013/233/CFSP should be amended accordingly.
- (5) EUBAM Libya will be conducted in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

Council Decision 2013/233/CFSP is amended as follows:

- (1) In Article 13, paragraph 1 is replaced by the following:

‘1. The financial reference amount intended to cover the expenditure related to EUBAM Libya for the period from 22 May 2013 to 21 May 2014 shall be EUR 30 300 000.

The financial reference amount intended to cover the expenditure related to EUBAM Libya for the period from 22 May 2014 to 21 February 2016 shall be EUR 26 200 000.’.

- (2) In Article 16, the second paragraph is replaced by the following:

‘It shall apply until 21 February 2016.’.

⁽¹⁾ Council Decision 2013/233/CFSP of 22 May 2013 on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya) (OJ L 138, 24.5.2013, p. 15).

⁽²⁾ Council Decision (CFSP) 2015/800 of 21 May 2015 amending and extending Decision 2013/233/CFSP on the European Union Integrated Border Management Assistance Mission in Libya (EUBAM Libya) (OJ L 127, 22.5.2015, p. 22).

Article 2

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

It shall apply from 22 November 2015.

Done at Brussels, 7 December 2015.

For the Council

The President

C. CAHEN

COMMISSION IMPLEMENTING DECISION (EU) 2015/2277**of 2 December 2015****on the approval by the Commission of national plans for the implementation of the validation systems in accordance with Article 109(8) of Council Regulation (EC) No 1224/2009***(notified under document C(2015) 8830)***(Only the Greek and Croatian texts are authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to the Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ⁽¹⁾, and in particular Article 109(8) thereof,

Having regard to the submission of national plans for the implementation of the validation systems by Member States,

Whereas:

- (1) Pursuant to Article 109(8) of Regulation (EC) No 1224/2009 Member States shall establish a national plan for the implementation of the validation system, allowing Member States to make priorities for the validation and cross-checks and subsequent follow up on inconsistencies based on risk management.
- (2) National plans of the Hellenic Republic (Greece) and the Republic of Croatia have been submitted to the Commission for approval. They are in line with Article 109 of Regulation (EC) No 1224/2009 and Articles 143 to 145 of Commission Implementing Regulation (EU) No 404/2011 ⁽²⁾. They should therefore be approved.
- (3) This Decision constitutes the approval decision within the meaning of Article 109(8) of Regulation (EC) No 1224/2009.
- (4) The Commission will monitor the application of the national plans with respect to their effective operation. If, on the basis of the findings of the verifications, inspections and audits carried out by the Commission within the framework of Title X of Regulation (EC) No 1224/2009, amendments to the national validation plans will be deemed necessary, the Member States should amend the plan accordingly,

HAS ADOPTED THIS DECISION:

Article 1

1. The national plans according to Article 109(8) of Regulation (EC) No 1224/2009 of the Hellenic Republic (Greece) and the Republic of Croatia for the implementation of the validation system are approved.
2. If, on the basis of the findings of the verifications, inspections and audits carried out within the framework of Title X of Regulation (EC) No 1224/2009, the Commission considers that the validation plans approved in accordance with paragraph 1 do not ensure effective implementation by Member States of the obligations laid down in Article 109 of Regulation (EC) No 1224/2009, it may, after having consulted the Member States concerned, request the amendment of the plans.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).

3. Member States shall amend their validation plans in accordance with the request of the Commission pursuant to paragraph 2.

Article 2

This Decision is addressed to the Hellenic Republic and the Republic of Croatia.

Done at Brussels, 2 December 2015.

*For the Commission,
On behalf of the President,
João AGUIAR MACHADO
Director-General for Maritime Affairs and
Fisheries*

COMMISSION IMPLEMENTING DECISION (EU) 2015/2278**of 4 December 2015****amending Annexes I and II to Decision 2004/558/EC as regards the infectious bovine rhinotracheitis-free status of the Federal States of Bremen, Hesse and Lower Saxony of Germany***(notified under document C(2015) 8462)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, and in particular Articles 9(2) and 10(2) thereof,

Whereas:

