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⁽¹⁾ Text with EEA relevance.

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.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2021/367

of 1 March 2021

concerning the renewal of the authorisation of a preparation of *Saccharomyces cerevisiae* CNCM I-4407 as a feed additive for calves for rearing and repealing Regulation (EU) No 883/2010 (holder of authorisation S.I. Lesaffre)

(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting and renewing such authorisation.
- (2) *Saccharomyces cerevisiae* CNCM I-4407, previously identified as *Saccharomyces cerevisiae* NCYC Sc47, was authorised for 10 years as a feed additive for calves for rearing by Commission Regulation (EU) No 883/2010 ⁽²⁾.
- (3) In accordance with Article 14 of Regulation (EC) No 1831/2003, an application was submitted by the holder of the authorisation of *Saccharomyces cerevisiae* CNCM I-4407 as a feed additive for the renewal of the authorisation for calves for rearing, requesting the additive to be classified in the additive category 'zootechnical additives'. That application was accompanied by the particulars and documents required under Article 14(2) of that Regulation.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 25 May 2020 ⁽³⁾ that the applicant has provided evidence that the additive complies with the existing conditions of authorisation. The Authority concluded that the preparation of *Saccharomyces cerevisiae* CNCM I-4407 does not have an adverse effect on animal health, consumer safety or the environment. It also concluded that it is not a skin or eye irritant and, in the absence of data, no conclusions can be drawn on the dermal sensitisation potential of the additive. Therefore, the Commission considers that appropriate protective measures should be taken to prevent adverse effects on human health, in particular as regards to users of the additive. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Commission Regulation (EU) No 883/2010 of 7 October 2010 concerning the authorisation of a new use of *Saccharomyces cerevisiae* NCYC Sc 47 as a feed additive for calves for rearing (holder of the authorisation Société Industrielle Lesaffre) (OJ L 265, 8.10.2010, p. 1).

⁽³⁾ EFSA Journal 2020;18(6):6167.

- (5) The assessment of a preparation of *Saccharomyces cerevisiae* CNCM I-4407 shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the authorisation of that additive should be renewed.
- (6) As a consequence of the renewal of the authorisation of a preparation of *Saccharomyces cerevisiae* CNCM I-4407 as a feed additive, Regulation (EU) No 883/2010 should be repealed.
- (7) Since safety reasons do not require the immediate application of the modifications to the conditions of authorisation of the preparation of *Saccharomyces cerevisiae* CNCM I-4407, it is appropriate to allow a transitional period for interested parties to prepare themselves to meet the new requirements resulting from the renewal of the authorisation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Renewal of the authorisation

The authorisation of the additive specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'gut flora stabilisers', is renewed subject to the conditions laid down in that Annex.

Article 2

Transitional period

1. The additive specified in the Annex and premixtures containing it, which are produced and labelled before 22 September 2021 in accordance with the rules applicable before 22 March 2021 may continue to be placed on the market and used until the existing stocks are exhausted.
2. Compound feed and feed materials containing the additive specified in the Annex which are produced and labelled before 22 March 2022 in accordance with the rules applicable before 22 March 2021 may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for food-producing animals.

Article 3

Repeal

Regulation (EU) No 883/2010 is repealed.

Article 4

Entry into force

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

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

Done at Brussels, 1 March 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/kg of complete feedingstuff with a moisture content of 12 %			

Category of zootechnical additives. Functional group: gut flora stabilisers

4b1702	S.I. Lesaffre	<i>Saccharomyces cerevisiae</i> CNCM I-4407	<i>Additive composition</i> Preparation of <i>Saccharomyces cerevisiae</i> CNCM I-4407 containing a minimum of 5×10^9 CFU/g Solid form	Calves for rearing	-	$1,5 \times 10^9$	-	1. In the directions for use of the additive and premixtures, the storage conditions and stability to heat treatment shall be indicated. 2. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment.	22.3.2031
			<i>Characterisation of the active substance</i> Viable dried cells of <i>Saccharomyces cerevisiae</i> CNCM I-4407						
			<i>Analytical method</i> ⁽¹⁾ Enumeration: pour plate method using chloramphenicol dextrose yeast extract agar EN 15789 Identification: polymerase chain reaction (PCR) method CEN/TS 15790.						

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2021/368**of 1 March 2021****granting a Union authorisation for the single biocidal product 'Aero-Sense Aircraft Insecticide ASD'****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular the first subparagraph of Article 44(5) thereof,

Whereas:

- (1) On 2 February 2018, Aero-Sense NV submitted an application in accordance with Article 43(1) of Regulation (EU) No 528/2012 for authorisation of a single biocidal product named 'Aero-Sense Aircraft Insecticide ASD' of product-type 18, as described in Annex V to that Regulation, providing written confirmation that the competent authority of Belgium had agreed to evaluate the application. The application was recorded under case number BC-DX037393-17 in the Register for Biocidal Products.
- (2) 'Aero-Sense Aircraft Insecticide ASD' contains 1R-trans phenothrin, as the active substance, which is included in the Union list of approved active substances referred to in Article 9(2) of Regulation (EU) No 528/2012.
- (3) On 7 May 2020, the evaluating competent authority submitted, in accordance with Article 44(1) of Regulation (EU) No 528/2012, an assessment report and the conclusions of its evaluation to the European Chemicals Agency ('the Agency').
- (4) On 2 July 2020, the Agency submitted to the Commission an opinion ⁽²⁾, the draft summary of the biocidal product characteristics ('SPC') of 'Aero-Sense Aircraft Insecticide ASD' and the final assessment report on the single biocidal product in accordance with Article 44(3) of Regulation (EU) No 528/2012.
- (5) The opinion concludes that 'Aero-Sense Aircraft Insecticide ASD' is a biocidal product, that it is eligible for Union authorisation in accordance with Article 42(1) of Regulation (EU) No 528/2012 and that subject to compliance with the draft SPC, it meets the conditions laid down in Article 19(1) of that Regulation.
- (6) On 4 August 2020, the Agency transmitted to the Commission the draft SPC in all the official languages of the Union in accordance with Article 44(4) of Regulation (EU) No 528/2012.
- (7) The Commission concurs with the opinion of the Agency and considers it therefore appropriate to grant a Union authorisation for 'Aero-Sense Aircraft Insecticide ASD'.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS REGULATION:

