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⁽¹⁾ Text with EEA relevance.

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2017/160

of 20 January 2017

amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein ⁽¹⁾, and in particular Article 19(5) thereof,

Whereas:

- (1) Regulation (EC) No 338/97 regulates trade in animal and plant species listed in the Annex to the Regulation. The species listed in the Annex include the species set out in the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (the Convention) as well as species whose conservation status requires that trade from, into and within the Union be regulated or monitored.
- (2) At the 17th meeting of the Conference of the Parties to the Convention, held in Johannesburg, South Africa, from 24 September to 4 October 2016 (CoP 17), certain amendments were made to the Appendices to the Convention. These amendments should be reflected in the Annexes to Regulation (EC) No 338/97.
- (3) The following genera or species were included in Appendix I to the Convention and should be included in Annex A to Regulation (EC) No 338/97: *Abronia anzuetoi*, *Abronia campbelli*, *Abronia fimbriata*, *Abronia frosti*, *Abronia meledona*, *Cnemaspis psychedelica*, *Lygodactylus williamsi*, *Telmatobius culeus*, *Polymita* spp.
- (4) The following species were transferred from Appendix II to Appendix I to the Convention and should be removed from Annex B and included in Annex A to Regulation (EC) No 338/97: *Manis crassicaudata*, *Manis culionensis*, *Manis gigantea*, *Manis javanica*, *Manis pentadactyla*, *Manis temminckii*, *Manis tetradactyla*, *Manis tricuspis*, *Macaca sylvanus*, *Psittacus erithacus*, *Shinisaurus crocodilurus*, *Sclerocactus blainei*, *Sclerocactus cloverae*, *Sclerocactus sileri*.
- (5) The following taxa were transferred from Appendix I to Appendix II to the Convention and should be removed from Annex A and included in Annex B to Regulation (EC) No 338/97: *Puma concolor coryi*, *Puma concolor cougar*, *Equus zebra zebra*, *Lichenostomus melanops cassidix*, *Ninox novaeseelandiae undulata*, *Crocodylus acutus* (population of the Bay of Cispatá in Colombia, with annotation), *Crocodylus porosus* (populations of Malaysia, with annotation), *Dyscophus antongilii*.
- (6) The following family, genera or species were included in Appendix II to the Convention and should be included in Annex B to Regulation (EC) No 338/97: *Capra caucasica*, *Abronia* spp. (with an annotation for *Abronia aurita*,

⁽¹⁾ OJ L 61, 3.3.1997, p. 1.

Abronia gaiophantasma, *Abronia montecristoi*, *Abronia salvadorensis* and *Abronia vasconcelosii*, and except the species listed in Appendix I), *Rhampheleon* spp., *Rieppeleon* spp., *Paroedura masobe*, *Atheris desaixi*, *Bitis worthingtoni*, *Lanthanotidae* spp. (with annotation), *Cyclanorbis elegans*, *Cyclanorbis senegalensis*, *Cycloderma aubryi*, *Cycloderma frenatum*, *Rafetus euphraticus*, *Trionyx triunguis*, *Dyscophus guineti*, *Dyscophus insularis*, *Scaphiophryne boribory*, *Scaphiophryne marmorata*, *Scaphiophryne spinosa*, *Paramesotriton hongkongensis*, *Carcharhinus falciformis* (with annotation), *Alopias* spp. (with annotation), *Mobula* spp. (with annotation), *Holacanthus clarionensis*, *Nautilidae* spp., *Beaucarnea* spp., *Dalbergia* spp. (with annotation), *Guibourtia demeusei* (with annotation), *Guibourtia pellegriniana* (with annotation), *Guibourtia tessmannii* (with annotation), *Pterocarpus erinaceus*, *Adansonia grandidieri* (with annotation), *Siphonochilus aethiopicus* (with annotation).

- (7) The following species were deleted from Appendix II to the Convention and should be removed from Annex B to Regulation (EC) No 338/97: *Bison bison athabasca*, *Tillandsia mauryana*.
- (8) Species which were so far listed in Appendix III have been removed from that Appendix following their inclusion in Appendix II and should be removed from Annex C to Regulation (EC) No 338/97.
- (9) *Abronia graminea* and *Salamandra algira* which were so far listed in Annex D to Regulation (EC) No 338/97, should be removed from that Annex following their inclusion in Appendix II and Appendix III respectively to the Convention at CoP 17.
- (10) A number of annotations relating to species or genus included in the Appendices of the Convention were adopted or amended at CoP 17 and also need to be reflected in the Annexes to Regulation (EC) No 338/97 (annotations for the species *Vicugna vicugna*, *Panthera leo*, *Crocodylus moreletti*, *Bulnesia sarmientoi*, the genera *Aquilaria* spp. and *Gyrinops* spp., the genus *Dalbergia* spp., the species *Guibourtia demeusei*, *Guibourtia pellegriniana* and *Guibourtia tessmannii* and the species *Adansonia grandidieri*).
- (11) The Union has not entered a reservation in respect of any of those amendments.
- (12) At CoP 17, new nomenclatural references for animals and plants were adopted.
- (13) The following species were recently included in Appendix III to the Convention: *Salamandra algira* at the request of Algeria; *Chelydra serpentina*, *Apalone ferox*, *Apalone mutica* and *Apalone spinifera* at the request of the United States; *Potamotrygon* spp. (with annotation) and *Hypancistrus zebra* at the request of Brazil; *Potamotrygon constellata*, *Potamotrygon magdalenae*, *Potamotrygon motoro*, *Potamotrygon orbignyi*, *Potamotrygon schroederi*, *Potamotrygon scobina*, *Potamotrygon yepezi* and *Paratrygon aiereba* at the request of Colombia. These species should therefore be included in Annex C to Regulation (EC) No 338/97.
- (14) In view of the extent of the amendments it is appropriate, for reasons of clarity, to replace the Annex to Regulation (EC) No 338/97 in its entirety.
- (15) Regulation (EC) No 338/97 should therefore be amended accordingly.
- (16) Article XV.1(c) of the Convention states that 'amendments adopted at a meeting [of the Conference of the Parties] shall enter into force 90 days after that meeting for all Parties (...)'. In order to meet that deadline and ensure the timely entry into force of the changes to the Annex to this Regulation, the entry into force of this Regulation should be on the third day following that of its publication.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Trade in Wild Fauna and Flora established pursuant to Article 18(1) of Regulation (EC) No 338/97,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 338/97 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 20 January 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Notes on interpretation of Annexes A, B, C and D

1. Species included in Annexes A, B, C and D are referred to:
 - (a) by the name of the species; or
 - (b) as being all of the species included in a higher taxon or designated part thereof.
2. The abbreviation 'spp.' is used to denote all species of a higher taxon.
3. Other references to taxa higher than species are for the purposes of information or classification only.
4. Species printed in bold in Annex A are listed there in consistency with their protection as provided for by Directive 2009/147/EC of the European Parliament and of the Council ⁽¹⁾ or Council Directive 92/43/EEC ⁽²⁾.
5. The following abbreviations are used for plant taxa below the level of species:
 - (a) 'ssp.' is used to denote subspecies;
 - (b) 'var(s)।' is used to denote variety (varieties); and
 - (c) 'fa.' is used to denote forma.
6. The symbols '(I)', '(II)' and '(III)' placed against the name of a species or higher taxon refer to the Appendices to the Convention in which the species concerned are listed as indicated in notes 7, 8 and 9. Where none of these annotations appears, the species concerned are not listed in the Appendices to the Convention.
7. (I) against the name of a species or higher taxon indicates that the species or higher taxon concerned is included in Appendix I to the Convention.
8. (II) against the name of a species or higher taxon indicates that the species or higher taxon concerned is included in Appendix II to the Convention.
9. (III) against the name of a species or higher taxon indicates that it is included in Appendix III to the Convention. In this case the country with respect to which the species or higher taxon is included in Appendix III is also indicated.
10. 'Cultivar' means, following the definition of the 8th edition of the *International Code of Nomenclature for Cultivated Plants*, an assemblage of plants that (a) has been selected for a particular character or combination of characters, (b) is distinct, uniform, and stable in these characters, and (c) when propagated by appropriate means, retains those characters. No new taxon of a cultivar can be regarded as such until its category name and circumscription has been formally published in the latest edition of the *International Code of Nomenclature for Cultivated Plants*.
11. Hybrids may be specifically included in the Appendices but only if they form distinct and stable populations in the wild. Hybrid animals that have in their previous four generations of the lineage one or more specimens of species included in Annexes A or B shall be subject to this Regulation just as if they were full species, even if the hybrid concerned is not specifically included in the Annexes.
12. When a species is included in Annex A, B or C, all parts and derivatives of the species are also included in the same Annex unless the species is annotated to indicate that only specific parts and derivatives are included. In accordance with Article 2(t), the symbol '#' followed by a number placed against the name of a species or higher taxon included in Annex B or C designates parts or derivatives which are specified in relation thereto for the purposes of this Regulation as follows:
 - #1 Designates all parts and derivatives, except:
 - (a) seeds, spores and pollen (including pollinia);

⁽¹⁾ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

⁽²⁾ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7).

- (b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
 - (c) cut flowers of artificially propagated plants; and
 - (d) fruits and parts and derivatives thereof of artificially propagated plants of the genus *Vanilla*.
- #2 Designates all parts and derivatives, except:
- (a) seeds and pollen; and
 - (b) finished products packaged and ready for retail trade.
- #3 Designates whole and sliced roots and parts of roots, excluding manufactured parts or derivatives, such as powders, pills, extracts, tonics, teas and confectionery.
- #4 Designates all parts and derivatives, except:
- (a) seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia). The exemption does not apply to seeds from Cactaceae spp. exported from Mexico, and to seeds from *Beccariophoenix madagascariensis* and *Dypsis decaryi* exported from Madagascar;
 - (b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
 - (c) cut flowers of artificially propagated plants;
 - (d) fruits and parts and derivatives thereof of naturalized or artificially propagated plants of the genus *Vanilla* (Orchidaceae) and of the family Cactaceae;
 - (e) stems, flowers, and parts and derivatives thereof of naturalized or artificially propagated plants of the genera *Opuntia* subgenus *Opuntia* and *Selenicereus* (Cactaceae); and
 - (f) finished products of *Euphorbia antisyphilitica* packaged and ready for retail trade.
- #5 Designates logs, sawn wood and veneer sheets.
- #6 Designates logs, sawn wood, veneer sheets and plywood.
- #7 Designates logs, wood-chips, powder and extracts.
- #8 Designates underground parts (i.e. roots, rhizomes): whole, parts and powdered.
- #9 Designates all parts and derivatives, except those bearing a label 'Produced from *Hoodia* spp. material obtained through controlled harvesting and production under the terms of an agreement with the relevant CITES Management Authority of [Botswana under agreement No. BW/xxxxxx] [Namibia under agreement No. NA/xxxxxx] [South Africa under agreement No. ZA/xxxxxx]'.
- #10 Designates logs, sawn wood, veneer sheets, including unfinished wood articles used for the fabrication of bows for stringed musical instruments.
- #11 Designates logs, sawn wood, veneer sheets, plywood, powder and extracts. Finished products containing such extracts as ingredients, including fragrances, are not considered to be covered by this annotation.
- #12 Designates logs, sawn wood, veneer sheets, plywood and extracts. Finished products containing such extracts as ingredients, including fragrances, are not considered to be covered by this annotation.
- #13 Designates the kernel (also known as 'endosperm', 'pulp' or 'copra') and any derivative thereof.
- #14 Designates all parts and derivatives, except:
- (a) seeds and pollen;
 - (b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
 - (c) fruits;

- (d) leaves;
- (e) exhausted agarwood powder, including compressed powder in all shapes; and
- (f) finished products packaged and ready for retail trade, this exemption does not apply to wood chips, beads, prayer beads and carvings.

#15 Designates all parts and derivatives, except:

- (a) leaves, flowers, pollen, fruit, and seeds;
- (b) non-commercial trade of a maximum total weight of 10 kg per shipment;
- (c) parts and derivatives of *Dalbergia cochinchinensis* which are covered by Annotation #4;
- (d) parts and derivatives of *Dalbergia* spp. originating and exported from Mexico which are covered by Annotation #6.

#16 Designates seeds, fruits, oil and live plants.

13. The terms and expressions below, used in annotations in these Annexes, are defined as follows:

Extract

Any substance obtained directly from plant material by physical or chemical means regardless of the manufacturing process. An extract may be solid (e.g. crystals, resin, fine or coarse particles), semisolid (e.g. gums, waxes) or liquid (e.g. solutions, tinctures, oil and essential oils).

Finished products packaged and ready for retail trade

Products, shipped singly or in bulk, requiring no further processing, packaged, labelled for final use or the retail trade in a state fit for being sold to or used by the general public.

Powder

A dry, solid substance in the form of fine or coarse particles

Woodchips

Wood that has been reduced to small pieces

14. As none of the species or higher taxa of FLORA included in Annex A is annotated to the effect that its hybrids shall be treated in accordance with Article 4(1), this means that artificially propagated hybrids produced from one or more of these species or taxa may be traded with a certificate of artificial propagation, and that seeds and pollen (including pollinia), cut flowers, seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers of these hybrids are not subject to this Regulation.
15. Urine, faeces and ambergris which are waste products and gained without the manipulation of the animal concerned are not subject to this Regulation.
16. In respect of fauna species listed in Annex D, this Regulation shall apply only to live specimens and whole, or substantially whole, dead specimens except for taxa which are annotated as follows to show that other parts and derivatives are also covered:
- § 1 Any whole, or substantially whole, skins, raw or tanned.
 - § 2 Any feathers or any skin or other part with feathers on it.
17. In respect of flora species listed in Annex D, this Regulation shall apply only to live specimens except for taxa which are annotated as follows to show that other parts and derivatives are also covered:
- § 3 Dried and fresh plants, including, where appropriate; leaves, roots/rootstock, stems, seeds/spores, bark and fruits.
 - § 4 Logs, sawn wood and veneer sheets.

	Annex A	Annex B	Annex C	Common name
FAUNA				
CHORDATA (CHORDATES)				
MAMMALIA				Mammals
ARTIODACTYLA				
Antilocapridae				Pronghorn
	<i>Antilocapra americana</i> (I) (Only the population of Mexico; no other population is included in the Annexes to this Regulation)			Mexican pronghorn
Bovidae				Antelopes, cattle, duikers, gazelles, goats, sheep etc.
	<i>Addax nasomaculatus</i> (I)			Addax
		<i>Ammotragus lervia</i> (II)		Barbary sheep
	<i>Bos gaurus</i> (I) (Excludes the domesticated form referenced as <i>Bos frontalis</i> which is not subject to this Regulation)		<i>Antilope cervicapra</i> (III Nepal/Pakistan)	Blackbuck
	<i>Bos mutus</i> (I) (Excludes the domesticated form referenced as <i>Bos grunniens</i> which is not subject to this Regulation)			Gaur
	<i>Bos sauveli</i> (I)			Wild yak
			<i>Boselaphus tragocamelus</i> (III Pakistan)	Kouprey
			<i>Bubalus arnee</i> (III Nepal) (Excludes the domesticated form referenced as <i>Bubalus bubalis</i> , which is not subject to this Regulation)	Nilgai
	<i>Bubalus depressicornis</i> (I)			Wild Asiatic buffalo
	<i>Bubalus mindorensis</i> (I)			Lowland anoa
				Tamarau

	Annex A	Annex B	Annex C	Common name
	<i>Bubalus quarlesi</i> (I)			Mountain anoa
		<i>Budorcas taxicolor</i> (II)		Takin
	<i>Capra falconeri</i> (I)			Markhor
		<i>Capra caucasica</i> (II)		Caucasian Tur
			<i>Capra hircus aegagrus</i> (III Pakistan) (Specimens of the domesticated form are not subject to this Regulation)	Wild goat
			<i>Capra sibirica</i> (III Pakistan)	Siberian Ibex
	<i>Capricornis milneedwardsii</i> (I)			Chinese serow
	<i>Capricornis rubidus</i> (I)			Red serow
	<i>Capricornis sumatraensis</i> (I)			Sumatran serow
	<i>Capricornis thar</i> (I)			Himalayan serow
		<i>Cephalophus brookei</i> (II)		Brooke's duiker
		<i>Cephalophus dorsalis</i> (II)		Bay duiker
	<i>Cephalophus jentinki</i> (I)			Jentink's duiker
		<i>Cephalophus ogilbyi</i> (II)		Ogilby's duiker
		<i>Cephalophus silvicultor</i> (II)		Yellow-backed duiker
		<i>Cephalophus zebra</i> (II)		Zebra duiker
		<i>Damaliscus pygargus pygargus</i> (II)		Bontebok
			<i>Gazella bennettii</i> (III Pakistan)	Chinkara
	<i>Gazella cuvieri</i> (I)			Cuvier's gazelle
			<i>Gazella dorcas</i> (III Algeria/Tunisia)	Dorcas gazelle
	<i>Gazella leptoceros</i> (I)			Slender-horned gazelle

	Annex A	Annex B	Annex C	Common name
	<p><i>Hippotragus niger variani</i> (I)</p> <p><i>Naemorhedus baileyi</i> (I)</p> <p><i>Naemorhedus caudatus</i> (I)</p> <p><i>Naemorhedus goral</i> (I)</p> <p><i>Naemorhedus griseus</i> (I)</p> <p><i>Nanger dama</i> (I)</p> <p><i>Oryx dammah</i> (I)</p> <p><i>Oryx leucoryx</i> (I)</p> <p><i>Ovis ammon hodgsonii</i> (I)</p> <p><i>Ovis ammon nigrimontana</i> (I)</p> <p><i>Ovis aries ophion</i> (I)</p> <p><i>Ovis aries vignei</i> (I)</p> <p><i>Pantholops hodgsonii</i> (I)</p>	<p><i>Kobus leche</i> (II)</p> <p><i>Ovis ammon</i> (II) (Except for the subspecies included in Annex A)</p> <p><i>Ovis aries</i> (Except for the domesticated form <i>Ovis aries aries</i>, the subspecies included in Annex A and the subspecies <i>O. a. isphahanica</i>, <i>O. a. laristanica</i>, <i>O. a. musimon</i> and <i>O. a. orientalis</i> which are not included in the Annexes to this Regulation)</p> <p><i>Ovis canadensis</i> (II) (Only the population of Mexico; no other population is included in the Annexes to this Regulation)</p> <p><i>Philantomba monticola</i> (II)</p>		<p>Giant sable antelope</p> <p>Lechwe</p> <p>Red goral</p> <p>Long-tailed goral</p> <p>Himalayan goral</p> <p>Chinese goral</p> <p>Dama gazelle</p> <p>Scimitar-horned oryx</p> <p>Arabian oryx</p> <p>Argali</p> <p>Tibetan argali</p> <p>Kara Tau argali</p> <p>Urial</p> <p>Cyprus mouflon</p> <p>Ladakh urial</p> <p>Mexican bighorn sheep</p> <p>Chiru</p> <p>Blue duiker</p>

	Annex A	Annex B	Annex C	Common name
	<p><i>Pseudoryx nghetinhensis</i> (I)</p> <p><i>Rupicapra pyrenaica ornata</i> (II)</p>	<p><i>Saiga borealis</i> (II)</p> <p><i>Saiga tatarica</i> (II)</p>	<p><i>Pseudois nayaur</i> (III Pakistan)</p> <p><i>Tetracerus quadricornis</i> (III Nepal)</p>	<p>Bharal</p> <p>Saola</p> <p>Abruzzo chamois</p> <p>Mongolian saiga</p> <p>Steppe saiga</p> <p>Four-horned antelope</p>
Camelidae	<p><i>Vicugna vicugna</i> (I) (Except for the populations of: Argentina [the populations of the Provinces of Jujuy and Catamarca and the semi-captive populations of the Provinces of Jujuy, Salta, Catamarca, La Rioja and San Juan]; Bolivia [the whole population]; Chile [population of the Primera Región]; Ecuador [the whole population] and Peru [the whole population]; which are included in Annex B)</p>	<p><i>Lama guanicoe</i> (II)</p> <p><i>Vicugna vicugna</i> (II) (Only the populations of Argentina [the populations of the Provinces of Jujuy and Catamarca and the semi-captive populations of the Provinces of Jujuy, Salta, Catamarca, La Rioja and San Juan]; Bolivia [the whole population]; Chile [population of the Primera Región]; Ecuador [the whole population] and Peru [the whole population]; all other populations are included in Annex A) ⁽¹⁾</p>		<p>Camels, guanaco, vicuña</p> <p>Guanaco</p> <p>Vicuña</p>
Cervidae	<p><i>Axis calamianensis</i> (I)</p> <p><i>Axis kuhlii</i> (I)</p> <p><i>Axis porcinus annamiticus</i> (I)</p> <p><i>Blastocerus dichotomus</i> (I)</p>	<p><i>Cervus elaphus bactrianus</i> (II)</p>	<p><i>Axis porcinus</i> (III Pakistan (Except for the subspecies included in Annex A))</p>	<p>Deer, huemuls, muntjacs, pudus</p> <p>Calamian deer</p> <p>Bawean deer</p> <p>Hog deer</p> <p>Indochina hog deer</p> <p>Marsh deer</p> <p>Bactrian deer</p>

	Annex A	Annex B	Annex C	Common name
	<p><i>Cervus elaphus hanglu</i> (I)</p> <p><i>Dama dama mesopotamica</i> (I)</p> <p><i>Hippocamelus</i> spp. (I)</p> <p><i>Muntiacus crinifrons</i> (I)</p> <p><i>Muntiacus vuquangensis</i> (I)</p> <p><i>Ozotoceros bezoarticus</i> (I)</p> <p><i>Pudu puda</i> (I)</p> <p><i>Rucervus duvaucelii</i> (I)</p> <p><i>Rucervus eldii</i> (I)</p>	<p><i>Pudu mephistophiles</i> (II)</p>	<p><i>Cervus elaphus barbarus</i> (III Algeria/Tunisia)</p> <p><i>Mazama temama cerasina</i> (III Guatemala)</p> <p><i>Odocoileus virginianus mayensis</i> (III Guatemala)</p>	<p>Barbary deer</p> <p>Hangul</p> <p>Persian fallow deer</p> <p>Huemuls</p> <p>Central American red brocket</p> <p>Black muntjac</p> <p>Giant muntjac</p> <p>Guatemalan white-tailed deer</p> <p>Pampas deer</p> <p>Northern pudu</p> <p>Southern pudu</p> <p>Barasingha</p> <p>Eld's deer</p>
Hippopotamidae		<p><i>Hexaprotodon liberiensis</i> (II)</p> <p><i>Hippopotamus amphibius</i> (II)</p>		<p>Hippopotamuses</p> <p>Pygmy hippopotamus</p> <p>Common hippopotamus</p>
Moschidae	<p><i>Moschus</i> spp. (I) (Only the populations of Afghanistan, Bhutan, India, Myanmar, Nepal and Pakistan; all other populations are included in Annex B)</p>	<p><i>Moschus</i> spp. (II) (Except for the populations of Afghanistan, Bhutan, India, Myanmar, Nepal and Pakistan, which are included in Annex A)</p>		<p>Musk deer</p> <p>Musk deer</p>

	Annex A	Annex B	Annex C	Common name
Suidae	<p><i>Babyrousa babyrussa</i> (I)</p> <p><i>Babyrousa bolabatuensis</i> (I)</p> <p><i>Babyrousa celebensis</i> (I)</p> <p><i>Babyrousa togeanensis</i> (I)</p> <p><i>Sus salvanius</i> (I)</p>			<p>Babirusa, hogs, pigs</p> <p>Buru babirusa</p> <p>Bola Batu babirusa</p> <p>North Sulawesi babirusa</p> <p>Malenge babirusa</p> <p>Pygmy hog</p>
Tayassuidae	<p><i>Catagonus wagneri</i> (I)</p>	<p>Tayassuidae spp. (II) (Except for the species included in Annex A and excluding the populations of <i>Pecari tajacu</i> of Mexico and the United States, which are not included in the Annexes to this Regulation)</p>		<p>Peccaries</p> <p>Peccaries</p> <p>Chacoan peccary</p>
CARNIVORA				
Ailuridae	<p><i>Ailurus fulgens</i> (I)</p>			<p>Red panda</p>
Canidae	<p><i>Canis lupus</i> (I/II)</p> <p>(All populations except those of Spain north of the Duero and Greece north of the 39th parallel. Populations of Bhutan, India, Nepal and Pakistan are listed in Appendix I; all other populations are listed in Appendix II. Excludes the domesticated form and the dingo which are referenced as <i>Canis lupus familiaris</i> and <i>Canis lupus dingo</i>)</p>	<p><i>Canis lupus</i> (II) (Populations of Spain north of the Duero and Greece north of the 39th parallel. Excludes the domesticated form and the dingo which are referenced as <i>Canis lupus familiaris</i> and <i>Canis lupus dingo</i>)</p>	<p><i>Canis aureus</i> (III India)</p>	<p>Dogs, foxes, wolves</p> <p>Golden jackal</p> <p>Grey wolf</p>

	Annex A	Annex B	Annex C	Common name
	<p><i>Canis simensis</i></p> <p><i>Speothos venaticus</i> (I)</p>	<p><i>Cerdocyon thous</i> (II)</p> <p><i>Chrysocyon brachyurus</i> (II)</p> <p><i>Cuon alpinus</i> (II)</p> <p><i>Lycalopex culpaeus</i> (II)</p> <p><i>Lycalopex fulvipes</i> (II)</p> <p><i>Lycalopex griseus</i> (II)</p> <p><i>Lycalopex gymnocercus</i> (II)</p> <p><i>Vulpes cana</i> (II)</p> <p><i>Vulpes zerda</i> (II)</p>	<p><i>Vulpes bengalensis</i> (III India)</p>	<p>Ethiopian wolf</p> <p>Crab-eating fox</p> <p>Maned wolf</p> <p>Dhole</p> <p>Culpeo</p> <p>Darwin's fox</p> <p>South American grey fox</p> <p>Pampas fox</p> <p>Bush dog</p> <p>Bengal fox</p> <p>Blanford's fox</p> <p>Fennec fox</p>
Eupleridae		<p><i>Cryptoprocta ferox</i> (II)</p> <p><i>Eupleres goudotii</i> (II)</p> <p><i>Fossa fossana</i> (II)</p>		<p>Fossa</p> <p>Falanouc</p> <p>Malagasy civet</p>
Felidae		<p>Felidae spp. (II) (Except for the species included in Annex A. Specimens of the domesticated form are not subject to this Regulation. For <i>Panthera leo</i> (African populations): A zero annual export quota is established for specimens of bones, bone pieces, bone products, claws, skeletons, skulls and teeth removed from the wild and traded for commercial purposes.</p>		<p>Cats, cheetahs, leopards, lions, tigers etc.</p> <p>Cats</p>

	Annex A	Annex B	Annex C	Common name
	<p><i>Acinonyx jubatus</i> (I) (Annual export quotas for live specimens and hunting trophies are granted as follows: Botswana: 5; Namibia: 150; Zimbabwe: 50. The trade in such specimens is subject to Article 4(1))</p> <p><i>Caracal caracal</i> (I) (Only the population of Asia; all other populations are included in Annex B)</p> <p><i>Catopuma temminckii</i> (I)</p> <p><i>Felis nigripes</i> (I)</p> <p><i>Felis silvestris</i> (II)</p> <p><i>Leopardus geoffroyi</i> (I)</p> <p><i>Leopardus jacobitus</i> (I)</p> <p><i>Leopardus pardalis</i> (I)</p> <p><i>Leopardus tigrinus</i> (I)</p> <p><i>Leopardus wiedii</i> (I)</p> <p><i>Lynx lynx</i> (II)</p> <p><i>Lynx pardinus</i> (I)</p> <p><i>Neofelis nebulosa</i> (I)</p> <p><i>Panthera leo persica</i> (I)</p> <p><i>Panthera onca</i> (I)</p> <p><i>Panthera pardus</i> (I)</p>	<p>Annual export quotas for trade in bones, bone pieces, bone products, claws, skeletons, skulls and teeth for commercial purposes, derived from captive breeding operations in South Africa, will be established and communicated annually to the CITES Secretariat.)</p>		<p>Cheetah</p> <p>Asian Caracal</p> <p>Asian golden cat</p> <p>Black-footed cat</p> <p>Wild cat</p> <p>Geoffroy's cat</p> <p>Andean mountain cat</p> <p>Ocelot</p> <p>Oncilla</p> <p>Margay</p> <p>Eurasian lynx</p> <p>Iberian lynx</p> <p>Clouded leopard</p> <p>Asiatic lion</p> <p>Jaguar</p> <p>Leopard</p>

	Annex A	Annex B	Annex C	Common name
	<p><i>Panthera tigris</i> (I)</p> <p><i>Pardofelis marmorata</i> (I)</p> <p><i>Prionailurus bengalensis bengalensis</i> (I) (Only the populations of Bangladesh, India and Thailand; all other populations are included in Annex B)</p> <p><i>Prionailurus iriomotensis</i> (II)</p> <p><i>Prionailurus planiceps</i> (I)</p> <p><i>Prionailurus rubiginosus</i> (I) (Only the population of India; all other populations are included in Annex B)</p> <p><i>Puma concolor costaricensis</i> (I)</p> <p><i>Puma yagouaroundi</i> (I) (Only the populations of Central and North America; all other populations are included in Annex B)</p> <p><i>Uncia uncia</i> (I)</p>			<p>Tiger</p> <p>Marbled cat</p> <p>Bengal leopard cat</p> <p>Iriomote cat</p> <p>Flat-headed cat</p> <p>Rusty-spotted cat</p> <p>Costa Rican cougar</p> <p>Jaguarundi</p> <p>Snow leopard</p>
Herpestidae			<p><i>Herpestes edwardsi</i> (III India/Pakistan)</p> <p><i>Herpestes fuscus</i> (III India)</p> <p><i>Herpestes javanicus</i> (III Pakistan)</p> <p><i>Herpestes javanicus auropunctatus</i> (III India)</p> <p><i>Herpestes smithii</i> (III India)</p> <p><i>Herpestes urva</i> (III India)</p> <p><i>Herpestes vitticollis</i> (III India)</p>	<p>Mongoose</p> <p>Indian grey mongoose</p> <p>Indian brown mongoose</p> <p>Small Asian mongoose</p> <p>Small Indian mongoose</p> <p>Ruddy mongoose</p> <p>Crab-eating mongoose</p> <p>Stripe-necked mongoose</p>
Hyaenidae			<p><i>Hyaena hyaena</i> (III Pakistan)</p>	<p>Aardwolf, hyenas</p> <p>Striped hyena</p>

	Annex A	Annex B	Annex C	Common name
			<i>Proteles cristata</i> (III Botswana)	Aardwolf
Mephitidae		<i>Conepatus humboldtii</i> (II)		Skunks Humboldt's hog-nosed skunk
Mustelidae Lutrinae	<p><i>Aonyx capensis microdon</i> (I) (Only the populations of Cameroon and Nigeria; all other populations are included in Annex B)</p> <p><i>Enhydra lutris nereis</i> (I)</p> <p><i>Lontra felina</i> (I)</p> <p><i>Lontra longicaudis</i> (I)</p> <p><i>Lontra provocax</i> (I)</p> <p><i>Lutra lutra</i> (I)</p> <p><i>Lutra nippon</i> (I)</p> <p><i>Pteronura brasiliensis</i> (I)</p>	Lutrinae spp. (II) (Except for the species included in Annex A)		Badgers, martens, weasels etc. Otters Otters Cameroon clawless otter Southern sea otter Marine otter Neotropical otter Southern river otter European otter Japanese otter Giant otter
Mustelinae			<i>Eira barbara</i> (III Honduras) <i>Galictis vittata</i> (III Costa Rica) <i>Martes flavigula</i> (III India) <i>Martes foina intermedia</i> (III India) <i>Martes gwatkinsii</i> (III India) <i>Mellivora capensis</i> (III Botswana)	Grisons, martens, tayra, weasels Tayra Greater grison Yellow-throated marten Stone marten Nilgiri marten Honey badger

	Annex A	Annex B	Annex C	Common name
	<i>Mustela nigripes</i> (I)			Black-footed ferret
Odobenidae		<i>Odobenus rosmarus</i> (III Canada)		Walrus Walrus
Otariidae	<i>Arctocephalus philippii</i> (II) <i>Arctocephalus townsendi</i> (I)	<i>Arctocephalus</i> spp. (II) (Except for the species included in Annex A)		Fur seals, sealions Fur seals Juan Fernández fur seal Guadalupe fur seal
Phocidae	<i>Monachus</i> spp. (I)	<i>Mirounga leonina</i> (II)		Seals Southern elephant seal Monk seals
Procyonidae			<i>Bassaricyon gabbii</i> (III Costa Rica) <i>Bassariscus sumichrasti</i> (III Costa Rica) <i>Nasua narica</i> (III Honduras) <i>Nasua nasua solitaria</i> (III Uruguay) <i>Potos flavus</i> (III Honduras)	Coatis, olingos Olingo Cacomistle White-nosed coati South Brazilian coati Kinkajou
Ursidae	<i>Ailuropoda melanoleuca</i> (I) <i>Helarctos malayanus</i> (I) <i>Melursus ursinus</i> (I)	Ursidae spp. (II) (Except for the species included in Annex A)		Bears Bears Giant panda Sun bear Sloth bear

	Annex A	Annex B	Annex C	Common name
	<p><i>Tremarctos ornatus</i> (I)</p> <p><i>Ursus arctos</i> (I/II) (Only the populations of Bhutan, China, Mexico and Mongolia and the subspecies <i>Ursus arctos isabellinus</i> are listed in Appendix I; all other populations and subspecies are listed in Appendix II)</p> <p><i>Ursus thibetanus</i> (I)</p>			<p>Spectacled bear</p> <p>Brown bear</p> <p>Asian black bear</p>
Viverridae		<p><i>Cynogale bennettii</i> (II)</p> <p><i>Hemigalus derbyanus</i> (II)</p> <p><i>Prionodon linsang</i> (II)</p> <p><i>Prionodon pardicolor</i> (I)</p>	<p><i>Arctictis binturong</i> (III India)</p> <p><i>Civettictis civetta</i> (III Botswana)</p> <p><i>Paguma larvata</i> (III India)</p> <p><i>Paradoxurus hermaphroditus</i> (III India)</p> <p><i>Paradoxurus jerdoni</i> (III India)</p> <p><i>Viverra civettina</i> (III India)</p> <p><i>Viverra zibetha</i> (III India)</p> <p><i>Viverricula indica</i> (III India)</p>	<p>Binturong, civets, linsangs, otter-civet, palm civet</p> <p>Binturong</p> <p>African civet</p> <p>Otter civet</p> <p>Banded palm civet</p> <p>Masked palm civet</p> <p>Asian palm civet</p> <p>Jerdon's palm civet</p> <p>Banded linsang</p> <p>Spotted linsang</p> <p>Malabar large-spotted civet</p> <p>Large Indian civet</p> <p>Small Indian civet</p>
CETACEA	CETACEA spp. (I/II) (²)			<p>Cetaceans (dolphins, porpoises, whales)</p> <p>Cetaceans</p>

	Annex A	Annex B	Annex C	Common name
CHIROPTERA				
Phyllostomidae			<i>Platyrrhinus lineatus</i> (III Uruguay)	Broad-nosed bats White-lined bat
Pteropodidae		<i>Acerodon</i> spp. (II) (Except for the species included in Annex A) <i>Pteropus</i> spp. (II) (Except for the species included in Annex A and except for <i>Pteropus brunneus</i> .)		Fruit bats, flying foxes Flying foxes Golden-capped fruit bat Flying foxes Ruck flying fox Comoro flying fox Japanese flying fox Marianas flying fox Caroline flying fox Pelew flying fox Large Pelew flying fox Rodrigues flying fox Samoan flying fox Pacific flying fox Kosrae flying fox Pemba flying fox Yap flying fox
	<i>Acerodon jubatus</i> (I)			
	<i>Pteropus insularis</i> (I)			
	<i>Pteropus livingstonii</i> (II)			
	<i>Pteropus loochoensis</i> (I)			
	<i>Pteropus mariannus</i> (I)			
	<i>Pteropus molossinus</i> (I)			
	<i>Pteropus pelewensis</i> (I)			
	<i>Pteropus pilosus</i> (I)			
	<i>Pteropus rodricensis</i> (II)			
	<i>Pteropus samoensis</i> (I)			
	<i>Pteropus tonganus</i> (I)			
	<i>Pteropus ualanus</i> (I)			
	<i>Pteropus voeltzkowi</i> (II)			
	<i>Pteropus yapensis</i> (I)			

	Annex A	Annex B	Annex C	Common name
CINGULATA Dasypodidae	<i>Priodontes maximus</i> (I)	<i>Chaetophractus nationi</i> (II) (A zero annual export quota has been established. All specimens shall be deemed to be specimens of species included in Annex A and the trade in them shall be regulated accordingly)	<i>Cabassous centralis</i> (III Costa Rica) <i>Cabassous tatouay</i> (III Uruguay)	Armadillos Northern naked-tailed armadillo Greater naked-tailed armadillo Andean hairy armadillo Giant armadillo
DASYUROMORPHIA Dasyuridae	<i>Sminthopsis longicaudata</i> (I) <i>Sminthopsis psammophila</i> (I)			Dunnarts, marsupial mice, planigales Long-tailed dunnart Sandhill dunnart
DIPROTODONTIA Macropodidae	<i>Lagorchestes hirsutus</i> (I) <i>Lagostrophus fasciatus</i> (I) <i>Onychogalea fraenata</i> (I)	<i>Dendrolagus inustus</i> (II) <i>Dendrolagus ursinus</i> (II)		Kangaroos, wallabies Grizzled tree-kangaroo Ursine tree-kangaroo Rufous hare-wallaby Banded hare-wallaby Bridled nail-tail wallaby
Phalangeridae		<i>Phalanger intercastellanus</i> (II) <i>Phalanger mimicus</i> (II)		Cuscus Eastern common cuscus Southern common cuscus

	Annex A	Annex B	Annex C	Common name
		<i>Phalanger orientalis</i> (II) <i>Spilocuscus kraemeri</i> (II) <i>Spilocuscus maculatus</i> (II) <i>Spilocuscus papuensis</i> (II)		Northern common cuscus Admiralty Island cuscus Common spotted cuscus Waigeou cuscus
Potoroidae	<i>Bettongia</i> spp. (I)			Rat-kangaroos Bettongs
Vombatidae	<i>Lasiorhinus krefftii</i> (I)			Wombats Northern hairy-nosed wombat
LAGOMORPHA				
Leporidae	<i>Caprolagus hispidus</i> (I) <i>Romerolagus diazi</i> (I)			Hares, rabbits Hispid hare Volcano rabbit
MONOTREMATA				
Tachyglossidae		<i>Zaglossus</i> spp. (II)		Echidnas, spiny anteaters Long-beaked echidnas
PERAMELEMORPHIA				
Peramelidae	<i>Perameles bougainville</i> (I)			Western barred bandicoot
Thylacomyidae	<i>Macrotis lagotis</i> (I)			Greater bilby
PERISSODACTYLA				
Equidae	<i>Equus africanus</i> (I) (Excludes the domesticated form referenced as <i>Equus asinus</i> , which is not subject to this Regulation)			Horses, wild asses, zebras African ass

	Annex A	Annex B	Annex C	Common name
	<p><i>Equus grevyi</i> (I)</p> <p><i>Equus hemionus</i> (I/II) (The species is listed in Appendix II but subspecies <i>Equus hemionus hemionus</i> and <i>Equus hemionus khur</i> are listed in Appendix I)</p> <p><i>Equus kiang</i> (II)</p> <p><i>Equus przewalskii</i> (I)</p>	<p><i>Equus zebra hartmannae</i> (II)</p> <p><i>Equus zebra zebra</i> (II)</p>		<p>Grévy's zebra</p> <p>Asiatic wild ass</p> <p>Kiang</p> <p>Przewalski's horse</p> <p>Hartmann's mountain zebra</p> <p>Cape mountain zebra</p>
Rhinocerotidae	Rhinocerotidae spp. (I) (Except for the subspecies included in Annex B)	<p><i>Ceratotherium simum simum</i> (II) (Only the populations of South Africa and Swaziland; all other populations are included in Annex A. For the exclusive purpose of allowing international trade in live animals to appropriate and acceptable destinations and trade in hunting trophies. All other specimens shall be deemed to be specimens of species included in Annex A and trade in them shall be regulated accordingly)</p>		<p>Rhinoceroses</p> <p>Rhinoceroses</p> <p>Southern white rhinoceros</p>
Tapiridae	Tapiridae spp. (I) (Except for the species included in Annex B)	<p><i>Tapirus terrestris</i> (II)</p>		<p>Tapirs</p> <p>Tapirs</p> <p>South American tapir</p>
PHOLIDOTA Manidae		<p><i>Manis</i> spp. (II) (Except for the species included in Annex A)</p>		<p>Pangolins</p> <p>Pangolins</p>