- (1) Directive 64/432/EEC lays down rules for trade within the Union in bovine animals, including the requirement that bovine animals covered by that act are to be accompanied during transportation by a health certificate conforming to model 1 set out in Annex F thereto ('model 1'). Article 9 of that Directive provides that a Member State which has a compulsory national control programme for infectious bovine rhinotracheitis may submit its programme to the Commission for approval. Article 9 of Directive 64/432/EEC also provides for the definition of the additional guarantees which may be required in intra-Union trade.
- (2) In addition, Article 10 of Directive 64/432/EEC provides that where a Member State considers that its territory or part thereof is free from infectious bovine rhinotracheitis, it is to present appropriate supporting documentation to the Commission. That Article also provides for the definition of the additional guarantees which may be required in intra-Union trade.
- (3) Commission Decision 2004/558/EC ⁽²⁾ approves the programmes for the control and eradication of infection with bovine herpes virus type 1 (BHV1) presented by the Member States listed in Annex I thereto for the regions listed in that Annex and for which additional guarantees apply in accordance with Article 9 of Directive 64/432/EEC. In addition, Annex II to Decision 2004/558/EC lists the regions of the Member States that are considered free of BHV1 and for which additional guarantees apply in accordance with Article 10 of Directive 64/432/EEC. Articles 2 and 3 of Decision 2004/558/EC also specify the information which is to be inserted in model 1, as regards the references to that Decision.
- (4) Commission Implementing Decision 2014/798/EU ⁽³⁾ amended Directive 64/432/EEC, including model 1. As a consequence, it is necessary to amend the references to model 1 in Articles 2 and 3 of Decision 2004/558/EC.
- (5) The Federal States of Bremen, Hamburg, Hesse, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Saarland and Schleswig-Holstein of Germany are currently listed in Annex I to Decision 2004/558/EC.
- (6) Germany has submitted to the Commission supporting documentation for the Federal States of Bremen, Hesse and Lower Saxony to be considered free of BHV1 and for the additional guarantees in accordance with Article 10 of Directive 64/432/EEC to apply to them.
- (7) Following the evaluation of the supporting documentation submitted by Germany, the Federal States of Bremen, Hesse and Lower Saxony should no longer be listed in Annex I to Decision 2004/558/EC, but instead should be listed in Annex II thereto and the application of the additional guarantees in accordance with Article 10 of Directive 64/432/EEC should be extended to cover them. Annexes I and II to Decision 2004/558/EC should therefore be amended accordingly.

⁽¹⁾ OJ L 21, 29.7.1964, p. 1977.

⁽²⁾ Commission Decision 2004/558/EC of 15 July 2004 implementing Council Directive 64/432/EEC as regards additional guarantees for intra-Community trade in bovine animals relating to infectious bovine rhinotracheitis and the approval of the eradication programmes presented by certain Member States (OJ L 249, 23.7.2004, p. 20).

⁽³⁾ Commission Implementing Decision 2014/798/EU of 13 November 2014 amending Annex F to Council Directive 64/432/EEC as regards the format of the model health certificates for intra-Union trade in bovine animals and swine and the additional health requirements relating to Trichinella for intra-Union trade in domestic swine (OJ L 330, 15.11.2014, p. 50).

- (8) Decision 2004/558/EC should therefore be amended accordingly.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2004/558/EC is amended as follows:

- (1) In Article 2, paragraph 4 is replaced by the following:

‘4. In point II.3.3 of Section C of the health certificate set out in model 1 of Annex F to Directive 64/432/EEC accompanying bovine animals as referred to in paragraph 1 of this Article, the appropriate Article, paragraph and point numbers of this Decision shall be indicated in the corresponding spaces to be filled in in that point.’

- (2) In Article 3, paragraph 3 is replaced by the following:

‘3. In point II.3.3 of Section C of the health certificate set out in model 1 of Annex F to Directive 64/432/EEC accompanying bovine animals as referred to in paragraph 1 of this Article, the appropriate Article, paragraph and point numbers of this Decision shall be indicated in the corresponding spaces to be filled in in that point.’

- (3) Annexes I and II are replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 4 December 2015.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

‘ANNEX I

Member States	Regions of Member States to which the additional guarantees for infectious bovine rhinotracheitis apply in accordance with Article 9 of Directive 64/432/EEC
Belgium	All regions
Czech Republic	All regions
Germany	The Federal States of: Hamburg North Rhine-Westphalia Rhineland-Palatinate Saarland Schleswig-Holstein
Italy	Region Friuli-Venezia Giulia Autonomous Province of Trento

ANNEX II

Member States	Regions of Member States to which the additional guarantees for infectious bovine rhinotracheitis apply in accordance with Article 10 of Directive 64/432/EEC
Denmark	All regions
Germany	The Federal States of: Baden-Württemberg Bavaria Berlin Brandenburg Bremen Hesse Lower Saxony Mecklenburg-Western Pomerania Saxony Saxony-Anhalt Thuringia
Italy	Region Valle d'Aosta Autonomous Province of Bolzano
Austria	All regions
Finland	All regions
Sweden	All regions'