Article 1

A Union authorisation with authorisation number EU-0024297-0000 is granted to Aero-Sense NV for the making available on the market and use of the single biocidal product 'Aero-Sense Aircraft Insecticide ASD' in accordance with the summary of the biocidal product characteristics set out in the Annex.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ ECHA opinion of 17 June 2020 on the Union authorisation of the biocidal product 'Aero-Sense Aircraft Insecticide ASD' (ECHA/BPC/262/2020), <https://echa.europa.eu/bpc-opinions-on-union-authorisation>

The Union authorisation is valid from 22 March 2021 until 28 February 2031.

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, 1 March 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Summary of product characteristics for a biocidal product

Aero-Sense Aircraft Insecticide ASD

Product type 18 – Insecticides, acaricides and products to control other arthropods (Pest control)

Authorisation number: EU-0024297-0000

R4BP asset number: EU-0024297-0000

1. ADMINISTRATIVE INFORMATION**1.1. Trade name(s) of the product**

Trade name(s)	Aero-Sense Aircraft Insecticide ASD
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1.2. Authorisation holder

Name and address of the authorisation holder	Name	Aero-Sense NV
	Address	Schaapbruggestraat 50, 8800 Roeselare, Belgium
Authorisation number	EU-0024297-0000	
R4BP asset number	EU-0024297-0000	
Date of the authorisation	22 March 2021	
Expiry date of the authorisation	28 February 2031	

1.3. Manufacturer(s) of the product

Name of manufacturer	Volcke Aerosol Connection
Address of manufacturer	Industrielaan 15, 8520 Kuurne Belgium
Location of manufacturing sites	Industrielaan 15, 8520 Kuurne Belgium

Name of manufacturer	Envasado Xiomara, S.L.
Address of manufacturer	Polígono Industrial La Torrecilla Chica, 6, 45220 Yeles – Toledo Spain
Location of manufacturing sites	Polígono Industrial La Torrecilla Chica, 6, 45220 Yeles – Toledo Spain

Name of manufacturer	Aero-Sense NV
Address of manufacturer	Kachtemsestraat 289, 8800 Roeselare Belgium
Location of manufacturing sites	Kachtemsestraat 289, 8800 Roeselare Belgium

1.4. Manufacturer(s) of the active substance(s)

Active substance	1R-trans phenothrin
Name of manufacturer	Endura S.p.A
Address of manufacturer	Viale Pietro Pietramellara 5, 40121 Bologna Italy
Location of manufacturing sites	39 Wenfeng Road, 225009 Yangzhou, Jiangsu China

2. PRODUCT COMPOSITION AND FORMULATION

2.1. Qualitative and quantitative information on the composition of the product

Common name	IUPAC name	Function	CAS number	EC number	Content (%)
1R-trans phenothrin	3-phenoxybenzyl (1R,3R)-2,2-dimethyl-3-(2-methylprop-1-enyl) cyclopropanecarboxylate	Active Substance	26046-85-5	247-431-2	2,0

2.2. Type of formulation

AE – Aerosol dispenser

3. HAZARD AND PRECAUTIONARY STATEMENTS

Hazard statements	Pressurised container: May burst if heated Very toxic to aquatic life. Very toxic to aquatic life with long lasting effects.
Precautionary statements	Keep away from heat, hot surfaces, sparks, open flames and other ignition sources. No smoking. Do not pierce or burn, even after use. Avoid release to the environment. Collect spillage. Protect from sunlight. Do not expose to temperatures exceeding 50 °C/122 °F. Dispose of contents/container to hazardous or special waste collection point.

4. AUTHORISED USE(S)

4.1. Use description

Table 1. Use # 1 – Mosquitoes – Aircraft treatment – Professionals

Product type	PT18 – Insecticides, acaricides and products to control other arthropods (Pest control)
Where relevant, an exact description of the authorised use	Insecticide

Target organism(s) (including development stage)	Scientific name: Culex spp. Common name: Culex mosquitoes Development stage: Adults Scientific name: Aedes spp. Common name: Aedes mosquitoes Development stage: Adults Scientific name: Anopheles spp. Common name: Anopheles mosquitoes Development stage: Adults
Field(s) of use	Indoor Application in cockpit and cabin for aircraft disinsection.
Application method(s)	Aerosol spray Spraying
Application rate(s) and frequency	Recommended application rate: 35 g/100 m ³ (i.e. 0,7 g a.i./100 m ³). Ready-to-use product. Treatment should be repeated on each flight for which a disinsection treatment is required. One application per flight only.
Category(ies) of users	Professional
Pack sizes and packaging material	Aluminium (ALU) printed can 18 bar – Full colour printed White cap (One Shot actuator) or Blue cap (Multi Shot actuator) Packed in cardboard packaging per 24 pieces Available in different can sizes: • 40 g (34 mL) • 60 g (52 mL) • 100 g (86 mL)

4.1.1. Use-specific instructions for use

- Please refer to the onboard manual for the number of cans required for a disinsection treatment for each specific aircraft type.
- The disinsection procedure should be announced to passengers prior to the application of the product in the aircraft. Passengers should be advised to close their eyes and cover their faces whilst the procedure is carried out.
- Do not spray directly on skin or in eyes.
- Do not spray on or near food, food preparation areas or food utensils.
- Wash hands after handling.
- Prevent use by unauthorised personnel.
- Remove the cap.
- Hold can(s) vertically at arm's length.
- 'One shot' white cap: depress tab on spray nozzle until it locks down. The aerosol product is released in one continuous spray.
- 'Multi shot' blue cap: depress tab on spray nozzle until sufficient quantity is released or until product is completely discharged.
- The insecticide aerosol should be sprayed by directing the nozzle of the aerosol dispenser at an angle of approximately 45° towards the ceiling throughout the aircraft.
- The spray should be directed slightly behind the user.
- Spray evenly throughout the whole area.