	Annex A	Annex B	Annex C	Common name
	<i>Manis crassicaudata</i> (I) <i>Manis culionensis</i> (I) <i>Manis gigantea</i> (I) <i>Manis javanica</i> (I) <i>Manis pentadactyla</i> (I) <i>Manis temminckii</i> (I) <i>Manis tetradactyla</i> (I) <i>Manis tricuspis</i> (I)			Indian pangolin Philippine pangolin Giant pangolin Sunda pangolin Chinese pangolin Ground pangolin Long-tailed pangolin Tree pangolin
PILOSA Bradypodidae		<i>Bradypus pygmaeus</i> (II) <i>Bradypus variegatus</i> (II)		Three-toed sloths Pygmy tree-toed sloth Brown-throated sloth
Megalonychidae			<i>Choloepus hoffmanni</i> (III Costa Rica)	Two-toed sloth Hoffmann's two-toed sloth
Myrmecophagidae		<i>Myrmecophaga tridactyla</i> (II)	<i>Tamandua mexicana</i> (III Guatemala)	American anteaters Giant anteater Northern tamandua
PRIMATES		PRIMATES spp. (II) (Except for the species included in Annex A)		Primates (apes and monkeys) Primates
Atelidae	<i>Alouatta coibensis</i> (I) <i>Alouatta palliata</i> (I) <i>Alouatta pigra</i> (I) <i>Ateles geoffroyi frontatus</i> (I)			Howlers, spider monkeys Coiba Island howler Mantled howler Guatemalan black howler Black-browed spider monkey

	Annex A	Annex B	Annex C	Common name
	<i>Ateles geoffroyi ornatus</i> (I) <i>Brachyteles arachnoides</i> (I) <i>Brachyteles hypoxanthus</i> (I) <i>Oreonax flavicauda</i> (I)			Red spider monkey Southern muriqui Northern muriqui Yellow-tailed woolly monkey
Cebidae	<i>Callimico goeldii</i> (I) <i>Callithrix aurita</i> (I) <i>Callithrix flaviceps</i> (I) <i>Leontopithecus</i> spp. (I) <i>Saguinus bicolor</i> (I) <i>Saguinus geoffroyi</i> (I) <i>Saguinus leucopus</i> (I) <i>Saguinus martinsi</i> (I) <i>Saguinus oedipus</i> (I) <i>Saimiri oerstedii</i> (I)			Marmosets, tamarins, New-world monkeys Goeldi's marmoset Buffy-tufted marmoset Buffy-headed marmoset Lion tamarins Pied tamarin Geoffroy's tamarin White-footed tamarin Martins' bare-face tamarin Cottontop tamarin Central American squirrel monkey
Cercopithecidae	<i>Cercocebus galeritus</i> (I) <i>Cercopithecus diana</i> (I) <i>Cercopithecus roloway</i> (I) <i>Cercopithecus solatus</i> (II) <i>Colobus satanas</i> (II) <i>Macaca silenus</i> (I) <i>Macaca sylvanus</i> (I) <i>Mandrillus leucophaeus</i> (I)			Old-world monkeys Tana River mangabey Diana monkey Rolloway monkey Sun-tailed monkey Black colobus Lion-tailed macaque Barbary macaque Drill

	Annex A	Annex B	Annex C	Common name
	<i>Mandrillus sphinx</i> (I)			Mandrill
	<i>Nasalis larvatus</i> (I)			Proboscis monkey
	<i>Ptilocolobus foai</i> (II)			Central African red colobus
	<i>Ptilocolobus gordonorum</i> (II)			Uzungwa red colobus
	<i>Ptilocolobus kirkii</i> (I)			Zanzibar red colobus
	<i>Ptilocolobus pennantii</i> (II)			Pennant's red colobus
	<i>Ptilocolobus preussi</i> (II)			Preuss's red colobus
	<i>Ptilocolobus rufomitratu</i> s (I)			Tana River red colobus
	<i>Ptilocolobus tephrosceles</i> (II)			Ugandan red colobus
	<i>Ptilocolobus tholloni</i> (II)			Thollon's red colobus
	<i>Presbytis potenziani</i> (I)			Mentawai langur
	<i>Pygathrix</i> spp. (I)			Douc langurs
	<i>Rhinopithecus</i> spp. (I)			Snub-nosed monkeys
	<i>Semnopithecus ajax</i> (I)			Kashmir grey langur
	<i>Semnopithecus dussumieri</i> (I)			Southern Plains grey langur
	<i>Semnopithecus entellus</i> (I)			Northern Plains grey langur
	<i>Semnopithecus hector</i> (I)			Tarai grey langur
	<i>Semnopithecus hypoleucos</i> (I)			Black-footed grey langur
	<i>Semnopithecus priam</i> (I)			Tufted grey langur
	<i>Semnopithecus schistaceus</i> (I)			Nepal grey langur
	<i>Simias concolor</i> (I)			Simakobou
	<i>Trachypithecus delacouri</i> (II)			Delacour's langur
	<i>Trachypithecus francoisi</i> (II)			François's langur
	<i>Trachypithecus geei</i> (I)			Gee's golden langur

	Annex A	Annex B	Annex C	Common name
	<i>Trachypithecus hatinhensis</i> (II) <i>Trachypithecus johnii</i> (II) <i>Trachypithecus laotum</i> (II) <i>Trachypithecus pileatus</i> (I) <i>Trachypithecus poliocephalus</i> (II) <i>Trachypithecus shortridgei</i> (I)			Hatinh langur Nilgiri langur Laotian langur Capped langur White-headed langur Shortridge's langur
Cheirogaleidae	Cheirogaleidae spp. (I)			Dwarf lemurs and mouse-lemurs Dwarf lemurs and mouse lemurs
Daubentoniidae	<i>Daubentonia madagascariensis</i> (I)			Aye-aye Aye-aye
Hominidae	<i>Gorilla beringei</i> (I) <i>Gorilla gorilla</i> (I) <i>Pan</i> spp. (I) <i>Pongo abelii</i> (I) <i>Pongo pygmaeus</i> (I)			Chimpanzees, gorillas, orang-utan Eastern gorilla Western gorilla Chimpanzee and bonobo Sumatran orangutan Bornean orangutan
Hylobatidae	Hylobatidae spp. (I)			Gibbons Gibbons
Indriidae	Indriidae spp. (I)			Indri, sifakas and woolly lemurs Indri, sifakas and woolly lemurs
Lemuridae	Lemuridae spp. (I)			Large lemurs Large lemurs
Lepilemuridae	Lepilemuridae spp. (I)			Sportive lemurs Sportive lemurs

	Annex A	Annex B	Annex C	Common name
Lorisidae	<i>Nycticebus</i> spp. (I)			Lorises Slow lorises
Pitheciidae	<i>Cacajao</i> spp. (I) <i>Callicebus barbarabrownae</i> (II) <i>Callicebus melanochir</i> (II) <i>Callicebus nigrifrons</i> (II) <i>Callicebus personatus</i> (II) <i>Chiropotes albinasus</i> (I)			Uacaris, titis, sakis Uacaris Barbara Brown's Titi Coastal Black-handed Titi Black-fronted Titi Atlantic titi White-nosed saki
Tarsiidae	<i>Tarsius</i> spp. (II)			Tarsiers Tarsiers
PROBOSCIDEA Elephantidae	<i>Elephas maximus</i> (I) <i>Loxodonta africana</i> (I) (Except for the populations of Botswana, Namibia, South Africa and Zimbabwe, which are included in Annex B)	<i>Loxodonta africana</i> (II) (Only the populations of Botswana, Namibia, South Africa and Zimbabwe (?); all other populations are included in Annex A)		Elephants Asian elephant African elephant
RODENTIA Chinchillidae	<i>Chinchilla</i> spp. (I) (Specimens of the domesticated form are not subject to this Regulation)			Chinchillas Chinchillas
Cuniculidae			<i>Cuniculus paca</i> (III Honduras)	Pacas Lowland paca

	Annex A	Annex B	Annex C	Common name
Dasyproctidae			<i>Dasyprocta punctata</i> (III Honduras)	Agoutis Central American agouti
Erethizontidae			<i>Sphiggurus mexicanus</i> (III Honduras) <i>Sphiggurus spinosus</i> (III Uruguay)	New-world porcupines Mexican hairy dwarf porcupine Paraguayan hairy dwarf porcupine
Hystricidae	<i>Hystrix cristata</i>			Old-world porcupines Crested porcupine
Muridae	<i>Leporillus conditor</i> (I) <i>Pseudomys fieldi praeconis</i> (I) <i>Xeromys myoides</i> (I) <i>Zyzomys pedunculatus</i> (I)			Mice, rats Greater stick-nest rat Shark Bay mouse False water rat Central Australian rock rat
Sciuridae	<i>Cynomys mexicanus</i> (I)	<i>Ratufa</i> spp. (II)	<i>Marmota caudata</i> (III India) <i>Marmota himalayana</i> (III India) <i>Sciurus deppei</i> (III Costa Rica)	Ground squirrels, tree squirrels Mexican prairie dog Long-tailed marmot Himalayan marmot Giant squirrels Deppe's squirrel
SCANDENTIA		SCANDENTIA spp. (II)		Treeshrews
SIRENIA				
Dugongidae	<i>Dugong dugon</i> (I)			Dugong Dugong
Trichechidae	<i>Trichechus inunguis</i> (I)			Manatees

	Annex A	Annex B	Annex C	Common name
	<i>Trichechus manatus</i> (I) <i>Trichechus senegalensis</i> (I)			
AVES				Birds
ANSERIFORMES				
Anatidae				Ducks, geese, swans etc.
	<i>Anas aucklandica</i> (I)			Auckland Islands teal
	<i>Anas chlorotis</i> (I)	<i>Anas bernieri</i> (II)		Madagascar teal
	<i>Anas laysanensis</i> (I)	<i>Anas formosa</i> (II)		Brown teal
	<i>Anas nesiotis</i> (I)			Baikal teal
	<i>Anas querquedula</i>			Laysan duck
	<i>Asarcornis scutulata</i> (I)			Campbell Island teal
	<i>Aythya innotata</i>			Garganey
	<i>Aythya nyroca</i>			White-winged duck
	<i>Branta canadensis leucopareia</i> (I)			Madagascar pochard
	<i>Branta ruficollis</i> (II)			Ferruginous duck
	<i>Branta sandvicensis</i> (I)			Aleutian goose
		<i>Coscoroba coscoroba</i> (II)		Red-breasted goose
		<i>Cygnus melancoryphus</i> (II)		Nene
		<i>Dendrocygna arborea</i> (II)		Coscoroba swan
			<i>Dendrocygna autumnalis</i> (III Honduras)	Black-necked swan
			<i>Dendrocygna bicolor</i> (III Honduras)	West Indian whistling-duck
				Black-bellied whistling-duck
	<i>Mergus octosetaceus</i>			Fulvous whistling-duck
				Brazilian merganser

	Annex A	Annex B	Annex C	Common name
	<p><i>Oxyura leucocephala</i> (II)</p> <p><i>Rhodonessa caryophyllacea</i> (possibly extinct) (I)</p> <p><i>Tadorna cristata</i></p>	<p><i>Sarkidiornis melanotos</i> (II)</p>		<p>White-headed duck</p> <p>Pink-headed duck</p> <p>Comb duck</p> <p>Crested shelduck</p>
APODIFORMES				
Trochilidae	<p><i>Glaucis dohrnii</i> (I)</p>	<p>Trochilidae spp. (II) (Except for the species included in Annex A)</p>		<p>Hummingbirds</p> <p>Hummingbirds</p> <p>Hook-billed hermit</p>
CHARADRIIFORMES				
Burhinidae			<p><i>Burhinus bistriatus</i> (III Guatemala)</p>	<p>Thick-knees</p> <p>Double-striped thick-knee</p>
Laridae	<p><i>Larus relictus</i> (I)</p>			<p>Gulls, terns</p> <p>Relict gull</p>
Scolopacidae	<p><i>Numenius borealis</i> (I)</p> <p><i>Numenius tenuirostris</i> (I)</p> <p><i>Tringa guttifer</i> (I)</p>			<p>Curlews, greenshanks</p> <p>Eskimo curlew</p> <p>Slender-billed curlew</p> <p>Nordmann's greenshank</p>
CICONIIFORMES				
Ardeidae	<p><i>Ardea alba</i></p> <p><i>Bubulcus ibis</i></p> <p><i>Egretta garzetta</i></p>			<p>Egrets, herons</p> <p>Great egret</p> <p>Cattle egret</p> <p>Little egret</p>
Balaenicipitidae		<p><i>Balaeniceps rex</i> (II)</p>		<p>Shoebill, whale-headed stork</p> <p>Shoebill</p>

	Annex A	Annex B	Annex C	Common name
Ciconiidae	<i>Ciconia boyciana</i> (I) <i>Ciconia nigra</i> (II) <i>Ciconia stormi</i> <i>Jabiru mycteria</i> (I) <i>Leptoptilos dubius</i> <i>Mycteria cinerea</i> (I)			Storks Oriental stork Black stork Storm's stork Jabiru Greater adjutant stork Milky stork
Phoenicopteridae	<i>Phoenicopus ruber</i> (II)	Phoenicopteridae spp. (II) (Except for the species included in Annex A)		Flamingos Flamingos Greater flamingo
Threskiornithidae	<i>Geronticus calvus</i> (II) <i>Geronticus eremita</i> (I) <i>Nipponia nippon</i> (I) <i>Platalea leucorodia</i> (II) <i>Pseudibis gigantea</i>	<i>Eudocimus ruber</i> (II)		Ibises, spoonbills Scarlet ibis Bald ibis Waldrapp Crested ibis Eurasian spoonbill Giant ibis
COLUMBIFORMES				
Columbidae	<i>Caloenas nicobarica</i> (I) <i>Claravis godefrida</i> <i>Columba livia</i> <i>Ducula mindorensis</i> (I)	<i>Gallicolumba luzonica</i> (II)		Doves, pigeons Nicobar pigeon Purple-winged ground-dove Rock pigeon Mindoro zone-tailed pigeon Luzon bleeding-heart

	Annex A	Annex B	Annex C	Common name
	<i>Leptotila wellsi</i> <i>Streptopelia turtur</i>	<i>Goura</i> spp. (II)	<i>Nesoenas mayeri</i> (III Mauritius)	Crowned-pigeons Grenada dove Pink pigeon European turtle-dove
CORACIIFORMES Bucerotidae	<i>Aceros nipalensis</i> (I) <i>Buceros bicornis</i> (I) <i>Rhinoplax vigil</i> (I) <i>Rhyticeros subruficollis</i> (I)	<i>Aceros</i> spp. (II) (Except for the species included in Annex A) <i>Anorrhinus</i> spp. (II) <i>Anthracoceros</i> spp. (II) <i>Berenicornis</i> spp. (II) <i>Buceros</i> spp. (II) (Except for the species included in Annex A) <i>Penelopides</i> spp. (II) <i>Rhyticeros</i> spp. (II) (Except for the species included in Annex A)		Hornbills Hornbills Rufous-necked hornbill Hornbills Hornbills Hornbills Hornbills Great hornbill Hornbills Helmeted hornbill Hornbills Plain-pouched hornbill
CUCULIFORMES Musophagidae	<i>Tauraco bannermani</i> (II)	<i>Tauraco</i> spp. (II) (Except for the species included in Annex A)		Turacos Turacos Bannerman's turaco

	Annex A	Annex B	Annex C	Common name
FALCONIFORMES		FALCONIFORMES spp. (II) (Except for the species included in Annex A; except for one species of the family Cathartidae included in Annex C; the other species of that family are not included in the Annexes to this Regulation; and except for <i>Caracara lutosa</i>)		Diurnal birds of prey (eagles, falcons, hawks, vultures) Diurnal birds of prey
Accipitridae				Hawks, eagles Levant sparrowhawk Northern goshawk Eurasian sparrowhawk Cinereous vulture Adalbert's eagle Golden eagle Greater spotted eagle Imperial eagle Lesser spotted eagle Common buzzard Rough-legged buzzard Long-legged buzzard Cuban hook-billed kite Short-toed snake-eagle Western marsh-harrier Northern harrier Pallid harrier
	<i>Accipiter brevipes</i> (II) <i>Accipiter gentilis</i> (II) <i>Accipiter nisus</i> (II) <i>Aegyptius monachus</i> (II) <i>Aquila adalberti</i> (I) <i>Aquila chrysaetos</i> (II) <i>Aquila clanga</i> (II) <i>Aquila heliaca</i> (I) <i>Aquila pomarina</i> (II) <i>Buteo buteo</i> (II) <i>Buteo lagopus</i> (II) <i>Buteo rufinus</i> (II) <i>Chondrohierax uncinatus wilsonii</i> (I) <i>Circaetus gallicus</i> (II) <i>Circus aeruginosus</i> (II) <i>Circus cyaneus</i> (II) <i>Circus macrourus</i> (II)			

	Annex A	Annex B	Annex C	Common name
	<p>Circus pygargus (II)</p> <p>Elanus caeruleus (II)</p> <p><i>Eutriorchis astur</i> (II)</p> <p>Gypaetus barbatus (II)</p> <p>Gyps fulvus (II)</p> <p><i>Haliaeetus</i> spp. (I/II) (<i>Haliaeetus albicilla</i> is listed in Appendix I; the other species are listed in Appendix II)</p> <p><i>Harpia harpyja</i> (I)</p> <p>Hieraetus fasciatus (II)</p> <p>Hieraetus pennatus (II)</p> <p><i>Leucopternis occidentalis</i> (II)</p> <p>Milvus migrans (II) (Except for <i>Milvus migrans lineatus</i> which is included in Annex B)</p> <p>Milvus milvus (II)</p> <p>Neophron percnopterus (II)</p> <p>Pernis apivorus (II)</p> <p><i>Pithecophaga jefferyi</i> (I)</p>			<p>Montagu's harrier</p> <p>Black-winged kite</p> <p>Madagascar serpent-eagle</p> <p>Lammergeier</p> <p>Eurasian griffon</p> <p>Sea-eagles</p> <p>Harpy eagle</p> <p>Bonelli's eagle</p> <p>Booted eagle</p> <p>Grey-backed hawk</p> <p>Black kite</p> <p>Red kite</p> <p>Egyptian vulture</p> <p>European honey-buzzard</p> <p>Great Philippine eagle</p>
Cathartidae	<p><i>Gymnogyps californianus</i> (I)</p> <p><i>Vultur gryphus</i> (I)</p>		<p><i>Sarcoramphus papa</i> (III Honduras)</p>	<p>New world vultures</p> <p>California condor</p> <p>King vulture</p> <p>Andean condor</p>
Falconidae	<p><i>Falco araeus</i> (I)</p> <p>Falco biarmicus (II)</p> <p>Falco cherrug (II)</p>			<p>Falcons</p> <p>Seychelles kestrel</p> <p>Lanner falcon</p> <p>Saker falcon</p>

	Annex A	Annex B	Annex C	Common name
	<p><i>Falco columbarius</i> (II)</p> <p><i>Falco eleonora</i> (II)</p> <p><i>Falco jugger</i> (I)</p> <p><i>Falco naumanni</i> (II)</p> <p><i>Falco newtoni</i> (I) (Only the population of the Seychelles)</p> <p><i>Falco pelegrinoides</i> (I)</p> <p><i>Falco peregrinus</i> (I)</p> <p><i>Falco punctatus</i> (I)</p> <p><i>Falco rusticolus</i> (I)</p> <p><i>Falco subbuteo</i> (II)</p> <p><i>Falco tinnunculus</i> (II)</p> <p><i>Falco vespertinus</i> (II)</p>			<p>Merlin</p> <p>Eleonora's falcon</p> <p>Laggar falcon</p> <p>Lesser kestrel</p> <p>Newton's kestrel</p> <p>Barbary falcon</p> <p>Peregrine falcon</p> <p>Mauritius kestrel</p> <p>Gyrfalcon</p> <p>Eurasian hobby</p> <p>Common kestrel</p> <p>Red-footed falcon</p>
Pandionidae	<p><i>Pandion haliaetus</i> (II)</p>			<p>Ospreys</p> <p>Osprey</p>
GALLIFORMES				
Cracidae	<p><i>Crax alberti</i> (III Colombia)</p> <p><i>Crax blumenbachii</i> (I)</p> <p>Mitu mitu (I)</p> <p><i>Oreophasis derbianus</i> (I)</p>	<p><i>Crax fasciolata</i></p>	<p><i>Crax daubentoni</i> (III Colombia)</p> <p><i>Crax globulosa</i> (III Colombia)</p> <p><i>Crax rubra</i> (III Colombia/Costa Rica/Guatemala/Honduras)</p> <p><i>Ortalis vetula</i> (III Guatemala/Honduras)</p>	<p>Blue-knobbed curassow</p> <p>Red-billed curassow</p> <p>Yellow-knobbed curassow</p> <p>Bare-faced Curassow</p> <p>Wattled curassow</p> <p>Great currasow</p> <p>Alagoas curassow</p> <p>Horned guan</p> <p>Plain chachalaca</p>

	Annex A	Annex B	Annex C	Common name
	<i>Penelope albipennis</i> (I) <i>Pipile jacutinga</i> (I) <i>Pipile pipile</i> (I)		<i>Pauxi pauxi</i> (III Colombia) <i>Penelope purpurascens</i> (III Honduras) <i>Penelopina nigra</i> (III Guatemala)	Helmeted curassow White-winged guan Crested guan Highland guan Black-fronted piping guan Trinidad piping guan
Megapodiidae	<i>Macrocephalon maleo</i> (I)			Megapodes, scrubfowl Maleo
Phasianidae	<i>Catreus wallichii</i> (I) <i>Colinus virginianus ridgwayi</i> (I) <i>Crossoptilon crossoptilon</i> (I) <i>Crossoptilon mantchuricum</i> (I) <i>Lophophorus impejanus</i> (I) <i>Lophophorus lhuysii</i> (I) <i>Lophophorus sclateri</i> (I) <i>Lophura edwardsi</i> (I) <i>Lophura swinhoii</i> (I) <i>Odontophorus strophium</i>	<i>Argusianus argus</i> (II) <i>Gallus sonneratii</i> (II) <i>Ithaginis cruentus</i> (II) <i>Lophura hatinhensis</i>	<i>Lophura leucomelanos</i> (III Pakistan) <i>Meleagris ocellata</i> (III Guatemala)	Grouse, guineafowl, partridges, pheasants, tragopans Great argus Cheer pheasant Masked bobwhite White eared-pheasant Brown eared-pheasant Grey junglefowl Blood pheasant Himalayan monal Chinese monal Sclater's monal Edwards' pheasant Vietnamese fireback Kalij pheasant Swinhoe's pheasant Ocellated turkey Gorgeted wood-quail

	Annex A	Annex B	Annex C	Common name
	<p><i>Grus canadensis</i> (I/II) (The species is listed in Appendix II but subspecies <i>Grus canadensis nesiotis</i> and <i>Grus canadensis pulla</i> are listed in Appendix I)</p> <p>Grus grus (II)</p> <p><i>Grus japonensis</i> (I)</p> <p><i>Grus leucogeranus</i> (I)</p> <p><i>Grus monacha</i> (I)</p> <p><i>Grus nigricollis</i> (I)</p> <p><i>Grus vipio</i> (I)</p>			<p>Sandhill crane</p> <p>Common crane</p> <p>Red-crowned crane</p> <p>Siberian crane</p> <p>Hooded crane</p> <p>Black-necked crane</p> <p>White-necked crane</p>
Otididae	<p><i>Ardeotis nigriceps</i> (I)</p> <p><i>Chlamydotis macqueenii</i> (I)</p> <p><i>Chlamydotis undulata</i> (I)</p> <p><i>Houbaropsis bengalensis</i> (I)</p> <p>Otis tarda (II)</p> <p><i>Sypheotides indicus</i> (II)</p> <p>Tetrax tetrax (II)</p>	Otididae spp. (II) (Except for the species included in Annex A)		<p>Bustards</p> <p>Bustards</p> <p>Indian bustard</p> <p>Macqueen's bustard</p> <p>Houbara bustard</p> <p>Bengal florican</p> <p>Great bustard</p> <p>Lesser florican</p> <p>Little bustard</p>
Rallidae	<p><i>Gallirallus sylvestris</i> (I)</p>			<p>Coots, rails</p> <p>Lord Howe rail</p>
Rhynochetidae	<p><i>Rhynochetos jubatus</i> (I)</p>			<p>Kagu</p> <p>Kagu</p>
PASSERIFORMES				
Atrichornithidae	<p><i>Atrichornis clamosus</i> (I)</p>			<p>Scrub-birds</p> <p>Noisy scrub-bird</p>

	Annex A	Annex B	Annex C	Common name
Cotingidae	<i>Cotinga maculata</i> (I) <i>Xipholena atropurpurea</i> (I)	<i>Rupicola</i> spp. (II)	<i>Cephalopterus ornatus</i> (III Colombia) <i>Cephalopterus penduliger</i> (III Colombia)	Cotingas Amazonian umbrella bird Long-wattled umbrella bird Banded cotinga Cocks-of-the-rock White-winged cotinga
Emberizidae		<i>Gubernatrix cristata</i> (II) <i>Paroaria capitata</i> (II) <i>Paroaria coronata</i> (II) <i>Tangara fastuosa</i> (II)		Cardinals, tanagers Yellow cardinal Yellow-billed cardinal Red-crested cardinal Seven-coloured tanager
Estrildidae		<i>Amandava formosa</i> (II) <i>Lonchura fuscata</i> <i>Lonchura oryzivora</i> (II) <i>Poephila cincta cincta</i> (II)		Mannikins, waxbills Green avadavat Timor sparrow Java sparrow Southern black-throated finch
Fringillidae	<i>Carduelis cucullata</i> (I)	<i>Carduelis yarrellii</i> (II)		Finches Red siskin Yellow-faced siskin
Hirundinidae	<i>Pseudochelidon sirintarae</i> (I)			Martins White-eyed river-martin
Icteridae	<i>Xanthopsar flavus</i> (I)			New-world blackbirds Saffron-cowled blackbird
Meliphagidae		<i>Lichenostomus melanops cassidix</i> (II)		Honey-eaters Helmeted honeyeater

	Annex A	Annex B	Annex C	Common name
Muscicapidae	<p><i>Acrocephalus rodericanus</i> (III Mauritius)</p> <p><i>Dasyornis broadbenti litoralis</i> (possibly extinct) (I)</p> <p><i>Dasyornis longirostris</i> (I)</p> <p><i>Picathartes gymnocephalus</i> (I)</p> <p><i>Picathartes oreas</i> (I)</p>	<p><i>Cyornis ruckii</i> (II)</p> <p><i>Garrulax canorus</i> (II)</p> <p><i>Garrulax taewanus</i> (II)</p> <p><i>Leiothrix argenteauris</i> (II)</p> <p><i>Leiothrix lutea</i> (II)</p> <p><i>Liocichla omeiensis</i> (II)</p>	<p><i>Terpsiphone bourbonnensis</i> (III Mauritius)</p>	<p>Old-world flycatchers, babblers, etc.</p> <p>Rodrigues brush-warbler</p> <p>Rueck's blue-flycatcher</p> <p>Western rufous bristlebird</p> <p>Western bristlebird</p> <p>Chinese Hwamei</p> <p>Taiwan Hwamei</p> <p>Silver-eared mesia</p> <p>Red-billed leiothrix</p> <p>Omei Shan liocichla</p> <p>White-necked rockfowl</p> <p>Grey-necked rockfowl</p> <p>Mascarene paradise-flycatcher</p>
Paradisaeidae		Paradisaeidae spp. (II)		<p>Birds of paradise</p> <p>Birds of paradise</p>
Pittidae	<p><i>Pitta gurneyi</i> (I)</p> <p><i>Pitta kochi</i> (I)</p>	<p><i>Pitta guajana</i> (II)</p> <p><i>Pitta nympha</i> (II)</p>		<p>Pittas</p> <p>Banded pitta</p> <p>Gurney's pitta</p> <p>Whiskered pitta</p> <p>Fairy pitta</p>
Pycnonotidae		<i>Pycnonotus zeylanicus</i> (II)		<p>Bulbuls</p> <p>Straw-headed bulbul</p>
Sturnidae		<i>Gracula religiosa</i> (II)		<p>Mynas</p> <p>Hill myna</p>

	Annex A	Annex B	Annex C	Common name
	<i>Leucopsar rothschildi</i> (I)			Bali myna
Zosteropidae	<i>Zosterops albogularis</i> (I)			White-eyes White-chested white-eye
PELECANIFORMES				
Fregatidae	<i>Fregata andrewsi</i> (I)			Frigatebirds Christmas frigatebird
Pelecanidae	<i>Pelecanus crispus</i> (I)			Pelicans Dalmatian pelican
Sulidae	<i>Papasula abbotti</i> (I)			Boobies Abbott's booby
PICIFORMES				
Capitonidae			<i>Semnormis ramphastinus</i> (III Colombia)	Barbets Toucan barbet
Picidae	<i>Dryocopus javensis richardsi</i> (I)			Woodpeckers Tristram's woodpecker
Ramphastidae		<i>Pteroglossus aracari</i> (II) <i>Pteroglossus viridis</i> (II) <i>Ramphastos sulfuratus</i> (II) <i>Ramphastos toco</i> (II) <i>Ramphastos tucanus</i> (II) <i>Ramphastos vitellinus</i> (II)	<i>Bailloniuss bailloni</i> (III Argentina) <i>Pteroglossus castanotis</i> (III Argentina) <i>Ramphastos dicolorus</i> (III Argentina) <i>Selenidera maculirostris</i> (III Argentina)	Toucans Saffron toucanet Black-necked aracari Chestnut-eared aracari Green aracari Red-breasted toucan Keel-billed toucan Toco toucan Red-billed toucan Channel-billed toucan Spot-billed toucanet

	Annex A	Annex B	Annex C	Common name
PODICIPEDIFORMES Podicipedidae	<i>Podilymbus gigas</i> (I)			Grebes Atitlan Grebe
PROCELLARIIFORMES Diomedeidae	<i>Phoebastria albatrus</i> (I)			Albatrosses Short-tailed albatross
PSITTACIFORMES		PSITTACIFORMES spp. (II) (Except for the species included in Annex A and excluding <i>Agapornis roseicollis</i> , <i>Melopsittacus undulatus</i> , <i>Nymphicus hollandicus</i> and <i>Psittacula krameri</i> , which are not included in the Annexes to this Regulation)		Cockatoos, lories, macaws, parakeets, parrots etc. Parrots, etc.
Cacatuidae	<i>Cacatua goffiniana</i> (I) <i>Cacatua haematuropygia</i> (I) <i>Cacatua moluccensis</i> (I) <i>Cacatua sulphurea</i> (I) <i>Probosciger aterrimus</i> (I)			Cockatoos Tanimbar cockatoo Philippine cockatoo Salmon-crested cockatoo Yellow-crested cockatoo Palm cockatoo
Loriidae	<i>Eos histrio</i> (I) <i>Vini</i> spp. (I/II) (<i>Vini ultramarina</i> is listed in Appendix I, the other species are listed in Appendix II)			Lories, lorikeets Red and blue lory Blue lorikeets
Psittacidae	<i>Amazona arausiaca</i> (I)			Amazons, macaws, parakeets, parrots Red-necked parrot

	Annex A	Annex B	Annex C	Common name
	<i>Amazona auropalliata</i> (I)			Yellow-naped parrot
	<i>Amazona barbadensis</i> (I)			Yellow-shouldered parrot
	<i>Amazona brasiliensis</i> (I)			Red-tailed parrot
	<i>Amazona finschi</i> (I)			Lilac-crowned parrot
	<i>Amazona guildingii</i> (I)			St Vincent parrot
	<i>Amazona imperialis</i> (I)			Imperial parrot
	<i>Amazona leucocephala</i> (I)			Cuban parrot
	<i>Amazona oratrix</i> (I)			Yellow-headed parrot
	<i>Amazona pretrei</i> (I)			Red-spectacled parrot
	<i>Amazona rhodocorytha</i> (I)			Red-browed parrot
	<i>Amazona tucumana</i> (I)			Tucuman parrot
	<i>Amazona versicolor</i> (I)			Saint Lucia parrot
	<i>Amazona vinacea</i> (I)			Vinaceous parrot
	<i>Amazona viridigenalis</i> (I)			Green-cheeked parrot
	<i>Amazona vittata</i> (I)			Puerto Rican parrot
	<i>Anodorhynchus</i> spp. (I)			Blue macaws
	<i>Ara ambiguus</i> (I)			Great green macaw
	<i>Ara glaucogularis</i> (I)			Blue-throated macaw
	<i>Ara macao</i> (I)			Scarlet macaw
	<i>Ara militaris</i> (I)			Military macaw
	<i>Ara rubrogenys</i> (I)			Red-fronted macaw
	<i>Cyanopsitta spixii</i> (I)			Spix's macaw
	<i>Cyanoramphus cookii</i> (I)			Norfolk Island parakeet
	<i>Cyanoramphus forbesi</i> (I)			Chatham Island yellow-fronted parakeet
	<i>Cyanoramphus novaeseelandiae</i> (I)			Red-fronted parakeet

	Annex A	Annex B	Annex C	Common name
	<i>Cyanoramphus sailseti</i> (I) <i>Cyclopsitta diophthalma coxeni</i> (I) <i>Eunymphicus cornutus</i> (I) <i>Guarouba guarouba</i> (I) <i>Neophema chrysogaster</i> (I) <i>Ognorhynchus icterotis</i> (I) <i>Pezoporus occidentalis</i> (possibly extinct) (I) <i>Pezoporus wallicus</i> (I) <i>Pionopsitta pileata</i> (I) <i>Primolius couloni</i> (I) <i>Primolius maracana</i> (I) <i>Psephotus chrysopterygius</i> (I) <i>Psephotus dissimilis</i> (I) <i>Psephotus pulcherrimus</i> (possibly extinct) (I) <i>Psittacula echo</i> (I) <i>Psittacus erithacus</i> (I) <i>Pyrrhura cruentata</i> (I) <i>Rhynchopsitta</i> spp. (I) <i>Strigops habroptilus</i> (I)			Red-crowned parakeet Coxen's double-eyed fig parrot Horned parakeet Golden parakeet Orange-bellied parrot Yellow-eared parrot Night parrot Ground parrot Pileated parrot Blue-headed macaw Blue-winged macaw Golden-shouldered parrot Hooded parrot Paradise parrot Mauritius parakeet African grey parrot Blue-throated parakeet Thick-billed parrots Kakapo
RHEIFORMES Rheidae	<i>Pterocnemia pennata</i> (I) (Except <i>Pterocnemia pennata pennata</i> which is included in Annex B)	<i>Pterocnemia pennata pennata</i> (II) <i>Rhea americana</i> (II)		Rheas Lesser rhea Lesser rhea Greater rhea

	Annex A	Annex B	Annex C	Common name
SPHENISCIFORMES				
Spheniscidae	<i>Spheniscus humboldti</i> (I)	<i>Spheniscus demersus</i> (II)		Penguins Jackass penguin Humboldt penguin
STRIGIFORMES		STRIGIFORMES spp. (II) (Except for the species included in Annex A and except for <i>Sceloglaux albifacies</i>)		Owls Owls
Strigidae	<p><i>Aegolius funereus</i> (II)</p> <p><i>Asio flammeus</i> (II)</p> <p><i>Asio otus</i> (II)</p> <p><i>Athene noctua</i> (II)</p> <p><i>Bubo bubo</i> (II) (Except for <i>Bubo bubo bengalensis</i> which is included in Annex B)</p> <p><i>Glaucidium passerinum</i> (II)</p> <p><i>Heteroglaux blewitti</i> (I)</p> <p><i>Mimizuku gurneyi</i> (I)</p> <p><i>Ninox natalis</i> (I)</p> <p><i>Nyctea scandiaca</i> (II)</p> <p><i>Otus ireneae</i> (II)</p> <p><i>Otus scops</i> (II)</p> <p><i>Strix aluco</i> (II)</p> <p><i>Strix nebulosa</i> (II)</p> <p><i>Strix uralensis</i> (II) (Except for <i>Strix uralensis davidi</i> which is included in Annex B)</p> <p><i>Surnia ulula</i> (II)</p>			Owls Boreal owl Short-eared owl Long-eared owl Little owl Eurasian eagle-owl Eurasian pygmy-owl Forest owl Lesser eagle-owl Christmas hawk-owl Snowy owl Sokoke scops-owl Eurasian scops-owl Tawny owl Great grey owl Ural owl Northern hawk owl

	Annex A	Annex B	Annex C	Common name
Tytonidae	<i>Tyto alba</i> (II) <i>Tyto soumagnei</i> (I)			Barn owls Barn owl Soumagne's owl
STRUTHIONIFORMES Struthionidae	<i>Struthio camelus</i> (I) (Only the populations of Algeria, Burkina Faso, Cameroon, the Central African Republic, Chad, Mali, Mauritania, Morocco, the Niger, Nigeria, Senegal and the Sudan; all other populations are not included in the Annexes to this Regulation)			Ostrich Ostrich
TINAMIFORMES Tinamidae	<i>Tinamus solitarius</i> (I)			Tinamous Solitary tinamou
TROGONIFORMES Trogonidae	<i>Pharomachrus mocinno</i> (I)			Quetzals Resplendent quetzal
REPTILIA				Reptiles
CROCODYLIA Alligatoridae	<i>Alligator sinensis</i> (I) <i>Caiman crocodilus apaporiensis</i> (I) <i>Caiman latirostris</i> (I) (Except for the population of Argentina, which is included in Annex B)	CROCODYLIA spp. (II) (Except for the species included in Annex A)		Alligators, caimans, crocodiles Alligators, caimans, crocodiles Alligators, caimans Chinese alligator Rio Apaporis spectacled caiman Broad-nosed caiman

	Annex A	Annex B	Annex C	Common name
	<i>Melanosuchus niger</i> (I) (Except for the population of Brazil, which is included in Annex B, and population of Ecuador, which is included in Annex B and is subject to a zero annual export quota until an annual export quota has been approved by the CITES Secretariat and the IUCN/SSC Crocodile Specialist Group)			Black caiman
Crocodylidae	<p><i>Crocodylus acutus</i> (I) (Except for the population of the Integrated Management District of Mangroves of the Bay of Cispatá, Tinajones, La Balsa and Surrounding Areas, Department of Córdoba, Colombia, and the population of Cuba, which are included in Annex B)</p> <p><i>Crocodylus cataphractus</i> (I)</p> <p><i>Crocodylus intermedius</i> (I)</p> <p><i>Crocodylus mindorensis</i> (I)</p> <p><i>Crocodylus moreletii</i> (I) (Except for the population of Belize, which is included in Annex B with a zero quota for wild specimens traded for commercial purposes, and the population of Mexico, which is included in Annex B)</p> <p><i>Crocodylus niloticus</i> (I) (Except for the populations of Botswana, Egypt [subject to a zero quota for wild specimens traded for commercial purposes], Ethiopia, Kenya, Madagascar, Malawi, Mozambique, Namibia, South Africa, Uganda, the United Republic of Tanzania [subject to an annual export quota of no more than 1600 wild specimens including hunting trophies, in addition to ranched specimens], Zambia and Zimbabwe; these populations are included in Annex B)</p>			<p>Crocodyles</p> <p>American crocodile</p> <p>African slender-snouted crocodile</p> <p>Orinoco crocodile</p> <p>Philippine crocodile</p> <p>Morelet's crocodile</p> <p>Nile crocodile</p>