COMMISSION IMPLEMENTING DECISION (EU) 2015/2279**of 4 December 2015****authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize NK603 × T25 (MON-ØØ6Ø3-6 × ACS-ZMØØ3-2) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council***(notified under document C(2015) 8581)***(Only the Dutch and French texts are authentic)****(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 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ⁽¹⁾, and in particular Articles 7(3) and 19(3) thereof,

Whereas:

- (1) On 17 May 2010, Monsanto Europe SA submitted to the competent authority of the Netherlands an application in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003 for the placing on the market of foods, food ingredients, and feed containing, consisting of, or produced from NK603 × T25 maize ('the application').
- (2) The application also covers the placing on the market of genetically modified maize NK603 × T25 in products consisting of it or containing it for other uses than food and feed as any other maize, with the exception of cultivation.
- (3) In accordance with Articles 5(5) and 17(5) of Regulation (EC) No 1829/2003, the application includes the data and information required by Annexes III and IV to Directive 2001/18/EC of the European Parliament and of the Council ⁽²⁾ and information and conclusions about the risk assessment carried out in accordance with the principles set out in Annex II to that Directive. It also includes a monitoring plan for environmental effects conforming with Annex VII to Directive 2001/18/EC.
- (4) On 15 July 2015, the European Food Safety Authority ('EFSA') gave a favourable opinion in accordance with Articles 6 and 18 of Regulation (EC) No 1829/2003. It concluded that genetically modified maize NK603 × T25, as described in the application, is as safe as its non-genetically modified comparator and other non-genetically modified maize varieties with respect to potential effects on human and animal health and the environment in the context of its scope ⁽³⁾.
- (5) In its opinion, EFSA considered all the specific questions and concerns raised by the Member States in the context of the consultation of the national competent authorities as provided for by Articles 6(4) and 18(4) of Regulation (EC) No 1829/2003.
- (6) In its opinion, EFSA also concluded that the monitoring plan for environmental effects, consisting of a general surveillance plan, submitted by the applicant is in line with the intended uses of the products.
- (7) Taking into account these considerations, authorisation should be granted to the products containing, consisting of, or produced from genetically modified maize NK603 × T25.

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.⁽²⁾ Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ L 106, 17.4.2001, p. 1).⁽³⁾ EFSA GMO Panel (EFSA Panel on Genetically Modified Organisms), 2015. Scientific Opinion on application (EFSA-GMO-NL-2010-80) for the placing on the market of herbicide tolerant genetically modified maize NK603 × T25 for food and feed uses, import and processing under Regulation (EC) No 1829/2003 from Monsanto. *EFSA Journal*: 2015; 13(7):4165, 23 pp. doi:10.2903/j.efsa.2015.4165.

- (8) A unique identifier should be assigned to each genetically modified organism (hereinafter 'GMO') as provided for in Commission Regulation (EC) No 65/2004 ⁽¹⁾.
- (9) On the basis of the EFSA opinion, no specific labelling requirements, other than those provided for in Articles 13(1) and 25(2) of Regulation (EC) No 1829/2003, appear to be necessary for food, food ingredients and feed containing, consisting of, or produced from genetically modified maize NK603 × T25. However, in order to ensure the use of those products within the limits of the authorisation granted by this Decision, the labelling of the products containing or consisting of NK603 × T25 maize, with the exception of food products, should be complemented by a clear indication that the products in question are not intended for cultivation.
- (10) Regulation (EC) No 1830/2003 of the European Parliament and of the Council ⁽²⁾ lays down labelling requirements in Article 4(6) for products containing or consisting of GMOs. Traceability requirements for those products are laid down in paragraphs 1 to 5 of Article 4 and traceability requirements for food and feed produced from GMOs are laid down in Article 5 of that Regulation.
- (11) The authorisation holder should submit annual reports on the implementation and the results of the activities set out in the monitoring plan for environmental effects. Those results should be presented in accordance with Commission Decision 2009/770/EC ⁽³⁾. The EFSA opinion does not justify either the imposition of specific conditions or restrictions for the placing on the market and/or the use and handling of the food and feed, including post-market monitoring requirements or specific conditions for the protection of particular ecosystems/environment and/or geographical areas, as provided for in Articles 6(5)(e) and 18(5)(e) of Regulation (EC) No 1829/2003.
- (12) All relevant information on the authorisation of the products should be entered in the Community register of genetically modified food and feed provided for in Regulation (EC) No 1829/2003.
- (13) This Decision is to be notified through the Biosafety Clearing-House to the Parties to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, pursuant to Articles 9(1) and 15(2)(c) of Regulation (EC) No 1946/2003 of the European Parliament and of the Council ⁽⁴⁾.
- (14) The Standing Committee on Plants, Animals, Food and Feed has not delivered an opinion within the time-limit laid down by its Chairman. An implementing act was deemed to be necessary and the chair submitted the draft implementing act to the appeal committee for further deliberation. The appeal committee did not deliver an opinion,

HAS ADOPTED THIS DECISION:

Article 1

Genetically modified organism and unique identifier

Genetically modified maize (*Zea mays* L.) NK603 × T25, as specified in point (b) of the Annex to this Decision, is assigned the unique identifier MON-ØØ6Ø3-6 × ACS-ZMØØ3-2, as provided for in Regulation (EC) No 65/2004.