40 g (34 mL) – One can effectively treats 114 m³ of air volume;

60 g (52 mL) – One can effectively treats 171 m³ of air volume;

100 g (86 mL) – One can effectively treats 285 m³ of air volume.

‘Blocks away’ disinsection

This procedure takes place prior to take off, after passengers have boarded and the doors have been closed.

The flight deck is sprayed prior to boarding by the cabin crew.

For disinsection to be effective, the aircraft air conditioning system must be switched off whilst spraying. The cabin crew must treat all possible insect harbourages including toilets, galleys and wardrobes, unless these areas have been sprayed together with the flight-deck prior to boarding.

‘Top-of-descent’ (in-flight spraying)

According to WHO guidance: pre-flight and top-of-descent spraying is a two-part disinsection method. ‘Top-of-descent’ (in-flight spraying) is the second technique of this method and is carried out at ‘top-of-descent’, as the aircraft starts its descent to the destination airport. Air re-circulation shall be set at normal flow.

No residual efficacy has been demonstrated.

Products containing 1R-trans phenothrin should not be used for both pre-flight and in-flight treatment in the same aircraft.

4.1.2. Use-specific risk mitigation measures

- The product should be applied only once per flight.
- A member of the cabin crew shall perform no more than one application per day.
- Do not use/apply the product directly on or near food, feed or drinks, or on surfaces or utensils likely to be in direct contact with food and drinks.
- Contains 1R-trans phenothrin (pyrethroids), may be dangerous to cats. Care must be taken in using the product when cats are present in the aircraft. Cats must be kept away during treatment.
- Cleaning of treated aircraft must only be undertaken using specialised products that do not require discharge of liquid waste to drains and local sewage treatment plants.
- Cleaning equipment (brushes, cloths, etc.) used on an aircraft after application of the product must be disposed of as solid waste and must not be re-used.

4.1.3. Where specific to the use, the particulars of likely direct or indirect effects, first aid instructions and emergency measures to protect the environment

First Aid instructions:

General

- IF INHALED: If symptoms occur call a POISON CENTRE or a doctor.
- IF SWALLOWED: If symptoms occur call a POISON CENTRE or a doctor.
- IF ON SKIN: Wash with soap and water. If symptoms occur call a POISON CENTRE or a doctor.
- IF IN EYES: IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. If symptoms occur call a POISON CENTRE or a doctor.
- Pyrethroids may cause paresthesia (burning and prickling of the skin without irritation). If symptoms persist: seek medical advice.

Emergency measures to protect the environment in case of accident

- Contain and control any leaks or spills with non-combustible absorbent materials such as sand, earth, vermiculite, or diatomaceous earth in drums for waste disposal.

- Prevent any material from entering drains or waterways.
- Do not direct water spray at the point of leakage or of spillage.
- Allow any product remaining as a result of the leak or spill to evaporate.

4.1.4. Where specific to the use, the instructions for safe disposal of the product and its packaging

- An appropriate entry should be made in the Aircraft General Declaration, giving details of the disinsection procedure together with the serial numbers of the spray cans used.
- The empty spray cans are to be retained for inspection by the Port Health Authority.
- Do not pour the product into drains or waterways.
- Ensure that waste management is carried out without endangering human health, without harming the environment and, in particular, without risk to water, air, soil, plants or animals.
- Recycle or dispose of waste product in compliance with applicable legislation, preferably via a certified collector or company.
- Do not contaminate the ground or water with waste product.
- Do not dispose of waste product into the environment.

4.1.5. Where specific to the use, the conditions of storage and shelf-life of the product under normal conditions of storage

See directions for use

5. GENERAL DIRECTIONS FOR USE ⁽¹⁾

5.1. Instructions for use

See section 4.1.1

5.2. Risk mitigation measures

See section 4.1.2

5.3. Particulars of likely direct or indirect effects, first aid instructions and emergency measures to protect the environment

See section 4.1.3

5.4. Instructions for safe disposal of the product and its packaging

See section 4.1.4

5.5. Conditions of storage and shelf-life of the product under normal conditions of storage

- Store in original packaging in a cool (below 40 °C), dry and well-ventilated place. Protect from frost.
- Store out of direct sunlight, even when empty.

Shelf life: 2 years

6. OTHER INFORMATION

⁽¹⁾ Instructions for use, risk mitigation measures and other directions for use under this section are valid for all authorised uses.

COMMISSION IMPLEMENTING REGULATION (EU) 2021/369**of 1 March 2021****establishing the technical specifications and procedures required for the system of interconnection of central registers referred to in Directive (EU) 2015/849 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 Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC ⁽¹⁾, and in particular Article 31a thereof,

Whereas:

- (1) Member States are required to interconnect their national central beneficial ownership registers via the European Central Platform established by Article 22(1) of Directive (EU) 2017/1132 of the European Parliament and of the Council ⁽²⁾, and the interconnection should be set up in accordance with the technical specifications and procedures established by the implementing acts adopted by the Commission in accordance with Article 24 of that Directive. Nevertheless, the differences between the purpose, scope and content of the registers interconnected under Directive (EU) 2017/1132 and the central beneficial ownership registers established under Directive (EU) 2015/849 necessitate defining and adopting further technical specifications, measures and other requirements that ensure uniform conditions for the implementation of the system.
- (2) The measures provided for in this Regulation are in accordance with the opinion of the Committee on the Prevention of Money Laundering and Terrorism Financing,

HAS ADOPTED THIS REGULATION:

Article 1

The technical specifications and procedures for the system of interconnection of registers referred to in Article 30 and 31 of Directive (EU) 2015/849 shall be as set out in the Annex.