	Annex A	Annex B	Annex C	Common name
	<p><i>Crocodylus palustris</i> (I)</p> <p><i>Crocodylus porosus</i> (I) (Except for the populations of Australia, Indonesia, Malaysia [wild harvest restricted to the State of Sarawak and a zero quota for wild specimens for the other States of Malaysia (Sabah and Peninsular Malaysia), with no change in the zero quota unless approved by the CITES Parties] and Papua New Guinea, which are included in Annex B)</p> <p><i>Crocodylus rhombifer</i> (I)</p> <p><i>Crocodylus siamensis</i> (I)</p> <p><i>Osteolaemus tetraspis</i> (I)</p> <p><i>Tomistoma schlegelii</i> (I)</p>			<p>Mugger crocodile</p> <p>Estuarine crocodile</p> <p>Cuban crocodile</p> <p>Siamese crocodile</p> <p>West African dwarf crocodile</p> <p>False gharial</p>
Gavialidae	<p><i>Gavialis gangeticus</i> (I)</p>			<p>Gavial or gharial</p> <p>Gharial</p>
RHYNCHOCEPHALIA				
Sphenodontidae	<p><i>Sphenodon</i> spp. (I)</p>			<p>Tuataras</p> <p>Tuataras</p>
SAURIA				
Agamidae		<p><i>Saara</i> spp. (II)</p> <p><i>Uromastix</i> spp. (II)</p>		<p>Spiny-tailed lizards (Agamas, mastigures)</p> <p>Spiny-tailed lizards</p>
Anguidae		<p><i>Abronia</i> spp. (II) (except for the species included in Annex A. A zero export quota has been established for wild specimens for <i>Abronia aurita</i>, <i>A. gaiophasma</i>, <i>A. montecristoi</i>, <i>A. salvadorensis</i> and <i>A. vasconcelosii</i>)</p>		<p>Alligator lizards</p> <p>Alligator lizards</p>

	Annex A	Annex B	Annex C	Common name
	<p><i>Abronia anzuetoi</i> (I)</p> <p><i>Abronia campbelli</i> (I)</p> <p><i>Abronia fimbriata</i> (I)</p> <p><i>Abronia frosti</i> (I)</p> <p><i>Abronia meledona</i> (I)</p>			
Chamaeleonidae	<p><i>Brookesia perarmata</i> (I)</p> <p><i>Chamaeleo chamaeleon</i> (II)</p>	<p><i>Archaius</i> spp. (II)</p> <p><i>Bradypodion</i> spp. (II)</p> <p><i>Brookesia</i> spp. (II) (Except for the species included in Annex A)</p> <p><i>Calumma</i> spp. (II)</p> <p><i>Chamaeleo</i> spp. (II) (Except for the species included in Annex A)</p> <p><i>Furcifer</i> spp. (II)</p> <p><i>Kinyongia</i> spp. (II)</p> <p><i>Nadzikambia</i> spp. (II)</p> <p><i>Palleon</i> spp. (II)</p> <p><i>Rhampholeon</i> spp. (II)</p> <p><i>Rieppeleon</i> spp. (II)</p> <p><i>Trioceros</i> spp. (II)</p>		<p>Chameleons</p> <p>Dwarf chameleons</p> <p>Dwarf chameleons</p> <p>Dwarf spiny chameleon</p> <p>Madagascar chameleons</p> <p>Chameleons</p> <p>European chameleon</p> <p>Madagascar chameleons</p> <p>Dwarf chameleons</p> <p>Dwarf chameleons</p> <p>Pygmy chamaeleons</p> <p>Pygmy chamaeleons</p>
Cordylidae		<p><i>Cordylus</i> spp. (II)</p> <p><i>Hemicordylus</i> spp. (II)</p> <p><i>Karusaurus</i> spp. (II)</p> <p><i>Namazonurus</i> spp. (II)</p>		<p>Spiny-tailed lizards</p> <p>Girdled lizards</p>

	Annex A	Annex B	Annex C	Common name
		<i>Ninurta</i> spp. (II) <i>Ouroborus</i> spp. (II) <i>Pseudocordylus</i> spp. (II) <i>Smaug</i> spp. (II)		
Gekkonidae	<i>Cnemaspis psychedelica</i> (I) <i>Lygodactylus williamsi</i> (I) <i>Phelsuma guentheri</i> (II)	<i>Nactus serpensinsula</i> (II) <i>Naultinus</i> spp. (II) <i>Paroedura masobe</i> (II) <i>Phelsuma</i> spp. (II) (Except for the species included in Annex A) <i>Rhoptropella</i> spp. (II) <i>Uroplatus</i> spp. (II)	<i>Dactylocnemis</i> spp. (III New Zealand) <i>Hoplodactylus</i> spp. (III New Zealand) <i>Mokopirirakau</i> spp. (III New Zealand) <i>Toropuku</i> spp. (III New Zealand) <i>Tukutuku</i> spp. (III New Zealand) <i>Woodworthia</i> spp. (III New Zealand)	Geckos Psychedellic rock gecko Sticky-toed geckos Turquoise dwarf gecko Serpent Island gecko New Zealand tree geckos Masobe gecko Day geckos Round Island day gecko Flat-tailed geckos
Helodermatidae	<i>Heloderma horridum charlesbogerti</i> (I)	<i>Heloderma</i> spp. (II) (Except for the subspecies included in Annex A)		Gila monster and beaded lizard Gila monster and beaded lizard Guatemalan beaded lizard

	Annex A	Annex B	Annex C	Common name
Iguanidae	<p><i>Brachylophus</i> spp. (I)</p> <p><i>Cyclura</i> spp. (I)</p> <p><i>Sauromalus varius</i> (I)</p>	<p><i>Amblyrhynchus cristatus</i> (II)</p> <p><i>Conolophus</i> spp. (II)</p> <p><i>Ctenosaura bakeri</i> (II)</p> <p><i>Ctenosaura melanosterna</i> (II)</p> <p><i>Ctenosaura oedirhina</i> (II)</p> <p><i>Ctenosaura palearis</i> (II)</p> <p><i>Iguana</i> spp. (II)</p> <p><i>Phrynosoma blainvillii</i> (II)</p> <p><i>Phrynosoma cerroense</i> (II)</p> <p><i>Phrynosoma coronatum</i> (II)</p> <p><i>Phrynosoma wigginsi</i> (II)</p>		<p>Iguanas</p> <p>Galapagos marine iguana</p> <p>Fiji iguanas</p> <p>Galapagos land iguanas</p> <p>Utila Island spiny-tailed iguana</p> <p>Rio Aguan Valley spiny-tailed iguana</p> <p>Roatan spiny-tailed iguana</p> <p>Guatemalan Spiny-tailed iguana</p> <p>Ground iguanas</p> <p>Iguanas</p> <p>Blaineville's horned lizard</p> <p>Cedros Island horned lizard</p> <p>Coast horned lizard</p> <p>Gulf coast horned lizard</p> <p>San Esteban Island chuckwalla</p>
Lacertidae	<p><i>Gallotia simonyi</i> (I)</p> <p><i>Podarcis lilfordi</i> (II)</p> <p><i>Podarcis pityusensis</i> (II)</p>			<p>Lizards</p> <p>Hierro giant lizard</p> <p>Lilford's wall lizard</p> <p>Ibiza wall lizard</p>
Lanthanotidae		Lanthanotidae spp. (II) (A zero export quota has been established for wild specimens for commercial trade)		Earless Monitor Lizard
Scincidae		<i>Corucia zebrata</i> (II)		<p>Skinks</p> <p>Prehensile-tailed skink</p>

	Annex A	Annex B	Annex C	Common name
Teiidae		<i>Crocodilurus amazonicus</i> (II) <i>Dracaena</i> spp. (II) <i>Salvator</i> spp. (II) <i>Tupinambis</i> spp.(II)		Caiman lizards, tegu lizards Dragon lizard Caiman lizards Tegus
Varanidae	<i>Varanus bengalensis</i> (I) <i>Varanus flavescens</i> (I) <i>Varanus griseus</i> (I) <i>Varanus komodoensis</i> (I) <i>Varanus nebulosus</i> (I) <i>Varanus olivaceus</i> (II)	<i>Varanus</i> spp. (II) (Except for the species included in Annex A)		Monitor lizards Monitor lizards Indian monitor Yellow monitor Desert monitor Komodo dragon Clouded monitor Gray's monitor
Xenosauridae	<i>Shinisaurus crocodilurus</i> (I)			Chinese crocodile lizard Chinese crocodile lizard
SERPENTES				Snakes
Boidae	<i>Acrantophis</i> spp. (I) <i>Boa constrictor occidentalis</i> (I) <i>Epicrates inornatus</i> (I) <i>Epicrates monensis</i> (I) <i>Epicrates subflavus</i> (I) <i>Eryx jaculus</i> (II)	Boidae spp. (II) (Except for the species included in Annex A)		Boas Boas Madagascar ground boas Argentine boa constrictor Puerto Rican boa Virgin Island tree boa Jamaican boa Spotted sand boa

	Annex A	Annex B	Annex C	Common name
	<i>Sanzinia madagascariensis</i> (I)			Madagascar tree boa
Bolyeriidae	<i>Bolyeria multocarinata</i> (I) <i>Casarea dussumieri</i> (I)	Bolyeriidae spp. (II) (Except for the species included in Annex A)		Round Island boas Round Island boas Round Island boa Round Island keel-scaled boa
Colubridae		<i>Clelia clelia</i> (II) <i>Cyclagras gigas</i> (II) <i>Elachistodon westermanni</i> (II) <i>Ptyas mucosus</i> (II)	<i>Atretium schistosum</i> (III India) <i>Cerberus rynchops</i> (III India) <i>Xenochrophis piscator</i> (III India) <i>Xenochrophis schnurrenbergeri</i> (III India) <i>Xenochrophis tyleri</i> (III India)	Typical snakes, water snakes, whip snakes Olive keel-back Dog-faced water snake Mussurana False cobra Indian egg-eating snake Common rat snake Checkered keel-back
Elapidae		<i>Hoplocephalus bungaroides</i> (II) <i>Naja atra</i> (II) <i>Naja kaouthia</i> (II) <i>Naja mandalayensis</i> (II) <i>Naja naja</i> (II)	<i>Micrurus diastema</i> (III Honduras) <i>Micrurus nigrocinctus</i> (III Honduras) <i>Micrurus ruatanus</i> (III Honduras)	Cobras, coral snakes Broad-headed snake Atlantic coral snake Central American coral snake Chinese spitting cobra Monocellate cobra Burmese spitting cobra Indian cobra

	Annex A	Annex B	Annex C	Common name
		<i>Naja oxiana</i> (II) <i>Naja philippinensis</i> (II) <i>Naja sagittifera</i> (II) <i>Naja samarensis</i> (II) <i>Naja siamensis</i> (II) <i>Naja sputatrix</i> (II) <i>Naja sumatrana</i> (II) <i>Ophiophagus hannah</i> (II)		Central Asian cobra North Philippine spitting cobra Andaman cobra South-east Philippine spitting cobra Indochinese spitting cobra South Indonesian spitting cobra Golden spitting cobra King cobra
Loxocemidae		Loxocemidae spp. (II)		Mexican dwarf boa Mexican dwarf boa
Pythonidae	<i>Python molurus molurus</i> (I)	Pythonidae spp. (II) (Except for the subspecies included in Annex A)		Pythons Pythons Indian python
Tropidophiidae		Tropidophiidae spp. (II)		Wood boas Wood boas
Viperidae	<i>Vipera latifii</i>	<i>Atheris desaixi</i> (II) <i>Bitis worthingtoni</i> (II) <i>Crotalus durissus unicolor</i> <i>Trimeresurus mangshanensis</i> (II)	 <i>Crotalus durissus</i> (III Honduras) <i>Daboia russelii</i> (III India)	Vipers Mt. Kenya bush viper Kenya horned viper Neotropical rattlesnake Aruba rattlesnake Russell's viper Mangshan pit-viper Latifi's viper

	Annex A	Annex B	Annex C	Common name
	<i>Vipera ursinii</i> (I) (Only the population of Europe, except the area which formerly constituted the USSR; these latter populations are not included in the Annexes to this Regulation)			Orsini's viper
		<i>Vipera wagneri</i> (II)		Wagner's viper
TESTUDINES				
Carettochelyidae				Pig-nosed turtles
		<i>Carettochelys insculpta</i> (II)		Pig-nosed turtle
Chelidae				Austro-American sideneck turtles
		<i>Chelodina mccordi</i> (II) (A zero annual export quota has been established for specimens removed from the wild)		Roti snake-necked turtle
	<i>Pseudemys umbrina</i> (I)			Western swamp turtle
Cheloniidae				Sea turtles
	Cheloniidae spp. (I)			Sea turtles
Chelydridae				Snapping turtles
			<i>Chelydra serpentina</i> (III United States of America)	
			<i>Macrochelys temminckii</i> (III United States of America)	Alligator snapping turtle
Dermatemydidae				Central American river turtle
		<i>Dermatemys mawii</i> (II)		Central American river turtle
Dermochelyidae				Leatherback turtle
	<i>Dermochelys coriacea</i> (I)			Leatherback turtle
Emydidae				Box turtles, freshwater turtles
		<i>Chrysemys picta</i> (Only live specimens)		Painted turtle
		<i>Clemmys guttata</i> (II)		Spotted turtle

	Annex A	Annex B	Annex C	Common name
	<p><i>Glyptemys muhlenbergii</i> (I)</p> <p><i>Terrapene coahuila</i> (I)</p>	<p><i>Emydoidea blandingii</i> (II)</p> <p><i>Glyptemys insculpta</i> (II)</p> <p><i>Malaclemys terrapin</i> (II)</p> <p><i>Terrapene</i> spp. (II) (Except for the species included in Annex A)</p>	<p><i>Graptemys</i> spp. (III United States of America)</p>	<p>Blanding's turtle</p> <p>Wood turtle</p> <p>Bog turtle</p> <p>Map turtles</p> <p>Diamondback terrapin</p> <p>Box turtles</p> <p>Aquatic box turtle</p>
Geoemydidae	<p><i>Batagur affinis</i> (I)</p> <p><i>Batagur baska</i> (I)</p>	<p><i>Batagur borneoensis</i> (II) (A zero annual export quota has been established for specimens removed from the wild and traded for commercial purposes)</p> <p><i>Batagur dhongoka</i> (II)</p> <p><i>Batagur kachuga</i> (II)</p> <p><i>Batagur trivittata</i> (II) (A zero annual export quota has been established for specimens removed from the wild and traded for commercial purposes)</p> <p><i>Cuora</i> spp. (II) (A zero annual export quota has been established for <i>Cuora aurocapitata</i>, <i>C. bourreti</i>, <i>C. flavomarginata</i>, <i>C. galbinifrons</i>, <i>C. mccordi</i>, <i>C. mouhotii</i>, <i>C. pani</i>, <i>C. picturata</i>, <i>C. trifasciata</i>, <i>C. yunnanensis</i> and <i>C. zhoui</i> for specimens removed from the wild and traded for commercial purposes)</p> <p><i>Cyclemys</i> spp. (II)</p>		<p>Southern river terrapin</p> <p>Batagur</p> <p>Asian box turtles</p> <p>Asian leaf turtles</p>

	Annex A	Annex B	Annex C	Common name
	<i>Geoclemys hamiltonii</i> (I)	<p><i>Geoemyda japonica</i> (II)</p> <p><i>Geoemyda spengleri</i> (II)</p> <p><i>Hardella thurjii</i> (II)</p> <p><i>Heosemys annandalii</i> (II) (A zero annual export quota has been established for specimens removed from the wild and traded for commercial purposes)</p> <p><i>Heosemys depressa</i> (II) (A zero annual export quota has been established for specimens removed from the wild and traded for commercial purposes)</p> <p><i>Heosemys grandis</i> (II)</p> <p><i>Heosemys spinosa</i> (II)</p> <p><i>Leucocephalon yuwonoi</i> (II)</p> <p><i>Malayemys macrocephala</i> (II)</p> <p><i>Malayemys subtrijuga</i> (II)</p> <p><i>Mauremys annamensis</i> (II) (A zero annual export quota has been established for specimens removed from the wild and traded for commercial purposes)</p> <p><i>Mauremys japonica</i> (II)</p> <p><i>Mauremys mutica</i> (II)</p> <p><i>Mauremys nigricans</i> (II)</p>	<p><i>Mauremys iversoni</i> (III China)</p> <p><i>Mauremys megaloccephala</i> (III China)</p> <p><i>Mauremys pritchardi</i> (III China)</p> <p><i>Mauremys reevesii</i> (III China)</p>	<p>Black pond turtle</p> <p>Ryukyu black-breasted leaf turtle</p> <p>Black-breasted leaf turtle</p> <p>Crowned river turtle</p> <p>Yellow-headed temple turtle</p> <p>Arakan forest turtle</p> <p>Giant Asian turtle</p> <p>Spiny turtle</p> <p>Sulawesi forest turtle</p> <p>Snail-eating turtle</p> <p>Ricefield turtle</p> <p>Annam pond turtle</p> <p>Fujian pond turtle</p> <p>Japanese pond turtle</p> <p>Big-headed pond turtle</p> <p>Yellow pond turtle</p> <p>Red-necked pond turtle</p> <p>Pritchard's pond turtle</p> <p>Reeves's turtle</p>

	Annex A	Annex B	Annex C	Common name
	<p><i>Melanochelys tricarinata</i> (I)</p> <p><i>Morenia ocellata</i> (I)</p> <p><i>Pangshura tecta</i> (I)</p>	<p><i>Melanochelys trijuga</i> (II)</p> <p><i>Morenia petersi</i> (II)</p> <p><i>Notochelys platynota</i> (II)</p> <p><i>Orlitia borneensis</i> (II) (A zero annual export quota has been established for specimens removed from the wild and traded for commercial purposes)</p> <p><i>Pangshura</i> spp. (II) (Except for the species included in Annex A)</p> <p><i>Sacalia bealei</i> (II)</p> <p><i>Sacalia quadriocellata</i> (II)</p> <p><i>Siebenrockiella crassicollis</i> (II)</p> <p><i>Siebenrockiella leytensis</i> (II)</p> <p><i>Vijayachelys silvatica</i> (II)</p>	<p><i>Mauremys sinensis</i> (III China)</p> <p><i>Ocadia glyphistoma</i> (III China)</p> <p><i>Ocadia philippeni</i> (III China)</p> <p><i>Sacalia pseudocellata</i> (III China)</p>	<p>Chinese stripe-necked turtle</p> <p>Three-keeled land tortoise</p> <p>Indian black turtle</p> <p>Burmese swamp turtle</p> <p>Indian eyed turtle</p> <p>Malayan flat-shelled turtle</p> <p>Notch-mouthed stripe-necked turtle</p> <p>Philippen's stripe-necked turtle</p> <p>Malayan giant turtle</p> <p>Roofed turtles</p> <p>Indian roofed turtle</p> <p>Beal's eyed turtle</p> <p>Chinese false-eyed turtle</p> <p>Four-eyed turtle</p> <p>Black marsh turtle</p> <p>Philippine pond turtle</p> <p>Cochin forest cane turtle</p>
Platysternidae	Platysternidae spp. (I)			<p>Big-headed turtles</p> <p>Big-headed turtles</p>
Podocnemididae		<p><i>Erymnochelys madagascariensis</i> (II)</p> <p><i>Peltocephalus dumerilianus</i> (II)</p> <p><i>Podocnemis</i> spp. (II)</p>		<p>Afro-American sideneck turtles</p> <p>Madagascar sideneck turtle</p> <p>Big-headed sideneck turtle</p> <p>Sideneck turtles</p>

	Annex A	Annex B	Annex C	Common name
Testudinidae	<p><i>Astrochelys radiata</i> (I)</p> <p><i>Astrochelys yniphora</i> (I)</p> <p><i>Chelonoidis niger</i> (I)</p> <p><i>Geochelone platynota</i> (I)</p> <p><i>Gopherus flavomarginatus</i> (I)</p> <p><i>Malacochersus tornieri</i> (II)</p> <p><i>Psammobates geometricus</i> (I)</p> <p><i>Pyxis arachnoides</i> (I)</p> <p><i>Pyxis planicauda</i> (I)</p> <p><i>Testudo graeca</i> (II)</p> <p><i>Testudo hermanni</i> (II)</p> <p><i>Testudo kleinmanni</i> (I)</p> <p><i>Testudo marginata</i> (II)</p>	<p>Testudinidae spp. (II) (Except for the species included in Annex A; a zero annual export quota has been established for <i>Centrochelys sulcata</i> for specimens removed from the wild and traded for primarily commercial purposes)</p>		<p>Tortoises</p> <p>Tortoises</p> <p>Radiated tortoise</p> <p>Angonoka</p> <p>Galapagos giant tortoise</p> <p>Burmese star tortoise</p> <p>Bolson tortoise</p> <p>Pancake tortoise</p> <p>Geometric tortoise</p> <p>Madagascar spider tortoise</p> <p>Madagascar flat-shelled tortoise</p> <p>Spur-thighed tortoise</p> <p>Hermann's tortoise</p> <p>Egyptian tortoise</p> <p>Marginated tortoise</p>
Trionychidae		<p><i>Amyda cartilaginea</i> (II)</p>	<p><i>Apalone ferox</i> (III United States of America)</p> <p><i>Apalone mutica</i> (III United States of America)</p> <p><i>Apalone spinifera</i> (III United States of America) (except for the subspecies included in Annex A)</p>	<p>Softshell turtles, terrapins</p> <p>Southeast Asian soft-shelled turtle</p>

	Annex A	Annex B	Annex C	Common name
	<i>Apalone spinifera atra</i> (I)			Cuatro Cienagas soft-shell turtle
		<i>Chitra</i> spp. (II) (Except for the species included in Annex A)		Narrow-headed softshell turtles
	<i>Chitra chitra</i> (I)			Asian narrow-headed softshell
	<i>Chitra vandijki</i> (I)			Burmese narrow-headed softshell
		<i>Cyclanorbis elegans</i> (II)		Nubian flapshell turtle
		<i>Cyclanorbis senegalensis</i> (II)		Senegal flapshell turtle
		<i>Cycloderma aubryi</i> (II)		Aubry's flapshell turtle
		<i>Cycloderma frenatum</i> (II)		Zambezi flapshell turtle
		<i>Dogania subplana</i> (II)		Malayan soft-shelled turtle
		<i>Lissemys ceylonensis</i> (II)		Sri Lankan flapshell turtle
		<i>Lissemys punctata</i> (II)		Indo-Gangetic flapshell turtle
		<i>Lissemys scutata</i> (II)		Burmese flapshell turtle
		<i>Nilssonina formosa</i> (II)		Burmese peacock softshell
	<i>Nilssonina gangetica</i> (I)			Indian soft-shell turtle
	<i>Nilssonina hurum</i> (I)			Peacock soft-shell turtle
		<i>Nilssonina leithii</i> (II)		Leith's softshell turtle
	<i>Nilssonina nigricans</i> (I)			Black soft-shell turtle
		<i>Palea steindachneri</i> (II)		Wattle-necked softshell turtle
		<i>Pelochelys</i> spp. (II)		Giant softshell turtles
		<i>Pelodiscus axenaria</i> (II)		Hunan softshell turtle
		<i>Pelodiscus maackii</i> (II)		Amur softshell turtle
		<i>Pelodiscus parviformis</i> (II)		Chinese softshell turtle
		<i>Rafetus euphraticus</i> (II)		Euphrates softshell turtle

	Annex A	Annex B	Annex C	Common name
		<i>Rafetus swinhoi</i> (II) <i>Trionyx triunguis</i> (II)		Yangtze softshell turtle Nile softshell turtle
AMPHIBIA				Amphibians
ANURA Aromobatidae		<i>Allobates femoralis</i> (II) <i>Allobates hodli</i> (II) <i>Allobates myersi</i> (II) <i>Allobates zaparo</i> (II) <i>Anomaloglossus rufulus</i> (II)		Frogs and toads Cryptic forest frogs Brilliant-thighed poison frog Myers' poison frog Sanguine poison frog Chimanta poison frog
Bufonidae	<i>Altiphrynoides</i> spp. (I) <i>Amietophrynus channingi</i> (I) <i>Amietophrynus superciliaris</i> (I) <i>Atelopus zeteki</i> (I) <i>Incilius periglenes</i> (I) <i>Nectophrynoides</i> spp. (I) <i>Nimbaphrynoides</i> spp. (I)			Toads Malcolm's Ethiopian toad Cameroon toad Golden frog Golden toad African viviparous toads Nimba toads
Calyptocephalellidae			<i>Calyptocephalella gayi</i> (III Chile)	Chilean helmeted water toad
Conrauidae		<i>Conraua goliath</i>		Frogs Goliath frog
Dendrobatidae		<i>Adelphobates</i> spp. (II) <i>Ameerega</i> spp. (II)		Poison frogs

	Annex A	Annex B	Annex C	Common name
		<i>Andinobates</i> spp. (II) <i>Dendrobates</i> spp. (II) <i>Epipedobates</i> spp. (II) <i>Excidobates</i> spp. (II) <i>Hyloxalus azureiventris</i> (II) <i>Minyobates</i> spp. (II) <i>Oophaga</i> spp. (II) <i>Phyllobates</i> spp. (II) <i>Ranitomeya</i> spp. (II)		Poison-arrow frogs Poison-arrow frogs Sky-blue poison frog Demonic poison frogs Poison-arrow frogs
Dicroglossidae		<i>Euphlyctis hexadactylus</i> (II) <i>Hoplobatrachus tigerinus</i> (II)		Frogs Six-fingered frog Tiger frog
Hylidae		<i>Agalychnis</i> spp. (II)		Tree frogs
Mantellidae		<i>Mantella</i> spp. (II)		Mantella frogs Mantella frogs
Microhylidae		<i>Dyscophus antongilii</i> (II) <i>Dyscophus guineti</i> (II) <i>Dyscophus insularis</i> (II) <i>Scaphiophryne boribory</i> (II) <i>Scaphiophryne gottlebei</i> (II) <i>Scaphiophryne marmorata</i> (II) <i>Scaphiophryne spinosa</i> (II)		Tomato frogs Tomato frog False tomato frog Antsouhy tomato frog Green marbled burrowing frog Red rain frog Green marbled burrowing frog Green marbled burrowing frog

	Annex A	Annex B	Annex C	Common name
Myobatrachidae		<i>Rheobatrachus</i> spp. (II) (Except for <i>Rheobatrachus silus</i> and <i>Rheobatrachus vitellinus</i>)		Gastric brooding frogs Gastric brooding frog
Telmatobiidae	<i>Telmatobius culeus</i> (I)			Water frogs Titicaca water frog
CAUDATA Ambystomatidae		<i>Ambystoma dumerilii</i> (II) <i>Ambystoma mexicanum</i> (II)		Axolotls Lake Patzcuaro salamander Axolotl
Cryptobranchidae	<i>Andrias</i> spp. (I)		<i>Cryptobranchus alleganiensis</i> (III United States of America)	Giant salamanders Giant salamanders Hellbender
Hynobiidae			<i>Hynobius amjiensis</i> (III China)	Asiatic salamanders
Salamandridae	<i>Neurergus kaiseri</i> (I)	<i>Paramesotriton hongkongensis</i> (II)	<i>Salamandra algira</i> (III Algeria)	Salamanders and newts Kaiser's spotted newt Hong Kong warty newt
ELASMOBRANCHII				Sharks and rays
CARCHARHINIFORMES Carcharhinidae		<i>Carcharhinus falciformis</i> (II) (This inclusion will enter into effect on 4 October 2017) <i>Carcharhinus longimanus</i> (II)		Requiem sharks Silky shark Oceanic whitetip shark

	Annex A	Annex B	Annex C	Common name
Sphyrnidae		<i>Sphyrna lewini</i> (II) <i>Sphyrna mokarran</i> (II) <i>Sphyrna zygaena</i> (II)		Hammerhead sharks Scalloped hammerhead shark Great hammerhead shark Smooth hammerhead shark
LAMNIFORMES				
Alopiidae		<i>Alopias</i> spp. (II) (This inclusion will enter into effect on 4 October 2017)		Thresher sharks Thresher sharks
Cetorhinidae		<i>Cetorhinus maximus</i> (II)		Basking sharks Basking shark
Lamnidae		<i>Carcharodon carcharias</i> (II) <i>Lamna nasus</i> (II)		White sharks Great white shark Porbeagle
MYLIOBATIFORMES				
Myliobatidae		<i>Manta</i> spp. (II) <i>Mobula</i> spp. (II) (This inclusion will enter into effect on 4 April 2017)		Manta rays Devil rays
Potamotrygonidae			<i>Paratrygon aiereba</i> (III Colombia) <i>Potamotrygon</i> spp. (III Brazil) (population of Brazil) <i>Potamotrygon constellata</i> (III Colombia) <i>Potamotrygon magdalenae</i> (III Colombia) <i>Potamotrygon motoro</i> (III Colombia)	

	Annex A	Annex B	Annex C	Common name
			<i>Potamotrygon orbignyi</i> (III Colombia) <i>Potamotrygon schroederi</i> (III Colombia) <i>Potamotrygon scobina</i> (III Colombia) <i>Potamotrygon yepezi</i> (III Colombia)	
ORECTOLOBIFORMES Rhincodontidae		<i>Rhincodon typus</i> (II)		Whale sharks Whale shark
PRISTIFORMES Pristidae	Pristidae spp. (I)			Sawfishes Sawfishes
ACTINOPTERI				Fish
ACIPENSERIFORMES		ACIPENSERIFORMES spp. (II) (Except for the species included in Annex A)		Sturgeons and paddlefish
Acipenseridae	<i>Acipenser brevirostrum</i> (I) <i>Acipenser sturio</i> (I)			Sturgeons Shortnose sturgeon Common sturgeon
ANGUILLIFORMES Anguillidae		<i>Anguilla anguilla</i> (II)		Freshwater eels European eel
CYPRINIFORMES Catostomidae	<i>Chasmistes cujus</i> (I)			Cui-ui Cui-ui
Cyprinidae	<i>Probarbus jullieni</i> (I)	<i>Caecobarbus geertsii</i> (II)		Blind carps, plaeesok African blind barb fish Ikan temoleh

	Annex A	Annex B	Annex C	Common name
OSTEOGLOSSIFORMES Arapaimidae		<i>Arapaima gigas</i> (II)		Arapaima
Osteoglossidae	<i>Scleropages formosus</i> (I) <i>Scleropages inscriptus</i>			Arapaimas, bonytongues Asian arowana
PERCIFORMES Labridae		<i>Cheilinus undulatus</i> (II)		Wrasses Humphead wrasse
Pomacanthidae		<i>Holacanthus clarionensis</i> (II)		Clarion angelfish
Sciaenidae	<i>Totoaba macdonaldi</i> (I)			Totoabas Totoaba
SILURIFORMES Pangasiidae	<i>Pangasianodon gigas</i> (I)			Pangasid catfish Giant catfish
Loricariidae			<i>Hypancistrus zebra</i> (III Brazil)	
SYNGNATHIFORMES Syngnathidae		<i>Hippocampus</i> spp. (II)		Pipefishes, seahorses Seahorses
DIPNEUSTI				Lungfishes
CERATODONTIFORMES Neoceratodontidae		<i>Neoceratodus forsteri</i> (II)		Australian lungfishes Australian lungfish

	Annex A	Annex B	Annex C	Common name
COELACANTHI				Coelacanths
COELACANTHIFORMES Latimeriidae	<i>Latimeria</i> spp. (I)			Coelacanths Coelacanths
ECHINODERMATA (STARFISH, BRITTLE STARS, SEA URCHINS AND SEA CUCUMBERS)				
HOLOTHUROIDEA				Sea cucumbers
ASPIDOCHIROTIDA Stichopodidae			<i>Isostichopus fuscus</i> (III Ecuador)	Sea cucumbers Brown sea cucumber
ARTHROPODA (ARTHROPODS)				
ARACHNIDA				Spiders and scorpions
ARANEAE Theraphosidae		<i>Aphonopelma albiceps</i> (II) <i>Aphonopelma pallidum</i> (II) <i>Brachypelma</i> spp. (II)		Red-kneed tarantulas, tarantulas Chihuahua rose-grey tarantula Central American tarantulas
SCORPIONES Scorpionidae		<i>Pandinus dictator</i> (II) <i>Pandinus gambiensis</i> (II) <i>Pandinus imperator</i> (II) <i>Pandinus roeseli</i> (II)		Scorpions Giant Senegalese scorpion Emperor scorpion
INSECTA				Insects
COLEOPTERA Lucanidae			<i>Colophon</i> spp. (III South Africa)	Beetles Stag beetles Cape stag beetles

	Annex A	Annex B	Annex C	Common name
Scarabaeidae		<i>Dynastes satanas</i> (II)		Scarab beetles Satanas beetle
LEPIDOPTERA Nymphalidae			<i>Agrias amydon boliviensis</i> (III Bolivia) <i>Morpho godartii lachaumei</i> (III Bolivia) <i>Prepona praeneste buckleyana</i> (III Bolivia)	Butterflies
Papilionidae	<i>Ornithoptera alexandrae</i> (I) <i>Papilio chikae</i> (I) <i>Papilio homerus</i> (I) <i>Papilio hospiton</i> (II)	<i>Atrophaneura jophon</i> (II) <i>Atrophaneura palu</i> <i>Atrophaneura pandiyana</i> (II) <i>Bhutanitis</i> spp. (II) <i>Graphium sandawanum</i> <i>Graphium stresemanni</i> <i>Ornithoptera</i> spp. (II) (except for the species included in Annex A) <i>Papilio benguetus</i> <i>Papilio esperanza</i> <i>Papilio morondavana</i> <i>Papilio neumoegeni</i>		Birdwing and swallowtail butterflies Sri Lankan rose Palu swallowtail butterfly Malabar rose Swallowtail butterflies Apo swallowtail butterfly Seram swallowtail Birdwing butterflies Queen Alexandra's birdwing Luzon peacock swallowtail Homerus swallowtail Corsican swallowtail Madagascan emperor swallowtail

	Annex A	Annex B	Annex C	Common name
	<i>Parnassius apollo</i> (II)	<i>Parides ascanius</i> <i>Parides hahneli</i> <i>Teinopalpus</i> spp. (II) <i>Trogonoptera</i> spp. (II) <i>Troides</i> spp. (II)		Fluminense swallowtail butterfly Hahnel's amazonian swallowtail butterfly Mountain apollo Kaiser-I-Hind butterflies Birdwing butterflies Birdwing butterflies
ANNELIDA (SEGMENTED WORMS AND LEECHES)				
HIRUDINOIDEA				Leeches
ARHYNCHOBDELLIDA Hirudinidae		<i>Hirudo medicinalis</i> (II) <i>Hirudo verbana</i> (II)		Leeches Northern medicinal leech Southern medicinal leech
MOLLUSCA (MOLLUSCS)				
BIVALVIA				Bivalve molluscs (clams, mussels etc.)
MYTILOIDA Mytilidae		<i>Lithophaga lithophaga</i> (II)		Marine mussels European date mussel
UNIONOIDA Unionidae	<i>Conradilla caelata</i> (I) <i>Dromus dromas</i> (I) <i>Epioblasma curtisii</i> (I)	<i>Cyprogenia aberti</i> (II)		Freshwater mussels, pearly mussels Birdwing pearly mussel Western fanshell mussel Dromedary pearly mussel Curtis' pearly mussel

	Annex A	Annex B	Annex C	Common name
	<i>Villosa trabalis</i> (I)			Cumberland bean pearly mussel
VENEROIDA				
Tridacnidae		Tridacnidae spp. (II)		Giant clams Giant clams
CEPHALOPODA				
NAUTILIDA				
Nautilidae		Nautilidae spp. (II)		Nautilus Nautilus
GASTROPODA				Slugs, snails and conches
MESOGASTROPODA				
Strombidae		<i>Strombus gigas</i> (II)		Conches Queen conch
STYLOMMATOPHORA				
Achatinellidae	<i>Achatinella</i> spp. (I)			Agate snails, oahu tree snails Little agate shells
Camaenidae		<i>Papustyla pulcherrima</i> (II)		Green tree snail Manus green tree snail
Cepolidae	<i>Polymita</i> spp. (I)			Cuban landsnails
CNIDARIA (CORALS, FIRE CORALS, SEA ANEMONES)				
ANTHOZOA				Corals, sea anemones
ANTIPATHARIA		ANTIPATHARIA spp. (II)		Black corals
GORGONACEAE				
Coralliidae			<i>Corallium elatius</i> (III China)	Red and pink corals

	Annex A	Annex B	Annex C	Common name
			<i>Corallium japonicum</i> (III China) <i>Corallium konjoi</i> (III China) <i>Corallium secundum</i> (III China)	
HELIOPORACEA Helioporidae		Helioporidae spp. (II) (Includes only the species <i>Heliopora coerulea</i>) (*)		Blue coral Blue coral
SCLERACTINIA		SCLERACTINIA spp. (II) (*)		Stony corals
STOLONIFERA Tubiporidae		Tubiporidae spp. (II) (*)		Organpipe corals Organpipe corals
HYDROZOA				Sea ferns, fire corals, stinging medusas
MILLEPORINA Milleporidae		Milleporidae spp. (II) (*)		Wello fire corals Wello fire corals
STYLASTERINA Stylasteridae		Stylasteridae spp. (II) (*)		Lace corals Lace corals
FLORA				
AGAVACEAE	<i>Agave parviflora</i> (I)	<i>Agave victoriae-reginae</i> (II) #4 <i>Nolina interrata</i> (II) <i>Yucca queretaroensis</i> (II)		Agaves Santa Cruz striped agave Queen Victoria agave Dehesa bear-grass Queretaro yucca

	Annex A	Annex B	Annex C	Common name
AMARYLLIDACEAE		<i>Galanthus</i> spp. (II) #4 <i>Sternbergia</i> spp. (II) #4		Amaryllids Snowdrops Sternbergias
ANACARDIACEAE		<i>Operculicarya decaryi</i> (II) <i>Operculicarya hyphaenoides</i> (II) <i>Operculicarya pachypus</i> (II)		Jabihy Jabihy Tabily
APOCYNACEAE	<i>Pachypodium ambongense</i> (I) <i>Pachypodium baronii</i> (I) <i>Pachypodium decaryi</i> (I)	<i>Hoodia</i> spp. (II) #9 <i>Pachypodium</i> spp. (II) (Except for the species included in Annex A) #4 <i>Rauvolfia serpentina</i> (II) #2		Hoodia Elephant trunks Snake-root devil-pepper
ARALIACEAE		<i>Panax ginseng</i> (II) (Only the population of the Russian Federation; no other population is included in the Annexes to this Regulation) #3 <i>Panax quinquefolius</i> (II) #3		Aralias Asian ginseng American ginseng
ARAUCARIACEAE	<i>Araucaria araucana</i> (I)			Araucarias Monkey-puzzle tree
ASPARAGACEAE		<i>Beaucarnea</i> spp. (II)		Ponytail palm
BERBERIDACEAE		<i>Podophyllum hexandrum</i> (II) #2		Barberries Himalayan may-apple

	Annex A	Annex B	Annex C	Common name
BROMELIACEAE		<i>Tillandsia harrisii</i> (II) #4 <i>Tillandsia kammii</i> (II) #4 <i>Tillandsia xerographica</i> (II) (°) #4		Air plants, bromelias Harris' tillandsia Kamm's tillandsia Xerographic tillandsia
CACTACEAE	<i>Ariocarpus</i> spp. (I) <i>Astrophytum asterias</i> (I) <i>Aztekium ritteri</i> (I) <i>Coryphantha werdermannii</i> (I) <i>Discocactus</i> spp. (I) <i>Echinocereus ferreirianus</i> ssp. <i>lindsayi</i> (I) <i>Echinocereus schmollii</i> (I) <i>Escobaria minima</i> (I) <i>Escobaria sneedii</i> (I) <i>Mammillaria pectinifera</i> (I) (includes ssp. <i>solisoides</i>) <i>Melocactus conoideus</i> (I) <i>Melocactus deinacanthus</i> (I) <i>Melocactus glaucescens</i> (I) <i>Melocactus paucispinus</i> (I) <i>Obregonia denegrii</i> (I) <i>Pachycereus militaris</i> (I)	CACTACEAE spp. (II) (Except for the species included in Annex A and <i>Pereskia</i> spp., <i>Pereskopsis</i> spp. and <i>Quibentia</i> spp.) (°) #4		Cacti Cacti Living rock cacti Star cactus Aztec cactus Jobali pincushion cactus Discocacti Lindsay's hedgehog cacti Lamb's-tail cactus Nelle's cactus Sneed's pincushion cactus Conchilinqu Conelike Turk's-cap cactus Wonderfully-bristled Turk's cap cactus Woolly waxy-stemmed Turk's-cap cactus Few-spined Turk's-cap cactus Artichoke cactus Grenadier's cap