⁽¹⁾ Commission Regulation (EC) No 65/2004 of 14 January 2004 establishing a system for the development and assignment of unique identifiers for genetically modified organisms (OJ L 10, 16.1.2004, p. 5).

⁽²⁾ Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC (OJ L 268, 18.10.2003, p. 24).

⁽³⁾ Commission Decision 2009/770/EC of 13 October 2009 establishing standard reporting formats for presenting the monitoring results of the deliberate release into the environment of genetically modified organisms, as or in products, for the purpose of placing on the market, pursuant to Directive 2001/18/EC of the European Parliament and of the Council (OJ L 275, 21.10.2009, p. 9).

⁽⁴⁾ Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms (OJ L 287, 5.11.2003, p. 1).

*Article 2***Authorisation**

The following products are authorised for the purposes of Articles 4(2) and 16(2) of Regulation (EC) No 1829/2003 in accordance with the conditions set out in this Decision:

- (a) foods and food ingredients containing, consisting of, or produced from MON-ØØ6Ø3-6 × ACS-ZMØØ3-2 maize;
- (b) feed containing, consisting of, or produced from MON-ØØ6Ø3-6 × ACS-ZMØØ3-2 maize;
- (c) MON-ØØ6Ø3-6 × ACS-ZMØØ3-2 maize in products containing it or consisting of it for any other use than those provided in points (a) and (b), with the exception of cultivation.

*Article 3***Labelling**

1. For the purposes of the labelling requirements laid down in Articles 13(1) and 25(2) of Regulation (EC) No 1829/2003 and in Article 4(6) of Regulation (EC) No 1830/2003, the 'name of the organism' shall be 'maize'.
2. The words 'not for cultivation' shall appear on the label of and in the documents accompanying products containing or consisting of MON-ØØ6Ø3-6 × ACS-ZMØØ3-2 maize, with the exception of products referred to in point (a) of Article 2.

*Article 4***Monitoring for environmental effects**

1. The authorisation holder shall ensure that the monitoring plan for environmental effects, as set out in point (h) of the Annex, is put in place and implemented.
2. The authorisation holder shall submit to the Commission annual reports on the implementation and the results of the activities set out in the monitoring plan in accordance with Decision 2009/770/EC.

*Article 5***Community register**

The information set out in the Annex to this Decision shall be entered in the Community register of genetically modified food and feed, as provided for in Article 28 of Regulation (EC) No 1829/2003.

*Article 6***Authorisation holder**

The authorisation holder shall be Monsanto Europe SA, Belgium, representing Monsanto Company, United States of America.

*Article 7***Validity**

This Decision shall apply for a period of 10 years from the date of its notification.

*Article 8***Addressee**

This Decision is addressed to Monsanto Europe S.A., Avenue de Tervuren 270-272, B-1150 Brussels, Belgium.

Done at Brussels, 4 December 2015.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

(a) Applicant and authorisation holder:

Name: Monsanto Europe SA

Address: Avenue de Tervuren 270-272, 1150 Brussels, Belgium

On behalf of Monsanto Company — 800 N. Lindbergh Boulevard — St. Louis, Missouri 63167 — United States of America.

(b) Designation and specification of the products:

- (1) foods and food ingredients containing, consisting of, or produced from MON-ØØ6Ø3-6 × ACS-ZMØØ3-2 maize;
- (2) feed containing, consisting of, or produced from MON-ØØ6Ø3-6 × ACS-ZMØØ3-2 maize;
- (3) MON-ØØ6Ø3-6 × ACS-ZMØØ3-2 maize in products containing it or consisting of it for any other use than those provided in points (1) and (2), with the exception of cultivation.

The genetically modified MON-ØØ6Ø3-6 × ACS-ZMØØ3-2 maize, as described in the application, expresses the CP4 EPSPS protein which confers tolerance to glyphosate herbicides and PAT protein which confers tolerance to glufosinate ammonium herbicides.