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*.

⁽¹⁾ OJ L 141, 5.6.2015, p. 73

⁽²⁾ Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law (OJ L 169, 30.6.2017, p. 46).

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

Done at Brussels, 1 March 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Setting out the technical specifications and procedures referred to in Article 1**1. Subject matter**

The Beneficial Ownership Registers Interconnection System ('BORIS') shall be established as a decentralised system interconnecting the central national beneficial ownership registers and the European e-Justice Portal ⁽¹⁾ through the European Central Platform ⁽²⁾. BORIS shall serve as a central search service making available all information related to beneficial ownership in line with the provisions of Directive (EU) 2015/849. ⁽³⁾

2. Definitions

- (a) 'register' means national central registers on beneficial ownership information referred to in Articles 30 and 31 of Directive (EU) 2015/849;
- (b) 'qualified user' means the users of BORIS referred to in points (a) and (b) of Article 30(5) and in points (a) and (b) of Article 31(4) of the Directive (EU) 2015/849;
- (c) 'minimum mandatory information' means the common set of information with the same structure and types in all registers in the Member States;
- (d) 'additional information' means the commonly predefined set of information that Member States may decide to share – in addition to the 'minimum mandatory information' – partly or entirely through BORIS;
- (e) 'national registration number' means the individual identity number attributed under national law to a company or other legal entity, or to a trust or a similar arrangement in the beneficial ownership register.

3. The relationship of national registration number with the European Unique Identifier and company registration number

- 3.1. The beneficial ownership register shall share with the European Central Platform the national registration number and, for companies, the European Unique Identifier ('EUID') attributed to them in the Business Registers Interconnection System ('BRIS') ⁽⁴⁾ as well as the company registration number, in case the latter is different from the national registration number. The company registration number shall be used to attribute the EUID to companies that do not have an EUID in BRIS. For other legal entities, trusts or similar arrangements, the EUID shall be attributed based on the national registration number.
- 3.2. Users of BORIS shall be able to search companies, other legal entities, trusts or similar arrangements using the national registration number and the company registration number, if different from the national registration number.
- 3.3. Member States may choose not to provide national registration numbers for trusts or similar legal arrangements. With regard to trusts or similar legal arrangements created under the law of the Member State where they are held in the beneficial ownership register, this derogation only applies for a period of five years counted from the date on which BORIS becomes operational.

⁽¹⁾ Hereinafter: the portal.

⁽²⁾ The European Central Platform (hereinafter: the platform) is established by Article 22(1) of Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law (OJ L 169, 30.6.2017, p. 46).

⁽³⁾ This being without prejudice to any additional functionalities BORIS might acquire in the future.

⁽⁴⁾ Article 16(1) of Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law and Article 8 of the Annex to Commission Implementing Regulation (EU) 2015/884 of 8 June 2015 establishing technical specifications and procedures required for the system of interconnection of registers established by Directive 2009/101/EC of the European Parliament and of the Council.

4. **Methods of communication**

BORIS shall use service-based methods of electronic communication, such as web-services, for the purpose of interconnection of registers.

The communication between the portal and the platform, and between a register and the platform, shall be one-to-one communication.

5. **Communication protocols**

Secure internet protocols, such as HTTPS, shall be used for the communication between the portal, the platform and the registers.

Standard communication protocols, such as Simple Object Access Protocol (SOAP), shall be used for the transmission of data and metadata.

6. **Security standards**

For the communication and distribution of information via BORIS, the technical measures for ensuring minimum information technology security standards shall include:

- (a) measures to ensure confidentiality of information, including by using secure channels, such as HTTPS;
- (b) measures to ensure the integrity of data while being exchanged;
- (c) measures to ensure the non-repudiation of origin of the sender of information within BORIS and the non-repudiation of receipt of information;
- (d) measures to ensure logging of security events in line with recognised international recommendations for information technology security standards;
- (e) measures to ensure the authentication and authorisation of any qualified users and measures to verify the identity of systems connected to the portal, the platform or the registers within BORIS;
- (f) where necessary, measures to protect against automated searches and copying of registers, such as limiting the results returned by each register to a maximum number and using a CAPTCHA ⁽⁹⁾ functionality.

7. **Data to be exchanged in the framework of BORIS**

- 7.1. The set of information in the national registers concerning a corporate or other legal entity, or a trust or a similar type of legal arrangement is referred to as 'BO record'. The 'BO record' includes data on the profile of the entity or arrangement concerned, on the person of the beneficial owner or owners of that entity or arrangement, as well as on the beneficial interest(s) held by those owners.
- 7.2. In relation to a company or other legal entity, as well as in relation to a trust or a similar arrangement, data on the profile shall include information on the name, legal form, as well as the registration address and the national registration number, if any.
- 7.3. Each Member State shall have the possibility to extend the minimum mandatory information with additional information. With regard to the beneficial owner and the beneficial interest held by him/her, minimum mandatory information shall consist of the data set out in the second subparagraph of Article 30(5) and in the second subparagraph of Article 31(4) of Directive (EU) 2015/849. With regard to the identity of the beneficial owner, additional information shall include at least the date of birth or contact details, as set out in the last sentence of Article 30(5) and third subparagraph of Article 31(4). The data from the BO record shall be modelled based on the established interface specification.

⁽⁹⁾ 'Completely Automated Public Turing test to tell Computers and Humans Apart'.