	Annex A	Annex B	Annex C	Common name
	<i>Pediocactus bradyi</i> (I) <i>Pediocactus knowltonii</i> (I) <i>Pediocactus paradinei</i> (I) <i>Pediocactus peeblesianus</i> (I) <i>Pediocactus sileri</i> (I) <i>Pelecyphora</i> spp. (I) <i>Sclerocactus blainei</i> (I) <i>Sclerocactus brevihamatus</i> ssp. <i>tobuschii</i> (I) <i>Sclerocactus brevispinus</i> (I) <i>Sclerocactus cloverae</i> (I) <i>Sclerocactus erectocentrus</i> (I) <i>Sclerocactus glaucus</i> (I) <i>Sclerocactus mariposensis</i> (I) <i>Sclerocactus mesae-verdae</i> (I) <i>Sclerocactus nyensis</i> (I) <i>Sclerocactus papyracanthus</i> (I) <i>Sclerocactus pubispinus</i> (I) <i>Sclerocactus sileri</i> (I) <i>Sclerocactus wetlandicus</i> (I) <i>Sclerocactus wrightiae</i> (I) <i>Strombocactus</i> spp. (I) <i>Turbincarpus</i> spp. (I) <i>Uebelmannia</i> spp. (I)			Brady's pincushion cactus Knowlton's cactus Houserock valley cactus Peebles's Navajo cactus Siler's pincushion cactus Pine cane cactus Blaine's fishhook cactus Tobusch fishhook cactus Pariette cactus New Mexico fishhook cactus Needle-spined pineapple cactus Colorado hookless cactus Mariposa cactus Mesa Verde cactus Tonopah fishhook cactus Grama-grass cactus Great-Basin fishhook cactus Siler's fishhook cactus Unita Basin hookless cactus Wright's fishhook cactus Peyote Turbincarps Uebelmann cacti
CARYOCARACEAE		<i>Caryocar costaricense</i> (II) #4		Ajos Ajillo

	Annex A	Annex B	Annex C	Common name
COMPOSITAE (ASTERACEAE)				Asters, daisies, costus Costus
	<i>Saussurea costus</i> (I) (also known as <i>S. lappa</i> , <i>Aucklandia lappa</i> or <i>A. costus</i>)			
CUCURBITACEAE		<i>Zygosicyos pubescens</i> (II) (also known as <i>Xerosicyos pubescens</i>) <i>Zygosicyos tripartitus</i> (II)		Tobory Betoboky
CUPRESSACEAE	<i>Fitzroya cupressoides</i> (I) <i>Pilgerodendron uviferum</i> (I)			Cypresses Alerce Pilgerodendron
CYATHEACEAE		<i>Cyathea</i> spp. (II) #4		Tree ferns Tree ferns
CYCADACEAE	<i>Cycas beddomei</i> (I)	CYCADACEAE spp. (II) (Except for the species included in Annex A) #4		Cycads Cycads Beddome's cycad
DICKSONIACEAE		<i>Cibotium barometz</i> (II) #4 <i>Dicksonia</i> spp. (II) (Only the popula- tions of the Americas; no other popu- lations are included in the Annexes to this Regulation. This includes the synonyms <i>Dicksonia berteriana</i> , <i>D. ex-</i> <i>terna</i> , <i>D. sellowiana</i> and <i>D. stuebelii</i>) #4		Tree ferns Tree ferns
DIDIEREACEAE		DIDIEREACEAE spp. (II) #4		Didiereas Alluaudias, didiereas
DIOSCOREACEAE		<i>Dioscorea deltoidea</i> (II) #4		Yams Elephant's foot

	Annex A	Annex B	Annex C	Common name
DROSERACEAE		<i>Dionaea muscipula</i> (II) #4		Sundews Venus fly-trap
EBENACEAE		<i>Diospyros</i> spp. (II) (Only the populations of Madagascar; no other population is included in the Annexes to this Regulation) #5		Ebonies
EUPHORBIACEAE		<p><i>Euphorbia</i> spp. (II) #4</p> <p>(Succulent species only except for:</p> <ol style="list-style-type: none"> (1) <i>Euphorbia misera</i>; (2) artificially propagated specimens of cultivars of <i>Euphorbia trigona</i>; (3) artificially propagated specimens of <i>Euphorbia lactea</i> grafted on artificially propagated root stock of <i>Euphorbia nerifolia</i>, when they are: <ul style="list-style-type: none"> — crested, or — fan-shaped, or — colour mutants; (4) artificially propagated specimens of cultivars of <i>Euphorbia 'Mili'</i> when they are: <ul style="list-style-type: none"> — readily recognisable as artificially propagated specimens, and — introduced into or (re-)exported from the Union in shipments of 100 or more plants; <p>which are not subject to this Regulation, and</p> (5) the species included in Annex A) 		Spurges Euphorbias

	Annex A	Annex B	Annex C	Common name
	<p><i>Euphorbia ambovombensis</i> (I)</p> <p><i>Euphorbia capsaintemariensis</i> (I)</p> <p><i>Euphorbia cremersii</i> (I) (Includes the forma <i>viridifolia</i> and the var. <i>rakotozafyi</i>)</p> <p><i>Euphorbia cylindrifolia</i> (I) (Includes the ssp. <i>tuberifera</i>)</p> <p><i>Euphorbia decaryi</i> (I) (Includes the vars. <i>ampanihyensis</i>, <i>robinsonii</i> and <i>sprirosticha</i>)</p> <p><i>Euphorbia francoisii</i> (I)</p> <p><i>Euphorbia handiensis</i> (II)</p> <p><i>Euphorbia lambii</i> (II)</p> <p><i>Euphorbia moratii</i> (I) (Includes the vars. <i>antsingensis</i>, <i>bemarahensis</i> and <i>multiflora</i>)</p> <p><i>Euphorbia parvicyathophora</i> (I)</p> <p><i>Euphorbia quartziticola</i> (I)</p> <p><i>Euphorbia stygiana</i> (II)</p> <p><i>Euphorbia tulearensis</i> (I)</p>			
FAGACEAE			<i>Quercus mongolica</i> (III Russian Federation) #5	Beeches, oaks Mongolian oak
FOUQUIERIACEAE	<p><i>Fouquieria fasciculata</i> (I)</p> <p><i>Fouquieria purpusii</i> (I)</p>	<i>Fouquieria columnaris</i> (II) #4		Ocotillos, boojums Boojum tree Arbol del barril
GNETACEAE			<i>Gnetum montanum</i> (III Nepal) #1	Joint firs

	Annex A	Annex B	Annex C	Common name
	<p><i>Aloe albiflora</i> (I)</p> <p><i>Aloe alfredii</i> (I)</p> <p><i>Aloe bakeri</i> (I)</p> <p><i>Aloe bellatula</i> (I)</p> <p><i>Aloe calcairophila</i> (I)</p> <p><i>Aloe compressa</i> (I) (Includes the vars. <i>paucituberculata</i>, <i>rugosquamosa</i> and <i>schistophila</i>)</p> <p><i>Aloe delphinensis</i> (I)</p> <p><i>Aloe descoingsii</i> (I)</p> <p><i>Aloe fragilis</i> (I)</p> <p><i>Aloe haworthioides</i> (I) (Includes the var. <i>aurantiaca</i>)</p> <p><i>Aloe helenae</i> (I)</p> <p><i>Aloe laeta</i> (I) (Includes the var. <i>maniaensis</i>)</p> <p><i>Aloe parallelifolia</i> (I)</p> <p><i>Aloe parvula</i> (I)</p> <p><i>Aloe pillansii</i> (I)</p> <p><i>Aloe polyphylla</i> (I)</p> <p><i>Aloe rauhii</i> (I)</p> <p><i>Aloe suzannae</i> (I)</p> <p><i>Aloe versicolor</i> (I)</p> <p><i>Aloe vossii</i> (I)</p>			
MAGNOLIACEAE			<p><i>Magnolia liliifera</i> var. <i>obovata</i> (III Nepal) #1</p>	<p>Magnolias</p> <p>Safan</p>

	Annex A	Annex B	Annex C	Common name
MALVACEAE		<i>Adansonia grandidieri</i> (II) #16		Grandidier's baobab
MELIACEAE		<i>Swietenia humilis</i> (II) #4 <i>Swietenia macrophylla</i> (II) (Population of the Neotropics — includes Central and South America and the Caribbean) #6 <i>Swietenia mahagoni</i> (II) #5	<i>Cedrela fissilis</i> (III Bolivia, Brazil) #5 <i>Cedrela lilloi</i> (III Bolivia, Brazil) #5 <i>Cedrela odorata</i> (III Bolivia/Brazil. In addition, the following countries have listed their national populations: Colombia, Guatemala and Peru) #5	Mahoganies, cedars Spanish cedar Honduras mahogany Big-leaf mahogany Caribbean mahogany
NEPENTHACEAE	<i>Nepenthes khasiana</i> (I) <i>Nepenthes rajah</i> (I)	<i>Nepenthes</i> spp. (II) (Except for the species included in Annex A) #4		Pitcher plants (old-world) Tropical pitcher plants Indian pitcher plant Giant tropical pitcher plant
OLEACEAE			<i>Fraxinus mandshurica</i> (III Russian Federation) #5	Olives, ashes Manchurian ash
ORCHIDACEAE		ORCHIDACEAE spp. (II) (Except for the species included in Annex A) (?) #4		Orchids Orchids

	Annex A	Annex B	Annex C	Common name
	<p>For all of the following Annex A orchid species, seedling or tissue cultures are not subject to this Regulation, when:</p> <ul style="list-style-type: none"> — they are obtained <i>in vitro</i>, in solid or liquid media, and — meet the definition of ‘artificially propagated’ in accordance with Article 56 of Commission Regulation (EC) No 865/2006 ⁽⁸⁾, and — when introduced into or (re-)exported from the Union are transported in sterile containers <p><i>Aerangis ellisii</i> (I)</p> <p><i>Cephalanthera cucullata</i> (II)</p> <p><i>Cypripedium calceolus</i> (II)</p> <p><i>Dendrobium cruentum</i> (I)</p> <p><i>Goodyera macrophylla</i> (II)</p> <p><i>Laelia jongheana</i> (I)</p> <p><i>Laelia lobata</i> (I)</p> <p><i>Liparis loeselii</i> (II)</p> <p><i>Ophrys argolica</i> (II)</p> <p><i>Ophrys lunulata</i> (II)</p> <p><i>Orchis scopulorum</i> (II)</p> <p><i>Paphiopedilum</i> spp. (I)</p> <p><i>Peristeria elata</i> (I)</p> <p><i>Phragmipedium</i> spp. (I)</p> <p><i>Renanthera imschootiana</i> (I)</p> <p><i>Spiranthes aestivalis</i> (II)</p>			<p>Hooded helleborine</p> <p>Lady’s slipper orchid</p> <p>Madeiran lady’s-tresses</p> <p>Fen orchid</p> <p>Eyed bee orchid</p> <p>Crescent ophrys</p> <p>Madeiran orchid</p> <p>Asian slipper orchids</p> <p>Holy ghost orchid</p> <p>South American slipper orchids</p> <p>Red vanda</p> <p>Summer lady’s-tresses</p>

	Annex A	Annex B	Annex C	Common name
OROBANCHACEAE		<i>Cistanche deserticola</i> (II) #4		Broomrapes Desert cistanche
PALMAE (ARECACEAE)	<i>Dypsis decipiens</i> (I)	<i>Beccariophoenix madagascariensis</i> (II) #4 <i>Dypsis decaryi</i> (II) #4 <i>Lemurophoenix halleuxii</i> (II) <i>Marojejya darianii</i> (II) <i>Ravenea louvelii</i> (II) <i>Ravenea rivularis</i> (II) <i>Satranala decussilvae</i> (II) <i>Voanioala gerardii</i> (II)	<i>Lodoicea maldivica</i> (III Seychelles) #13	Palms Manarano Triangle palm Butterfly palm Hovitra varimena Coco de Mer Ravimbe Lakamarefo Gora Satranabe Voanioala
PAPAVERACEAE			<i>Meconopsis regia</i> (III Nepal) #1	Poppies Himalayan poppy
PASSIFLORACEAE		<i>Adenia firingalavensis</i> (II) <i>Adenia olaboensis</i> (II) <i>Adenia subsessilifolia</i> (II)		Bottle liana Vahisasety Katakata
PEDALIACEAE		<i>Uncarina grandidieri</i> (II) <i>Uncarina stellulifera</i> (II)		Pedaliium family Uncarina Uncarina

	Annex A	Annex B	Annex C	Common name
PINACEAE	<i>Abies guatemalensis</i> (I)		<i>Pinus koraiensis</i> (III Russian Federation) #5	Pine family Guatemalan fir
PODOCARPACEAE	<i>Podocarpus parlatoresi</i> (I)		<i>Podocarpus neriifolius</i> (III Nepal) #1	Podocarps Yellow wood Parlatore's podocarp
PORTULACACEAE		<i>Anacampseros</i> spp. (II) #4 <i>Avonia</i> spp. (II) #4 <i>Lewisia serrata</i> (II) #4		Portulacas, purslanes Purslanes Saw-toothed lewisia
PRIMULACEAE		<i>Cyclamen</i> spp. (II) (°) #4		Primulas, cyclamens Cyclamens
RANUNCULACEAE		<i>Adonis vernalis</i> (II) #2 <i>Hydrastis canadensis</i> (II) #8		Buttercups Yellow adonis Golden seal
ROSACEAE		<i>Prunus africana</i> (II) #4		Roses, cherries African cherry
RUBIACEAE	<i>Balmea stormiae</i> (I)			Ayugue Ayugue
SANTALACEAE		<i>Osyris lanceolata</i> (II) (Only the populations of Burundi, Ethiopia, Kenya, Rwanda, Uganda and the United Republic of Tanzania; no other population is included in the Annexes) #2		East African sandalwood

	Annex A	Annex B	Annex C	Common name
SARRACENIACEAE	<p><i>Sarracenia oreophila</i> (I)</p> <p><i>Sarracenia rubra</i> ssp. <i>alabamensis</i> (I)</p> <p><i>Sarracenia rubra</i> ssp. <i>jonesii</i> (I)</p>	<i>Sarracenia</i> spp. (II) (Except for the species included in Annex A) #4		<p>Pitcher plants (new world)</p> <p>Pitcher plants</p> <p>Green pitcher plant</p> <p>Alabama canebrake pitcher plant</p> <p>Mountain sweet pitcher plant</p>
SCROPHULARIACEAE		<i>Picrorhiza kurrooa</i> (II) (excludes <i>Picrorhiza scrophulariiflora</i>) #2		<p>Figworts</p> <p>Indian gentian</p>
STANGERIACEAE	<p><i>Stangeria eriopus</i> (I)</p>	<i>Bowenia</i> spp. (II) #4		<p>Stangerias (cycads)</p> <p>Cycads</p> <p>Stangeria</p>
TAXACEAE		<p><i>Taxus chinensis</i> and infraspecific taxa of this species (II) #2</p> <p><i>Taxus cuspidata</i> and infraspecific taxa of this species (II) ⁽¹⁰⁾ #2</p> <p><i>Taxus fuana</i> and infraspecific taxa of this species (II) #2</p> <p><i>Taxus sumatrana</i> and infraspecific taxa of this species (II) #2</p> <p><i>Taxus wallichiana</i> (II) #2</p>		<p>Yews</p> <p>Chinese yew</p> <p>Japanese yew</p> <p>Tibetan yew</p> <p>Sumatran yew</p> <p>Himalayan yew</p>
THYMELAEACEAE (AQUILARIACEAE)		<p><i>Aquilaria</i> spp. (II) #14</p> <p><i>Gonystylus</i> spp. (II) #4</p>		<p>Agarwood, ramin</p> <p>Agarwood</p> <p>Ramin</p>

	Annex A	Annex B	Annex C	Common name
		<i>Gyrinops</i> spp. (II) #14		Agarwood
TROCHODENDRACEAE (TETRACENTRACEAE)			<i>Tetracentron sinense</i> (III Nepal) #1	Tetracentrons
VALERIANACEAE		<i>Nardostachys grandiflora</i> (II) #2		Valerians
VITACEAE		<i>Cyphostemma elephantopus</i> (II) <i>Cyphostemma laza</i> (II) <i>Cyphostemma montagnacii</i> (II)		Lazampasika Laza Lazambohitra
WELWITSCHIAEAE		<i>Welwitschia mirabilis</i> (II) #4		Welwitschias Welwitschia
ZAMIACEAE	<i>Ceratozamia</i> spp. (I) <i>Encephalartos</i> spp. (I) <i>Microcycas calocoma</i> (I) <i>Zamia restrepoi</i> (I)	ZAMIACEAE spp. (II) (Except for the species included in Annex A) #4		Cycads Cycads Horncones Bread palms Palm corcho
ZINGIBERACEAE		<i>Hedychium philippinense</i> (II) #4 <i>Siphonochilus aethiopicus</i> (II) (Populations of Mozambique, South Africa, Swaziland and Zimbabwe)		Ginger lilies Philippine garland-flower Natal ginger

	Annex A	Annex B	Annex C	Common name
ZYGOPHYLLACEAE		<i>Bulnesia sarmientoi</i> (II) #11 <i>Guaiaicum</i> spp. (II) #2		Lignum-vitae Holy wood Lignum-vitae

(¹) For the exclusive purpose of allowing international trade in fibre from vicuñas (*Vicugna vicugna*) and their derivative products, only if the fibre comes from the shearing of live vicuñas. Trade in products derived from the fibre may only take place in accordance with the following provisions:

- a) Any person or entity processing vicuña fibre to manufacture cloth and garments must request authorization from the relevant authorities of the country of origin [Countries of origin: The countries where the species occurs, that is, Argentina, Bolivia, Chile, Ecuador and Peru] to use the 'vicuña country of origin' wording, mark or logo adopted by the range States of the species that are signatories to the Convention for the Conservation and Management of the Vicuña.
- b) Marketed cloth or garments must be marked or identified in accordance with the following provisions:
- i) For international trade in cloth made from live-sheared vicuña fibre, whether the cloth was produced within or outside of the range States of the species, the wording, mark or logo must be used so that the country of origin can be identified. The VICUÑA [COUNTRY OF ORIGIN] wording, mark or logo has the format as detailed below:



This wording, mark or logo must appear on the reverse side of the cloth. In addition, the selvages of the cloth must bear the words VICUÑA [COUNTRY OF ORIGIN].

- ii) For international trade in garments made from live-sheared vicuña fibre, whether the garments were produced within or outside of the range States of the species, the wording, mark or logo indicated in paragraph b) i) must be used. This wording, mark or logo must appear on a label in the garment itself. If the garments are produced outside of the country of origin, the name of the country where the garment was produced should also be indicated, in addition to the wording, mark or logo referred to in paragraph b) i).
- c) For international trade in handicraft products made from live-sheared vicuña fibre produced within the range States of the species, the VICUÑA [COUNTRY OF ORIGIN] — ARTESANÍA wording, mark or logo must be used as detailed below:



- d) If live-sheared vicuña fibre from various countries of origin is used for the production of cloth and garments, the wording, mark or logo of each of the countries of origin of the fibre must be indicated, as detailed in paragraphs b) i) and ii).
- e) All other specimens shall be deemed to be specimens of species listed in Appendix I and the trade in them shall be regulated accordingly.
- (²) All species are listed in Appendix II to the Convention except *Balaena mysticetus*, *Eubalaena* spp., *Balaenoptera acutorostrata* (except population of West Greenland), *Balaenoptera bonaerensis*, *Balaenoptera borealis*, *Balaenoptera edeni*, *Balaenoptera musculus*, *Balaenoptera omurai*, *Balaenoptera physalus*, *Megaptera novaeangliae*, *Orcaella brevirostris*, *Orcaella heinsohni*, *Sotalia* spp., *Sousa* spp., *Eschrichtius robustus*, *Lipotes vexillifer*, *Caperea marginata*, *Neophocaena asiaorientalis*, *Neophocaena phocaenoides*, *Phocoena sinus*, *Physeter macrocephalus*, *Platanista* spp., *Berardius* spp., *Hyperoodon* spp., which are listed in Appendix I. Specimens of the species listed in Appendix II to the Convention, including products and derivatives other than meat products for commercial purposes, taken by the people of Greenland under licence granted by the competent authority concerned, shall be treated as belonging to Annex B. A zero annual export quota is established for live specimens from the Black Sea population of *Tursiops truncatus* removed from the wild and traded for primarily commercial purposes.

(³) Populations of Botswana, Namibia, South Africa and Zimbabwe (listed in Annex B):

For the exclusive purpose of allowing: (a) trade in hunting trophies for non-commercial purposes; (b) trade in live animals to appropriate and acceptable destinations as defined in Resolution Conf. 11.20 for Botswana and Zimbabwe and for *in situ* conservation programmes for Namibia and South Africa; (c) trade in hides; (d) trade in hair; (e) trade in leather goods for commercial or non-commercial purposes for Botswana, Namibia and South Africa and for non-commercial purposes for Zimbabwe; (f) trade in individually marked and certified Ekipas incorporated in finished jewellery for non-commercial purposes for Namibia and ivory carvings for non-commercial purposes for Zimbabwe; (g) trade in registered raw ivory (for Botswana, Namibia, South Africa and Zimbabwe whole tusks and pieces) subject to the following: (i) only registered government-owned stocks, originating in the State (excluding seized ivory and ivory of unknown origin); (ii) only to trading partners that have been verified by the Secretariat, in consultation with the Standing Committee, to have sufficient national legislation and domestic trade controls to ensure that the imported ivory will not be re-exported and will be managed in accordance with all requirements of Resolution Conf. 10.10 (Rev. CoP14) concerning domestic manufacturing and trade; (iii) not before the Secretariat has verified the prospective importing countries and the registered government-owned stocks; (iv) raw ivory pursuant to the conditional sale of registered government-owned ivory stocks agreed at CoP12 which are 20 000 kg (Botswana), 10 000 kg (Namibia) and 30 000 kg (South Africa); (v) in addition to the quantities agreed at CoP12, government-owned ivory from Botswana, Namibia, South Africa and Zimbabwe registered by 31 January 2007 and verified by the Secretariat may be traded and despatched, with the ivory in paragraph (g)(iv) above in a single sale per destination under strict supervision of the Secretariat; (vi) the proceeds of the trade are used exclusively for elephant conservation and community conservation and development programmes within or adjacent to the elephant range; and (vii) the additional quantities specified in paragraph (g)(v) above shall be traded only after the Standing Committee has agreed that the above conditions have been met; (h) no further proposals to allow trade in elephant ivory from populations already in Annex B shall be submitted to the Conference of the Parties for the period from CoP14 and ending nine years from the date of the single sale of ivory that is to take place in accordance with provisions in paragraphs (g)(i), (g)(ii), (g)(iii), (g)(vi), and (g)(vii). In addition, such further proposals shall be dealt with in accordance with Decisions 14.77 and 14.78 (Rev. CoP15). On a proposal from the Secretariat, the Standing Committee can decide to cause this trade to cease partially or completely in the event of non-compliance by exporting or importing countries, or in the case of proven detrimental impacts of the trade on other elephant populations. All other specimens shall be deemed to be specimens of species included in Annex A and the trade in them shall be regulated accordingly.

(⁴) The following are not subject to the provisions of this Regulation:

Fossils;

Coral sand, that is to say, material consisting entirely or in part of finely crushed fragments of dead coral no larger than 2 mm in diameter, not identifiable to the level of genus, and which may also contain, amongst other things, the remains of Foraminifera, mollusc and crustacean shell, and coralline algae;

Coral fragments (including gravel and rubble), that is to say, unconsolidated fragments of broken finger-like dead coral and other material between 2 and 30 mm measured in any direction, not identifiable to the level of genus.

(⁵) Trade of specimens with source code A is allowed only if specimens traded possess cataphylls.

(⁶) Artificially propagated specimens of the following hybrids and/or cultivars are not subject to the provisions of this Regulation:

Hatiora x graeseri

Schlumbergera x buckleyi

Schlumbergera russelliana x Schlumbergera truncata

Schlumbergera orssichiana x Schlumbergera truncata

Schlumbergera opuntioides x Schlumbergera truncata

Schlumbergera truncata (cultivars)

Cactaceae spp. colour mutants grafted on the following grafting stocks: *Harrisia 'Jusbertii'*, *Hylocereus trigonus* or *Hylocereus undatus*

Opuntia microdasys (cultivars)

- (7) Artificially propagated hybrids of *Cymbidium*, *Dendrobium*, *Phalaenopsis* and *Vanda* are not subject to the provisions of this Regulation, when specimens are readily recognizable as artificially propagated and do not show any signs of having been collected in the wild such as mechanical damage or strong dehydration resulting from collection, irregular growth and heterogeneous size and shape within a taxon and shipment, algae or other epiphyllous organisms adhering to leaves, or damage by insects or other pests; and
- (a) when shipped in non flowering state, the specimens must be traded in shipments consisting of individual containers (such as cartons, boxes, crates or individual shelves of CC-containers) each containing 20 or more plants of the same hybrid; the plants within each container must exhibit a high degree of uniformity and healthiness; and the shipment must be accompanied by documentation, such as an invoice, which clearly states the number of plants of each hybrid; or
- (b) when shipped in flowering state, with at least one fully open flower per specimen, no minimum number of specimens per shipment is required but specimens must be professionally processed for commercial retail sale, e.g. labelled with printed labels or packaged with printed packages indicating the name of the hybrid and the country of final processing. This should be clearly visible and allow easy verification. Plants not clearly qualifying for the exemption must be accompanied by appropriate CITES documents.
- (8) Commission Regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 166, 19.6.2006, p. 1).
- (9) Artificially propagated specimens of cultivars of *Cyclamen persicum* are not subject to the provisions of this Regulation. However, the exemption does not apply to such specimens traded as dormant tubers.
- (10) Artificially propagated hybrids and cultivars of *Taxus cuspidata*, live, in pots or other small containers, each consignment being accompanied by a label or document stating the name of the taxon or taxa and the text 'artificially propagated', are not subject to the provisions of this Regulation.

	Annex D	Common name
FAUNA		
CHORDATA (CHORDATES)		
MAMMALIA		Mammals
CARNIVORA		
Canidae		Dogs, foxes, wolves
	<i>Vulpes vulpes griffithi</i> (III India) §1	Red fox
	<i>Vulpes vulpes montana</i> (III India) §1	Red fox
	<i>Vulpes vulpes pusilla</i> (III India) §1	Red fox
Mustelidae		Badgers, martens, weasels etc.
	<i>Mustela altaica</i> (III India) §1	Mountain weasel
	<i>Mustela erminea ferghanae</i> (III India) §1	Stoat
	<i>Mustela kathiah</i> (III India) §1	Yellow-bellied weasel
	<i>Mustela sibirica</i> (III India) §1	Siberian weasel

	Annex D	Common name
DIPROTODONTIA		
Macropodidae		Kangaroos, wallabies
	<i>Dendrolagus dorianus</i>	Doria's tree-kangaroo
	<i>Dendrolagus goodfellowi</i>	Goodfellow's tree-kangaroo
	<i>Dendrolagus matschiei</i>	Huon tree-kangaroo
	<i>Dendrolagus pulcherrimus</i>	Golden-mantled tree-kangaroo
	<i>Dendrolagus stellarum</i>	Seri's tree-kangaroo
AVES		Birds
ANSERIFORMES		
Anatidae		Ducks, geese, swans
	<i>Anas melleri</i>	Meller's duck
COLUMBIFORMES		
Columbidae		Doves, pigeons
	<i>Columba oenops</i>	Peruvian pigeon
	<i>Didunculus strigirostris</i>	Tooth-billed pigeon
	<i>Ducula pickeringii</i>	Grey imperial-pigeon
	<i>Gallicolumba crinigera</i>	Mindanao bleeding-heart
	<i>Ptilinopus marchei</i>	Flame-breasted fruit-dove
	<i>Turacoena modesta</i>	Black cuckoo-dove
GALLIFORMES		
Cracidae		Chachalacas, curassows, guans
	<i>Crax alector</i>	Black curassow
	<i>Pauxi unicornis</i>	Horned curassow
	<i>Penelope pileata</i>	White-crested guan
Megapodiidae		Megapodes, scrubfowl
	<i>Eulipoa wallacei</i>	Moluccan scrubfowl

	Annex D	Common name
Phasianidae	<i>Arborophila gingica</i> <i>Lophura bulweri</i> <i>Lophura diardi</i> <i>Lophura inornata</i> <i>Syrnaticus reevesii</i> §2	Grouse, guineafowl, partridges, pheasants, tragopans White-necklaced partridge Bulwer's pheasant Siamese fireback Salvadori's pheasant Reeves's pheasant
PASSERIFORMES Bombycillidae	<i>Bombycilla japonica</i>	Waxwings Japanese waxwing
Corvidae	<i>Cyanocorax caeruleus</i> <i>Cyanocorax dickeyi</i>	Crows, magpies, jays Azure jay Tufted jay
Cotingidae	<i>Procnias nudicollis</i>	Cotingas Bare-throated bellbird
Emberizidae	<i>Dacnis nigripes</i> <i>Sporophila falcirostris</i> <i>Sporophila frontalis</i> <i>Sporophila hypochroma</i> <i>Sporophila palustris</i>	Cardinals, seedeaters, tanagers Black-legged dacnis Temminck's seedeater Buffy-throated seedeater Grey-and-chestnut seedeater Marsh seedeater
Estrildidae	<i>Amandava amandava</i> <i>Cryptospiza reichenovii</i> <i>Erythrura coloria</i> <i>Erythrura viridifacies</i> <i>Estrilda quartinia</i> (Frequently traded as <i>Estrilda melanotis</i>)	Mannikins, waxbills Red avadavat Red-faced crimson-wing Red-eared parrotfinch Green-faced parrotfinch Yellow-bellied waxbill

	Annex D	Common name
	<i>Hypargos niveoguttatus</i> <i>Lonchura griseicapilla</i> <i>Lonchura punctulata</i> <i>Lonchura stygia</i>	Peters's twinspace Grey-headed silverbill Scaly-breasted munia Black munia
Fringillidae	<i>Carduelis ambigua</i> <i>Carduelis atrata</i> <i>Kozlowia roborowskii</i> <i>Pyrrhula erythaca</i> <i>Serinus canicollis</i> <i>Serinus citrinelloides hypostictus</i> (Frequently traded as <i>Serinus citrinelloides</i>)	Finches Black-headed greenfinch Black siskin Tibetan rosefinch Grey-headed bullfinch Cape canary East African citril
Icteridae	<i>Sturnella militaris</i>	New-world blackbirds Pampas meadowlark
Muscicapidae	<i>Cochoa azurea</i> <i>Cochoa purpurea</i> <i>Garrulax formosus</i> <i>Garrulax galbanus</i> <i>Garrulax milnei</i> <i>Niltava davidi</i> <i>Stachyris whiteheadi</i> <i>Swynnertonia swynnertoni</i> (Also referenced as <i>Pogonicichla swynnertoni</i>) <i>Turdus dissimilis</i>	Old-world flycatchers, thrushes Javan cochoa Purple cochoa Red-winged laughingthrush Yellow-throated laughingthrush Red-tailed laughing thrush Fujian niltava Chestnut-faced babbler Swynnerton's robin Black-breasted thrush
Pittidae	<i>Pitta nipalensis</i> <i>Pitta steerii</i>	Pittas Blue-naped pitta Azure-breasted pitta

	Annex D	Common name
Sittidae	<i>Sitta magna</i> <i>Sitta yunnanensis</i>	Nuthatches Giant nuthatch Yunnan nuthatch
Sturnidae	<i>Lamprotornis regius</i> <i>Mino dumontii</i> <i>Sturnus erythropygius</i>	Mynas, starlings Golden-breasted starling Yellow-faced myna White-headed starling
REPTILIA		Reptiles
SAURIA		
Agamidae	<i>Physignathus cocincinus</i>	Chinese water dragon
Gekkonidae	<i>Rhacodactylus auriculatus</i> <i>Rhacodactylus ciliatus</i> <i>Rhacodactylus leachianus</i> <i>Teratoscincus microlepis</i> <i>Teratoscincus scincus</i>	Geckos New Caledonia bumpy gecko Guichenot's giant gecko New Caledonia giant gecko Small-scaled wonder gecko Common wonder gecko
Gerrhosauridae	<i>Zonosaurus karsteni</i> <i>Zonosaurus quadrilineatus</i>	Spiny-tailed lizards Karsten's girdled lizard Four-lined girdled lizard
Iguanidae	<i>Ctenosaura quinquecarinata</i>	Club-tail iguana
Scincidae	<i>Tribolonotus gracilis</i> <i>Tribolonotus novaeguineae</i>	Skinks Crocodile skink New Guinea helmet skink

	Annex D	Common name
SERPENTES		
Colubridae		Typical snakes, water snakes, whip snakes
	<i>Elaphe carinata</i> §1	Taiwan stink snake
	<i>Elaphe radiata</i> §1	Radiated rat snake
	<i>Elaphe taeniura</i> §1	Taiwan beauty snake
	<i>Enhydris bocourti</i> §1	Bocourt's water snake
	<i>Homalopsis buccata</i> §1	Masked water snake
	<i>Langaha nasuta</i>	Northern leafnose snake
	<i>Leioheterodon madagascariensis</i>	Madagascar menarana snake
	<i>Ptyas korros</i> §1	Indochinese rat snake
	<i>Rhabdophis subminiatus</i> §1	Redneck keelback
Hydrophiidae		Sea snakes
	<i>Lapemis curtus</i> (Includes <i>Lapemis hardwickii</i>) §1	Shaw's sea snake
Viperidae		Vipers
	<i>Calloselasma rhodostoma</i> §1	Malayan pit viper
AMPHIBIA		
ANURA		Frogs and toads
Dicroglossidae		Frogs
	<i>Limnonectes macrodon</i>	Fanged River Frog or Javan Giant Frog
Hylidae		Tree frogs
	<i>Phyllomedusa sauvagii</i>	Waxy monkey tree frog
Leptodactylidae		Neotropical frogs
	<i>Leptodactylus laticeps</i>	Red spotted burrow frog
Ranidae		Frogs
	<i>Pelophylax shqiperica</i>	Albanian pool frog

	Annex D	Common name
CAUDATA		
Hynobiidae	<i>Ranodon sibiricus</i>	Asiatic salamanders Semirechensk salamander/Central Asian salamander/Siberian salamander
Plethodontidae	<i>Bolitoglossa dofleini</i>	Lungless salamanders Giant palm salamander
Salamandridae	<i>Cynops ensicauda</i> <i>Echinotriton andersoni</i> <i>Laotriton laoensis</i> <i>Liangshantriton taliangensis</i> <i>Paramesotriton</i> spp. (Except for the species included in Annex B) <i>Tylototriton</i> spp.	Newts and salamanders Sword-tailed newt Anderson's salamander Paddletail newt Warty newt Crocodile newts
ACTINOPTERYGII		Fish
PERCIFORMES		
Apogonidae	<i>Pterapogon kauderni</i>	Banggai cardinalfish
ARTHROPODA (ARTHROPODS)		
INSECTA		Insects
LEPIDOPTERA		Butterflies
Papilionidae	<i>Baronia brevicornis</i> <i>Papilio grose-smithi</i> <i>Papilio maraho</i>	Birdwing and swallow-tail butterflies Short-horned baronia Broad-tailed swallowtail

	Annex D	Common name
MOLLUSCA (MOLLUSCS)		
GASTROPODA		
Haliotidae		
	<i>Haliotis midae</i>	Midas ear abalone
FLORA		
AGAVACEAE		Agaves
	<i>Calibanus hookeri</i>	
	<i>Dasyilirion longissimum</i>	Beargrass
ARACEAE		Arums
	<i>Arisaema dracontium</i>	Green dragon
	<i>Arisaema erubescens</i>	
	<i>Arisaema galeatum</i>	
	<i>Arisaema nepenthoides</i>	
	<i>Arisaema sikokianum</i>	
	<i>Arisaema thunbergii</i> var. <i>urashima</i>	
	<i>Arisaema tortuosum</i>	
	<i>Biarum davisii</i> ssp. <i>marmarisense</i>	
	<i>Biarum ditschianum</i>	
COMPOSITAE (ASTERACEAE)		Asters, daisies, costus
	<i>Arnica montana</i> §3	Mountain tobacco
	<i>Othonna cacalioides</i>	
	<i>Othonna clavifolia</i>	
	<i>Othonna hallii</i>	
	<i>Othonna herrei</i>	
	<i>Othonna lepidocaulis</i>	
	<i>Othonna retrorsa</i>	

	Annex D	Common name
ERICACEAE	<i>Arctostaphylos uva-ursi</i> §3	Heathers, rhododendrons Bearberry
GENTIANACEAE	<i>Gentiana lutea</i> §3	Gentians Great yellow gentian
LILIACEAE	<i>Trillium pusillum</i> <i>Trillium rugelii</i> <i>Trillium sessile</i>	Wakerobins Dwarf wakerobin Ill-scented wakerobin Sessile-flowered wakerobin wood-lily
LYCOPODIACEAE	<i>Lycopodium clavatum</i> §3	Clubmosses Stagshorn clubmoss
MELIACEAE	<i>Cedrela montana</i> §4 <i>Cedrela oaxacensis</i> §4 <i>Cedrela salvadorensis</i> §4 <i>Cedrela tonduzii</i> §4	Mahoganies, cedars
MENYANTHACEAE	<i>Menyanthes trifoliata</i> §3	Bogbeans Bogbean
PARMELIACEAE	<i>Cetraria islandica</i> §3	Parmelioid lichens Icelandic moss
PASSIFLORACEAE	<i>Adenia glauca</i> <i>Adenia pechuelli</i>	Desert roses Desert rose Desert rose
PEDALIACEAE	<i>Harpagophytum</i> spp. §3	Sesame, devil's claw Devil's claw

	Annex D	Common name
PORTULACACEAE	<i>Ceraria carrissoana</i> <i>Ceraria fruticulosa</i>	Portulas, purslanes
SELAGINELLACEAE	<i>Selaginella lepidophylla</i>	Clubmosses, spikemosses Rose of Jericho

COMMISSION REGULATION (EU) 2017/161**of 31 January 2017****correcting the French language version of Regulation (EU) No 139/2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 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 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC ⁽¹⁾, and in particular Article 8a(5) thereof,

Whereas:

- (1) Errors occurred in the French language version of Commission Regulation (EU) No 139/2014 ⁽²⁾ laying down requirements and administrative procedures related to aerodromes. Therefore a correction in the French language version of Annexes II and IV to that Regulation is necessary. The other language versions are not affected.
- (2) Regulation (EU) No 139/2014 should therefore be corrected accordingly.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

*Article 1**(Concerns only the French language version)*

⁽¹⁾ OJ L 79, 19.3.2008, p. 1.

⁽²⁾ Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 44, 14.2.2014, p. 1).

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, 31 January 2017.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/162**of 31 January 2017****operating deductions from fishing quotas available for certain stocks in 2016 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) 2016/2226 operating deductions from fishing quotas available for certain stocks in 2016 on account of overfishing in the previous years**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ⁽¹⁾, and in particular Article 105(1), (2), (3) and (5) thereof,

Whereas:

- (1) Fishing quotas for the year 2015 were established by:
 - Council Regulation (EU) No 1221/2014 ⁽²⁾,
 - Council Regulation (EU) No 1367/2014 ⁽³⁾,
 - Council Regulation (EU) 2015/104 ⁽⁴⁾, and
 - Council Regulation (EU) 2015/106 ⁽⁵⁾.
- (2) Fishing quotas for the year 2016 were established by:
 - Regulation (EU) No 1367/2014,
 - Council Regulation (EU) 2015/2072 ⁽⁶⁾,
 - Council Regulation (EU) 2016/72 ⁽⁷⁾, and
 - Council Regulation (EU) 2016/73 ⁽⁸⁾.
- (3) According to Article 105(1) of Regulation (EC) No 1224/2009, when the Commission has established that a Member State has exceeded the fishing quotas which have been allocated to it, the Commission is to operate deductions from future fishing quotas of that Member State.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) No 1221/2014 of 10 November 2014 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulations (EU) No 43/2014 and (EU) No 1180/2013 (OJ L 330, 15.11.2014, p. 16).