(c) Labelling:

- (1) For the purposes of the labelling requirements laid down in Articles 13(1) and 25(2) of Regulation (EC) No 1829/2003, and in Article 4(6) of Regulation (EC) No 1830/2003, the 'name of the organism' shall be 'maize';
- (2) The words 'not for cultivation' shall appear on the label of and in the accompanying documents of the products containing or consisting of MON-ØØ6Ø3-6 × ACS-ZMØØ3-2 maize with the exception of products referred to in point (a) of Article 2.

(d) Method for detection:

- (1) Event-specific real-time quantitative PCR-based methods for MON-ØØ6Ø3-6 and ACS-ZMØØ3-2 maize; the detection methods are validated on the single-trait events and verified on genomic DNA extracted from seeds of MON-ØØ6Ø3-6 × ACS-ZMØØ3-2 maize;
- (2) Validated by the EU Reference Laboratory established under Regulation (EC) No 1829/2003, published at <http://gmo-crl.jrc.ec.europa.eu/statusofdossiers.aspx>
- (3) Reference material: ERM®-BF415 (for MON-ØØ6Ø3-6) accessible via the Joint Research Centre (JRC) of the European Commission, Institute for Reference Materials and Measurements (IRMM) at <https://irmm.jrc.ec.europa.eu/rmcatalogue> and AOCs 0306-H6 and AOCs 0306-C2 (for ACS-ZMØØ3-2) accessible via the American Oil Chemists Society at <http://www.aocs.org/LabServices/content.cfm?ItemNumber=19248>

(e) Unique identifier:

MON-ØØ6Ø3-6 × ACS-ZMØØ3-2

(f) Information required under Annex II to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity:

(Biosafety Clearing-House, Record ID number: *published in the Community register of genetically modified food and feed when notified*).

(g) **Conditions or restrictions on the placing on the market, use or handling of the products:**

Not required.

(h) **Monitoring plan for environmental effects:**

Monitoring plan for environmental effects conforming with Annex VII to Directive 2001/18/EC.

(Link: *plan published in the Community register of genetically modified food and feed*)

(i) **Post-market monitoring requirements for the use of the food for human consumption:**

Not required.

Note: links to relevant documents may need to be modified over the time. Those modifications will be made available to the public via the updating of the Community register of genetically modified food and feed.

COMMISSION IMPLEMENTING DECISION (EU) 2015/2280**of 7 December 2015****on the approval of the DENSO efficient alternator as an innovative technology for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council****(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 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emissions performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles ⁽¹⁾, and in particular Article 12(4) thereof,

Whereas:

- (1) On 10 March 2015 the supplier DENSO Corporation (the 'Applicant') submitted an application for the approval of its second innovative technology: the DENSO efficient alternator of the output class of from 100 A to 250 A. The completeness of that application was assessed in accordance with Article 4 of Commission Implementing Regulation (EU) No 725/2011 ⁽²⁾. The application was found to be complete and the period granted to the Commission for its assessment of the application started on 11 March 2015, which was the day following the date of official receipt of the complete information.
- (2) The application has been assessed in accordance with Article 12 of Regulation (EC) No 443/2009, Implementing Regulation (EU) No 725/2011 and the Technical Guidelines for the preparation of applications for the approval of innovative technologies pursuant to Regulation (EC) No 443/2009 (the 'Technical Guidelines', version February 2013) ⁽³⁾. The information provided in the application demonstrates that the conditions and criteria referred to in Article 12 of Regulation (EC) No 443/2009 and in Articles 2 and 4 of Implementing Regulation (EU) No 725/2011 seem to have been met.
- (3) The Applicant has demonstrated that a high efficiency alternator of the kind described in this application did not exceed 3 % of the new passenger cars registered in the reference year 2009.
- (4) In order to determine the CO₂ savings that the innovative technology will deliver when fitted to a vehicle, it is necessary to define the baseline vehicle against which the efficiency of the vehicle equipped with the innovative technology should be compared as provided for in Articles 5 and 8 of Implementing Regulation (EU) No 725/2011. It is appropriate to consider an alternator with 67 % efficiency as an appropriate baseline technology in the case the innovative technology is fitted on a new vehicle type. Where the DENSO efficient alternator is fitted to an existing vehicle type, the baseline technology should be the alternator of the most recent version of that type placed on the market.
- (5) The Applicant has provided a methodology for testing the CO₂ reductions which includes formulae that are consistent with the formulae described in the Technical Guidelines for the simplified approach with regard to efficient alternators. The Commission considers that the testing methodology will provide testing results that are verifiable, repeatable and comparable and that it is capable of demonstrating in a realistic manner the CO₂ emissions benefits of the innovative technology with strong statistical significance in accordance with Article 6 of Implementing Regulation (EU) No 725/2011.