- 7.4. The exchange of information shall also include messages necessary for the operation of the system, such as for acknowledgement of receipt, logging and reporting.

8. **Structure of the standard message format**

The exchange of information between the registers, the platform and the portal shall be based on standard data-structuring methods and shall be expressed in a standard message format such as XML ⁽⁹⁾.

9. **Data for the platform**

- 9.1. In accordance with the interoperability requirements the services to be exposed by each register shall be unified and present the same interface in order to enable the interaction by the calling application, such as the platform, with one single kind of interface exposing a common set of data elements. Member States shall align their internal data structure using mapping tables or similar technical implementation to meet the requirements of the interface specifications to be provided by the Commission.

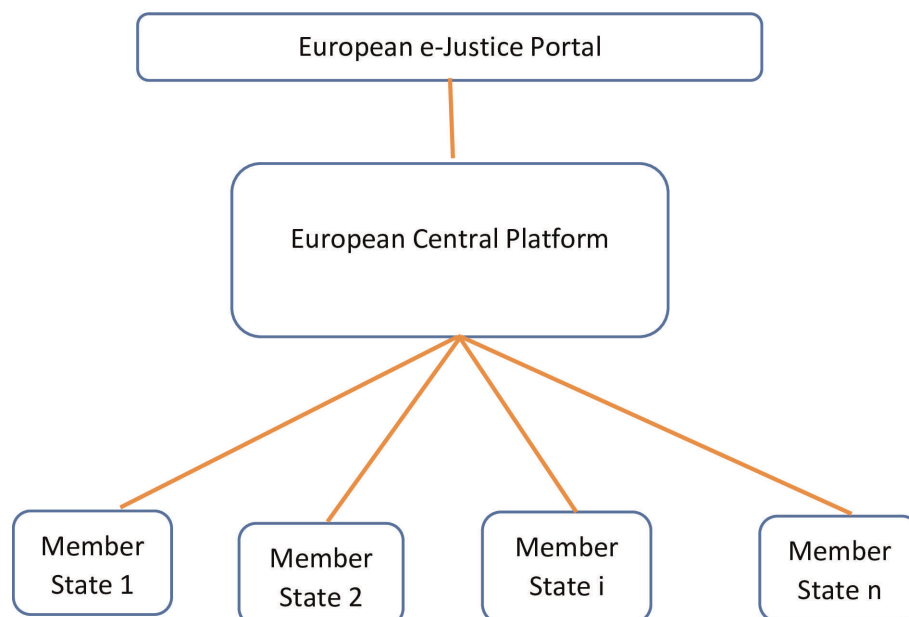
- 9.2. The following type of data shall be provided for the platform to perform its functions:

- (a) data allowing for the identification of systems that are connected to the platform. Those data could consist of URLs or any other number or code uniquely identifying each system within BORIS;
- (b) any other operational data that is necessary for the platform to ensure the proper and efficient functioning of the search service and the interoperability of the registers with the platform. Those data may include code lists, reference data, glossaries and related translations of those metadata, as well as logging and reporting data.

- 9.3. The data and metadata handled by the platform shall be processed and stored in line with the security standards set out in Section 5.

10. **Methods of operation of the system and information technology services provided by the platform**

- 10.1 For the distribution and exchange of information, the system shall be based on the following technical method of operation:



⁽⁹⁾ Extensible Markup Language.

10.2. For the delivery of messages in the relevant language version, the European e-Justice Portal shall provide reference data artefacts, such as code lists, controlled vocabularies and glossaries. Where relevant, these shall be translated into the official languages of the Union. Where possible, recognised standards and standardised messages shall be used.

10.3. The Commission shall share with the Member State further details on the technical method of operation and the implementation of the information technology services provided by the platform.

11. Search criteria

11.1. At least one country shall be selected when running a search.

11.2. The portal shall provide the following harmonised criteria for the search:

(a) with regard to the companies or other legal entities, the trusts or similar arrangements:

- (i) Name of the legal entity or arrangement;
- (ii) National registration number.

The search criteria under (i) and (ii) can be used alternatively.

(b) with regard to persons as beneficial owners:

- (i) First name and surname of the beneficial owner;
- (ii) Date of birth of the beneficial owner.

The search criterion under (i) and (ii) shall be used cumulatively.

11.3. Further search criteria may be available on the portal.

12. Payment modalities and online registration

12.1. For the particular data for which Member States charge fees and which are made available on the portal via BORIS, the system shall allow users to pay online by using widely used payment methods such as credit and debit cards.

12.2. BORIS shall contain measures to ensure a possibility for an online registration in accordance with Article 30(5a) and Article 31(4a) of Directive (EU) 2015/849.

13. Availability of services

13.1. The service shall available be 24h/7 days, with an availability rate of BORIS of at least 98 % excluding scheduled maintenance.

13.2. Member States shall notify the Commission of maintenance activities as follows:

- (a) 5 working days in advance for maintenance operations that may cause an unavailability period of up to 4 hours;
- (b) 10 working days in advance for maintenance operations that may cause an unavailability period of up to 12 hours;
- (c) 30 working days in advance for infrastructure computer room maintenance, which may cause up to 6 days unavailability period per year.

To the extent possible, maintenance operations shall be planned outside working hours (19.00–8.00 CET).

- 13.3. Where Member States have fixed weekly service windows, they shall inform the Commission of the time and day of the week when such fixed weekly windows are planned. Without prejudice to the obligations in points (a) to (c) of the second paragraph, where Member State systems become unavailable during such a fixed window, Member States may choose not to notify the Commission.
- 13.4. In case of unexpected technical failure causing unavailability of more than half an hour of the systems of Member States, they shall inform the Commission without delay during working hours (9.00–16.00 CET) of their system unavailability, and, if known, of the projected resuming of the service.
- 13.5. In case of unexpected failure of the central platform or of the portal, the Commission shall inform Member States without delay during working hours (9.00–16.00 CET) of the unavailability of the platform or the portal, and if known, of the expected resuming of the service.