⁽³⁾ Council Regulation (EU) No 1367/2014 of 15 December 2014 fixing for 2015 and 2016 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks (OJ L 366, 20.12.2014, p. 1).

⁽⁴⁾ 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).

⁽⁵⁾ Council Regulation (EU) 2015/106 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea (OJ L 19, 24.1.2015, p. 8).

⁽⁶⁾ Council Regulation (EU) 2015/2072 of 17 November 2015 fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulations (EU) No 1221/2014 and (EU) 2015/104 (OJ L 302, 19.11.2015, p. 1).

⁽⁷⁾ Council Regulation (EU) 2016/72 of 22 January 2016 fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2015/104 (OJ L 22, 28.1.2016, p. 1).

⁽⁸⁾ Council Regulation (EU) 2016/73 of 18 January 2016 fixing for 2016 the fishing opportunities for certain fish stocks in the Black Sea (OJ L 16, 23.1.2016, p. 1).

- (4) Commission Implementing Regulation (EU) 2016/2226 ⁽¹⁾ has established deductions from fishing quotas for certain stocks in 2016 on account of overfishing in the previous years.
- (5) However, for certain Member States, no deductions could be operated by Implementing Regulation (EU) 2016/2226 from quotas allocated for the overfished stocks because such quotas were not available for those Member States in the year 2016.
- (6) Article 105(5) of Regulation (EC) No 1224/2009 provides that, if it is not possible to operate deductions on the overfished stock in the year following the overfishing because the Member State concerned has no available quota, deductions may be operated on other stocks in the same geographical area or with the same commercial value. According to Commission Communication 2012/C 72/07 ⁽²⁾ such deductions should be preferably operated from quotas allocated for stocks fished by the same fleet as the fleet that overfished the quota, taking into account the need to avoid discards in mixed fisheries.
- (7) In certain cases, exchanges of fishing opportunities concluded in accordance with Article 16(8) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾ enabled partial deductions from the same stocks in the framework of Implementing Regulation (EU) 2016/2226. The remaining deductions should be operated on quotas for other stocks pursuant to Article 105(5) of Regulation (EC) No 1224/2009.
- (8) The Member States concerned have been consulted with regard to the proposed deductions from quotas allocated for stocks other than those which have been overfished.
- (9) In 2015, Spain has overfished its quota for skates and rays in Union waters of ICES Subareas VIII and IX (SRX/89-C.). By letter of 30 September 2016, Spain requested to spread the deduction due over 2 years. In view of the information provided and considering that a significant loss of quota would produce excessive discards of the species concerned, in accordance with point 3, letter (b) of the Communication 2012/C 72/07, this request can be accepted.
- (10) As regards sandeel in geographical area of ICES divisions IIa, IIIa and subdivision IV, given Denmark has overfished its total allowable catches in Union waters of management area 1 as defined in Annex IID of Regulation (EU) 2015/104 in 2015, it is required to operate deductions. In 2016, minimal catches have been allowed for sandeel in these waters in order to monitor the abundance of sandeel. However, with the said deductions it is impossible to maintain the monitoring system ⁽⁴⁾ advised by the International Council for the Exploration of the Sea (ICES) to manage sandeel. Therefore, deductions for the quotas overfished by Denmark in 2015 in this area should be operated from sandeel management area 3.
- (11) Moreover, certain deductions required by Implementing Regulation (EU) 2016/2226 appear to be larger than the adapted quota available in the year 2016 and, as a consequence, cannot be entirely operated in that year. According to Communication 2012/C 72/07, the remaining amounts should be deducted from the adapted quotas available in subsequent years until the full overfished amount is paid back.
- (12) Implementing Regulation (EU) 2016/2226 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The fishing quotas fixed in Regulations (EU) No 1367/2014, (EU) 2015/2072, (EU) 2016/72 and (EU) 2016/73 for the year 2016 referred to in the Annex I to this Regulation shall be reduced by applying the deductions on the alternative stocks set out in that Annex.

⁽¹⁾ Commission Implementing Regulation (EU) 2016/2226 of 9 December 2016 operating deductions from fishing quotas available for certain stocks in 2016 on account of overfishing in the previous years (OJ L 336, 10.12.2016, p. 28).

⁽²⁾ Communication from the Commission — Guidelines for deduction of quotas under article 105(1), (2) and (5) of Regulation (EC) No 1224/2009 (2012/C-72/07) (OJ C 72, 10.3.2012, p. 27).

⁽³⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

⁽⁴⁾ <http://www.ices.dk/sites/pub/Publication%20Reports/Expert%20Group%20Report/acom/2016/HAWG/13%20HAWG%20Report%202016%20-%20Sec%2011%20Sandeel%20in%20Division%203.a%20and%20Subarea%204.pdf>

Article 2

The Annex to Implementing Regulation (EU) 2016/2226 is replaced by the text in Annex II to this Regulation.

Article 3

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

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

Done at Brussels, 31 January 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Deductions from quotas for alternative stocks

Member State	Species code	Area code	Species name	Area name	Permitted landings 2015 (Total adapted quantity in kilograms) ⁽¹⁾	Total catches 2015 (qty in kilograms)	Quota consumption (%)	Overfishing related to permitted landing (qty in kilograms)	Multiplying factor ⁽²⁾	Additional multiplying factor ⁽³⁾ ⁽⁴⁾	Outstanding deduction from previous years ⁽⁵⁾ (qty in kilograms)	Deductions 2016 (qty in kilograms)	Deductions already applied in 2016 on the same stock (qty in kilograms) ⁽⁶⁾	Remaining quantity to be deducted on alternative stock (qty in kilograms)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
DK	DGS	03A-C.	Spurdog/dogfish	Union waters of IIIa	0	3 840	N/A	3 840	1,00	/	/	3 840	0	3 840
Deduction to be made on the following stock														
DK	NEP	3A/BCD	Norway lobster	IIIa; Union waters of Subdivisions 22-32	/	/	/	/	/	/	/	/	/	3 840
DK	DGS	2AC4-C	Spurdog/dogfish	Union waters of IIa and IV	0	1 540	N/A	1 540	1,00	/	/	1 540	0	1 540
Deduction to be made on the following stock														
DK	NEP	2AC4-C	Norway lobster	Union waters of IIa and IV	/	/	/	/	/	/	/	/	/	1 540
DK	NOP	04-N.	Norway pout	Norwegian waters of IV	0	28 270	N/A	28 270	1,00	/	/	28 270	0	28 270
Deduction to be made on the following stock														
DK	NOP	2A3A4.	Norway pout	IIIa; Union waters of IIa and IV	/	/	/	/	/	/	/	/	/	28 270

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
NL	HKE	3A/BCD	Hake	IIIa; Union waters of Subdivisions 22-32	0	1 575	N/A	1 575	1,00	A+C (?)	/	2 363	0	2 363
Deduction to be made on the following stock														
NL	HKE	2AC4-C	Hake	Union waters of IIa and IV	/	/	/	/	/	/	/	/	/	2 363
NL	WHG	56-14	Whiting	VI; Union and international waters of Vb; international waters of XII and XIV	0	11 475	N/A	11 475	1,00	/	/	11 475	0	11 475
Deduction to be made on the following stock														
NL	HKE	8ABDE.	Hake	VIIIa, VIIIb, VIIIc and VIIIe	/	/	/	/	/	/	/	/	/	11 475
PT	GHL	1N2AB.	Greenland Halibut	Norwegian waters of I and II	0	6 098	N/A	6 098	1,00	/	/	6 098	0	6 098
Deduction to be made on the following stock														
PT	RED	1N2AB.	Redfish	Norwegian waters of I and II	/	/	/	/	/	/	/	/	/	6 098
PT	POK	1N2AB.	Saithe	Norwegian waters of I and II	9 700	9 690	99,90	- 10	/	/	145 616	145 606	53	145 553

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Deduction to be made on the following stock														
PT	RED	1N2AB.	Redfish	Norwegian waters of I and II	/	/	/	/	/	/	/	/	/	145 553

- (¹) Quotas available to a Member State pursuant to the relevant fishing opportunities Regulations after taking into account exchanges of fishing opportunities in accordance with Article 16(8) of Regulation (EU) No 1380/2013, quota transfers from 2014 to 2015 in accordance with Article 4(2) of Council Regulation (EC) No 847/96 (OJ L 115, 9.5.1996, p. 3), with Article 5a of Regulation (EU) No 1221/2014, with Article 18a of Regulation (EU) 2015/104 or reallocation and deduction of fishing opportunities in accordance with Articles 37 and 105 of Regulation (EC) No 1224/2009.
- (²) As set out in Article 105(2) of Regulation (EC) No 1224/2009. Deduction equal to the overfishing * 1,00 shall apply in all cases of overfishing equal to, or less than, 100 tonnes.
- (³) As set out in Article 105(3) of Regulation (EC) No 1224/2009 and provided that the extent of overfishing exceeds 10 %.
- (⁴) Letter 'A' indicates that an additional multiplying factor of 1,5 has been applied due to consecutive overfishing in the years 2013, 2014 and 2015. Letter 'C' indicates that an additional multiplying factor of 1,5 has been applied as the stock is subject to a multiannual plan.
- (⁵) Remaining quantities that could not be deducted in 2015 pursuant to Commission Implementing Regulation (EU) 2015/1801 (OJ L 263, 8.10.2015, p. 19) as amended by Commission Implementing Regulation (EU) 2015/2404 (OJ L 333, 19.12.2015, p. 73) because there was no or not sufficient quota available.
- (⁶) Quantities that could be deducted on the same stock thanks to exchange of fishing opportunities concluded in accordance with Article 16(8) of Regulation (EU) No 1380/2013.
- (⁷) Additional multiplying factors are not cumulative and operated only once.

ANNEX II

The Annex to Implementing Regulation (EU) 2016/2226 is replaced by the following:

'ANNEX

Deductions from quotas for stocks which have been overfished

Member State	Species code	Area code	Species name	Area name	Initial quota 2015 (quantity in kilograms)	Permitted landings 2015 (Total adapted qty in kilograms) ⁽¹⁾	Total catches 2015 (qty in kilograms)	Quota consumption related to permitted landings (%)	Overfishing related to permitted landing (qty in kilograms)	Multiplying factor ⁽²⁾	Additional multiplying factor ⁽³⁾ ⁽⁴⁾	Outstanding deductions from previous years ⁽⁵⁾ (qty in kilograms)	Deductions to apply in 2016 (qty in kilograms) ⁽⁶⁾	Deductions already applied in 2016 (qty in kilograms) ⁽⁷⁾	To be deducted in 2017 and following year(s) (qty in kilograms)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
BE	SOL	24-C.	Common sole	Union waters of IIa and IV	991 000	929 510	939 590	101,08	10 080	/	/	/	10 080	10 080	/
BE	SRX	07D.	Skates and rays	Union waters of VII d	72 000	70 511	69 495	98,56	- 1 016	/	/	1 097	81	81	/
BE	SRX	2AC4-C	Skates and rays	Union waters of IIa and IV	211 000	245 500	256 147	104,34	10 647	/	/	/	10 647	10 647	/
BE	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIII-k	725 000	915 262	918 243	100,33	2 981	/	/	/	2 981	2 981	/
DE	T/B	2AC4-C	Turbot/Brill	Union waters of IIa and IV	186 000	349 000	350 186	100,34	1 186	/	/	/	1 186 ⁽¹²⁾	1 186	/
DK	COD	03AN.	Cod	Skagerrak	3 336 000	3 223 407	3 349 360	103,91	125 923	/	(C) ⁽⁸⁾	/	125 923	125 923	/
DK	DGS	03A-C.	Spurdog/dogfish	Union waters of IIIa	0	0	3 840	N/A	3 840	1,00	/	/	3 840	3 840	/
DK	DGS	2AC4-C	Spurdog/dogfish	Union waters of IIa and IV	0	0	1 540	N/A	1 540	1,00	/	/	1 540	1 540	/
DK	HER	03A-BC	Herring	IIIa	5 692 000	5 770 000	6 056 070	104,96	286 070	/	/	/	286 070	286 070	/
DK	NOP	04-N.	Norway pout	Norwegian waters of IV	0	0	28 270	N/A	28 270	1,00	/	/	28 270	28 270	/

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
DK	SAN	234_1	Sandeel	Union waters of sandeel management area 1	125 459 000	115 924 000	130 977 950	112,99	15 053 950	1,2	/	/	18 064 740	18 064 740 ⁽¹⁴⁾	/
DK	SAN	234_6	Sandeel	Union waters of sandeel management area 6	206 000	219 000	228 860	104,50	9 860	/	/	/	9 860	9 860	/
ES	ALF	3X14-	Alfonsinos	Union and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV	67 000	80 045	62 544	78,13	- 9 496 ⁽⁹⁾	/	/	16 159	6 663	5 846	817
ES	ANE	08.	Anchovy	VIII	22 500 000	22 923 784	24 068 471	104,99	1 144 687	/	/	/	1 144 687	1 144 687	/
ES	BSF	8910-	Black scabbardfish	Union and international waters of VIII, IX and X	12 000	30 050	110	0,37	- 26 936 ⁽¹⁰⁾	/	/	29 639	2 703	0	2 703
ES	BUM	ATLANT	Blue marlin	Atlantic Ocean	10 360	20 360	134 082	658,56	113 722	2,0	A	172 878	514 044	514 044	/
ES	COD	1/2B	Cod	I and IIb	13 283 000	12 182 091	12 391 441	101,72	209 350	/	/	/	209 350	209 350	/
ES	GHL	1N2AB.	Greenland halibut	Norwegian waters of I and II	/	0	24 239	N/A	24 239	1,00	A	/	36 359	36 359	/
ES	RED	N3LN.	Redfish	NAFO 3LN	/	171 440	173 836	101,40	2 396	/	/	/	2 396	2 396	/
ES	SOL	8AB.	Common sole	VIIIa and VIIIb	9 000	6 968	7 397	106,13	(429) ⁽¹¹⁾	/	(A+C) ⁽⁸⁾ ⁽¹³⁾	2 759	2 759	2 759	/
ES	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	43 800	412 000	445 713	108,18	33 713	/	/	/	33 713	33 713	/
ES	SRX	89-C.	Skates and rays	Union waters of VIII and IX	1 057 000	650 485	771 246	118,56	120 761	1,2	/	118 622	263 535	131 768 ⁽¹⁵⁾	131 767 ⁽¹⁵⁾
ES	USK	567EI.	Tusk	Union and international waters of V, VI and VII	46 000	135 008	62 646	46,40	- 72 362	/	/	58 762	0	/	/
ES	WHM	ATLANT	White marlin	Atlantic Ocean	24 310	24 310	68 613	282,24	44 303	1,00	A	72 539	138 994	0	138 994

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
FR	GHL	1N2AB.	Greenland halibut	Norwegian waters of I and II	/	2 000	7 957	397,85	5 957	1,00	/	/	5 957	5 957	/
FR	HAD	7X7A34	Haddock	VIIb-k, VIII, IX and X; Union waters of CE-CAF 34.1.1	5 561 000	5 760 984	5 775 607	100,25	14 623	/	/	/	14 623	14 623	/
FR	PLE	7HJK.	Plaice	VIII, VIIj and VIIIk	17 000	57 007	59 833	104,95	2 826	/	/	/	2 826	2 826	/
FR	SRX	07D.	Skates and rays	Union waters of VIII	602 000	591 586	689 868	116,61	98 282	1,00	/	/	98 282	98 282	/
FR	SRX	89-C.	Skates and rays	Union waters of VIII and IX	1 298 000	1 507 000	1 578 469	104,74	71 469	/	/	/	71 469	71 469	/
IE	COD	07A.	Cod	VIIa	120 000	134 776	138 122	102,48	3 346	/	/	/	3 346	3 346	/
IE	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	1 048 000	946 554	1 044 694	110,37	98 140	1,00	/	/	98 140	98 140	/
NL	ANE	08.	Anchovy	VIII	/	0	12 493	N/A	12 493	1,00	/	/	12 493	12 493	/
NL	COD	2A3AX4	Cod	IV; Union waters of IIa; that part of IIIa not covered by the Skagerrak and Kattegat	2 800 000	1 340 520	1 348 815	100,62	8 295	/	(C) ⁽⁸⁾	/	8 295	8 295	/
NL	HER	*25B-F	Herring	II, Vb north of 62° N (Faroes waters)	1 104 000	1 841 160	2 230 998	121,17	389 838	1,4	/	/	545 773	522 222	23 551
NL	HKE	3A/BCD	Hake	IIIa; Union waters of Subdivisions 22-32	/	0	1 575	N/A	1 575	1,00	A+C ⁽¹³⁾	/	2 363	2 363	/
NL	MAC	*3A4BC	Mackerel	IIIa and IVbc	490 000	1 084 500	1 090 087	100,52	5 587	/	/	/	5 587	5 587	/
NL	POK	2A34.	Saithe	IIIa and IV; Union waters of IIa, IIIb, IIIc and Subdivisions 22-32	68 000	56 600	63 411	112,03	6 811	1,00	/	/	6 811	5 754	1 057

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
NL	SRX	2AC4-C	Skates and rays	Union waters of IIa and IV	180 000	245 300	252 765	103,04	7 465	/	/	/	7 465	7 465	/
NL	T/B	2AC4-C	Turbot and brill	Union waters of IIa and IV	2 579 000	2 783 000	2 793 239	100,37	10 239	/	/	/	10 239	10 239	/
NL	WHB	1X14	Blue whiting	Union and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIIc, VIIIe, XII and XIV	36 711 000	55 297 456	55 584 332	100,52	286 876	/	/	/	286 876	286 876	/
NL	WHG	2AC4.	Whiting	IV; Union waters of IIa	699 000	527 900	547 717	103,75	19 817	/	/	/	19 817	19 817	/
NL	WHG	56-14	Whiting	VI; Union and international waters of Vb; international waters of XII and XIV	/	0	11 475	N/A	11 475	1,00	/	/	11 475	11 475	/
PT	GHL	1N2AB	Greenland Halibut	Norwegian waters of I and II	/	0	6 098	N/A	6 098	1,00	/	/	6 098	6 098	/
PT	POK	1N2AB.	Saithe	Norwegian waters of I and II	/	9 700	9 690	99,90	- 10	/	/	145 616	145 606	53	145 553
UK	COD	2A3AX4	Cod	IV; Union waters of IIa; that part of IIIa not covered by the Skagerrak and Kattegat	11 369 000	14 828 600	14 846 189	100,12	17 589	/	(C) ⁽⁸⁾	/	17 589	17 589	/
UK	HER	4AB.	Herring	Union and Norwegian waters of IV north of 53° 30' N	62 292 000	66 892 860	68 024 970	101,69	1 132 100	/	/	/	1 132 110	1 132 110	/
UK	MAC	2CX14-	Mackerel	VI, VII, VIIIa, VIIIb, VIIIc and VIIIe; Union and international waters of Vb; international waters of IIa, XII and XIV	245 363 000	237 093 794	242 496 391	102,28	5 402 597	/	(A) ⁽⁸⁾	/	5 402 597	5 402 597	/

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
UK	MAC	*3A4BC	Mackerel	IIIa and IVbc	490 000	620 500	626 677	101,00	6 177	/	/	/	6 177	6 177	/
UK	SAN	234_1	Sandeel	Union waters of sandeel management area 1	2 742 000	1 219 400	2 000 034	164,02	780 634	2,00	/	/	1 561 268	95 100	1 466 168

(1) Quotas available to a Member State pursuant to the relevant fishing opportunities Regulations after taking into account exchanges of fishing opportunities in accordance with Article 16(8) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council (OJ L 354, 28.12.2013, p. 22), quota transfers from 2014 to 2015 in accordance with Article 4(2) of Council Regulation (EC) No 847/96 (OJ L 115, 9.5.1996, p. 3), with Article 5a of Council Regulation (EU) No 1221/2014 (OJ L 330, 15.11.2014, p. 16), with Article 18a of Council Regulation (EU) 2015/104 (OJ L 22, 28.1.2015, p. 1) or reallocation and deduction of fishing opportunities in accordance with Articles 37 and 105 of Regulation (EC) No 1224/2009.

(2) As set out in Article 105(2) of Regulation (EC) No 1224/2009. Deduction equal to the overfishing * 1,00 shall apply in all cases of overfishing equal to, or less than, 100 tonnes.

(3) As set out in Article 105(3) of Regulation (EC) No 1224/2009 and provided that the extent of overfishing exceeds 10 %.

(4) Letter "A" indicates that an additional multiplying factor of 1,5 has been applied due to consecutive overfishing in the years 2013, 2014 and 2015. Letter "C" indicates that an additional multiplying factor of 1,5 has been applied as the stock is subject to a multiannual plan.

(5) Remaining quantities that could not be deducted in 2015 pursuant to Regulation (EU) 2015/1801 as amended by Regulation (EU) 2015/2404 because there was no or not sufficient quota available.

(6) Deductions to operate in 2016 as established by Commission Implementing Regulation (EU) 2016/2226 (OJ L 336, 10.12.2016, p. 38).

(7) Deductions to operate in 2016 that could be actually applied considering the available quota on the day of entry into force of Implementing Regulation (EU) 2016/2226.

(8) Additional multiplying factor not applicable because the overfishing does not exceed 10 % of the permitted landings.

(9) Remaining unused quantity after the transfer of 8 005 kilograms from 2015 to 2016 operated pursuant to Commission Implementing Regulation (EU) 2016/1142 (OJ L 189, 14.7.2016, p. 9).

(10) Remaining unused quantity after the transfer of 3 004 kilograms from 2015 to 2016 operated pursuant to Implementing Regulation (EU) 2016/1142.

(11) Quantities below 1 tonne are not considered.

(12) At Germany's request, additional landings up to 10 % of the T/B quota were permitted by the Commission according to Article 3(3) of Regulation (EC) No 847/96.

(13) Additional multiplying factors are not cumulative and operated only once.

(14) To be deducted from SAN/234_3 (sandeel management area 3).

(15) At Spain's request, the deduction of 263 535 kilos due in 2016 will be equally spread over two years (2016 and 2017).'

COMMISSION IMPLEMENTING REGULATION (EU) 2017/163**of 31 January 2017****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, 31 January 2017.

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

Jerzy PLEWA

Director-General

Directorate-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	299,8
	MA	135,7
	SN	268,2
	TR	158,2
	ZZ	215,5
0707 00 05	MA	79,2
	TR	195,6
	ZZ	137,4
0709 91 00	EG	79,4
	ZZ	79,4
0709 93 10	MA	273,9
	TR	295,3
	ZZ	284,6
0805 10 22, 0805 10 24, 0805 10 28	EG	47,2
	MA	48,5
	TN	51,7
	TR	71,6
	ZZ	54,8
0805 21 10, 0805 21 90, 0805 29 00	EG	91,2
	IL	140,1
	JM	106,9
	MA	88,4
	TR	83,1
	ZZ	101,9
	ZZ	139,7
0805 22 00	MA	83,2
	ZZ	111,5
	ZZ	111,5
0805 50 10	EG	85,5
	TR	70,9
	ZZ	78,2
0808 10 80	US	205,0
	ZZ	205,0
0808 30 90	CL	81,7
	CN	81,5
	TR	154,0
	ZA	100,3
	ZZ	104,4

⁽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'.

DIRECTIVES

COMMISSION DIRECTIVE (EU) 2017/164

of 31 January 2017

establishing a fourth list of indicative occupational exposure limit values pursuant to Council Directive 98/24/EC, and amending Commission Directives 91/322/EEC, 2000/39/EC and 2009/161/EU

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work ⁽¹⁾ (‘Directive 98/24/EC’), and in particular Article 3(2),

Whereas:

- (1) Pursuant to Directive 98/24/EC, the Commission is to propose Union objectives in the form of indicative occupational exposure limit values (IOELVs) to be set at Union level, in order to protect workers from risks arising from exposure to hazardous chemicals.
- (2) Article 3(2) of Directive 98/24/EC empowers the Commission to establish or revise IOELVs, taking into account the availability of measurement techniques by means of measures adopted in accordance with the procedure laid down in Article 17 of Council Directive 89/391/EEC ⁽²⁾.
- (3) The Commission is assisted in this task by the Scientific Committee on Occupational Exposure Limits for Chemical Agents (SCOEL), set up by Commission Decision 2014/113/EU ⁽³⁾.
- (4) In accordance with Directive 98/24/EC, ‘occupational exposure limit value’ means, unless otherwise specified, the limit of the time-weighted average of the concentration of a chemical agent in the air within the breathing zone of a worker in relation to a specified reference period.
- (5) IOELVs are health-based occupational exposure limit values that are derived by SCOEL from the most recent scientific data available and adopted by the Commission taking into account the availability of measurement techniques. They are threshold levels of exposure below which, in general, no detrimental effects are expected for any given chemical agent after short-term or daily exposure over a working lifetime. They constitute Union objectives and are designed to assist employers in determining and assessing risks and in implementing preventive and protective measures in accordance with Directive 98/24/EC.
- (6) In accordance with SCOEL recommendations, IOELVs are established in relation to a reference period of 8 hours time-weighted average (long-term exposure limit values) and, for certain chemical agents, to shorter reference periods, in general 15 minutes time-weighted average (short-term exposure limit values), to take account of the effects arising from short-term exposure.
- (7) For any chemical agent for which an IOELV has been set at Union level, Member States are required to establish a national occupational exposure limit value. In doing so, they are required to take into account the Union limit value, determining the nature of the national limit value in accordance with national legislation and practice.

⁽¹⁾ OJ L 131, 5.5.1998, p. 11.

⁽²⁾ Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).

⁽³⁾ Commission Decision 2014/113/EU of 3 March 2014 on setting up a Scientific Committee on Occupational Exposure Limits for Chemical Agents and repealing Decision 95/320/EC (OJ L 62, 4.3.2014, p. 18).

- (8) IOELVs are an important part of the general arrangements for the protection of workers against the health risks arising from exposure to hazardous chemicals.
- (9) In accordance with Article 3 of Directive 98/24/EC, SCOEL has assessed the relationship between the health effects of the chemical agents listed in the 31 entries in the Annex to this Directive and the level of occupational exposure and recommended for all those chemical agents, the establishment of IOELVs for the inhalation route of exposure in relation to a reference period of 8 hours time-weighted average. It is therefore appropriate to establish long-term exposure limit values for all those agents in the Annex to this Directive.
- (10) For some of those chemical agents, SCOEL also recommended the establishment of such limit values in relation to shorter reference periods and/or of skin notations.
- (11) Four of those chemical agents — nitrogen monoxide, calcium dihydroxide, lithium hydride and acetic acid — are currently listed in the Annex to Commission Directive 91/322/EEC ⁽¹⁾.
- (12) One of those chemical agents, 1,4-dichlorobenzene, is currently listed in the Annex to Commission Directive 2000/39/EC ⁽²⁾.
- (13) Another, bisphenol A, is currently listed in the Annex to Commission Directive 2009/161/EU ⁽³⁾.
- (14) SCOEL has recommended for those agents the establishment of new IOELVs. It is therefore appropriate to include revised limit values for those six chemical agents in the Annex to this Directive and to delete the entries for those chemical agents from the Annexes to Directives 91/322/EEC, 2000/39/EC and 2009/161/EU.
- (15) For 1 of the chemical agents listed in the 31 entries in the Annex to this Directive, acrylic acid, SCOEL recommended a short-term exposure limit value in relation to a reference period of 1 minute. It is therefore appropriate to establish such a short-term exposure limit value for this chemical agent in the Annex to this Directive.
- (16) For certain substances, it is necessary to take into account the possibility of penetration through the skin in order to ensure the best possible level of protection. Among the chemical agents listed in the 31 entries in the Annex to this Directive, SCOEL identified the possibility of significant uptake through the skin for glycerol trinitrate, carbon tetrachloride, hydrogen cyanide, methylene chloride, nitroethane, 1,4-dichlorobenzene, methyl formate, tetrachloroethylene, sodium cyanide and potassium cyanide. It is therefore appropriate to set in the Annex to this Directive notations indicating the possibility of significant uptake through the skin for these chemical agents, in addition to the IOELVs.
- (17) The Advisory Committee on Health and Safety at Work ⁽⁴⁾, consulted in accordance with Article 3(2) of Directive 98/24/EC, recognised that there were concerns regarding the technical feasibility of the proposed IOELVs for nitrogen monoxide and nitrogen dioxide in underground mining and tunnelling, and for carbon monoxide in underground mining. The committee also acknowledged that there are currently challenges relating to the availability of measurement methodologies that could be used to demonstrate compliance with the proposed limit value for nitrogen dioxide in underground mining and tunnelling environments. It is therefore appropriate to allow the Member States to make use of a transitional period in respect of the implementation in underground mining and tunnelling of the limit values set for nitrogen monoxide, nitrogen dioxide and carbon monoxide in the Annex to this Directive, and for the Commission to review the aforementioned issues before the end of the transitional period. During that transitional period, Member States may continue to apply the existing limit values, instead of applying those established in the Annex to this Directive.

⁽¹⁾ Commission Directive 91/322/EEC of 29 May 1991 on establishing indicative limit values by implementing Council Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work (OJ L 177, 5.7.1991, p. 22).

⁽²⁾ Commission Directive 2000/39/EC of 8 June 2000 establishing a first list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work (OJ L 142, 16.6.2000, p. 47).

⁽³⁾ Commission Directive 2009/161/EU of 17 December 2009 establishing a third list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Commission Directive 2000/39/EC (OJ L 338, 19.12.2009, p. 87).

⁽⁴⁾ Council Decision 2003/C 218/01 of 22 July 2003 setting up an Advisory Committee on Safety and Health at Work (OJ C 218, 13.9.2003, p. 1).

- (18) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents ⁽¹⁾, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments.
- (19) With regard to this Directive, the Commission considers the transmission of such documents in the form of a table showing the correlation between the national measures and this Directive to be justified, given that for some agents national occupational exposure limit values already exist in national legislation, and given the variety and the technical nature of the legal instruments at national level for the establishment of occupational exposure limit values.
- (20) The Advisory Committee on Safety and Health at Work gave its opinions on 27 November 2014 and 21 May 2015.
- (21) The measures provided for in this Directive are in accordance with the opinion of the Technical Progress Committee established under Article 17 of Council Directive 89/391/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

A fourth list of Union indicative occupational exposure limit values is hereby established for the chemical agents listed in the Annex.

Article 2

Member States shall establish national occupational exposure limit values for the chemical agents listed in the Annex, taking into account the Union limit values.

Article 3

In the Annex to Directive 91/322/EEC, the references to acetic acid, calcium dihydroxide, lithium hydride and nitrogen monoxide are deleted with effect from 21 August 2018, subject to Article 6(2)(a).

Article 4

In the Annex to Directive 2000/39/EC, the reference to 1,4-dichlorobenzene is deleted with effect from 21 August 2018.

Article 5

In the Annex to Directive 2009/161/EU, the reference to bisphenol A is deleted with effect from 21 August 2018.

Article 6

1. In underground mining and tunnelling, Member States may benefit from a transitional period ending at the latest on 21 August 2023, as regards the limit values for nitrogen monoxide, nitrogen dioxide and carbon monoxide.
2. During the transitional period referred to in paragraph 1, Member States may continue to apply the following, instead of applying the limit values established in the Annex:
 - (a) in respect of nitrogen monoxide: the existing limit values established in accordance with the Annex to Directive 91/322/EEC;
 - (b) in respect of nitrogen dioxide and carbon monoxide: national limit values in force on 1 February 2017.

⁽¹⁾ OJ C 369, 17.12.2011, p. 14.

Article 7

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 21 August 2018 at the latest.

They shall forthwith communicate to the Commission the text of those provisions and shall accompany their notification with one or more explanatory documents in the form of tables showing the correlation between the provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 8

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

Article 9

This Directive is addressed to the Member States.

Done at Brussels, 31 January 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

EC No ⁽¹⁾	CAS No ⁽²⁾	NAME OF THE CHEMICAL AGENT	LIMIT VALUES				Notation ⁽³⁾
			8 hours ⁽⁴⁾		Short-term ⁽⁵⁾		
			mg/m ³ ⁽⁶⁾	ppm ⁽⁷⁾	mg/m ³ ⁽⁶⁾	ppm ⁽⁷⁾	
—	—	Manganese and inorganic manganese compounds (as manganese)	0,2 ⁽⁸⁾ 0,05 ⁽⁹⁾	—	—	—	—
200-240-8	55-63-0	Glycerol trinitrate	0,095	0,01	0,19	0,02	skin
200-262-8	56-23-5	Carbon tetrachloride; Tetrachloromethane	6,4	1	32	5	skin
200-521-5	61-82-5	Amitrole	0,2	—	—	—	—
200-580-7	64-19-7	Acetic acid	25	10	50	20	—
200-821-6	74-90-8	Hydrogen cyanide (as cyanide)	1	0,9	5	4,5	skin
200-838-9	75-09-2	Methylene chloride; Dichloromethane	353	100	706	200	skin
200-864-0	75-35-4	Vinylidene chloride; 1,1-Dichloroethylene	8	2	20	5	—
201-083-8	78-10-4	Tetraethyl orthosilicate	44	5	—	—	—
201-177-9	79-10-7	Acrylic acid; Prop-2-enoic acid	29	10	59 ⁽¹⁰⁾	20 ⁽¹⁰⁾	—
201-188-9	79-24-3	Nitroethane	62	20	312	100	skin
201-245-8	80-05-7	Bisphenol A; 4,4'-Isopropylidenediphenol	2 ⁽⁸⁾	—	—	—	—
202-981-2	101-84-8	Diphenyl ether	7	1	14	2	—
203-234-3	104-76-7	2-ethylhexan-1-ol	5,4	1	—	—	—
203-400-5	106-46-7	1,4-Dichlorobenzene; p-Dichlorobenzene	12	2	60	10	skin
203-453-4	107-02-8	Acrolein; Acrylaldehyde; Prop-2-enal	0,05	0,02	0,12	0,05	—
203-481-7	107-31-3	Methyl formate	125	50	250	100	skin

EC No ⁽¹⁾	CAS No ⁽²⁾	NAME OF THE CHEMICAL AGENT	LIMIT VALUES				Notation ⁽³⁾
			8 hours ⁽⁴⁾		Short-term ⁽⁵⁾		
			mg/m ³ ⁽⁶⁾	ppm ⁽⁷⁾	mg/m ³ ⁽⁶⁾	ppm ⁽⁷⁾	
203-788-6	110-65-6	But-2-yne-1,4-diol	0,5	—	—	—	—
204-825-9	127-18-4	Tetrachloroethylene	138	20	275	40	skin
205-500-4	141-78-6	Ethyl acetate	734	200	1 468	400	—
205-599-4	143-33-9	Sodium cyanide (as cyanide)	1	—	5	—	skin
205-792-3	151-50-8	Potassium cyanide (as cyanide)	1	—	5	—	skin
207-069-8	431-03-8	Diacetyl; Butanedione	0,07	0,02	0,36	0,1	—
211-128-3	630-08-0	Carbon monoxide	23	20	117	100	—
215-137-3	1305-62-0	Calcium dihydroxide	1 ⁽⁹⁾	—	4 ⁽⁹⁾	—	—
215-138-9	1305-78-8	Calcium oxide	1 ⁽⁹⁾	—	4 ⁽⁹⁾	—	—
231-195-2	7446-09-5	Sulphur dioxide	1,3	0,5	2,7	1	—
231-484-3	7580-67-8	Lithium hydride	—	—	0,02 ⁽⁸⁾	—	—
233-271-0	10102-43-9	Nitrogen monoxide	2,5	2	—	—	—
233-272-6	10102-44-0	Nitrogen dioxide	0,96	0,5	1,91	1	—
262-967-7	61788-32-7	Terphenyl, hydrogenated	19	2	48	5	—

⁽¹⁾ EC No: European Community (EC) number, the numerical identifier for substances within the European Union.

⁽²⁾ CAS No: Chemical Abstract Service Registry Number.

⁽³⁾ A *skin notation* assigned to the occupational exposure limit value indicates the possibility of significant uptake through the skin.

⁽⁴⁾ Measured or calculated in relation to a reference period of 8 hours time-weighted average (TWA).

⁽⁵⁾ Short-term exposure limit (STEL). A limit value above which exposure should not occur and which is related to a 15-minute period unless otherwise specified.

⁽⁶⁾ mg/m³: milligrams per cubic metre of air. For chemicals in gas or vapour phase the limit value is expressed at 20 °C and 101,3 kPa.

⁽⁷⁾ ppm: parts per million by volume in air (ml/m³).

⁽⁸⁾ Inhalable fraction.

⁽⁹⁾ Respirable fraction.

⁽¹⁰⁾ Short-term exposure limit value in relation to a reference period of 1 minute.

DECISIONS

COUNCIL DECISION (EU) 2017/165

of 27 January 2017

appointing a member and twelve alternate members, proposed by the Republic of France of the Committee of the Regions

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the French Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 ⁽¹⁾, (EU) 2015/190 ⁽²⁾ and (EU) 2015/994 ⁽³⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020.
- (2) One member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Laurent BEAUVAIS.
- (3) Eleven alternate members' seats on the Committee of the Regions have become vacant following the end of the terms of office of Ms Josette BOREL-LINCERTIN, Ms Nathalie COLIN-OESTERLE, Ms Marie-Marguerite DUFAY, Mr Daniel DUGLERY, Mr Nicolas FLORIAN, Ms Karine GLOANEC-MAURIN, Mr Hervé HOCQUARD, Mr Jean-Louis JOSEPH, Mr Daniel PERCHERON, Mr Christophe ROSSIGNOL and Mr Michel VAUZELLE.
- (4) One alternate member's seat on the Committee of the Regions has become vacant following the end of the mandate on the basis of which Mr Guillaume CROS (*Conseiller régional de Midi-Pyrénées*) was proposed,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

(a) as a member:

— Mr Gérard LAHELLEC, *Vice-président du Conseil régional de Bretagne*;

(b) as alternate members:

— Mr Patrick AYACHE, *Vice-président du Conseil régional de Bourgogne-Franche-Comté*,

— Mr Frank CECCONI, *Conseiller régional du Conseil régional d'Ile de France*,

— Ms Yolaine COSTES, *Vice-présidente du Conseil régional de La Réunion*,

⁽¹⁾ Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).

⁽²⁾ Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).

⁽³⁾ Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).

- Mr Guillaume CROS, *Vice-président du Conseil régional d'Occitanie* (change of mandate),
- Mr Harold HUWART, *Vice-président du Conseil régional du Centre-Val de Loire*,
- Ms Valérie LETARD, *Vice-présidente du Conseil régional des Hauts-de-France*,
- Ms Marie-Luce PENCHARD, *Vice-présidente du Conseil régional de Guadeloupe*,
- Mr Jean-Jack QUEYRANNE, *Conseiller régional du Conseil régional d'Auvergne-Rhône-Alpes*,
- Ms Agnès RAMPAL, *Conseillère régionale du Conseil régional de Provence-Alpes-Côte d'Azur*,
- Mr Gilles SIMEONI, *Président du Conseil exécutif de la Collectivité territoriale de Corse*,
- Ms Sandra TORRES, *Conseillère régionale du Conseil régional de Provence-Alpes-Côte d'Azur*,
- Mr Patrice VOIR, *Conseiller régional du Conseil régional d'Auvergne-Rhône-Alpes*.

Article 2

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

Done at Brussels, 27 January 2017.