⁽¹⁾ OJ L 140, 5.6.2009, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 725/2011 of 25 July 2011 establishing a procedure for the approval and certification of innovative technologies for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 194, 26.7.2011, p. 19).

⁽³⁾ <https://circabc.europa.eu/d/a/workspace/SpacesStore/42c4a33e-6fd7-44aa-adac-f28620bd436f/Technical%20Guidelines%20February%202013.pdf>

- (6) As the Applicant's testing methodology and formulae to calculate the CO₂ savings are in all respects identical to the methodology specified in the Annex to Commission Implementing Decision 2013/341/EU ⁽¹⁾, for reasons of consistency, it is appropriate to use the methodology specified in Implementing Decision 2013/341/EU to determine the reduction in CO₂ emissions due to the use of the DENSO efficient alternator.
- (7) Against that background the Commission finds that the Applicant has demonstrated satisfactorily that the emission reduction achieved by the innovative technology is at least 1 g CO₂/km.
- (8) The savings of the innovative technology may be partially demonstrated on the standard test cycle, and the final total savings to be certified should therefore be determined in accordance with the second subparagraph of Article 8(2) of Implementing Regulation (EU) No 725/2011.
- (9) The verification report has been prepared by the Vehicle Certification Agency (VCA) which is an independent and certified body and the report supports the findings set out in the application.
- (10) Therefore, no objections should be raised as regards the approval of the innovative technology in question.
- (11) For the purposes of determining the general eco-innovation code to be used in the relevant type-approval documents in accordance with Annexes I, VIII and IX to Directive 2007/46/EC of the European Parliament and of the Council ⁽²⁾, the individual code to be used for the innovative technology approved through this Implementing Decision should be specified.
- (12) Any manufacturer wishing to benefit from a reduction of its average specific CO₂ emissions for the purpose of meeting its specific emissions target by means of the CO₂ savings from the use of the innovative technology approved by this Decision should in accordance with Article 11(1) of Implementing Regulation (EU) No 725/2011, refer to this Decision in its application for an EC type-approval certificate for the vehicles concerned,

HAS ADOPTED THIS DECISION:

Article 1

1. The DENSO efficient alternator of the output class of from 100 A to 250 A and intended for use in M1 vehicles is approved as an innovative technology within the meaning of Article 12 of Regulation (EC) No 443/2009.
2. The CO₂ emissions reduction from the use of the alternator referred to in paragraph 1 shall be determined using the methodology set out in the Annex to Implementing Decision 2013/341/EU.
3. In accordance with the second subparagraph of Article 11(2) of Implementing Regulation (EU) No 725/2011, the CO₂ emission reduction determined in accordance with paragraph 2 of this Article, may only be certified and entered into the certificate of conformity and relevant type-approval documentation specified in Annexes I, VIII and IX to Directive 2007/46/EC where the reductions comply with the threshold specified in Article 9(1) of Implementing Regulation (EU) No 725/2011.
4. The individual eco-innovation code to be entered into type-approval documentation to be used for the innovative technology approved through this Decision shall be '14'.

⁽¹⁾ Commission Implementing Decision 2013/341/EU of 27 June 2013 on the approval of the Valeo Efficient Generation Alternator as an innovative technology for reducing CO₂ emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 179, 29.6.2013, p. 98).

⁽²⁾ Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).

Article 2

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

Done at Brussels, 7 December 2015.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING DECISION (EU) 2015/2281**of 4 December 2015****authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON 87427 (MON-87427-7) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council***(notified under document C(2015) 8587)***(Only the Dutch and French texts are authentic)****(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 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed ⁽¹⁾, and in particular Articles 7(3) and 19(3) thereof,

Whereas:

- (1) On 11 June 2012, Monsanto Europe S.A. submitted to the competent authority of Belgium an application in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003 for the placing on the market of foods, food ingredients, and feed containing, consisting of, or produced from MON 87427 maize ('the application').
- (2) The application also covers the placing on the market of genetically modified maize MON 87427 in products consisting of it or containing it for other uses than food and feed as any other maize, with the exception of cultivation.
- (3) In accordance with Articles 5(5) and 17(5) of Regulation (EC) No 1829/2003, the application includes the data and information required by Annexes III and IV to Directive 2001/18/EC of the European Parliament and of the Council ⁽²⁾ and information and conclusions about the risk assessment carried out in accordance with the principles set out in Annex II to that Directive. It also includes a monitoring plan for environmental effects conforming with Annex VII to Directive 2001/18/EC.
- (4) On 19 June 2015, the European Food Safety Authority ('EFSA') gave a favourable opinion in accordance with Articles 6 and 18 of Regulation (EC) No 1829/2003. It concluded that genetically modified maize MON 87427, as described in the application, is as safe as its conventional counterpart and other non-genetically modified maize varieties and is unlikely to have adverse effects on human and animal health and the environment in the context of the scope of the application ⁽³⁾.
- (5) In its opinion, EFSA considered all the specific questions and concerns raised by the Member States in the context of the consultation of the national competent authorities as provided for by Articles 6(4) and 18(4) of Regulation (EC) No 1829/2003.
- (6) In its opinion, EFSA also concluded that the monitoring plan for environmental effects, consisting of a general surveillance plan, submitted by the applicant is in line with the intended uses of the products.
- (7) Taking into account these considerations, authorisation should be granted to the products containing, consisting of, or produced from genetically modified maize MON 87427.