14. **Rules of transcription and transliteration**

Each Member State shall transcribe or transliterate the search requests targeted to them and the returned results in accordance with their national standards.

COMMISSION IMPLEMENTING REGULATION (EU) 2021/370**of 1 March 2021****making imports of stainless steel cold-rolled flat products originating in India and Indonesia subject to registration**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ ('the basic Regulation'), and in particular Article 14(5) thereof,

After informing the Member States,

Whereas:

- (1) On 30 September 2020, the European Commission ('the Commission') announced, by a notice published in the *Official Journal of the European Union* ⁽²⁾ ('the notice of initiation'), the initiation of an anti-dumping proceeding with regard to imports into the Union of stainless steel cold-rolled flat products originating in India and Indonesia ('the anti-dumping proceeding'), following a complaint lodged on 17 August 2020 by the European Steel Association ('EUROFER') ('the complainant') on behalf of producers representing more than 25 % of the total Union production of stainless steel cold-rolled flat products.

1. PRODUCT SUBJECT TO REGISTRATION

- (2) The product subject to registration ('the product concerned') is flat-rolled products of stainless steel, not further worked than cold-rolled (cold-reduced), originating in India and Indonesia ('the countries concerned'). These products are currently classified under CN codes 7219 31 00, 7219 32 10, 7219 32 90, 7219 33 10, 7219 33 90, 7219 34 10, 7219 34 90, 7219 35 10, 7219 35 90, 7219 90 20, 7219 90 80, 7220 20 21, 7220 20 29, 7220 20 41, 7220 20 49, 7220 20 81, 7220 20 89, 7220 90 20 and 7220 90 80. The CN codes are given for information only.

2. REQUEST

- (3) On 21 December 2020, the complainant submitted a registration request pursuant to Article 14(5) of the basic Regulation, which further substantiated its request for registration in the complaint. The complainant requested that imports of the product concerned be made subject to registration so that measures may be applied against those imports retroactively from the date of such registration.
- (4) One exporting producer operating in both countries concerned, the Jindal Group, submitted comments in reaction to the request.

3. GROUNDS FOR REGISTRATION

- (5) According to Article 14(5) of the basic Regulation, the Commission may direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports from the date of such registration, provided all conditions set out in the basic Regulation are met. Imports may be made subject to registration following a request from the Union industry, which contains sufficient evidence to justify such action.
- (6) The complainant alleged that, on the basis of the most recent available statistics, there had been a substantial rise in imports following the initiation of the investigation, which was likely to seriously undermine the remedial effect of the potential definitive duties. Moreover the complainant argued that in view of the history of dumping on the product concerned and the numerous measures imposed and investigations opened, the importers were, or should have been, aware of the dumping practices from the countries concerned.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ OJ C 322, 30.9.2020, p. 17.

- (7) The Commission examined the request in the light of Article 10(4) of the basic Regulation. The Commission verified whether the importers were aware, or should have been aware, of the dumping as regards the extent of the dumping and the injury alleged or found. It also analysed whether there was a further substantial rise in imports which, in the light of its timing as well as volume and other circumstances, was likely to seriously undermine the remedial effect of a potential definitive anti-dumping duty to be applied.

3.1. Awareness of the importers of the dumping, the extent thereof and the alleged injury

- (8) At this stage, the Commission has at its disposal sufficient evidence that imports of the product concerned from India and Indonesia are being dumped. The complaint provided sufficient evidence of dumping, based on a comparison of the normal value thus established with the export price (at ex-works level) of the product concerned when sold for export to the Union. As a whole, and given the extent of the alleged dumping margins of 48,8 % for India and ranging from 15,6 % to 34,4 % for Indonesia, this evidence provided sufficient support that the exporting producers practice dumping.
- (9) The complaint also provided sufficient evidence of alleged injury to the Union industry, including a negative development of key performance indicators of the Union industry.
- (10) That information was contained both in the non-confidential version of the complaint and in the notice of initiation for this proceeding published on 30 September 2020. By its publication in the *Official Journal of the European Union*, the Notice of Initiation is a public document accessible to all importers. Furthermore, as interested parties in the investigation, importers have access to the non-confidential version of the complaint and the non-confidential file. Therefore, the Commission considered that, on this basis, importers, were aware, or should have been aware, of the dumping, the extent thereof and the alleged injury
- (11) The Commission thus concluded that the first criterion for registration was met.

3.2. Further substantial rise in imports

- (12) The Commission analysed this criterion based on the statistical data concerning imports of the product under investigation from the countries concerned available in the Surveillance 2 database. For assessing whether a further substantial increase had taken place since the initiation of the investigation, the Commission first defined the periods of time to be compared. On the one hand, it assessed the import data from India and Indonesia following the initiation of the anti-dumping investigation (i.e. the point in time as of when importers were aware, or should have been aware, of dumping practices) until the most recent period, i.e. the period October 2020 until January 2021. On the other hand, the Commission calculated Indian and Indonesian imports for the same period during the investigation period ('IP'), i.e. October 2019 until January 2020, as well as the monthly average import volumes in the full IP.
- (13) The comparison shows that the monthly average import volume from India and Indonesia developed as follows:

Table 1

Import volumes from the countries concerned (tonnes)

Import volumes (monthly average)	Investigation period (July 2019 – June 2020)	October 2019 – January 2020	Post-initiation (October 2020 – January 2021)	Delta	
				Post-initiation period vs Investigation period (%)	Post-initiation vs October 2019 – January 2020 (%)
India	8 984	10 918	6 321	-30	-42
Indonesia	7 622	7 432	13 048	71	76
Countries concerned	16 606	18 350	19 370	17	6