For the Council
The President
E. SCICLUNA

COMMISSION DECISION (EU) 2017/166**of 27 November 2015****on State aid SA.38831 (2014/C) (ex 2014/N) which Portugal is planning to implement for Volkswagen Autoeuropa, Lda***(notified under document C(2015) 8232)***(Only the Portuguese text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 108(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments pursuant to the provision(s) ⁽¹⁾,

Whereas:

1. PROCEDURE

- (1) By electronic notification registered on 30 June 2014, Portugal notified regional investment aid it had granted, subject to its approval by the Commission, on 30 April 2014 to Volkswagen Autoeuropa, Lda (hereinafter 'Autoeuropa').
- (2) By letter dated 2 October 2014, the Commission informed Portugal that it had decided to initiate the procedure laid down in Article 108(2) of the Treaty on the Functioning of the European Union in respect of the aid.
- (3) The Commission decision to initiate the procedure was published in the *Official Journal of the European Union* ⁽²⁾. The Commission called on interested parties to submit their comments.
- (4) Portugal submitted comments on the opening decision on 15 December 2014 (2014/127950); further information was provided by letters dated 27 February 2015 (2015/019588), 12 June 2015 (2015/056315) and 27 July 2015 (2015/073908). A meeting between the Commission services, the Portuguese authorities, and the beneficiary was held at Autoeuropa's premises on 19 May 2015.
- (5) The Commission received no comments from interested parties.

2. DETAILED DESCRIPTION OF THE MEASURE/AID**2.1. OBJECTIVE OF THE AID MEASURE**

- (6) By granting aid for the investment in Autoeuropa's existing establishment in Palmela, Peninsula de Setubal region, a region eligible for regional aid under Article 107(3)(c) TFEU, with a standard regional aid ceiling for large undertakings of 15 % pursuant to the Portuguese regional aid map applicable for the period 2007-June 2014 ⁽³⁾, Portugal intends to further develop the region concerned.

⁽¹⁾ OJ C 460, 19.12.2014, p. 55.

⁽²⁾ Cf. footnote 1.

⁽³⁾ State Aid N 727/2006 — Portugal — Regional aid map 2007-2013 (OJ C 68, 24.3.2007, p. 26), as prolonged until the end of June 2014 by SA.37471 (2013/N) — Prolongation of the Portuguese regional aid map 2007-2013 until 30 June 2014 (OJ C 50, 21.2.2014, p. 16).

2.2. THE BENEFICIARY

- (7) The beneficiary of the aid is Autoeuropa, a 100 % subsidiary firm of Volkswagen Group (hereinafter VW Group). The VW Group has been described in numerous State aid decisions, most recently in the Commission's decision of 9 July 2014 to open the formal investigation regarding regional aid in favour of AUDI HUNGARIA MOTOR Ltd (*) to which the Commission refers for a further description of VW Group.
- (8) Autoeuropa has been active in the Setubal region since June 1991, producing several passenger car models under the VW brand name. Autoeuropa is a large firm. Neither VW Group nor Autoeuropa can be considered as a firm in difficulty within the meaning of the Community guidelines on State aid for rescuing and restructuring firms in difficulty (²) in force at the time of the notification.

2.3. THE INVESTMENT PROJECT

- (9) The investment project consists in the introduction of a new production technology, called 'Modularer Querbaukasten' (hereinafter 'MQB') which replaces the traditional platform based production. This new production technology allows high flexibility in the production of passenger car models and the realisation of major synergy effects in their production. The Commission refers to its decision of 13 July 2011 to open a formal investigation regarding regional aid in favour of Volkswagen Sachsen (³) for a more profound description of the technology.
- (10) The investment in Palmela enables Autoeuropa to produce passenger cars belonging to three different segments of the passenger car market defined according to the classification of POLK (⁴), namely the A0 segment, the A segment and the B segment. At present, VW Group intends to produce on the new production line a SUV belonging to the A0 segment, and a not yet fully defined passenger car belonging to the [...] (*) segment, which is to succeed the actual platform based [...]segment model of Autoeuropa. VW Group did not exclude the possibility that it will start the production of a passenger car belonging to the B segment within 5 years after completion of the investment. The overall capacity created by the investment amounts to [140 000-160 000] cars per year, of which on the basis of the current plans a capacity of [80 000-100 000] is dedicated to the production of the A0 SUV and a capacity of [50 000-60 000] is earmarked for the [...]segment model.
- (11) The investment started on 26 June 2014, and is envisaged to be largely completed by December 2018. Full production is planned for the end of 2018.

2.4. COSTS OF THE INVESTMENT PROJECT

- (12) According to the investment and aid contract signed between Portugal and VW Group and the submission of Portugal of 28 July 2014, the investment involves eligible expenditure of EUR 672,9 million for equipment and infrastructure (building) works which will be incurred between 2014 and 2019. About a quarter of that expenditure will be for vendor tooling, i.e. capital assets financed by Autoeuropa which will not be used in the Palmela establishment of Autoeuropa, but will be made available by Autoeuropa to its suppliers, for use in the establishments of the suppliers for the production of parts and components for VW Group. These assets, although they will form an integral part of the productive stock of the suppliers, will remain the property of VW Group.
- (13) The expenditure refers exclusively to new, tangible assets. The table below derived from the investment contract breaks down the planned eligible expenditure by type and year.

(⁴) Case SA.36754 LIP — HU — Aid for AUDI HUNGARIA MOTOR Ltd (OJ C 418, 21.11.2014, p. 25).

(²) OJ C 244, 1.10.2004, p. 2.

(³) Case SA.32169 — Germany — LIP — Aid to Volkswagen Sachsen GmbH (OJ C 361, 10.12.2011, p. 17).

(⁴) R. L. Polk & Co. (also referred to as POLK) is a globally integrated organisation and a major market information and analytics provider in the automotive industry. On July 16 2013, IHS Inc., the leading global source of critical information and analytics completed its acquisition of R. L. Polk & Co.

(*) Business secret

Table 1

Breakdown of eligible expenditure in million EUR — Investment contract

	2014	2015	2016	2017	2018	2019	Total
Equipment	[...]	[...]	[...]	[...]	[...]	[...]	[...]
Vendor tooling	[...]	[...]	[...]	[...]	[...]	[...]	[...]
TOTAL	[...]	[...]	[...]	[...]	[...]	[...]	672,9

- (14) This cost breakdown which is based on the information in the investment contract is different from the cost breakdown in the supplementary information sheet attached to the notification. In the supplementary sheet, the Portuguese authorities explained that VW Group has lowered the total investment costs of EUR 672,95 million specified in the investment contract to EUR 623,85 million. The breakdown resulting from the supplementary information sheet is given in the table below.

Table 2

Breakdown of eligible expenditure in million EUR — Supplementary information sheet

	2014	2015	2016	2017	2018	2019	Total
Equipment	[...]	[...]	[...]	[...]	[...]	[...]	[...]
Vendor tooling	[...]	[...]	[...]	[...]	[...]	[...]	[...]
TOTAL	[...]	[...]	[...]	[...]	[...]	[...]	623,9

2.5. LEGAL BASIS

- (15) The national legal basis for awarding the aid is the Decree-Law no 287/2007, of August 17, as amended by Decree Law no 65/2009, of March 20 which approves the national framework of incentives for business investment and the Ordinance no 1464/2007, of November 15, as amended by Ordinance 1103/2010, of October 25 which creates and regulates the aid scheme 'Sistema de Incentivos a Inovação'.
- (16) Portugal awarded the aid, subject to Commission approval, in application of its aid scheme 'Sistema de Incentivos a Inovação'. This aid scheme was block-exempted in application of the Commission Regulation (EC) No 800/2008 ⁽⁸⁾ (hereinafter 'GBER 2008'), for aid applications below the notification threshold laid down in its article 6.

2.6. THE AID MEASURE

- (17) The aid was awarded, subject to Commission approval, by an aid and investment contract signed on 30 April 2014. Works on the investment started on 26 June 2014, i.e. after signature of the contract.

⁽⁸⁾ Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General block exemption Regulation) (OJ L 214, 9.8.2008, p. 3), prolonged until 30 June 2014.

- (18) The aid is granted in form of a partially reimbursable grant. The investment contract refers to a reimbursable grant of EUR 52,49 million (in nominal value) for investment expenditure (including vendor tooling) of EUR 672,95 million which is partially transformed into an outright grant if Autoeuropa meets certain contractually agreed realisation parameters. The notification indicates that more recent cost planning by VW Group led to a slightly lower amount of expected investment expenditure (EUR 623,9 million). Taking account of that lower amount, the notified aid amount and the notified aid intensity, in prices of 2014, are EUR 36,15 million and 6,03 % respectively. Portugal commits that neither the notified aid amount, nor the notified aid intensity will be exceeded, if the realised eligible expenditure deviates from the planned amount of eligible expenditure, as taken into account in the notification and the calculation of the maximum aid amount.
- (19) Portugal confirms that an own contribution free of any public support of at least 25 % of the eligible expenditure will be borne by Autoeuropa/Volkswagen from its own resources.
- (20) Autoeuropa/Volkswagen commits to maintain the investment during a minimum period of 5 years after its completion.

2.7. GROUNDS FOR INITIATING THE PROCEDURE

- (21) In the opening decision, the Commission expressed doubts as to conformity of the measure with the provisions of the Guidelines on national regional aid for 2007-2013 ⁽⁹⁾ (hereinafter 'RAG 2007-13') concerning eligible expenditure, maximum aid amount, and maximum aid intensity, and thus as to its compatibility with the internal market.
- (22) The Commission noted that the notified eligible expenditure included costs for vendor tooling, as to the eligibility of which the Commission raised doubts and was thus unable to confirm that the notified maximum aid amount, which is calculated with regard to the total notified investment expenditure, does not exceed the maximum amount that can be allowed.
- (23) Furthermore the Commission noted that Autoeuropa received investment aid for another investment project carried out on the same site. Start of works on the other investment project was less than 3 years before the start of works on the present investment project. The investment project intended to innovate and optimise the production processes, by performing investments in three areas of activity: (i) in the information technology area, by implementing programs and the most technologically advanced systems; (ii) in the area of interior and exterior painting of motor vehicles, by automating the method of applying paint; and (iii) in the area of stamping dies, responsible for the execution of moulds for stamping parts. At the time of the opening decision, Portugal did not clarify the extent to which these improvements would be relevant and would still be used in the event that platform-based manufacturing would cease and be replaced by MQB manufacturing technology.
- (24) On the basis of information submitted by Portugal, the Commission was unable to form a definite view on whether the two investment projects form a single investment project in the meaning of paragraph 60 of the RAG 2007-13 and decided to assess the question of whether the two projects are economically indivisible within the meaning of footnote 55 ⁽¹⁰⁾ of the RAG 2007-13 during the formal investigation.

⁽⁹⁾ Guidelines on national regional aid for 2007-2013 (OJ C 54, 4.3.2006, p. 13). On 28 June 2013 the Commission adopted the Guidelines on Regional State Aid for 2014-2020, in which it extended the period of application of the RAG 2007-13 until 30 June 2014 (paragraph 186); (OJ C 209, 23.1.2013, p. 1).

⁽¹⁰⁾ Footnote 55 of the RAG 2007-13 specifies the following: 'To assess whether an initial investment is economically indivisible, the Commission will take into account the technical, functional and strategic links and the immediate geographical proximity. The economic indivisibility will be assessed independently from ownership. This implies that to establish whether a large investment project constitutes a single investment project, the assessment should be the same irrespective of whether the project is carried out by one undertaking, by more than one undertakings sharing the investment costs or by more undertakings bearing the costs of separate investments within the same investment project (for example in the case of a joint venture)'.

- (25) In addition, paragraph 68 of RAG 2007-13 requires that the Commission opens the formal investigation and proceeds to an in-depth assessment of the incentive effect, the proportionality, as well as the positive and negative effects of the aid, where the beneficiary's market share in the relevant product and geographic market exceeds 25 % before or after the investment (hereinafter also 'paragraph 68(a)-test') or where the capacity created by the investment exceeds 5 % of a market that is in relative or absolute decline (hereinafter also 'paragraph 68 (b)-test'). Where an in-depth assessment is necessary, it will be carried out on the basis of the Communication from the Commission concerning the criteria for an in-depth assessment of regional aid to large investment projects ⁽¹⁾ (IDAC).
- (26) In the opening decision, the Commission left the precise definition of the relevant product market open and considered all plausible alternative market definitions, including in particular the narrowest segmentation for which data is available ⁽²⁾. Since Autoeuropa will produce cars belonging to A0 and [...] segments according to POLK, and could also produce cars belonging to the B segment according to POLK, the Commission considered that these individual segments and for SUVs also the SUV-B segment according to Global Insight ⁽³⁾, as well as the combined segment (A0 to B) according to POLK should all be considered as relevant plausible markets for this case.
- (27) Paragraph 70 of the RAG 2007-13 provides that for the purposes of carrying out the tests under paragraph 68, markets should normally be defined at EEA level. For the purpose of the assessment of the present case, the Commission considered that the relevant geographic market for the products concerned is at least EEA-wide. The Portuguese authorities and Autoeuropa accepted that the Commission applies this geographic market definition for the purposes of this notification.
- (28) During the preliminary investigation, the analysis under paragraph 68 (a) of the RAG 2007-13 came to the result that the applicable 25 % market share threshold is exceeded in the individual A and B segments and in the combined A0, A and B segments (according to POLK) in the EEA in all the years concerned.
- (29) As the result of the paragraph 68(a)-test required already to proceed to the in-depth assessment of the aid, the Commission considered that it was not necessary to carry out the paragraph 68(b) test.

3. COMMENTS FROM INTERESTED PARTIES

- (30) No comments were submitted by interested third parties.

4. COMMENTS FROM PORTUGAL

4.1. VENDOR TOOLING

- (31) Portugal considers investments in vendor tooling amounting to EUR 136,3 million as eligible, as the tools are part of the notified project, belong to Autoeuropa's fixed assets, are located at a supplier's plant in an assisted area in Portugal, and will be maintained there for at least 5 years after the completion of the project. The Portuguese authorities refer to recitals 36 and 37 of decision C(2002)1803 Ford España SA ⁽⁴⁾ in which the Commission noted that expenditure for vendor tooling can be considered as eligible for regional aid if incurred in assisted regions.

⁽¹⁾ OJ C 223, 16.9.2009, p. 3.

⁽²⁾ This approach is in line with the Commission's State aid decisions SA. 34118 (Porsche Leipzig), Decision of 9 July 2014 (C(2014)4075) in the case of SA.34118, not yet published in the OJ, available on http://ec.europa.eu/competition/elojade/isef/index.cfm?clear=1&policy_area_id=3; SA.30340 (Fiat Powertrain Technologies), Decision of 9 February 2011, (C(2011)612) in the case of SA.30340 (OJ C 151, 21.5.2011, p. 5); SA. 32169 (Volkswagen Sachsen) Decision of 13 July 2011 (C(2011)4935) in the case of SA.32169 (OJ C 361, 10.12.2011, p. 17); N 767/07 (Ford Craiova) Decision of 30 April 2008 (C(2008)1613) in the case N 767/2007 (OJ C 238, 17.9.2008, p. 4); N 635/2008 (Fiat Sicily), Decision of 29 April 2009 (C(2009)3051) in the case N 635/2008 (OJ C 219, 12.9.2009, p. 3); and N 473/2008 (Ford Espino) Decision of 17 June 2009 (C(2009)4530) in the case N 473/2008 (OJ C 19, 26.1.2010, p. 5).

⁽³⁾ The Commission considered in a series of decisions regarding SUVs, most recently in its final decision on regional aid for Porsche (Decision of 9 July 2014 in the case SA.34118 (2012/C, ex 2011/N) which Germany is planning to implement in favour of Porsche Leipzig GmbH and Dr Ing. H.c.F. Porsche Aktiengesellschaft, not yet published in the OJ, available on http://ec.europa.eu/competition/elojade/isef/index.cfm?clear=1&policy_area_id=3), that for SUVs the Global Insight classification is more appropriate. SUVs falling under the POLK A0 segment correspond to the SUV-B segment in the classification of Global Insight.

⁽⁴⁾ C34/2001, decision of 7 May 2002 on State aid Spain is planning to implement in favour of Ford España SA (notified under document number C(2002) 1803), published in OJ L 314, 18.11.2002, p. 86.

- (32) Before the signing of the investment contract in April 2014, VW Group and Autoeuropa developed an investment plan regarding vendor tooling that took into account these eligibility criteria and ensured that the amount of EUR 136,3 million included only vendor tooling expenditure meeting the above conditions. The Portuguese authorities have set up a control mechanism to monitor compliance with the above conditions.

4.2. SINGLE INVESTMENT PROJECT

- (33) Portugal signed on 8 October 2013 an investment contract with Autoeuropa regarding three different projects, each of them representing an initial investment targeted at the expansion of the existing establishment which Portugal does not consider to form a single investment project within the meaning of paragraph 60 of the RAG 2007-13 with the notified investment project.

4.2.1. INITIAL INVESTMENT IN INTERIOR AND EXTERIOR PAINTING ROBOTS (PAINT SHOP)

- (34) The first project concerned the introduction of robots for the automation of the interior and exterior painting process which allowed improvements in quality (exterior appearance homogeneity, paint thickness reduction, overspray reduction, dirt reduction in interior area) and productivity as well as improved ergonomics and labour protection and a reduction of material consumption and paint waste. The corresponding eligible expenses amounted to EUR 20 million ⁽¹⁵⁾ and the aid amount was EUR 2,89 million in gross grant equivalent (GGE).
- (35) The Portuguese authorities underline that this investment is not linked in an economically indivisible way with the notified investment project. The notified investment project is targeted at a fundamental change in the overall production process by implementing the MQB production technology. Whereas this requires substantial investments in particular in assembly facilities, the implementation of the MQB technology requires only minor investments in the existing paint shop.
- (36) The existing paint shop has been functional before and without the MQB investment. Vice versa, the new MQB assembly facilities are functional without the paint shop investments, i.e. the MQB production would be possible and functional without the preceding investment in robots in the paint shop. Therefore, although both facilities are part of an integrated car manufacturing process, they are not linked by the investments in an economically indivisible way.
- (37) Moreover, the relevant investment decisions have been taken independently (paint shop modernisation: August 2011; MQB investment: May 2014).

4.2.2. INITIAL INVESTMENT IN STAMPING DIES (TOOL SHOP)

- (38) The second project concerned the tool shop of Autoeuropa which produces moulds and stamping tools for car body metal parts. It specialises in the production of tools for engine hoods and fenders. The tool shop delivers its products to the VW Group's factories worldwide, i.e. it is not limited to supplying Autoeuropa. It is part of Autoeuropa, however operates autonomously and independently of the main activity of the factory which is the production of vehicles.
- (39) The objective of the initial investment in the tool shop was the extension of the existing establishment. In order to achieve a set of high-impact technological improvements in the quality of the production, Autoeuropa acquired new equipment for stamping dies in order to enable the construction of tools with higher quality levels and to increase the production volume of the tool shop. The eligible investment was EUR 12,7 million (discounted value of EUR 12,66 million) and the aid amount was EUR 1,84 million in GGE.
- (40) Given that the tool shop functions independently of the MQB car manufacturing process, is located in the same industrial area but not on the same plot of land as the car manufacturing site and the decisions on the investments have been made independently of each other (for the tool shop modernisation in 2011 and for the MQB investment in May 2014), the Portuguese authorities take the view that the investment in the tool shop is not linked in an economically indivisible way with the notified investment project.

⁽¹⁵⁾ EUR 19,95 million discounted to 2011, the year when the investment project started, discount rate 1,56 %.

4.2.3. INITIAL INVESTMENT IN THE INFORMATION TECHNOLOGY AREA (IT)

- (41) The third project concerned investments into IT hardware which increased in combination with new software applications IT security and led to a more stable production within the car production. The car production depends to a great extent on smoothly and reliably running IT systems, the configuration of each car (engine type, gear box, color etc.) being fed into the production process via the group's data network. The eligible investment was EUR 5,5 million (discounted value of EUR 5,5 million) and the aid amount was EUR 0,79 million in GGE.
- (42) The Portuguese authorities consider this 2011 IT investment as not linked in an economically indivisible way with the notified investment project. The new production technology MQB would be possible and functional without the preceding investment in IT security given that all applications which support and control the MQB production would have run the same way without this preceding investment. The IT investment has been functional before and without the MQB investment.
- (43) Moreover, the investment decisions were taken independently of each other, for the IT area investment in 2011 and for the MQB investment in May 2014.

4.3. IN-DEPTH ASSESSMENT OF THE AID MEASURE

- (44) Portugal provided the information necessary to carry out an in-depth assessment.

4.3.1. POSITIVE EFFECTS OF THE AID

- (45) Portugal intends to further develop the region concerned. The investment is to create 500 new direct jobs, and to ensure, in the long term, the maintenance of 3 339 existing jobs.
- (46) The notified project will substantially increase the qualification and skills of the beneficiary's employees, increasing their employability within and outside VW Group and Portugal, and increasing the regional skills basis. Specific training actions are planned. This vocational training has also a positive effect on the know-how transfer mainly within the Setubal Peninsula region.
- (47) The investment project will create more business opportunities for the suppliers of Autoeuropa. According to a study of the Center of Automotive Research, the total number of jobs created as a consequence of one job created in the automotive industry amounts to 2,5 new jobs at the suppliers and 2,2 new jobs at other companies, created as a result of the spending of the suppliers' employees in Portugal. Portugal therefore expects that the investment will lead to the creation of 2 350 indirect jobs, in addition to the 500 newly created direct jobs.
- (48) Moreover, the Portuguese authorities emphasise the qualitative aspects of the positive regional effects of the investment project. The investment project will contribute to the development of the region of the Setubal Peninsula by attracting investments by industrial suppliers to the region, involving transfer of technology (knowledge spillovers) and clustering of undertakings in the same industry which allows individual plants to specialise more and leads to increased efficiency.
- (49) In addition, the beneficiary was invited to participate in several projects together with leading universities, both for the development of manufacturing engineering and for ergonomics related aspects.

4.3.2. APPROPRIATENESS OF THE AID

- (50) Portugal notes that the Commission accepted already in the Porsche Leipzig decision ⁽¹⁶⁾ that State aid is an appropriate means to promote the regional development of regions which are disadvantaged in comparison with the average of other regions in the Member State. This argumentation equally applies to the notified investment aid in the Peninsula de Setubal region.

⁽¹⁶⁾ SA. 34118, decision of 9 July 2014, not yet published in the OJ, available on http://ec.europa.eu/competition/elojade/isef/index.cfm?clear=1&policy_area_id=3, recital 107.

- (51) The Peninsula de Setubal region is part of the Lisboa e Vale do Tejo region, which includes the Lisbon area and is the most developed Portuguese region. However, if the Peninsula de Setubal would be considered alone, it could be classified as an 'a' region since its GDP per capita ranges between 45 % and 47 % of the EU average in the period 2006-2010 (which was the period used for defining the national regional State aid maps for 2014-2020).
- (52) When compared with the Portuguese average, the GDP per capita in the Peninsula de Setubal was around 75 % for the last 3 years.

Table 3

GDP per capita as compared to the Portuguese average (EUR) ⁽¹⁾

Years	Peninsula de Setubal	Portugal average	%
2013	12 302	16 372	75,1
2012	12 105	16 136	75,0
2011	12 656	16 686	75,8

⁽¹⁾ The data source is INE — Instituto Nacional de Estatística (the national official agency for statistics).

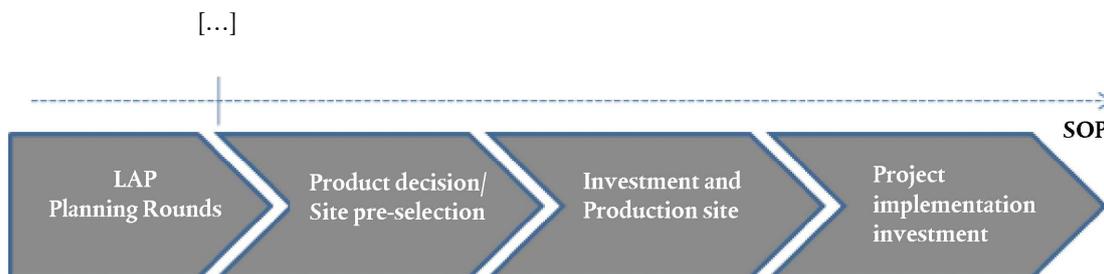
- (53) Therefore Portugal considers that the notified aid is an appropriate instrument for enhancing the regional development of the Peninsula de Setubal.

4.3.3. INCENTIVE EFFECT/COUNTER-FACTUAL SCENARIO

- (54) Portugal provides information to prove that the aid falls under scenario 2 of the IDAC, as it gave an incentive to the beneficiary to carry out the investment in the Setubal plant instead of in the [location 1] plant (non-assisted area in EEA) where the investment would have been located in the absence of aid. In particular, Portugal provides details on the multistage decision-making process and on the financials of the counterfactual scenario, both of which are described below.

VW Group's decision-making process

- (55) At VW Group, investment decisions are prepared in a multistep decision-making process in which decision-makers analyse various sites in a competitive comparison process. The major phases are: (1) Long-term Sales Planning (LAP) and planning rounds; (2) Product development, product decision and site pre-selection; and (3) Investment and location decision.
- (56) The decisions regarding the notified investment project followed this general process. However, as they concerned an investment project of the brand Volkswagen, the relevant decisions were taken directly by the organs of the brand Volkswagen and there were no additional decisions at group level, because the composition of the group organs is largely identical to that of the Volkswagen brand.
- (57) The introduction of new products within the VW Group is driven based on the so called product creation process (PEP) that ranges from product planning to the start of production (SOP). This PEP consists of four major phases as can be seen from the diagram below:



(1) LAP and planning round 61

- (58) The point of departure is the Long term Sales Planning (LAP) phase in which forecasts of the market development and of potential demand as well as market fluctuations are analysed. The LAP schedules product developments for [...] years ahead and identifies which additional production capacities have to be built, or which adjustments to existing capacities are necessary. The LAP is mirrored by the annual planning rounds (PR), which the Group Supervisory Board concludes and which contain the financial framework of the scheduled investments. The deliverable of the LAP phase is a proposal to launch new product(s), but not yet a product development, investment, or location decision.
- (59) Regarding the notified project, planning round 61 in 20[...] established [140 000-160 000] units p.a. as a realistic sales potential for new products in the segments A0 SUV and [...] ([...]). The production planning identified the need to create corresponding production capacities. At the same time, the combination of the A0 SUV and [...] volumes should meet the framework conditions for the MQB strategy.
- (60) The outcome of this phase was an MQB investment package of [140 000-160 000] A0 SUV and [...] p.a. for the brand Volkswagen with planned start of production dates of August 2016 for the A0 SUV and of November 2017 for the [...].

(2) Product development, product decision and site pre-selection phase

- (61) During this phase several central departments of the VW Group and the concerned production sites work together to prepare both the product decision and the site pre-selection. The controlling department takes the central and consolidating role during this phase.
- (62) The first step in this second phase is the product development process, which according to the beneficiary's internal rules always starts at least [...] months in advance of the envisaged start of production date, in the case of the notified project in August 2012 (first SOP[...]).
- (63) The product decision, i.e. the decision to produce a product proposed in the LAP, requires that the product development reaches a pre-defined feasibility target. The expected revenues generated by the new product are compared with the necessary production (including investment) costs. In order to determine the expected cost of production, first a particular location is set hypothetically as planning assumption (location premise). The location premise is employed in order to determine a first cost structure and framework for the project. This does not lead to a predetermination of a specific production site, but develops a required baseline for the assessment of expected production costs.
- (64) In case of a successor product to an ongoing production, the current production site of the product will be usually chosen as the site premise; for an entirely new product (without predecessor) the site premise is usually based on performance indicators, i.e. the location with the best performance figures will be selected as first hypothesis. In practice, additional criteria, such as free capacities or suitable structures, are taken into consideration as well.
- (65) In the case of the notified project, a greenfield investment was not considered as an investment package of [140 000-160 000] cars falling into a [...] price market segment is too small to render a greenfield investment viable. If the location assessment does not concern a greenfield investment, the two main criteria for identifying suitable locations are whether at an existing plant additional capacities can still be installed, and whether the existing facilities at that site are compatible with the planned project, e.g. the dimensions of the existing paint shop are also suitable for the planned new investment, etc.
- (66) The application of these criteria identified four possible locations ([location 1 in a non-assisted area in EEA], Setubal, [location 2 outside EEA] and [location 3 in a non-assisted area in EEA]) for which Portugal provided company information, dating from July 2012, on first comparative calculations of production costs per car done by the controlling of the brand Volkswagen ([Group Controlling]). These calculations included the planned sales

volumes in the A0 SUV segment and the [...] segment and covered, in addition, planned sales volumes for the [predefined model], whose production was exceptionally predefined for [location 1 in a non-assisted area in EEA]. Three different alternatives for assigning the envisaged production volumes of the A0 SUV segment, the [...] segment and the [predefined model] to the four locations were considered, and for each alternative, [Group Controlling] conducted preliminary calculations of the production costs and investment costs.

- (67) At a more advanced stage of the planning process, [location 2 outside EEA] and [location 3 in a non-assisted area in the EEA] were excluded as possible locations, since they were characterised by high logistics and high personnel costs respectively. At any event, due to earlier decisions to locate the [predefined model] production to [location 1 in a non-assisted area in the EEA] and [location 2 outside EEA], and to manufacture the [...] and [...] in [location 3 in a non-assisted area in the EEA], in 2014 (when further comparative calculations were done by [Group Controlling]), neither [location 2 outside EEA] nor [location 3 in a non-assisted area in the EEA] had any spare capacities left. Therefore, a combination of the A0 SUV and [...] volumes was assessed for Setubal and [location 1 in a non-assisted area in the EEA] only.
- (68) In view of the above, [Group controlling] prepared the product decision with Setubal as location premise. Portugal provided evidence that on 10 March 2014 the Product committee of the brand Volkswagen (Volkswagen Ausschuss Produkte, VAP) took the product decision and confirmed Setubal as location premise. The evidence submitted by Portugal shows that a possible State aid amount of up to EUR 36 million was taken into account already at this stage.

(3) Investment and location decision

- (69) Once the product decision is taken, the next step is the selection of the most suitable location for the project. The controlling department typically starts from the entirety of Volkswagen production sites and narrows this list down to those locations that seem suitable for the investment. As a result of the PEP process, the investment and production scenarios for each realistic site are specified and summarised in a decision paper. Based on a specific location and investment recommendation, the investment committee of the brand Volkswagen (Volkswagen Ausschuss Investitionen, VAI) needs to decide whether or not the project shall be realised.
- (70) As explained, the list of realistic sites had been narrowed down to [location 1 in a non-assisted area in the EEA] and Setubal at this stage. For these two sites, the specific production costs attributable to the location were determined and compared. These location specific costs consist of the required investment costs and the expected production costs during a reference period. Portugal submitted genuine contemporary company documents, prepared by [Group controlling] and [...] (the group's State Aid Unit), and dated 9 May 2014 as evidence of a counterfactual analysis confronting [location 1 in a non-assisted area in the EEA] and Setubal as potential locations. Portugal explained that whereas the [location 1 in a non-assisted area in the EEA] plant had slightly better performance values, the Setubal plant scored with the possibility to benefit from regional investment aid. Based on this counterfactual analysis ⁽¹⁷⁾, [Group controlling] submitted a decision recommendation to the VAI proposing Setubal as location for the investment.
- (71) The investment and location decisions, confirming Setubal, were taken by the VAI on 28 May 2014 and 26 June 2014 ⁽¹⁸⁾. Portugal provided the copy of the minutes of the relevant meetings where these decisions were adopted. Taking into consideration the comparative calculations as well as regional aid in the amount of EUR 37,96 million in nominal value (EUR 33,4 million discounted value) ⁽¹⁹⁾, both decisions approve the MQB investment project with an investment volume of EUR 624 million. In addition, the first decision concedes a first budgetary tranche for clearing factory space for the first investments, and the second decision authorised the bulk of the investment expenditures.

4.3.4. PROPORTIONALITY OF THE AID

- (72) Portugal notes that the calculations used to demonstrate the incentive effect can also be used as a basis for assessing the proportionality of the aid.

⁽¹⁷⁾ This counterfactual analysis is presented in detail in Annex I which cannot be published since its elements constitute business secrets.

⁽¹⁸⁾ See also footnote 20 below.

⁽¹⁹⁾ This figure is based on a different spread of the eligible expenses throughout the years as compared to the final investment configuration which was notified.

- (73) The final calculation used by Portugal to demonstrate the incentive effect show a net financial handicap of Setubal compared to [location 1 in a non-assisted area in the EEA] of EUR 48 million. Even with the aid, Setubal is by EUR 14,6 million (discounted value) more expensive than [location 1 in a non-assisted area in the EEA] (financial disadvantage minus the aid taken into account in the counterfactual analysis; i.e. EUR 48 million-EUR 33,4 million).
- (74) Portugal therefore argues that, as the aid does not fully compensate the location disadvantage of Setubal, there is no overcompensation. The aid is consequently proportionate.
- (75) Portugal points out that in its decision on location, VAI took not only financial considerations into account, but also non quantifiable qualitative criteria such as reasons of social responsibility or the possibility of avoiding shifting production to other sites at production peaks.

4.3.5. NEGATIVE EFFECTS OF THE AID ON COMPETITION AND TRADE

- (76) Portugal emphasises that the regional aid serves solely to compensate the net disadvantage of the location in Setubal. The aid is proportionate and will have no effect on competition as the investment project, and its resulting effects on competition and trade, would have happened in any event. The investment project would not have been located in another assisted region with a higher or same aid intensity ceiling, as a greenfield investment would not have been viable, and the only plausible alternative is not an assisted region. Therefore, the aid has no anti-cohesion effect that would run counter the very rationale of regional aid.

5. ASSESSMENT OF THE AID

5.1. EXISTENCE OF AID

- (77) The financial support in the form of a reimbursable grant will be given by the Portuguese authorities and is financed through the general budget of the State. The support is thus given by a Member State and through State resources within the meaning of Article 107(1) of the TFEU.
- (78) As the aid is granted to a single company, Autoeuropa, the measure is selective.
- (79) The financial support will be given for an investment in the car sector, which is subject to intensive trade between Member States, and will partially replace supplies of intermediate goods from other Member States. Therefore, the measure affects trade between Member States.
- (80) The favouring of Autoeuropa and its production by the Portuguese authorities means that competition is distorted or threatened to be distorted.
- (81) Consequently, the Commission considers that the notified measure constitutes State aid to Autoeuropa within the meaning of Article 107(1) TFEU.

5.2. LEGALITY OF THE AID MEASURE

- (82) By granting the aid subject to Commission approval and notifying the aid measure before putting it into effect, the Portuguese authorities have respected their obligations under Article 108(3) TFEU, since the notification of individual aid above a certain amount is required by the GBER 2008. In fact, the aid for the investment project is individually notifiable within the meaning of paragraph 68 of the RAG 2007-13 and the GBER 2008, as the envisaged aid amount of EUR 36,15 million in present value exceeds the individual notification threshold of EUR 11,25 million applicable in the region concerned under the regional aid map applicable from 2007 to June of 2014.

5.3. LEGAL BASIS FOR THE ASSESSMENT

- (83) The objective of the aid is to promote regional development. As the aid and investment contract was signed in April 2014, only subject to Commission approval, the Commission considers that pursuant to paragraph 188 of the RAG 2014-20, the aid was awarded before July 2014 and thus has to be assessed on the basis of the RAG 2007-13, and in particular its provisions regarding regional investment aid for large investment projects laid down in paragraph 68.

5.4. STRUCTURE OF THE COMPATIBILITY ASSESSMENT

- (84) The Commission needs to conduct its assessment in three steps:
- first, it has to confirm that the measure is compatible with the general provisions of the RAG,
 - second, it has to verify whether or not it can exclude without doubt that the ‘market share test’ and ‘capacity increase/market performance tests’ under paragraph 68(a) and (b) of the RAG 2007-13 require an in-depth assessment,
 - third, depending on the outcome of the assessment in the second step, it may have to conduct an in-depth assessment.

5.5. COMPATIBILITY OF THE MEASURE WITH STANDARD COMPATIBILITY CRITERIA OF THE RAG

- (85) The Commission established already in the opening decision that the aid meets part of the general compatibility criteria for the RAG 2007-13. The formal investigation did not reveal any elements that would put into question this assessment. The Commission notes in particular the following:
- the aid is granted for a project in Palmela which is an area eligible for regional aid pursuant to the Portuguese regional aid map applicable from 2007 to June of 2014,
 - there is no indication that the VW Group in general, or Autoeuropa in particular, would be a firm in difficulty within the meaning of the Community guidelines on State aid for rescuing and restructuring firms in difficulty applicable at the time of the notification. Therefore, the aid beneficiary is eligible for regional aid in accordance with paragraph 9 of the RAG 2007-13,
 - the project comprises an initial investment within the meaning of paragraph 34 of the RAG 2007-13. Initial investment is defined in paragraph 34 of the RAG 2007-13 as an investment in tangible and intangible assets relating to (i) the setting up of a new establishment; (ii) the extension of an existing establishment; (iii) diversification of the output into new additional products; and (iv) a fundamental change in the overall production process of an existing establishment. The introduction of the new production technology qualifies as fundamental change of the production process of an existing establishment. In addition, it allows to diversify the output of the establishment,
 - in conformity with paragraph 40 of the RAG 2007-13, Autoeuropa is obliged to maintain the investment in the region for a minimum of 5 years after completion of the project,
 - the beneficiary provides, in conformity with paragraph 39 of the RAG 2007-13, a financial contribution of at least 25 % of the eligible costs in a form which is free of any public support,
 - the formal incentive effect requirements, laid down in paragraph 38 of the RAG 2007-13, are respected ⁽²⁰⁾,
 - the eligible expenditure of the project is limited to new tangible assets (equipment and buildings only), and is thus in line with the provisions of paragraphs 50 and 54 of the RAG 2007-13.

⁽²⁰⁾ Autoeuropa submitted an application for aid on 31 March 2014 and the authority responsible for administering the scheme confirmed on 4 April 2014 in writing that, subject to detailed verification, the project in principle met the conditions of eligibility. The investment contract was signed on 30 April 2014 and contained a suspensive clause making it dependent on VW Group's decision to proceed or not with the project, as long as this decision was taken before 30 June 2014.

- (86) However, the Commission raised doubts in the opening decision with regard to the eligibility of costs for vendor tooling. Therefore, and as it was unable to form a definitive view on whether the notified project and an earlier investment project carried out on the same site formed a single investment project in the meaning of paragraph 60 of the RAG 2007-13, the Commission was unable to establish whether the notified aid intensity exceeded the maximum allowable, and hence raised doubts also regarding the respect of the applicable regional aid ceiling.

5.5.1. CONCLUSION ON THE VENDOR TOOLING

- (87) The Commission clarified in case C34/2001 that vendor tooling costs cannot be considered eligible costs, unless they occur in assisted areas of the Member State concerned ⁽²¹⁾. The Commission notes (see recitals 31 and 32 above) that all the investments in vendor tooling amounting to EUR 136,3 million will fulfil the standard compatibility criteria of the RAG given that they will meet certain conditions such as: the tools are part of the notified project and belong to Autoeuropa's fixed assets, are located at a supplier's plant in an assisted area in Portugal, and will remain located in Portugal in an assisted area for at least 5 years after completion of the project. Furthermore, the assisted areas of Portugal where vendor tooling will take place have the same or higher maximum aid intensities than the area of Palmela. Monitoring mechanisms which ensure that no aid will be granted to vendor tooling that does not comply with the above conditions have been set up.
- (88) In line with its previous practice in case C34/2001, the Commission therefore considers that the vendor tooling costs arising in assisted areas of Portugal and amounting to EUR 136,3 million can be considered eligible costs in line with sections 4.1 and 4.2 of the RAG 2007-13.

5.5.2. CONCLUSION ON THE SINGLE INVESTMENT PROJECT

- (89) The Commission analysed the possible single investment project character of the three earlier investments carried out by Autoeuropa at the same site.