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.⁽²⁾ Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ L 106, 17.4.2001, p. 1).⁽³⁾ EFSA GMO Panel (EFSA Panel on Genetically Modified Organisms), 2015. Scientific Opinion on application (EFSA-GMO-BE-2012-110) for the placing on the market of tissue-selective herbicide tolerant genetically modified maize MON 87427 for food and feed uses, import and processing under Regulation (EC) No 1829/2003 from Monsanto. EFSA Journal: 2015;13(6):4130, 25 pp. doi:10.2903/j.efsa.2015.4130.

- (8) A unique identifier should be assigned to each genetically modified organism (hereinafter 'GMO') as provided for in Commission Regulation (EC) No 65/2004 ⁽¹⁾.
- (9) On the basis of the EFSA opinion, no specific labelling requirements, other than those provided for in Articles 13(1) and 25(2) of Regulation (EC) No 1829/2003, appear to be necessary for foods, food ingredients and feed containing, consisting of, or produced from genetically modified maize MON 87427. However, in order to ensure the use of those products within the limits of the authorisation granted by this Decision, the labelling of the products containing or consisting of MON 87427 maize, with the exception of food products, should be complemented by a clear indication that the products in question are not intended for cultivation.
- (10) Regulation (EC) No 1830/2003 of the European Parliament and of the Council ⁽²⁾ lays down labelling requirements in Article 4(6) for products containing or consisting of GMOs. Traceability requirements for those products are laid down in paragraphs 1 to 5 of Article 4 and traceability requirements for food and feed produced from GMOs are laid down in Article 5 of that Regulation.
- (11) The authorisation holder should submit annual reports on the implementation and the results of the activities set out in the monitoring plan for environmental effects. Those results should be presented in accordance with Commission Decision 2009/770/EC ⁽³⁾. The EFSA opinion does not justify either the imposition of specific conditions or restrictions for the placing on the market and/or the use and handling of the food and feed, including post-market monitoring requirements or specific conditions for the protection of particular ecosystems/environment and/or geographical areas, as provided for in Articles 6(5)(e) and 18(5)(e) of Regulation (EC) No 1829/2003.
- (12) All relevant information on the authorisation of the products should be entered in the Community register of genetically modified food and feed, as provided for in Regulation (EC) No 1829/2003.
- (13) This Decision is to be notified through the Biosafety Clearing-House to the Parties to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, pursuant to Article 9(1) and Article 15(2)(c) of Regulation (EC) No 1946/2003 of the European Parliament and of the Council ⁽⁴⁾.
- (14) The Standing Committee on Plants, Animals, Food and Feed has not delivered an opinion within the time limit laid down by its Chairman. An implementing act was deemed to be necessary and the chair submitted the draft implementing act to the appeal committee for further deliberation. The appeal committee did not deliver an opinion,

HAS ADOPTED THIS DECISION:

Article 1

Genetically modified organism and unique identifier

Genetically modified maize (*Zea mays* L.) MON 87427, as specified in point (b) of the Annex to this Decision, is assigned the unique identifier MON-87427-7, as provided for in Regulation (EC) No 65/2004.

⁽¹⁾ Commission Regulation (EC) No 65/2004 of 14 January 2004 establishing a system for the development and assignment of unique identifiers for genetically modified organisms (OJ L 10, 16.1.2004, p. 5).

⁽²⁾ Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC (OJ L 268, 18.10.2003, p. 24).

⁽³⁾ Commission Decision 2009/770/EC of 13 October 2009 establishing standard reporting formats for presenting the monitoring results of the deliberate release into the environment of genetically modified organisms, as or in products, for the purpose of placing on the market, pursuant to Directive 2001/18/EC of the European Parliament and of the Council (OJ L 275, 21.10.2009, p. 9).