- (14) On the basis of these statistical data, the Commission found that the average monthly volume of imports of stainless steel cold-rolled flat products from the countries concerned in the period from October 2020 to January 2021, i.e. after initiation of the anti-dumping case, was 17 % higher than the average monthly imports during the IP and 6 % higher than the same period of the preceding year.
- (15) The Jindal Group argued that the analysis for registration had to be based on the period after the initiation of the anti-dumping investigation, while Eurofer provided data for the period after the IP. The Jindal Group claimed that a further substantial rise in imports after the initiation of the anti-dumping investigation was not evidenced in the complainant's submission and that Eurostat data showed a decline in imports from India in October 2020 compared to the IP (i.e. 8 650 tonnes in October 2020 compared to a monthly average of 9 058 tonnes during the IP). According to the Jindal Group, import volumes from Indonesia were concentrated in the first month of each quarter and showed a decline in October 2020 when compared to April and July 2020 (i.e. 21 532 tonnes in October 2020, while 22 299 tonnes in April 2020 and 26 787 tonnes in July 2020). Therefore, the Jindal Group concluded that there was no increase in imports and thus this criterion was not met.
- (16) The Commission notes at the outset that the complainant provided import statistics for the investigation period, for the third quarter of 2020, and for the period after the initiation, i.e. until October 2020. The Jindal Group also provided data for the same time periods as the complainant, ending in the month of October 2020. The analysis of the Commission is based on the most recent data ending in January 2021, as specified in Table 1 above. As explained in recital (12), the relevant post-IP monthly average imports for the period October 2020 until January 2021 were compared to the monthly average imports for the period October 2019 until January 2020, as well as with the monthly average import volumes in the full IP. The period between the IP and the initiation of the investigation, that is the third quarter of 2020, was not considered in this assessment. The relevant data considered by the Commission, cumulated for the countries concerned, showed a further substantial rise in imports after initiation both when compared to the investigation period and to the corresponding period during the IP. The claim of the Jindal Group that no further substantial rise from both India and Indonesia after the initiation took place was found to be incorrect in light of the more recent data available to the Commission. The claim of the Jindal Group that imports from Indonesia were concentrated in the first month of each quarter did not change the conclusion that there was a further substantial increase of imports from the countries concerned on the basis of the relevant import data. This concentration of imports is likely to be linked to the mechanics of the free-of-safeguard-duty Tariff-Rate Quota ("TRQ") under the safeguard measures on certain steel products ('safeguard measures') ⁽³⁾, where the opening of new free-of-safeguard-duty TRQ batches at the beginning of each quarter generally leads to large import volumes concentrated in the early stages of the quarters. The claims by the Jindal Group were therefore dismissed.
- (17) The complainant claimed that an increase in imports from the countries concerned took place because of the liberalised tariff rate quotas on the product concerned after the review of the safeguard measures ⁽⁴⁾ and that a further increase in imports, causing additional injury, could be expected because of changes made to the tariff rate quotas following the departure of the United Kingdom from the European Union ⁽⁵⁾. The complainant argued that as a result the 'other country' quota would be adjusted upward by more than 13 000 tonnes, and that this increase would give the opportunity to Indonesia to further increase its exports to the EU. The Jindal Group dismissed this claim as unsubstantiated and speculative. At the same time, the Jindal Group claimed that the further liberalisation of the safeguard measures has only led to an increase in imports from other third countries than the countries concerned.

⁽³⁾ Commission Implementing Regulation (EU) 2019/159 of 31 January 2019 imposing definitive safeguard measures against imports of certain steel products (OJ L 31, 1.2.2019, p. 27).

⁽⁴⁾ Commission Implementing Regulation (EU) 2020/894 of 29 June 2020 amending Implementing Regulation (EU) 2019/159 imposing definitive safeguard measures against imports of certain steel products (OJ L 206, 30.6.2020, p. 27).

⁽⁵⁾ Notice concerning the adaptation of the level of Tariff Rate Quotas under the safeguard measures on certain steel products following the exit of the United Kingdom from the European Union as of 1 January 2021 (OJ C 366, 30.10.2020, p. 36).

- (18) The adaptation of the level of tariff rate quotas under the safeguard measures following the exit of the United Kingdom from the European Union has led to lower country-specific quotas, while increasing the quota for other countries. While India has a country-specific quota, Indonesia must import under the global quota shared with other countries. Indonesia has consistently been using a large part of the global quota since the entry into force of the safeguard measures and the imports in January 2021 (i.e. almost 30 000 tonnes out of the total 2021Q1 global quota of 46 536 tonnes) indicated a further increase in imports from Indonesia. Thus, the exit of the United Kingdom did not only lead to an increase in imports from other third countries than the countries concerned, as the Jindal Group claimed. Therefore, the available evidence supports the claim by the complainant that the imports from Indonesia are likely to increase further after the adaptation following the exit of the United Kingdom from the European Union.
- (19) In view of the above considerations, the Commission concluded that the second criterion for registration was also met.

3.3. Undermining of the remedial effect of the duty

- (20) The Commission has at its disposal sufficient evidence that additional injury would be caused by a continued rise in imports from India and Indonesia at further decreasing prices, thereby likely to seriously undermine the remedial effects of possible definitive anti-dumping duties.
- (21) As established in section 3.2, there is sufficient evidence of a substantial rise in imports taken as a whole of the product concerned in the period following the initiation of the investigation.
- (22) In addition, there is evidence of a decreasing trend in the import prices of the product concerned based on the Surveillance 2 database. The average price in euros of imports from the countries concerned has decreased on average by 12 % when comparing the period of October 2020 until January 2021 to the same period in the preceding year and by 10 % when compared to the monthly average in the investigation period, as reflected in Table 2 below.