5.5.2.1. *Initial investment in interior and exterior painting robots (paint shop)*

- (90) The project consisted of the acquisition of new robots for the paint shop which led to improvements in terms of quality, but also ergonomics and labour protection, environmental protection and resource savings and productivity. The Commission considers that these investments were necessary at that point in time in order to improve the working conditions in the paint shop and therefore they were not undertaken in preparation of the notified project.
- (91) The Commission considers that the investment in the automation of the interior and exterior painting process in the paint shop and the notified investment project show technical and functional differences and the investment decisions were taken independently from each other. Therefore the Commission considers that the initial investment in the paint shop is not linked in an economically indivisible way with the notified investment project and consequently, the two investments do not form a single investment project within the meaning of paragraph 60 of the RAG 2007-13.

5.5.2.2. *Initial investment in stamping dies (tool shop)*

- (92) The tool shop of Autoeuropa produces moulds and stamping tools for car body metal parts. It specialises in the production of tools for engine hoods and fenders. The tool shop delivers its products to the VW Group's factories worldwide, i.e. it is not limited to servicing Autoeuropa. It is part of Autoeuropa, however its activity runs autonomously and independently of the main activity of the factory which is the production of vehicles.

⁽²¹⁾ See Commission Decision in case C34/2001 regarding aid to Ford España (footnote 14 above), recitals 36-37.

- (93) The project concerned the acquisition of new tools for stamping dies in order to enable the construction of tools with higher quality levels and to increase the production volume of the tool shop. The tool shop produces moulds and stamping tools for the entire VW Group, is not located in the same plot of land as the notified investment and runs independently of the car manufacturing factory. Moreover, the investment decisions for the tool shop modernisation and for the notified project were taken independently from each other. Therefore the Commission considers that the initial investment in the tool shop is not linked in an economically indivisible way with the notified investment project and consequently, the two investment projects do not form a single investment project within the meaning of paragraph 60 of the RAG 2007-13.

5.5.2.3. Initial investment in the information technology area (IT)

- (94) The project concerned the acquisition of new IT equipment with new software applications for a stable IT security aimed at increasing the stability and the productivity of the car production. The investment in the IT area does not have strategic and technical links with the notified project that would link them in an economically indivisible way. Moreover, the investment decisions for the IT project and for the notified project were taken independently from each other. Therefore the Commission considers that the two investment projects do not form a single investment project within the meaning of paragraph 60 of the RAG 2007-13.

5.5.3. OVERALL CONCLUSION ON STANDARD COMPATIBILITY CRITERIA

- (95) In view of the above, the Commission considers that vendor tooling costs amounting to EUR 136,3 million can be considered as eligible expenditure under the notified project, whereas the earlier investments do not have to be taken into account. The amount of eligible expenses that has to be taken into account for the calculation of the maximum allowable aid intensity is EUR 623,9 million (EUR 599,6 million in discounted value) as shown in Table 2 of this Decision. By applying the scaling down mechanism laid down in paragraph 67 of the RAG 2007-13, the eligible expenditure incurred leads to a maximum allowable aid intensity of 6,13 % GGE for the project.
- (96) Since the intensity of the proposed aid (EUR 36,15 million in present value, 6,03 % aid intensity) does not exceed the maximum allowed aid intensity, and the notified aid is not to be combined with further regional investment aid, the proposed aid intensity for the project complies with the RAG 2007-13.
- (97) In view of these considerations, and since no information was submitted that would affect the conclusions of the Commission in the opening decision on the respect of the standard compatibility criteria referred to in recital 85, the Commission considers that the standard compatibility criteria of the RAG 2007-13 are met.

5.6. APPLICATION OF THE TESTS LAID DOWN IN THE PROVISIONS OF PARAGRAPH 68 OF THE RAG 2007-13

- (98) The Commission has to carry out an in depth assessment as part of the formal investigation unless it can establish without doubt within that procedure that the thresholds for in-depth assessment laid down in the paragraph 68(a) and (b) tests are not exceeded. ⁽²²⁾ To carry out the relevant tests, the Commission has first to establish appropriate product and geographic market definitions.
- (99) In recital 45 of its opening decision the Commission considered that for the purposes of paragraph 68 of the RAG 2007-13, the products concerned by the investment project are passenger cars belonging to the market segments A0, A, and B according to the segmentation by POLK.
- (100) The Commission left the precise definition of the relevant product market open and considered all plausible alternative market definitions, including in particular the narrowest segmentation for which data is available.

⁽²²⁾ Of course, in any event and thus irrespective of the thresholds of paragraph 68 of the RAG 2007-13, the Commission has to balance the positive and negative effects of the aid before concluding on its compatibility with the internal market. See the General Court's judgment in case T-304/08 *Smurfit Kappa Group v Commission* EU:T:2012:351, para. 94.

- (101) The practice of using the narrowest market definition based on individual segments in the car industry is well grounded in comparable decisions, including final decisions ⁽²³⁾.
- (102) This case practice is based on the view that competitors in all market segments, including the smallest possible segment, deserve protection from players with market dominance.
- (103) It is also grounded in competition relevant economic considerations. More specifically, this approach is based on the theory that demand side substitutability between two products exists if they are considered to be substitutes by consumers in view of their characteristics, price and intended use. Through its practice of examining market shares also in the smallest possible car market segment for which information is available, the Commission follows exactly this logic: i.e. it considers that substitutability in view of price, characteristics and intended use is the strongest between products belonging to the same segment. In this sense, the application of the narrowest possible market segment as one plausible market reflects the logic of point 28 of the Horizontal Merger Guidelines which states that 'Products may be differentiated within a relevant market such that some products are closer substitutes than others. The higher the degree of substitutability between the merging firms' products, the more likely it is that the merging firms will raise prices significantly. [...] The merging firms' incentive to raise prices is more likely to be constrained when rival firms produce close substitutes to the products of the merging firms than when they offer less close substitutes'.
- (104) This is also why conventional cars are traditionally divided into segments, and why the automotive industry assigns models to the various well known segments. This is the consideration that has driven the Commission's practice in defining the relevant market in automotive cases also in terms of the individual segments and this is the reason why Member States presented the relevant market related arguments in this as well as in other cases in the past in terms of individual segments.
- (105) Since Autoeuropa will produce cars belonging to A0 and [...] segments according to POLK, and could also produce cars belonging to the B segment according to POLK, the Commission considered that these individual segments and for SUVs also the SUV-B segment according to Global Insight, as well as the combined segment (A0 to B) according to POLK should all be considered as relevant plausible markets for this case.
- (106) The Commission considered that the relevant geographic market for the products concerned is at least EEA-wide. The Portuguese authorities and Autoeuropa accepted that the Commission applies this geographic market definition for the purposes of this notification ⁽²⁴⁾.
- (107) In light of the above, and as during the formal investigation the Commission did not receive any additional information showing that it should modify its conclusions from the opening decision, the Commission maintains its assessment as regards the product and geographic market definitions.

5.6.1. CONCLUSION ON THE MARKET SHARE TEST (PARAGRAPH 68(A) OF THE RAG 2007-13)

- (108) The Commission has carried out the test laid down in point 68(a) of the RAG 2007-13 in all plausible product and geographic markets to verify whether the beneficiary's market share exceeds 25 % before and after the investment.
- (109) In view of the fact that a single relevant product and geographic market could not be established, the results of all plausible markets had to be taken into account. The market share of the VW Group in the individual A and B segments and in the combined A0, A and B segments (according to POLK) in the EEA accounts for more than 25 % in all years between 2013 and 2019. The Commission therefore concludes that the threshold laid down in paragraph in 68(a) is exceeded.

⁽²³⁾ See for example, the final Commission decision in the Porsche case, SA. 34118 (adopted in July 2014) when it left open the question of market definition and applied the traditional approach of examining all 'plausible market definitions defining individual car segments (including the narrowest segmentation for which data are available)'. See recital 86 of this decision, citing a range of cases, including Fiat Powertrain technologies, SA.30340, recital 88 ('As the project does not exceed the thresholds provided in paragraph 68(a) of the RAG at the level of the smallest segmentation of the downstream product market for which data are available, it results that the project does not exceed the thresholds provided in paragraph 68(a) of the RAG for all possible combinations of these car segments'). State aid decisions SA.30340 Fiat Powertrain Technologies, Decision of 9 February 2011, (C(2011)612) (OJ C 151, 21.5.2011, p. 5); SA. 32169 Volkswagen Sachsen, Decision of 13 July 2011 (C(2011)4935 (OJ C 361, 10.12.2011, p. 17).

⁽²⁴⁾ See also section 3.3.2.2 of the opening decision.

5.6.2. CONCLUSION ON THE PRODUCTION CAPACITY IN AN UNDERPERFORMING MARKET TEST (PARAGRAPH 68(B) OF THE RAG 2007-13)

- (110) As the result of the paragraph 68(a) test requires already proceeding to the in-depth assessment of the aid, it is not necessary to carry out the paragraph 68(b) test.

5.6.3. CONCLUSION

- (111) In light of the above, the Commission decides that the relevant threshold of the 68 (a) test is exceeded. The Commission therefore decides to conduct a detailed verification, following the opening of the procedure provided for in Article 108(2) TFEU, that the aid is necessary to provide an incentive effect for the investment and that the benefits of the aid measure outweigh the resulting distortion of competition and effects on trade between Member States.

5.7. IN-DEPTH ASSESSMENT OF THE AID MEASURE

- (112) The in-depth assessment is conducted on the basis of the IDAC.

5.7.1. POSITIVE EFFECTS OF THE AID

5.7.1.1. *Objective of the aid*

- (113) Paragraph 12 of the IDAC requires that Member States substantiate the contribution of the investment project to the development of the region concerned. The Commission takes note of the investment's positive regional effects, as presented by Portugal (see recitals 45 to 49 above) and considers that in particular the direct and indirect job creation effects, the implantation of additional suppliers in the region, the knowledge transfer into the region, and the improvement of the regional skills base represent a significant contribution to the development of the region and to the achievement of the EU cohesion objective.

5.7.1.2. *Appropriateness of the aid instrument*

- (114) Paragraphs 17 and 18 of the IDAC underline that State aid in the form of initial investment aid is only one of the means to overcome market failures and to promote economic development in disadvantaged regions. Aid constitutes an appropriate instrument if it provides specific advantages compared with other policy measures. According to paragraph 18 of the IDAC, only 'measures for which the Member State considered other policy options, and for which the advantages of using a selective instrument such as State aid for a specific company are established, are considered to constitute an appropriate instrument.'
- (115) Portugal justified (see recitals 51 and 52 above) the appropriateness of the aid instrument by the economic situation in Peninsula de Setubal region, proving that the region is disadvantaged in comparison with the national average: during the period 2011-2013, the regional GDP per capita was around 75 % of the Portuguese average.
- (116) In view of the socioeconomic situation of Peninsula de Setubal region, as confirmed by its status as a region eligible for regional aid in accordance with Article 107(3)(c) TFEU with an aid intensity ceiling of 15 %, and in line with earlier case practice (e.g. in the Dell Poland decision ⁽²⁵⁾ and Porsche decision ⁽²⁶⁾), the Commission accepts that the granting of State aid is an appropriate instrument to achieve the regional development objective in the region concerned.

5.7.1.3. *Incentive effect/Counterfactual scenario*

- (117) Paragraph 20 of the IDAC requires that the formal incentive effect conditions as set out in paragraph 38 of the RAG 2007-13 must be met. The Commission has verified in section 5.5 above that this is the case for the notified project. As to the substantive incentive effect, the IDAC requires the Commission to verify in detail that

⁽²⁵⁾ Commission Decision 2010/54/EC of 23 September 2009 on the aid which Poland is planning to implement for Dell Products (Poland) Sp. z o.o. C 46/08 (ex N 775/07) (OJ L 29, 2.2.2010, p. 8), recital 171.

⁽²⁶⁾ SA.34118 (2012/C, ex 2011/N), not yet published in the OJ, available on http://ec.europa.eu/competition/elojade/isef/index.cfm?clear=1&policy_area_id=3, recital 107.

the aid is necessary to change the behaviour of the beneficiary, so that it undertakes (additional) investment in the assisted region concerned. Paragraph 22 of the IDAC states that the incentive effect can be proven in two possible scenarios: in the absence of aid, no investment would take place at all since without the aid, the investment would not be profitable for the company at any location (scenario 1); in the absence of aid, the investment would take place in another location (scenario 2).

- (118) The IDAC requires the Member State to demonstrate the existence of the incentive effect of the aid and provide clear evidence that the aid effectively had an impact on the investment choice or the location choice. It thus places the burden of proof regarding the existence of an incentive effect on the Member State. In this context, the Member State is also required to give a comprehensive description of the counterfactual scenario in which no aid would be granted to the beneficiary. The counterfactual scenario has to be deemed realistic by the Commission.
- (119) The Portuguese authorities stated (see recital 54 above) that the aid to Autoeuropa falls under scenario 2 and presented a counterfactual scenario reflecting the concrete investment and location planning for the notified project which considered as alternative location a plant in [location 1 in a non-assisted area in the EEA], [...].
- (120) Paragraph 25 of the IDAC indicates that the Member State could give proof of the incentive effect of the aid for a scenario 2 situation by providing company documents that show that a comparison has been made between the costs and benefits of locating in the assisted region selected for the investment with an alternative location. The Member State is invited to rely on financial reports, internal business plans and documents that elaborate on various investment scenarios.
- (121) Portugal provided (see recitals 68, 70 and 71 above) contemporary and genuine evidence documenting VW Group's, and for the notified project Volkswagen's Brand multi-stage decision-making process concerning first the product decision and then the investment and location decision.
- (122) This documentation shows that after the sales potential for new products in the segments A0 SUV and [...] ([...]) had been established in 2012 in planning round 61, the controlling department [Group Controlling] identified initially in July 2012 four options for the production location: Setubal, [location 1 in a non-assisted area in the EEA], [location 2 outside EEA] and [location 3 in a non-assisted area in the EEA] by applying two main criteria: whether at an existing plant additional capacities can still be installed and whether the existing facilities are compatible with the planned investment. The calculations conducted by [Group controlling] also included the sales volume of the [predefined model] which had a planned SOP at a similar timing. Three alternatives with the volumes split between the four sites were developed. For each alternative, the production costs per car were calculated and the outcome of these calculations showed that at that point in time the best alternative would had been to combine the [predefined model] and the A0 SUV volumes in [location 1 in a non-assisted area in the EEA] and to limit the new volumes in Setubal to the [...] segment.
- (123) In the later planning process, the controlling department decided to exclude [location 3 in a non-assisted area in the EEA] due to disadvantages in personnel costs and [location 2 outside EEA] due to disadvantages in logistic costs and therefore only retained [location 1 in a non-assisted area in the EEA] as a viable alternative location to Setubal.
- (124) The Commission notes that in January 2014 Volkswagen decided to locate the production of the [predefined model] in [location 1 in a non-assisted area in the EEA] and [location 2 outside EEA], where already the predecessor model had been produced. Portugal provided evidence to prove that even after the [predefined model] decision was taken, [location 1 in a non-assisted area in the EEA] remained a realistic scenario for the notified investment. The documents provided allow the Commission to conclude that in March 2014 when the product decision was taken by the VAP, [location 1 in a non-assisted area in the EEA] had sufficient capacity to accommodate the needs of the notified project. This is further supported by VW Group's decision of March 2015 to produce in [location 1 in a non-assisted area in the EEA] another model with a similar yearly production capacity as the notified project.
- (125) Moreover, the Commission verified that all the relevant costs relating to additional shifts needed in [location 1 in a non-assisted area in the EEA] in order to cope with the additional capacity needed for the notified project were taken into account in the counterfactual scenario. In addition, it takes note of Portugal's argument that if Setubal would not have been chosen as location for the notified project, Autoeuropa might have had to shut down at least major parts of the plant. The Commission verified that both the costs for the dismissal of employees in Setubal and the costs for reimbursing the State aid granted in the earlier investment projects mentioned in section 4.2 were taken into account in the counterfactual scenario.

- (126) The Commission is also satisfied that the calculations of the investment and production costs at the two locations used in the counterfactual scenario are accurate and are based on credible data provided by the factories or on credible assumptions.
- (127) As described in recital 70 and in annex I of this decision, the estimates for production costs attributable to the location, which include production costs and investment costs, resulted in a cost disadvantage of EUR 90 million in nominal value for Setubal compared to [location 1 in a non-assisted area in the EEA]. In order to reduce the cost disadvantage of Setubal, and in view of the forthcoming formal decision of the VAI on the localisation of the investment project, after the product decision was taken by the VAP on 10 March 2014, Autoeuropa introduced an application for aid on 31 March 2014.
- (128) On 28 May 2014 and 26 June 2014, the VAI decided to locate the notified investment in Setubal. As documented by the minutes of the VAI meetings, this decision was adopted explicitly subject to the availability of State aid. Works on the project started on 26 June 2014.
- (129) The Commission established already above (see recital 85) that in accordance with paragraph 20 of the IDAC the formal incentive effect requirements laid down in paragraph 38 of the RAG 2007-13 were met. In addition, the Portuguese authorities provided clear evidence that the aid effectively had an impact on the investment's location choice, since VW Group's decision to locate the notified project in Setubal was taken only after signing the investment contract ⁽²⁷⁾ which confirmed that the investment project would be eligible for State aid. The Commission considers, in accordance with paragraphs 23 and 25 of the IDAC that the counterfactual scenario presented by Portugal is realistic and supported by genuine and contemporary evidence proving that the aid has a real (substantive) incentive effect: by reducing the viability gap between both locations in favour of Setubal, the aid contributed to changing the location decision of the beneficiary company. Without the aid, the investment would not have taken place in Setubal.

5.7.1.4. Proportionality of the aid

- (130) Paragraph 29 of the IDAC requires that for the aid to be proportional, the amount and intensity of the aid must be limited to the minimum needed for the investment to take place in the assisted region.
- (131) In general, regional aid is considered to be proportional to the seriousness of the problems affecting the assisted regions if it respects the applicable regional aid ceiling, including the automatic, progressive scaling-down of the regional aid ceiling for large investment projects (which is already part of the applicable regional aid map). The applied aid intensity in this case is not higher than the regional aid ceilings corrected by the scaling-down mechanism, as was already established in recital 96.
- (132) In addition to the general principle of proportionality contained in the RAG 2007-13, the IDAC requires a more detailed assessment to be carried out. Under scenario 2 of the IDAC, the aid is considered proportionate if it equals the difference between the net costs for the beneficiary to invest in the assisted region and the net costs to invest in the alternative location.
- (133) The documentation submitted by Portugal (see recitals 68, 70 and 71 above) proves that the aid was limited to the amount necessary, because it does not exceed the difference in costs between locating the investment in Setubal and in [...]. The calculation done at the time of the counterfactual analysis (and based on documents drafted contemporaneously with the investment decision) shows that even with the aid, Setubal was by EUR 14,6 million more expensive in discounted value than [location 1 in a non-assisted area in the EEA]. The Commission notes that the remaining cost disadvantage was considered as acceptable due to certain qualitative aspects, such as reasons of social responsibility (without the investment Autoeuropa would have had to shut down major parts of the Setubal plant) or the possibility for Setubal to cover production peaks without any support by other plants, while [location 1 in a non-assisted area in the EEA] would have to shift some of the production to [location outside EEA]. If the calculation is done taking into account the notified discounted aid amount of EUR 36,15 million ⁽²⁸⁾, the location disadvantage of Setubal would still be EUR 11,85 million (EUR 48 million-EUR 36,15 million).

⁽²⁷⁾ The investment contract contained a suspensive clause making it dependent on VW Group's decision to proceed or not with the project, as long as this decision was taken before 30 June 2014.

⁽²⁸⁾ See the explanation for the difference in aid amounts in footnote 19 above.

- (134) As the aid is limited to the amount necessary to compensate for the net additional costs of locating the investment project in Setubal, as compared to the alternative location [location 1 in a non-assisted area in the EEA], the Commission considers that the proportionality of the aid at the time of the location decision is demonstrated.

5.7.2. NEGATIVE EFFECTS OF THE AID ON COMPETITION AND TRADE

- (135) Paragraph 40 of the IDAC states that 'if the counterfactual analysis suggests that without the aid the investment would have gone ahead in any case, albeit possibly in another location (scenario 2), and if the aid is proportional, possible indications of distortions such as a high market share and an increase in capacity in an underperforming market would in principle be the same regardless of the aid'.
- (136) Without the notified aid, the investment would have been carried out in another location within the EEA, resulting in the same level of distortion of competition (i.e. scenario 2). Since the aid is limited to the minimum necessary to off-set the additional costs stemming from the regional handicaps of an assisted region, it does not have undue negative effects on competition, such as crowding-out of private investment.
- (137) According to paragraph 50 of IDAC, due to its geographical specificity, the potential negative location effects of regional aid are already recognised and restricted to a degree by RAG and the regional aid maps, which define exhaustively the areas eligible to grant regional aid, taking account of the equity and cohesion policy objectives, and the eligible aid intensities. However, in accordance with paragraph 53 of the IDAC, if, without aid, the investment would have been located in a poorer region (more regional handicaps — higher maximum regional aid intensity) or in a region that is considered to have the same regional handicaps as the target region (same maximum regional aid intensity), this would constitute a negative effect on trade and a negative element in the overall balancing test that is unlikely to be compensated by any positive elements, because it runs counter the very rationale of regional aid.
- (138) In the case of the notified project, a greenfield investment was not considered, as an investment package of [140 000-160 000] cars falling into a [...] price market segment is too small to render a greenfield investment viable. By applying two criteria, existing additional capacities and compatible facilities with the planned project, the only initial alternative locations were limited to [location 1] (non-assisted area in [the EEA]), [location 2] ([outside EEA]) and [location 3] ([non-assisted area in the EEA]; [location 2 outside EEA] and [location 3 in a non-assisted area in the EEA] were in a later stage excluded as they were characterised by high logistics, respectively high personnel costs.
- (139) Therefore, the Commission concludes that there is no indication that the investment would have been located in another assisted region with a higher or similar aid intensity ceiling: hence the Commission considers that the aid has no anti-cohesion effect that would run counter the very rationale of regional aid and the aid has no undue negative effects on trade.

5.8. BALANCING

- (140) Having established that the aid provides an incentive for carrying out the investment in the region concerned and is proportionate, it is necessary to balance the positive effects of the aid with its negative effects.
- (141) The assessment confirmed that the aid measure has an incentive effect attracting an investment which offers an important contribution to the regional development of a disadvantaged region which is eligible for regional aid pursuant to Article 107(3)(c) TFEU, without depriving from the investment any region with the same or a higher aid intensity ceiling (no anti-cohesion effect). The Commission considers that attracting an investment to a poorer region is more beneficial for cohesion within the Union than if the same investment had been located in a more developed region. As stated in paragraph 53 of the IDAC, the Commission considers that 'the positive effects of regional aid which merely compensate for the difference in net costs relative to a more developed alternative investment location [...] will normally be considered, under the balancing test, to outweigh any negative effects in the alternative location for new investment'.

- (142) In view of the above, the Commission finds that, given that the aid is proportional to the difference in net costs for carrying out the investment in the selected location, as compared to a more developed alternative location, the positive effects of the aid, in terms of its objective and appropriateness, as demonstrated above, outweigh the negative effects in the alternative location.
- (143) In accordance with paragraph 68 of the RAG 2007-13, and in light of the in-depth assessment conducted on the basis of the IDAC, the Commission concludes that the aid is necessary to provide an incentive effect for the investment and that the benefits of the aid measure outweigh the resulting distortion of competition and effect on trade between Member States.

6. CONCLUSION

- (144) The Commission concludes that the proposed regional investment aid in favour of Volkswagen Autoeuropa, Lda awarded on 30 April 2014 subject only to Commission approval fulfils all the conditions laid down in the RAG 2007-13 and in the IDAC and can therefore be considered compatible with the internal market in accordance with Article 107(3)(c) TFEU.
- (145) The Commission recalls that in accordance with recital 16 of the opening decision, Portugal committed that neither the notified aid amount, nor the notified aid intensity will be exceeded, if the realised eligible expenditure deviates from the planned amount of eligible expenditure, as taken into account in the notification and the calculation of the maximum aid amount. Portugal also undertook to submit to the Commission on a 5-yearly basis, starting from the approval of the aid by the Commission, an intermediary report (including information on the amounts being paid and on any other investment projects started at the same establishment/plant) and within 6 months after payment of the last tranche of the aid, in accordance with the notified payment schedule, a detailed final report.

HAS ADOPTED THIS DECISION:

Article 1

The State aid which Portugal is planning to implement for Volkswagen Autoeuropa, Lda, amounting to EUR 36,15 million in present value and representing a maximum aid intensity of 6,03 % in gross grant equivalent, is compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty on the Functioning of the European Union.

Implementation of the aid, amounting to a maximum of EUR 36,15 million in present value and to a maximum aid intensity of 6,03 % in gross grant equivalent, is accordingly authorised.

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 27 November 2015.

For the Commission
Margrethe VESTAGER
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2017/167**of 30 January 2017****temporarily authorising Belgium, the Czech Republic, France and Spain to certify pre-basic mother plants and pre-basic material of specific species of fruit plants referred to in Annex I to Council Directive 2008/90/EC, produced in the field under non-insect-proof conditions***(notified under document C(2017) 60)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production ⁽¹⁾, and in particular Articles 4, 6(4), 9(1) and 13(3) thereof,Having regard to Commission Implementing Directive 2014/98/EU of 15 October 2014 implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereof, specific requirements to be met by suppliers and detailed rules concerning official inspections ⁽²⁾, and in particular Article 8(4) thereof,

Whereas:

- (1) Implementing Directive 2014/98/EU lays down rules for the production, certification and marketing of pre-basic, basic and certified material.
- (2) During production strict provisions apply concerning the protection of pre-basic mother plants and pre-basic material against all types of infections by pests because pre-basic mother plants constitute the starting point of the production and certification process of propagating material and fruit plants. Article 8(1) of Implementing Directive 2014/98/EU obliges suppliers to maintain pre-basic mother plants and pre-basic material in designated facilities, which are insect-proof and ensure freedom from infection through aerial vectors and any other possible sources. Article 8(2) of that Directive requires that pre-basic mother plants and pre-basic material are individually identified throughout the production process. In addition, Article 8(3) of that Directive provides that pre-basic mother plants and pre-basic material are to be grown, isolated from the soil, in pots of soil-free or sterilised growing media.
- (3) Because of the absence of a harmonised certification scheme, suppliers are currently still allowed to produce pre-basic mother plants and pre-basic material in the open field. Implementing Directive 2014/98/EU will start to apply on 1 January 2017 and as from that date it will introduce for the first time the requirement for suppliers to produce pre-basic mother plants and pre-basic material in insect-proof facilities. Suppliers in certain Member States have already invested in the construction of insect-proof facilities before the entry into force of the rules of that Directive implementing Directive 2008/90/EC, and are consequently able to comply with the requirements laid down in Article 8(1), (2) and (3) of Implementing Directive 2014/98/EU as from the date of application of that Directive. Taking into account that the construction of such insect-proof facilities requires a considerable investment of human and financial resources, it is appropriate to allow sufficient time for suppliers of other Member States to adapt their production systems for certain species while continuing their production. Producers in Belgium and France have started earlier to invest in the construction of insect-proof facilities, whereas producers in the Czech Republic and Spain will need more time to comply with the requirement of production in insect-proof facilities.
- (4) Belgium, the Czech Republic, France and Spain have therefore submitted requests for a temporary authorisation to certify pre-basic mother plants and pre-basic material of certain species produced in the field under non-insect-proof conditions pursuant to Article 8(4) of Implementing Directive 2014/98/EU. Those authorisations should be limited in time and restricted to specific species.

⁽¹⁾ OJ L 267, 8.10.2008, p. 8.⁽²⁾ OJ L 298, 16.10.2014, p. 22.

- (5) In order to ensure an identical health status of pre-basic mother plants and pre-basic material produced in the open field as compared to pre-basic mother plants and pre-basic material produced in insect-proof facilities, appropriate measures should be provided for. Those measures concern identification, visual inspection, sampling and testing, isolation distance, treatment and growing conditions of the pre-basic mother plants and pre-basic material, and analysis of the soil in which those pre-basic mother plants and that pre-basic material are grown. In addition, measures to prevent cross-infection by machinery, grafting tools and any other sources should be provided for. Belgium, the Czech Republic, France and Spain have proposed the measures they deem necessary to limit the risk of infection in accordance with the climatic conditions, the growing conditions of the pre-basic mother plants and pre-basic material, the distance to any cultivated and wild species of importance for the pre-basic mother plants and pre-basic material concerned based on the expert knowledge regarding the prevalence and biology of the relevant pests.
- (6) In Belgium there is no commercial production of propagating material, fruit plants and rootstocks of *Malus domestica*, *Prunus avium*, *P. cerasus*, *P. domestica*, *P. persica* and *Pyrus communis* L. in the province of Luxembourg. To ensure an appropriate isolation distance to any cultivated *Malus domestica*, *Prunus avium*, *P. cerasus*, *P. domestica*, *P. persica* and *Pyrus communis* L., pre-basic mother plants and pre-basic material of those species should only be produced in the field in the province of Luxembourg.
- (7) France has a specific procedure whereby candidate pre-basic mother plants are selected in the field close to other plants of the same species which are not subject to a certification scheme. The Belgian nursery producing pre-basic mother plants and pre-basic material in the field is located adjacent to the village Mussy-la-ville. For this reason neither Belgium nor France can ensure an isolation distance. To safeguard the health of the selected candidate pre-basic mother plants and pre-basic mother plants concerned, those plants are regularly inspected and analysed more frequently.
- (8) Pre-basic mother plants and pre-basic material which have been produced in the field under non-insect-proof conditions should be identified through labels to ensure their traceability in accordance with Article 8(4) of Implementing Directive 2014/98/EU. Those labels should comply with the requirements laid down in Article 2 of Commission Implementing Directive 2014/96/EU⁽¹⁾. Moreover, those labels should provide the relevant information needed both for official control and to raise awareness of the user of the material. For this reason the labels should refer to the specific production conditions and contain the date until which the Member States concerned are authorised to certify pre-basic mother plants and pre-basic material produced in the field. Because of the limited size of the label, it should be allowed to limit the information on the label itself and to provide more detailed information regarding the authorisation in the document accompanying the label.
- (9) For plant health reasons it is appropriate to provide for rules enabling the tracing back of all basic and certified propagating material and fruit plants propagated from pre-basic mother plants and pre-basic material produced in the field. Consequently the labelling of all basic and certified propagating material and fruit plants propagated from pre-basic mother plants and pre-basic material produced in the field, should also explicitly refer to the fact that the pre-basic mother plants and pre-basic material are covered by the authorisation granted by this Decision.
- (10) In view of the above and to allow the suppliers in Belgium, the Czech Republic, France and Spain to gradually shift the production of pre-basic mother plants and pre-basic material in the open field to insect-proof facilities, those Member States should be temporarily authorised to certify in accordance with this Decision pre-basic mother plants and pre-basic material of specific species of fruit plants produced in the field under non-insect-proof conditions. That authorisation should apply until 31 December 2018 in the case of Belgium and France and until 31 December 2022 for the Czech Republic and Spain.
- (11) This Decision should apply from the same date as Implementing Directive 2014/98/EU.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ Commission Implementing Directive 2014/96/EU of 15 October 2014 on the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of Council Directive 2008/90/EC (OJ L 298, 16.10.2014, p. 12).

HAS ADOPTED THIS DECISION

Article 1

Authorisation

1. Pursuant to Article 8(4) of Implementing Directive 2014/98/EU, the Czech Republic and Spain may until 31 December 2022 certify pre-basic mother plants and pre-basic material produced in the open field under non-insect-proof conditions of the species listed in the Annex, provided that the requirements set out in Articles 2, 3 and 4(1) are fulfilled.
2. Pursuant to Article 8(4) of Implementing Directive 2014/98/EU, Belgium and France may until 31 December 2018 certify pre-basic mother plants and pre-basic material produced in the open field under non-insect-proof conditions of the species listed in the Annex, provided that the requirements set out in Articles 2, 3 and 4(1) are fulfilled.

Article 2

Requirements concerning the maintenance

1. The pre-basic mother plants and the pre-basic material produced in the field shall be maintained in accordance with the requirements set out in Section A of the Annex for the Member States and species concerned.
2. Grafting and pruning tools and machinery shall be checked, cleaned and disinfected before and after each use on the pre-basic mother plants and the pre-basic material concerned.
3. There shall be an appropriate distance between pre-basic mother plants and pre-basic material so as to minimise root contact between the pre-basic mother plants and pre-basic material concerned.

Article 3

Requirements concerning visual inspection, sampling and testing

In addition to the requirements set out in Articles 10 and 11 of Implementing Directive 2014/98/EU, Belgium, the Czech Republic, France and Spain shall ensure that the requirements set out in Section B of the Annex for the Member States and species concerned, are complied with.

Article 4

Requirements concerning labelling

1. In addition to the information required by Article 2(2) of Implementing Directive 2014/96/EU, the label of the pre-basic mother plants and the pre-basic material certified by the Czech Republic and Spain shall contain the indication: 'Produced in the field in accordance with Commission Implementing Decision (EU) 2017/167; certification authorised until 31 December 2022.'

In addition to the information required by Article 2(2) of Implementing Directive 2014/96/EU, the label of the pre-basic mother plants and the pre-basic material certified by Belgium and France shall contain the indication: 'Produced in the field in accordance with Commission Implementing Decision (EU) 2017/167; certification authorised until 31 December 2018.'

2. Where an accompanying document is provided pursuant to Article 3(1) of Implementing Directive 2014/96/EU, the information on the official label referred to in paragraph 1 may be restricted to 'Produced in the field'. In such a case in addition to the information required by Article 3(2) of Implementing Directive 2014/96/EU, the accompanying document of the pre-basic mother plants and the pre-basic material concerned shall contain the indication provided for in paragraph 1.

3. In addition to the information required by Article 2(2) of Implementing Directive 2014/96/EU, the label of all basic propagating material and all basic fruit plants and all certified propagating material and all certified fruit plants propagated from pre-basic mother plants and pre-basic material certified pursuant to this Decision shall contain the indication: 'Derived from material produced in the field in accordance with Commission Implementing Decision (EU) 2017/167'.

4. Where an accompanying document is provided pursuant to Article 3(1) of Implementing Directive 2014/96/EU, the information on the official label referred to in paragraph 3 may be restricted to 'Derived from material produced in the field'. In such a case in addition to the information required by Article 3(2) of Implementing Directive 2014/96/EU, the accompanying document of all basic propagating material and all basic fruit plants and all certified propagating material and all certified fruit plants propagated from pre-basic mother plants and pre-basic material certified pursuant to this Decision shall contain the indication provided for in paragraph 3.

Article 5

Notification

Belgium, the Czech Republic, France and Spain shall immediately notify the Commission and the other Member States of any certification pursuant to Article 1. The notification shall contain the quantity of the certified pre-basic mother plants and pre-basic material, and the species to which those pre-basic mother plants and that pre-basic material belong.

Article 6

Date of application

This Decision shall apply from 1 January 2017.

Article 7

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 30 January 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

SECTION A

Lists of species referred to in Article 1 and requirements concerning their maintenance referred to in Article 21. *Belgium*

1.1. List of species:

Malus domestica Mill., *Prunus avium*, *P. cerasus*, *P. domestica*, *P. persica*, *Pyrus communis* L. and rootstocks of those species

1.2. Requirements for all species listed above

1.2.1. Measures

Where visual inspections for the presence of insect vectors relevant for the pests listed in Part A of Annex I and in Annex II of Implementing Directive 2014/98/EU detect the presence of those vectors, there shall be an insecticide treatment.

1.3. Requirements specific for certain species

1.3.1. *Prunus avium*, *P. cerasus*, *P. domestica*, and *P. persica*

1.3.1.1. Growing conditions

Pre-basic mother plants and pre-basic material of *Prunus avium*, *P. cerasus*, *P. domestica*, and *P. persica* shall be prevented from flowering.

2. *The Czech Republic*

2.1. List of species:

Castanea sativa Mill. and *Juglans regia* L.

2.2. Requirements for both species listed above

2.2.1. Measures

In case of doubts concerning the presence of the relevant pests listed in Part A of Annex I and in Annex II of Implementing Directive 2014/98/EU on pre-basic mother plants and pre-basic material, those pre-basic mother plants and that pre-basic material shall immediately be removed.

2.2.2. Growing conditions

Pre-basic mother plants shall be prevented from flowering through annual pruning at the beginning of each vegetative period.

2.3. Requirements specific for certain species

2.3.1. *Juglans regia* L.

2.3.1.1. Growing conditions

Pre-basic mother plants shall be planted in areas where visual inspections have confirmed the absence of vectors of cherry leafroll virus.

3. France

3.1. List of species:

Castanea sativa Mill., *Corylus avellana* L., *Cydonia oblonga* Mill., *Juglans regia* L., *Malus domestica* Mill., *Prunus amygdalus*, *P. armeniaca*, *P. avium*, *P. cerasus*, *P. domestica*, *P. persica*, *P. salicina*, and *Pyrus communis* L.

3.2. Requirements for all species listed above

3.2.1. Measures

Where visual inspections for the presence of insect vectors relevant for the pests listed in Part A of Annex I and in Annex II of Implementing Directive 2014/98/EU detect the presence of those vectors, there shall be an insecticide treatment.

3.2.2. Growing conditions

Pre-basic mother plants shall be grafted on rootstocks produced by *in vitro* culture where available.

3.3. Requirements specific for certain species

3.3.1. *Prunus amygdalus*, *P. armeniaca*, *P. avium*, *P. cerasus*, *P. domestica*, *P. persica*, and *P. salicina*

Pre-basic mother plants and pre-basic material of *Prunus amygdalus*, *P. armeniaca*, *P. avium*, *P. cerasus*, *P. domestica*, *P. persica*, and *P. salicina* shall be prevented from flowering.

4. Spain

4.1. List of species:

Olea europaea L., *Prunus amygdalus* x *P. persica*, *P. armeniaca*, *P. domestica*, *P. domestica* x *P. salicina*, *P. dulcis*, *P. persica*, and *Pyrus communis* L.

4.2. Requirements for all species listed above

4.2.1. Measures

Where visual inspections for the presence of insect vectors relevant for the pests listed in Part A of Annex I and in Annex II of Implementing Directive 2014/98/EU detect the presence of those vectors, there shall be an insecticide treatment.

4.3. Requirements specific for certain species

4.3.1. *Olea europaea* L.

4.3.1.1. Isolation distance

There shall be an isolation distance of at least 100 m to any cultivated or wild *Olea europaea* L. which is not subject to a certification scheme.

4.3.2. *Prunus amygdalus* x *P. persica*, *P. armeniaca*, *P. domestica*, *P. domestica* x *P. salicina*, *P. dulcis*, and *P. persica*

4.3.2.1. Isolation distance

There shall be an isolation distance of at least 500 m to any cultivated or wild *Prunus amygdalus*, *P. cerasus* and *P. prunophora* which are not subject to a certification scheme.

4.3.2.2. Growing conditions

Pre-basic mother plants and pre-basic material of *Prunus amygdalus* x *P. persica*, *P. armeniaca*, *P. domestica*, *P. domestica* x *P. salicina*, *P. dulcis*, and *P. persica* shall be prevented from flowering.

4.3.3. *Pyrus communis* L.

4.3.3.1. Isolation distance

There shall be an isolation distance of at least 500 m to any cultivated or wild *P. communis* L. which is not subject to a certification scheme.

4.3.3.2. Growing conditions

Pre-basic mother plants and pre-basic material of *P. communis* L. shall be prevented from flowering.

SECTION B

Requirements concerning visual inspection, sampling and testing referred to in Article 3

1. Belgium

1.1. Requirements for all species listed in point 1.1 of Section A

1.1.1. Visual inspection

Visual inspections shall be carried out at least once per year for the presence of the insect vectors relevant for the pests listed in Part A of Annex I and in Annex II of Implementing Directive 2014/98/EU.

1.2. Requirements specific for certain species

1.2.1. *Malus domestica* Mill. and *Pyrus communis* L.

1.2.1.1. Sampling and testing

Each pre-basic mother plant shall be sampled and tested every year for the insect-transmitted and pollen-transmitted viruses listed in Part A of Annex I and in Annex II of Implementing Directive 2014/98/EU.

1.2.2. *Prunus avium*, *P. cerasus*, *P. domestica*, and *P. persica*

1.2.2.1. Sampling and testing

Each pre-basic mother plant shall be sampled and tested every year and at each multiplication cycle for the insect-transmitted and pollen-transmitted viruses listed in Annex II of Implementing Directive 2014/98/EU.