⁽⁴⁾ Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms (OJ L 287, 5.11.2003, p. 1).

*Article 2***Authorisation**

The following products are authorised for the purposes of Articles 4(2) and 16(2) of Regulation (EC) No 1829/2003 in accordance with the conditions set out in this Decision:

- (a) foods and food ingredients containing, consisting of, or produced from MON-87427-7 maize;
- (b) feed containing, consisting of, or produced from MON-87427-7 maize;
- (c) MON-87427-7 maize in products containing it or consisting of it for any other use than those provided in points (a) and (b), with the exception of cultivation.

*Article 3***Labelling**

- 1. For the purposes of the labelling requirements laid down in Articles 13(1) and 25(2) of Regulation (EC) No 1829/2003 and in Article 4(6) of Regulation (EC) No 1830/2003, the 'name of the organism' shall be 'maize'.
- 2. The words 'not for cultivation' shall appear on the label of and in the documents accompanying products containing or consisting of MON-87427-7 maize, with the exception of products referred to in point (a) of Article 2.

*Article 4***Monitoring for environmental effects**

- 1. The authorisation holder shall ensure that the monitoring plan for environmental effects, as set out in point (h) of the Annex, is put in place and implemented.
- 2. The authorisation holder shall submit to the Commission annual reports on the implementation and the results of the activities set out in the monitoring plan in accordance with Decision 2009/770/EC.

*Article 5***Community register**

The information set out in the Annex to this Decision shall be entered in the Community register of genetically modified food and feed, as provided for in Article 28 of Regulation (EC) No 1829/2003.

*Article 6***Authorisation holder**

The authorisation holder shall be Monsanto Europe S.A., Belgium, representing Monsanto Company, United States of America.

*Article 7***Validity**

This Decision shall apply for a period of 10 years from the date of its notification.

*Article 8***Addressee**

This Decision is addressed to Monsanto Europe S.A., Avenue de Tervuren 270-272, B-1150 Brussels, Belgium.

Done at Brussels, 4 December 2015.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

(a) Applicant and Authorisation holder:

Name: Monsanto Europe S.A.

Address: Avenue de Tervuren 270-272, B-1150 Brussels — Belgium

On behalf of Monsanto Company — 800 N. Lindbergh Boulevard — St. Louis, Missouri 63167 — United States of America.

(b) Designation and specification of the products:

- (1) foods and food ingredients containing, consisting of, or produced from MON-87427-7 maize;
- (2) feed containing, consisting of, or produced from MON-87427-7 maize;
- (3) MON-87427-7 maize in products containing it or consisting of it for any other use than those provided in points (1) and (2), with the exception of cultivation.

The genetically modified MON-87427-7 maize, as described in the application, expresses the CP4 EPSPS protein which confers tissue-selective tolerance to glyphosate herbicides. The CP4 EPSPS expression is absent or limited in male reproductive tissues, which eliminates or reduces the need for detasseling when MON-87427-7 is used as female parent in hybrid maize seed production.

(c) Labelling:

- (1) For the purposes of the labelling requirements laid down in Articles 13(1) and 25(2) of Regulation (EC) No 1829/2003, and in Article 4(6) of Regulation (EC) No 1830/2003, the 'name of the organism' shall be 'maize';
- (2) The words 'not for cultivation' shall appear on the label of and in the documents accompanying products containing or consisting of MON-87427-7 maize with the exception of products referred to in point (a) of Article 2.

(d) Method for detection:

- (1) Event specific real-time PCR based method for the quantification of MON-87427-7;
- (2) Validated by the EU Reference Laboratory established under Regulation (EC) No 1829/2003 on genomic DNA extracted from maize seeds, published at <http://gmo-crl.jrc.ec.europa.eu/statusofdossiers.aspx>;
- (3) Reference Material: AOCS 0512-A and AOCS 0406-A are accessible via the American Oil Chemists Society at <http://www.aocs.org/LabServices/content.cfm?ItemNumber=19248>

(e) Unique identifier:

MON-87427-7

(f) Information required under Annex II to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity:

[Biosafety Clearing-House, Record ID number: *published in the Community register of genetically modified food and feed when notified*].

(g) Conditions or restrictions on the placing on the market, use or handling of the products:

Not required.

(h) **Monitoring plan for environmental effects:**

Monitoring plan for environmental effects conforming with Annex VII to Directive 2001/18/EC.

[Link: *plan published in the Community register of genetically modified food and feed*]

(i) **Post-market monitoring requirements for the use of the food for human consumption:**

Not required.

Note: links to relevant documents may need to be modified over the time. Those modifications will be made available to the public via the updating of the Community register of genetically modified food and feed.