Table 2

Import prices from the countries concerned (EUR/tonne)

Average import price	Investigation period (July 2019 – June 2020)	October 2019 – January 2020	Post-initiation (October 2020 – January 2021)	Price decrease (%) Post-initiation period vs Investigation period	Price decrease (%) Post-initiation vs October 2019 – January 2020
India	2 076	2 122	1 898	-9	-11
Indonesia	1 972	2 007	1 780	-10	-11
Countries concerned	2 028	2 075	1 818	-10	-12

- (23) The complainant claimed that the increased imports coincided with an increase in raw material costs, especially nickel and ferro-chromium, which are allegedly distorted in the countries concerned, putting a further price pressure on the Union industry. The Jindal Group contested such an increase in ferro-chromium price and argued that the increase in nickel prices cannot have caused injury, because of their cyclical trend.

- (24) After showing an increase of more than 10 % from the first quarter of 2020, the price of ferro-chromium remained stable for the last three quarters of 2020 and increased by 3 % in 2021. The price of nickel on the London Metal Exchange increased by around 40 % since the end of the investigation period. Although the historical price of nickel has shown to be volatile, the Jindal Group did not provide any evidence of a clear cyclical trend. The Commission did indeed observe an increase in raw materials prices since the initiation of the investigation resulting in further price suppression on the Union industry, as these price increases could not be reflected in the price of the product concerned due to the low-priced imports from the countries concerned. Such price suppression has also been evidenced by the complainant's data on the decrease in EBITDA of the Union industry.
- (25) Moreover, the complainant provided indications that importers stockpile the product concerned, which might cause additional injury to the Union industry, especially in view of the rising cost of raw materials, and are likely to seriously undermine the remedial effect of any anti-dumping duty to be applied.
- (26) Furthermore, the Jindal Group argued that the request for registration did not take into account the reduced demand caused by the Covid-19 pandemic.
- (27) The Commission notes that this argument is linked to causation and attribution considerations, which are not directly relevant in the analysis to register imports under Article 10(4) of the basic Regulation. In any event, the Commission considers that any decreased demand due to the pandemic meant that the increased import volumes at lower prices could only objectively worsen further the situation of the Union industry, and hence be likely to further undermine the remedial effect of the definitive duties. Therefore, this argument was rejected.
- (28) The further rise in imports following the initiation of the investigation is thus likely, in light of its timing, volume and other circumstances, such as the pricing behaviour of exporting producers, the increasing costs of raw materials, and the indication of stockpiling activities by the importers of the product concerned, to seriously undermine the remedial effect of any definitive duty, unless such duty would be applied retroactively.
- (29) The Commission therefore concluded that the third criterion for registration was also met.

4. PROCEDURE

- (30) The Commission has concluded that there is sufficient evidence to justify making imports of the product concerned subject to registration in accordance with Article 14(5) of the basic Regulation.
- (31) All interested parties are invited to make their views known in writing and to provide supporting evidence. The Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

5. REGISTRATION

- (32) Under Article 14(5) of the basic Regulation imports of the product concerned should be made subject to registration for the purpose of ensuring that, should the investigations result in findings leading to the imposition of anti-dumping duties, those duties can, if the necessary conditions are fulfilled, be levied retroactively on the registered imports in accordance with the applicable legal provisions.
- (33) Any future liability would emanate from the findings of the anti-dumping investigation.

- (34) The allegations in the complaint requesting the initiation of an anti-dumping investigation estimate dumping margins of 48,8 % for India and from 15,6 % to 34,4 % for Indonesia and an injury elimination level of 33,9 % for India and 44,1 % for Indonesia for the product concerned. The amount of possible future liability would normally be set at the lower of those levels according to Article 7(2) of the basic Regulation. However, should the Commission find that the conditions of Article 7(2a) and 7(2b) of the basic Regulation are met for India and/or Indonesia, namely that the dumping margin could be considered to reflect the injury suffered by the Union industry, the amount of possible future liability for imports from these countries could be set at the level of the dumping margin..

6. PROCESSING OF PERSONAL DATA

- (35) Any personal data collected in the context of this registration will be treated in accordance with Regulation (EU) 2018/1725 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The customs authorities are hereby directed, under Article 14(5) of Regulation (EU) 2016/1036, to take the appropriate steps to register imports of flat-rolled products of stainless steel, not further worked than cold-rolled (cold-reduced). These products are currently falling under CN codes 7219 31 00, 7219 32 10, 7219 32 90, 7219 33 10, 7219 33 90, 7219 34 10, 7219 34 90, 7219 35 10, 7219 35 90, 7219 90 20, 7219 90 80, 7220 20 21, 7220 20 29, 7220 20 41, 7220 20 49, 7220 20 81, 7220 20 89, 7220 90 20 and 7220 90 80 and are originating in India and Indonesia.
2. Registration shall expire nine months following the date of entry into force of this Regulation.
3. All interested parties are invited to make their views known in writing, to provide supporting evidence or to request to be heard within 21 days from the date of publication of this Regulation.

Article 2

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

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

Done at Brussels, 1 March 2021.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁶⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

CORRIGENDA**Corrigendum to Regulation (EU) 2020/2131 of the European Parliament and of the Council of 16 December 2020 on the elimination of customs duties on certain goods**

(Official Journal of the European Union L 430 of 18 December 2020)

On page 3, Article 5(4):

- for:* ‘4. At the request of the economic operators concerned, the national customs authorities of the Member States concerned shall reimburse any duties paid in excess of those applicable in accordance with this Regulation for imports from the United States between 1 August 2020 and 18 December 2020.’,
- read:* ‘4. At the request of the economic operators concerned, the national customs authorities of the Member States concerned shall reimburse any duties paid in excess of those applicable in accordance with this Regulation for imports between 1 August 2020 and 18 December 2020.’.
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