2. The Czech Republic

2.1. Requirements specific for certain species

2.1.1. *Castanea sativa* Mill.

2.1.1.1. Visual inspection

Visual inspections shall be carried out from April to May.

2.1.2. *Juglans regia* L.

2.1.2.1. Visual inspection

Visual inspections shall be carried out in late summer or autumn.

3. *France*
 - 3.1. Requirements for all species listed in point 3.1 of Section A
 - 3.1.1. Visual inspection

Visual inspections shall be carried out at least once per year.
 - 3.2. Requirements specific for certain species
 - 3.2.1. *Corylus avellana* L.
 - 3.2.1.1. Sampling and testing

Each pre-basic mother plant shall be sampled and tested every year for apple mosaic virus (ApMV).
 - 3.2.2. *Cydonia oblonga* Mill., *Malus domestica* Mill., and *Pyrus communis* L.
 - 3.2.2.1. Sampling and testing

Each pre-basic mother plant shall be sampled and tested every year for apple chlorotic leaf spot virus (ACLSV), apple stem-grooving virus (ASGV), apple stem-pitting virus (ASPV) and rubbery wood.
 - 3.2.3. *Prunus amygdalus*, *P. armeniaca*, *P. avium*, *P. cerasus*, *P. domestica*, *P. persica*, and *P. salicina*
 - 3.2.3.1. Sampling and testing

Each pre-basic mother plant shall be sampled and tested every year and at each multiplication cycle for prune dwarf virus (PDV) and *Prunus* necrotic ringspot virus (PNRSV). In the case of *P. persica*, each pre-basic mother plant shall be sampled and tested every year and at each multiplication cycle for peach latent mosaic viroid (PLMVd).
4. *Spain*
 - 4.1. Requirements specific for certain species
 - 4.1.1. *Olea europaea* L. and *Pyrus communis* L.
 - 4.1.1.1. Sampling and testing

Each pre-basic mother plant shall be sampled and tested every year for the viruses and virus-like diseases listed in Annex II of Implementing Directive 2014/98/EU.
 - 4.1.2. *Prunus amygdalus* x *P. persica*, *P. armeniaca*, *P. domestica*, *P. domestica* x *P. salicina*, *P. dulcis*, and *P. persica*
 - 4.1.2.1. Sampling and testing

Sampling and testing shall be carried out every year for the viruses and virus-like diseases listed in Annex II of Implementing Directive 2014/98/EU.

COMMISSION IMPLEMENTING DECISION (EU) 2017/168**of 31 January 2017****on the identification of 'Internet Engineering Task Force' Technical Specifications for referencing in public procurement****(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 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council ⁽¹⁾ and in particular Article 13(1) thereof,

After consulting the European multi-stakeholder platform on ICT standardisation and sectoral experts

Whereas:

- (1) Standardisation plays an important role in supporting the Europe 2020 strategy, as set out in the Communication from the Commission entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth' ⁽²⁾. Several flagship initiatives of the Europe 2020 strategy underline the importance of voluntary standardisation in product or services markets to assure the compatibility and interoperability between products and services, foster technological development and support innovation.
- (2) The relevance of standards is also recognised in the Communication from the Commission 'upgrading the single market: more opportunities for people and business' ⁽³⁾ that considers standards as essential for European competitiveness and crucial for innovation and progress in the Single Market because they increase safety, interoperability and competition and help remove trade barriers.
- (3) The completion of the Digital Single Market is a key priority for the European Union as highlighted in the Communication from the Commission entitled 'Annual Growth Strategy 2015' ⁽⁴⁾. The Commission in its Communication on a Digital Single Market Strategy for Europe ⁽⁵⁾ highlighted the role of standardisation and interoperability in creating a European Digital Economy with a long-term growth potential.
- (4) In the digital society standardisation deliverables become indispensable to ensure the interoperability between devices, applications, data repositories, services and networks. The Communication from the Commission entitled 'A strategic vision for European standards: moving forward to enhance and accelerate the sustainable growth of the European economy by 2020' ⁽⁶⁾ recognises the specificity of standardisation in the field of information and communication technologies (ICT), where solutions, applications and services are often developed by global ICT Fora and Consortia that have emerged as leading ICT standards development organisations.
- (5) Regulation (EU) No 1025/2012 aims at modernising and improving the European standardisation framework. It establishes a system whereby the Commission may decide to identify the most relevant and most widely accepted ICT technical specifications issued by organisations that are not European, international or national standardisation organisations. The possibility of using the full range of ICT technical specifications when procuring hardware, software and information technology services will enable interoperability between devices, services and

⁽¹⁾ OJ L 316, 14.11.2012, p. 12.⁽²⁾ COM(2010) 2020 final of 3 March 2010.⁽³⁾ COM(2015) 550 final of 28 October 2015.⁽⁴⁾ COM(2014) 902 final of 28 November 2014.⁽⁵⁾ COM(2015) 192 final of 6 May 2015.⁽⁶⁾ COM(2011) 311 final of 1 June 2011.

applications, will help public administrations to avoid lock-in that occurs when the public procurer cannot change a provider after the expiration of the procurement contract because using ICT proprietary solutions, and will encourage competition in the supply of interoperable ICT solutions.

- (6) For the ICT technical specifications to be eligible for referencing in public procurement they must comply with the requirements set out in Annex II to Regulation (EU) No 1025/2012. Compliance with those requirements guarantees the public authorities that the ICT technical specifications are established in accordance with the principles of openness, fairness, objectivity and non-discrimination that are recognised by the World Trade Organisation in the field of standardisation.
- (7) The decision to identify the ICT specification is to be adopted after consultation of the European multi-stakeholder platform on ICT standardisation set up by a Commission Decision ⁽¹⁾ complemented by other forms of consultation of sectoral experts.
- (8) On 11 June 2015, the European multi-stakeholder platform on ICT standardisation evaluated 27 'Internet Engineering Task Force' technical specifications against the requirements set out in Annex II to Regulation (EU) No 1025/2012 and gave a positive advice to their identification for referencing in public procurement. The evaluation of the IETF technical specifications was subsequently submitted to consultation of sectoral experts that confirmed the positive advice to its identification.
- (9) The 27 technical specifications are developed and managed by the internet Engineering Task Force (IETF), the principal body engaged in the development of new internet standard specifications of high quality for the design, use and management of the internet. IETF is a global organisation based in the 'internet standard process', an open, transparent and consensus based process used by the internet community for the standardisation of protocols and procedures for the benefit of all users worldwide.
- (10) The 27 IETF technical specifications are widely used for internet purposes. They consist of standards and protocols to set-up an internet network (Transmission Control Protocol/Internet protocol (TCP/IP), User Datagram Protocol (UDP), Domain Name System (DNS), Dynamic Host Configuration Protocol (DHCP), Simple Network Management Protocol (SNMP), Security Architecture for the internet Protocol (IPsec) and Network Time Protocol (NTP)); standards and protocols for secure connections (Secure Shell-2 (SSH-2) Protocol, Transport Layer Security (TLS) Protocol and internet X.509 Public Key Infrastructure Certificate and Certificate Revocation List (CRL) Profile (PKIX)); standards and protocols to set-up a website (Hypertext Transfer Protocol (HTTP), Upgrading to TLS Within HTTP/1.1, Uniform Resource Identifiers (URI), Uniform Resource Locator (URL), Uniform Resource Names (URN), File Transfer Protocol (FTP), 8-bit Unicode Transformation Format (UTF-8), JavaScript Object Notation (JSON)); standards and protocols for email, calendar and news applications (Simple Mail Transfer Protocol (SMTP), internet Message Access Protocol (IMAP), Post Office Protocol — version 3 (POP3), Multipurpose internet Mail Extensions (MIME), Network News Transfer Protocol (NNTP), internet Calendaring and Scheduling Core Object Specification (iCalendar), vCard (VCF), Common Format and MIME Type for Comma-Separated Values (CSV)) and standards and protocols for multimedia streaming applications (Real-time Transport Protocol (RTP) and Session Initiation Protocol (SIP).
- (11) The 27 IETF technical specifications above should therefore be identified as ICT technical specification eligible for referencing in public procurement.

HAS ADOPTED THIS DECISION:

Article 1

The 'Internet Engineering Task Force' technical specifications listed in the Annex are eligible for referencing in public procurement.

⁽¹⁾ Commission Decision of 28 November 2011 setting up the European multi-stakeholder platform on ICT standardisation (OJ C 349, 30.11.2011, p. 4).

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, 31 January 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

List of 'Internet Engineering Task Force' (IETF) Technical specifications eligible for referencing in public procurement ⁽¹⁾

1. Transmission Control Protocol/Internet protocol (TCP/IP)
2. User Datagram Protocol (UDP)
3. Domain Name System (DNS)
4. Dynamic Host Configuration Protocol (DHCP)
5. Simple Network Management Protocol (SNMP)
6. Security Architecture for the internet Protocol (IPsec)
7. Network Time Protocol (NTP)
8. Secure Shell-2 Protocol (SSH-2)
9. Transport Layer Security Protocol (TLS)
10. Internet X.509 Public Key Infrastructure Certificate and Certificate Revocation List (CRL) Profile (PKIX)
11. Hypertext Transfer Protocol (HTTP)
12. Upgrading to TLS Within HTTP/1.1 (HTTPS)
13. Uniform Resource Identifiers (URI)
14. Uniform Resource Locator (URL)
15. Uniform Resource Names (URN)
16. File Transfer Protocol (FTP)
17. 8-bit Unicode Transformation Format (UTF-8)
18. Simple Mail Transfer Protocol (SMTP)
19. Internet Message Access Protocol (IMAP)
20. Post Office Protocol — version 3 (POP3)
21. Multipurpose internet Mail Extensions (MIME)
22. Network News Transfer Protocol (NNTP)
23. Internet Calendaring and Scheduling Core Object Specification (iCalendar)
24. File format standard for electronic business cards (vCard)
25. Common Format and MIME Type for Comma-Separated Values (CSV)
26. Real-time Transport Protocol (RTP)
27. Session Initiation Protocol (SIP)

⁽¹⁾ IETF specifications are available for free download from <http://www.rfc-editor.org/>

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2015 OF THE JOINT COMMITTEE ON AGRICULTURE of 19 November 2015

concerning the amendment to Appendices 1, 2 and 4 to Annex 4 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products [2017/169]

THE JOINT COMMITTEE ON AGRICULTURE,

Having regard to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products, and in particular Article 11 thereof,

Whereas:

- (1) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products entered into force on 1 June 2002.
- (2) The purpose of Annex 4 to the Agreement is to facilitate trade between the Parties in plants, plant products and other objects subject to plant health measures. The Annex has been supplemented by a number of appendices in accordance with Articles 1, 2 and 4.
- (3) Appendices 1, 2 and 4 to Annex 4 were replaced by Decision No 1/2010 of the Joint Committee on Agriculture.
- (4) Since the entry into force of Decision No 1/2010, the legislative provisions of the Parties in the plant health field have been amended in areas which affect the Agreement.
- (5) The legislation of the Parties lays down the conditions governing checks of plants, plant products and other objects appearing on the list set out in Appendix 1, originating in third countries, which are carried out at a place other than the point of entry into their respective territory. The conditions governing these checks should be specified when the two Parties are concerned.
- (6) Consequently Appendices 1, 2 and 4 to Annex 4 should be amended,

HAS DECIDED AS FOLLOWS:

Article 1

Appendices 1 and 2 to Annex 4 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products shall be replaced by the text contained in Annex I to this Decision.

Appendix 4 to Annex 4 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products shall be replaced by the text set out in Annex II to this Decision.

Article 2

This Decision shall enter into force on 1 January 2016.

Done at Bern, 19 November 2015.

For the Joint Committee on Agriculture

*The President and Head of the
Swiss Delegation*

Adrian AEBI

*The Head of the European Union
Delegation*

Lorenzo TERZI

The Committee Secretary

Thomas MAIER

ANNEX I

APPENDIX 1

PLANTS, PLANT PRODUCTS AND OTHER OBJECTS

A. Plants, plant products and other objects, originating in either Party, for which both Parties have similar legislation leading to equivalent results and recognition of the plant passport.

1. Plants and plant products
 - 1.1. Plants of the genera *Amelanchier* Med., *Chaenomeles* Lindl., *Crataegus* L., *Cydonia* Mill., *Eriobotrya* Lindl., *Malus* Mill., *Mespilus* L., *Prunus* L., other than *Prunus laurocerasus* L. and *Prunus lusitanica* L., *Pyracantha* Roem., *Pyrus* L. and *Sorbus* L., intended for planting, other than seeds,
 - 1.2. Plants of *Beta vulgaris* L. and *Humulus lupulus* L., intended for planting, other than seeds
 - 1.3. Plants of stolon- or tuber-forming species of *Solanum* L. or their hybrids, intended for planting
 - 1.4. Plants of *Fortunella* Swingle, *Poncirus* Raf. and their hybrids, *Casimiroa* La Llave, *Clausena* Burm. f., *Vepris* Comm., *Zanthoxylum* L. and *Vitis* L., other than fruit and seeds
 - 1.5. Without prejudice to point 1.6, plants of *Citrus* L. and their hybrids other than fruit and seeds
 - 1.6. Fruits of *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf. and their hybrids, with leaves and peduncles
 - 1.7. Wood originating in the Union which has totally or partially retained its natural round surface, with or without bark, or which is presented in the form of chips, particles, sawdust, wood waste or scrap,
 - (a) has been obtained in whole or part from *Platanus* L., including wood which has not kept its natural round surface; and
 - (b) meets one of the descriptions of Annex I, Part II of Council Regulation (EEC) No 2658/87⁽¹⁾, which appear in the table below:

CN code	Description
4401 10 00	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
4401 22 00	Non-coniferous wood, in chips or particles
ex 4401 30 80	Wood waste and scrap (other than sawdust), not agglomerated in logs, briquettes, pellets or similar forms
4403 10 00	Wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared

⁽¹⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

CN code	Description
ex 4403 99	Non-coniferous wood (other than tropical wood specified in subheading note 1 to Chapter 44 or other tropical wood, oak (<i>Quercus</i> spp.) or beech (<i>Fagus</i> spp.)), in the rough, whether or not stripped of bark or sapwood, or roughly squared, not treated with paint, stains, creosote or other preservatives
ex 4404 20 00	Non-coniferous split poles; piles and pickets of wood, pointed but not sawn lengthwise
ex 4407 99	Non-coniferous wood (other than tropical wood specified in subheading note 1 to Chapter 44 or other tropical wood, oak (<i>Quercus</i> spp.) or beech (<i>Fagus</i> spp.)), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm

2. Plants, plant products and other objects produced by producers whose production and sale is authorised to persons professionally engaged in plant production, other than those plants, plant products and other objects which are prepared and ready for sale to the final consumer, and for which it is ensured by the responsible official bodies of the Member States of the Union or Switzerland, that the production thereof is clearly separate from that of other products
 - 2.1. Plants, intended for planting (other than seeds) of the genera *Abies* Mill. and *Apium graveolens* L., *Argyranthemum* spp., *Asparagus officinalis* L., *Aster* spp., *Brassica* spp., *Castanea* Mill., *Cucumis* spp., *Dendranthema* (DC.) Des Moul., *Dianthus* L. and hybrids, *Exacum* spp., *Fragaria* L., *Gerbera* Cass., *Gypsophila* L., *Impatiens* L. (all varieties of New Guinea hybrids), *Lactuca* spp., *Larix* Mill., *Leucanthemum* L., *Lupinus* L., *Pelargonium* l'Hérit. ex Ait., *Picea* A. Dietr., *Pinus* L., *Platanus* L., *Populus* L., *Prunus laurocerasus* L., *Prunus lusitanica* L., *Pseudotsuga* Carr., *Quercus* L., *Rubus* L., *Spinacia* L., *Tanacetum* L., *Tsuga* Carr., *Verbena* L. and other plants of herbaceous species (other than plants of the family Gramineae) intended for planting (and other than bulbs, corms, rhizomes, seeds and tubers)
 - 2.2. Plants of Solanaceae, other than those referred to in point 1.3 intended for planting, other than seeds
 - 2.3. Plants of Araceae, Marantaceae, Musaceae, Persea spp. and Strelitziaceae, rooted or with growing medium attached or associated
 - 2.4. Plants of Palmae, having a diameter of the stem at the base of over 5 cm and belonging to the following genera or species: *Brahea* Mart., *Butia* Becc., *Chamaerops* L., *Jubaea* Kunth., *Livistona* R. Br., *Phoenix* L., *Sabal* Adans., *Syagrus* Mart., *Trachycarpus* H. Wendl., *Trithrinax* Mart., *Washingtonia* Raf.
 - 2.5. Plants, seeds and bulbs:
 - (a) Seeds and bulbs of *Allium ascalonicum* L., *Allium cepa* L. and *Allium schoenoprasum* L. intended for planting and plants of *Allium porrum* L. intended for planting
 - (b) Seeds of *Medicago sativa* L.
 - (c) Seeds of *Helianthus annuus* L., *Solanum lycopersicum* L. and *Phaseolus* L.
3. Bulbs, corms, tubers and rhizomes of *Camassia* Lindl., *Chionodoxa* Boiss., *Crocus flavus* Weston 'Golden Yellow', *Dahlia* spp., *Galanthus* L., *Galtonia candicans* (Baker) Decne., miniature cultivars and their hybrids of the genus *Gladiolus* Tourn. ex L., such as *Gladiolus callianthus* Marais, *Gladiolus colvillei* Sweet, *Gladiolus nanus* hort., *Gladiolus ramosus* hort. and *Gladiolus tubergenii* hort., *Hyacinthus* L., *Iris* L., *Ismene* Herbert, *Lilium* spp., *Muscari* Miller, *Narcissus* L., *Ornithogalum* L., *Puschkinia* Adams, *Scilla* L., *Tigridia* Juss. and *Tulipa* L. intended for planting, produced by producers whose production and sale is authorised to persons professionally engaged in plant production, other than those plants, plant products and other objects which are prepared and ready for sale to the final consumer, and for which it is ensured by the responsible official bodies of the Member States of the Union or Switzerland that the production thereof is clearly separate from that of other products.

B. Plants, plant products and other objects, originating outside the territories of the Parties, for which the plant-health provisions of both Parties relating to imports lead to equivalent results and which may be traded between them with a plant passport if they are listed in Part A of this Appendix or freely if not listed therein.

1. Without prejudice to the plants listed in part C of this Appendix, all plants intended for planting, other than seeds but including the seeds of: Cruciferae, Gramineae, *Trifolium* spp., originating in Argentina, Australia, Bolivia, Chile, New Zealand and Uruguay, genera *Triticum*, *Secale* and X *Triticosecale* from Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa and the USA, *Citrus* L., *Fortunella* Swingle and *Poncirus* Raf. and their hybrids, *Capsicum* spp., *Helianthus annuus* L., *Solanum lycopersicum* L., *Medicago sativa* L., *Prunus* L., *Rubus* L., *Oryza* spp., *Zea mais* L., *Allium ascalonicum* L., *Allium cepa* L., *Allium porrum* L., *Allium schoenoprasum* L. and *Phaseolus* L.
2. Parts of plants, other than fruits and seeds, of:
 - *Castanea* Mill., *Dendranthema* (DC.) Des Moul., *Dianthus* L., *Gypsophila* L., *Pelargonium* l'Herit. ex Ait, *Phoenix* spp., *Populus* L., *Quercus* L., *Solidago* L. and cut flowers of *Orchidaceae*,
 - Conifers (*coniferales*)
 - *Acer saccharum* Marsh., originating in the USA and Canada
 - *Prunus* L., originating in non-European countries
 - Cut flowers of *Aster* spp., *Eryngium* L., *Hypericum* L., *Lisianthus* L., *Rosa* L. and *Trachelium* L., originating in non-European countries
 - Leafy vegetables of *Apium graveolens* L., *Ocimum* L., *Limnophila* L. and *Eryngium* L.
 - Leaves of *Manihot esculenta* Crantz
 - Cut branches of *Betula* L. with or without foliage
 - Cut branches of *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. and *Pterocarya rhoifolia* Siebold & Zucc., with or without foliage, originating in Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA
 - *Amiris* P. Browne, *Casimiroa* La Llave, *Citropsis* Swingle & Kellerman, *Eremocitrus* Swingle, *Esenbeckia* Kunth., *Glycosmis* Corrêa, *Merrillia* Swingle, *Naringi* Adans., *Tetradium* Lour., *Toddalia* Juss. and *Zanthoxylum* L.
- 2.1. Parts of plants, other than fruits but including seeds, of *Aegle* Corrêa, *Aeglopsis* Swingle, *Afraegle* Engl., *Atalantia* Corrêa, *Balsamocitrus* Stapf, *Burkillanthus* Swingle, *Calodendrum* Thunb., *Choisya* Kunth, *Clausena* Burm. f., *Limonia* L., *Microcitrus* Swingle, *Murraya* J. Koenig ex L., *Pamburus* Swingle, *Severinia* Ten., *Swinglea* Merr., *Triphasia* Lour. and *Vepris* Comm.
3. Fruits of:
 - *Citrus* L., *Fortunella* Swingle, *Poncirus* Raf. and their hybrids, *Momordica* L. and *Solanum melongena* L.
 - *Annona* L., *Cydonia* Mill. *Diospyros* L., *Malus* Mill., *Mangifera* L., *Passiflora* L., *Prunus* L., *Psidium* L., *Pyrus* L., *Ribes* L. *Syzygium* Gaertn., and *Vaccinium* L., originating in non-European countries.
 - *Capsicum* L.
4. Tubers of *Solanum tuberosum* L.
5. Isolated bark of:
 - conifers (*Coniferales*), originating in non-European countries,
 - *Acer saccharum* Marsh, *Populus* L., and *Quercus* L. other than *Quercus suber* L.,

- *Fraxinus L.*, *Juglans ailantifolia Carr.*, *Juglans mandshurica Maxim.*, *Ulmus davidiana Planch.* and *Pterocarya rhoifolia Siebold & Zucc.*, originating in Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA
 - *Betula L.*, originating in Canada and the USA.
6. Wood within the meaning of the first subparagraph of Article 2(2) of Council Directive 2000/29/EC ⁽¹⁾, where it:
- (a) has been obtained in whole or part from one of the order, genera or species as described hereafter, except wood packaging material defined in Annex IV, Part A, Section I, Point 2 of Directive 2000/29/EC:
- *Quercus L.*, including wood which has not kept its natural round surface, originating in the USA, except wood which meets the description referred to in (b) of CN code 4416 00 00 and where there is documented evidence that the wood has been processed or manufactured using a heat treatment to achieve a minimum temperature of 176 °C for 20 minutes
 - *Platanus L.*, including wood which has not kept its natural round surface, originating in the USA or Armenia
 - *Populus L.*, including wood which has not kept its natural round surface, originating in countries of the American continent
 - *Acer saccharum Marsh.*, including wood which has not kept its natural round surface, originating in the USA and Canada
 - Conifers (*Coniferales*), including wood which has not kept its natural round surface, originating in non-European countries, Kazakhstan, Russia and Turkey
 - *Fraxinus L.*, *Juglans ailantifolia Carr.*, *Juglans mandshurica Maxim.*, *Ulmus davidiana Planch.* and *Pterocarya rhoifolia Siebold & Zucc.*, including wood which has not kept its natural round surface, originating in Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA
 - *Betula L.*, including wood which has not kept its natural round surface, originating in Canada and the USA; and
- (b) meets one of the descriptions of Annex I, Part II of Regulation (EEC) No 2658/87, which appear in the table below:

CN code	Description
4401 10 00	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
4401 21 00	Coniferous wood, in chips or particles
4401 22 00	Non-coniferous wood, in chips or particles
ex 4401 30 40	Sawdust, not agglomerated in logs, briquettes, pellets or similar forms
ex 4401 30 80	Other wood waste and scrap, not agglomerated in logs, briquettes, pellets or similar forms
4403 10 00	Wood in the rough, treated with paint, stains, creosote or other preservatives, not stripped of bark or sapwood, or roughly squared

⁽¹⁾ Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

CN code	Description
4403 20	Coniferous wood in the rough, other than treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared
4403 91	Oak wood (<i>Quercus</i> spp.) in the rough, other than treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared
ex 4403 99	Non-coniferous wood (other than tropical wood specified in subheading note 1 to Chapter 44 or other tropical wood, oak (<i>Quercus</i> spp.), beech (<i>Fagus</i> spp.) or birch (<i>Betula</i> L.)), in the rough, whether or not stripped of bark or sapwood, or roughly squared, not treated with paint, stains, creosote or other preservatives
4403 99 51	Sawlogs of birch (<i>Betula</i> L.) in the rough, whether or not stripped of bark or sapwood, or roughly squared
4403 99 59	Wood of birch (<i>Betula</i> L.) in the rough, whether or not stripped of bark or sapwood, or roughly squared, other than sawlogs
ex 4404	Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise
4406	Railway or tramway sleepers (cross-ties) of wood
4407 10	Coniferous wood, sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4407 91	Oak wood (<i>Quercus</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
ex 4407 93	Wood of <i>Acer saccharum</i> Marsh, sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4407 95	Wood of ash (<i>Fraxinus</i> spp.) sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
ex 4407 99	Non-coniferous wood (other than tropical wood specified in subheading note 1 to Chapter 44 or other tropical wood, oak (<i>Quercus</i> spp.), beech (<i>Fagus</i> spp.), maple (<i>Acer</i> spp.), cherry (<i>Prunus</i> spp.) or ash (<i>Fraxinus</i> spp.)), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4408 10	Coniferous sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm
4416 00 00	Casks, barrels, vats, tubs and other cooper's products and parts thereof, of wood, including staves
9406 00 20	Pre-fabricated constructions made of wood

7. Soil and growing medium
- (a) Soil and growing medium as such, which consists in whole or in part of soil or solid organic substances such as parts of plants, humus including peat or bark, other than that composed entirely of peat.
- (b) Soil and growing medium, attached to or associated with plants, consisting in whole or in part of material specified in (a) or consisting in part of any solid inorganic substance, intended to sustain the vitality of the plants, originating in:
- Turkey,
 - Belarus, Georgia, Moldova, Russia or Ukraine,
 - non-European countries, other than Algeria, Egypt, Israel, Libya, Morocco or Tunisia.
8. Grain of the genera *Triticum*, *Secale* and *X Triticosecale* originating in Afghanistan, India, Iran, Iraq, Mexico, Nepal, Pakistan, South Africa and the USA.

C. Plants, plant products and other objects, coming from either Party, for which the Parties do not have similar legislation and do not recognise the plant passport.

1. Plants and plant products coming from Switzerland which must be accompanied by a plant-health certificate when imported by a Member State of the Union
- 1.1. Plants intended for planting, not including seeds
- Not applicable
- 1.2. Parts of plants, not including fruit or seeds
- Not applicable
- 1.3. Seeds
- Not applicable
- 1.4. Fruits
- Not applicable
- 1.5. Wood which has totally or partially retained its natural round surface, with or without bark, or which is presented in the form of chips, particles, sawdust, wood waste or scrap
- (a) has been obtained in whole or part from *Platanus* L., including wood which has not kept its natural round surface; and
- (b) meets one of the descriptions of Annex I, Part II of Regulation (EEC) No 2658/87, which appear in the table below:

CN code	Description
4401 10 00	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
4401 22 00	Non-coniferous wood, in chips or particles
ex 4401 30 80	Wood waste and scrap (other than sawdust), not agglomerated in logs, briquettes, pellets or similar forms
4403 10 00	Wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared

CN code	Description
ex 4403 99	Non-coniferous wood (other than tropical wood specified in subheading note 1 to Chapter 44 or other tropical wood, oak (<i>Quercus</i> spp.) or beech (<i>Fagus</i> spp.)), in the rough, whether or not stripped of bark or sapwood, or roughly squared, not treated with paint, stains, creosote or other preservatives
ex 4404 20 00	Non-coniferous split poles; non-coniferous piles and pickets of wood, pointed but not sawn lengthwise
ex 4407 99	Non-coniferous wood (other than tropical wood specified in subheading note 1 to Chapter 44 or other tropical wood, oak (<i>Quercus</i> spp.) or beech (<i>Fagus</i> spp.)), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm

2. Plants and plant products coming from a Member State of the Union which must be accompanied by a plant-health certificate when imported into Switzerland

Not applicable

3. Plants and plant products coming from Switzerland importation of which into a Member State of the Union is prohibited

Plants, not including fruit or seeds

Not applicable

4. Plants and plant products coming from a Member State of the Union importation of which into Switzerland is prohibited

Plants:

Cotoneaster Ehrh.

Photinia davidiana (Dcne.) Cardot ⁽¹⁾

APPENDIX 2

LEGISLATION ⁽²⁾

Provisions of the Union

- Council Directive 69/464/EEC of 8 December 1969 on control of potato wart disease
- Council Directive 74/647/EEC of 9 December 1974 on control of carnation leaf-rollers
- Commission Decision 91/261/EEC of 2 May 1991 recognising Australia as being free from *Erwinia amylovora* (Burr.) Winsl. *et al.*
- Commission Directive 92/70/EEC of 30 July 1992 laying down detailed rules for surveys to be carried out for purposes of the recognition of protected zones in the Community

⁽¹⁾ By way of derogation from point 4, the entry and transit of these plants through Swiss territory are authorised but the placing on the market, production and growing of these plants are prohibited in Switzerland.

⁽²⁾ Unless indicated otherwise, any reference to an act shall mean that act as amended at the latest on 1 July 2015.

- Commission Directive 92/90/EEC of 3 November 1992 establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration
- Commission Directive 92/105/EEC of 3 December 1992 establishing a degree of standardisation for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement
- Commission Decision 93/359/EEC of 28 May 1993 authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of wood of *Thuja* L., originating in the United States of America
- Commission Decision 93/360/EEC of 28 May 1993 authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of wood of *Thuja* L., originating in Canada
- Commission Decision 93/365/EEC of 2 June 1993 authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of heat-treated coniferous wood, originating in Canada, and establishing the details of the indicator system to be applied to the heat-treated wood
- Commission Decision 93/422/EEC of 22 June 1993 authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of kiln dried coniferous wood, originating in Canada, and establishing the details of the indicator system to be applied to the kiln dried wood
- Commission Decision 93/423/EEC of 22 June 1993 authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of kiln dried coniferous wood, originating in the United States of America, and establishing the details of the indicator system to be applied to the kiln dried wood
- Commission Directive 93/50/EEC of 24 June 1993 specifying certain plants not listed in Annex V, Part A to Council Directive 77/93/EEC, the producers of which, or the warehouses, dispatching centres in the production zones of such plants, shall be listed in an official register
- Commission Directive 93/51/EEC of 24 June 1993 establishing rules for movements of certain plants, plant products or other objects through a protected zone, and for movements of such plants, plant products or other objects originating in and moving within such a protected zone
- Council Directive 93/85/EEC of 4 October 1993 on the control of potato ring rot
- Commission Directive 94/3/EC of 21 January 1994 establishing a procedure for the notification of interception of a consignment or a harmful organism from third countries and presenting an imminent phytosanitary danger
- Commission Directive 98/22/EC of 15 April 1998 laying down the minimum conditions for carrying out plant health checks in the Community, at inspection posts other than those at the place of destination, of plants, plant products or other objects coming from third countries
- Council Directive 98/57/EC of 20 July 1998 on the control of *Ralstonia solanacearum* (Smith) Yabuuchi *et al.*
- Commission Decision 98/109/EC of 2 February 1998 authorising Member States temporarily to take emergency measures against the dissemination of *Thrips palmi* Karny as regards Thailand
- Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community
- Commission Decision 2002/757/EC of 19 September 2002 on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov.
- Commission Decision 2002/499/EC of 26 June 2002 authorising derogations from certain provisions of Council Directive 2000/29/EC in respect of naturally or artificially dwarfed plants of *Chamaecyparis* Spach, *Juniperus* L. and *Pinus* L., originating in the Republic of Korea

- Commission 2002/887/EC Decision of 8 November 2002 authorising derogations from certain provisions of Council Directive 2000/29/EC in respect of naturally or artificially dwarfed plants of *Chamaecyparis* Spach, *Juniperus* L. and *Pinus* L., originating in Japan
- Commission Decision 2004/200/EC of 27 February 2004 on measures to prevent the introduction into and the spread within the Community of Pepino mosaic virus
- Commission Directive 2004/103/EC of 7 October 2004 on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks
- Implementing rules: when the point of entry of the plants, plant products and other objects listed in Appendix 1 coming from third countries is located in the territory of one of the Parties, but the point of destination is located in the territory of the other Party, the documentary, identity and plant health checks shall be carried out at the point of entry if there is no specific agreement between the competent authorities of the point of entry and the point of destination. Where there is a specific agreement between the competent authorities of the point of entry and the point of destination, this shall be by written agreement.
- Commission Directive 2004/105/EC of 15 October 2004 determining the models of official phytosanitary certificates or phytosanitary certificates for re-export accompanying plants, plant products or other objects from third countries and listed in Council Directive 2000/29/EC
- Commission Decision 2004/416/EC of 29 April 2004 on temporary emergency measures in respect of certain citrus fruits originating in Argentina or Brazil
- Commission Decision 2005/51/EC of 21 January 2005 authorising Member States temporarily to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of the importation of soil contaminated by pesticides or persistent organic pollutants for decontamination purposes
- Commission Decision 2005/359/EC of 29 April 2005 providing for a derogation from certain provisions of Council Directive 2000/29/EC as regards oak (*Quercus* L.) logs with bark attached, originating in the United States of America
- Commission Decision 2006/473/EC of 5 July 2006 recognising certain third countries and certain areas of third countries as being free from *Xanthomonas campestris* (all strains pathogenic to Citrus), *Cercospora angolensis* Carv. et Mendes and *Guignardia citricarpa* Kiely (all strains pathogenic to citrus)
- Council Directive 2006/91/EC of 7 November 2006 on control of San José scale
- Commission Decision 2007/365/EC of 25 May 2007 on emergency measures to prevent the introduction into and the spread within the Community of *Rhynchophorus ferrugineus* (Olivier)
- Council Directive 2007/33/EC of 11 June 2007 on the control of potato cyst nematodes and repealing Directive 69/465/EEC
- Commission Decision 2007/433/EC of 18 June 2007 on provisional emergency measures to prevent the introduction into and the spread within the Community of *Gibberella circinata* Nirenberg & O'Donnell
- Commission Directive 2008/61/EC of 17 June 2008 establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 2000/29/EC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections
- Commission implementing Decision 2011/778/EU of 28 November 2011 authorising certain Member States to provide for temporary derogations from certain provisions of Council Directive 2000/29/EC in respect of seed potatoes originating in certain provinces of Canada
- Commission implementing Decision 2011/787/EU of 29 November 2011 authorising Member States temporarily to take emergency measures against the dissemination of *Ralstonia solanacearum* (Smith) Yabuuchi *et al.* as regards Egypt

- Commission Implementing Decision 2012/138/EU of 1 March 2012 as regards emergency measures to prevent the introduction into and the spread within the Union of *Anoplophora chinensis* (Forster)
- Commission Implementing Decision 2012/219/EU of 24 April 2012 recognising Serbia as being free from *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckerman and Kotthoff) Davis *et al.*
- Commission Implementing Decision 2012/270/EU of 16 May 2012 as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similis* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner)
- Commission Implementing Decision 2012/697/EU of 8 November 2012 as regards measures to prevent the introduction into and the spread within the Union of the genus *Pomacea* (Perry)
- Commission Implementing Decision 2012/756/EU of 5 December 2012 as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto
- Commission Implementing Decision 2013/92/EU of 18 February 2013 on the supervision, plant health checks and measures to be taken on wood packaging material actually in use in the transport of specified commodities originating in China
- Commission Implementing Decision 2013/413/EU of 30 July 2013 authorising Member States to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in the regions of Akkar and Bekaa of Lebanon
- Commission Implementing Decision 2013/754/EU of 11 December 2013 on measures to prevent the introduction into and the spread within the Union of *Guignardia citricarpa* Kiely (all strains pathogenic to *Citrus*), as regards South Africa
- Commission Implementing Decision 2013/780/EU of 18 December 2013 providing for a derogation from Article 13(1)(ii) of Council Directive 2009/29/EC in respect of bark-free sawn wood of *Quercus* L., *Platanus* L. and *Acer saccharum* Marsh. originating in the United States of America
- Commission Implementing Decision 2013/782/EU of 18 December 2013 amending Decision 2002/757/EC as regards the phytosanitary certificate requirement in respect of the harmful organism *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov. for bark-free sawn wood of *Acer macrophyllum* Pursh and *Quercus* spp. originating in the United States of America
- Commission Recommendation 2014/63/EU of 6 February 2014 on measures to control *Diabrotica virgifera virgifera* Le Conte in Union areas where its presence is confirmed
- Commission Implementing Decision 2014/422/EU of 2 July 2014 setting out measures in respect of certain citrus fruits originating in South Africa to prevent the introduction into and the spread within the Union of *Phyllosticta citricarpa* (McAlpine) Van der Aa
- Commission Implementing Decision 2014/917/EU of 15 December 2014 setting out detailed rules for the implementation of Council Directive 2000/29/EC as regards the notification of the presence of harmful organisms and of measures taken or intended to be taken by the Member States
- Commission Implementing Decision 2014/924/EU of 16 December 2014 providing for a derogation from certain provisions of Council Directive 2000/29/EC as regards wood and bark of ash (*Fraxinus* L.) originating in Canada and the United States of America
- Commission Implementing Decision (EU) 2015/179 of 4 February 2015 authorising Member States to provide for a derogation from certain provisions of Council Directive 2000/29/EC in respect of wood packaging material of conifers (*Coniferales*) in the form of ammunition boxes originating in the United States of America under the control of the United States Department of Defence
- Commission Implementing Decision (EU) 2015/789 of 18 May 2015 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells *et al.*)

Swiss provisions

- Ordinance of 27 October 2010 on plant protection (RS 916.20)
 - Ordinance of the Federal Department of Economic Affairs of 15 April 2002 on prohibited plants (RS 916.205.1)
 - Ordinance of the Federal Office for Agriculture of 13 March 2015 on temporary plant-health measures (RS 916.202.1)
 - Ordinance of the Federal Office for Agriculture of 24 March 2015 prohibiting the import of certain fruits and vegetables originating in India (RS 916.207.142.3)
 - Decision of general scope of the Federal Office for the Environment of 14 December 2012 on the application of the standard NIMP 15 to imports of goods from third countries in wood packaging (fosc.ch 130 244)
 - Decision of general scope of 9 August 2013 on measures to prevent the introduction and spread of the genus *Pomacea* (Perry) (FF 2013 5917)
 - Decision of general scope of 9 August 2013 on measures to prevent the introduction and spread of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu and Goto (FF 2013 5911)
 - Decision of general scope of the Federal Office for Agriculture of 16 March 2015 setting out measures in respect of certain citrus fruits originating in South Africa to prevent the introduction and spread of *Phyllosticta citricarpa* (McAlpine) Van der Aa (FF 2015 2596)
 - Directive No 1 of the Federal Office for Agriculture of 1 January 2012 to the cantonal plant health services and organisations responsible for the monitoring and control of potato cyst nematodes (*Globodera rostochiensis* and *Globodera pallida*)
 - Manual of the Federal Office for the Environment of 30 March 2015 on management of the pine wood nematode (*Bursaphelenchus xylophilus*)
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ANNEX II

'APPENDIX 4 ⁽¹⁾**ZONES REFERRED TO IN ARTICLE 4 AND SPECIAL REQUIREMENTS RELATING TO THEM**

The zones referred to in Article 4 and the special requirements relating to them which must be complied with by both Parties are defined in the two Parties' respective legislative and administrative provisions set out below.

Provisions of the Union

- Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community
- Commission Regulation (EC) No 690/2008 of 4 July 2008 recognising protected zones exposed to particular plant health risks in the Community

Swiss provisions

- Ordinance of 27 October 2010 on plant protection, Annex 12, (RS 916.20)

⁽¹⁾ Unless indicated otherwise, any reference to an act shall mean that act as amended at the latest on 1 July 2015.'

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