

Official Journal of the European Union

L 200



English edition

Legislation

Volume 62

29 July 2019

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⁽¹⁾ Text with EEA relevance.

EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1266

of 24 July 2019

amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin

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⁾, and in particular Article 183(b) thereof,

Having regard to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 ⁽²⁾, and in particular Article 5(6)(a) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽³⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin.
- (3) Regulation (EC) No 1484/95 should therefore be amended accordingly.
- (4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is replaced by the text set out in the Annex to this Regulation.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.⁽²⁾ OJ L 150, 20.5.2014, p. 1.⁽³⁾ Commission Regulation (EC) No 1484/95 of 28 June 1995 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC (OJ L 145, 29.6.1995, p. 47).

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, 24 July 2019.

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

ANNEX

'ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security under Article 3 (EUR/100 kg)	Origin ⁽¹⁾
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as '65 % chickens', frozen	142,5	0	AR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	235,4	19	AR
		206,5	28	BR
		222,7	23	TH
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	276,1	3	BR

⁽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).'

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1267**of 26 July 2019****imposing a definitive anti-dumping duty on imports of tungsten electrodes originating in the People's Republic of China following an expiry review under Article 11(2) of Regulation (EU) 2016/1036**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾, and in particular Article 11(2) thereof,

Whereas:

1. PROCEDURE**1.1. Measures in force**

- (1) In March 2007, following an anti-dumping investigation ('the original investigation'), the Council imposed by Regulation (EC) No 260/2007 ⁽²⁾ ('the definitive Regulation'), a definitive anti-dumping duty on imports of certain tungsten electrodes currently falling under CN codes ex 8101 99 10 and ex 8515 90 80 (TARIC codes 8101 99 10 10 and 8515 90 80 10) and originating in the People's Republic of China ('the PRC').
- (2) The definitive Regulation imposed an anti-dumping duty at rates ranging between 17,0 % and 41,0 % on imports from the sampled cooperating exporting producers and a duty rate of 63,5 % on imports of all other exporting producers in the PRC.
- (3) Following an expiry review (the 'previous expiry review'), the Council decided, by means of Implementing Regulation (EU) No 508/2013 ⁽³⁾, to maintain the anti-dumping duty in force.

1.2. Initiation of an expiry review

- (4) On 2 September 2017, the Commission published a notice of impending expiry of the anti-dumping measures in force on the imports of tungsten electrodes originating in the PRC in the *Official Journal of the European Union* ⁽⁴⁾.
- (5) On 27 February 2018, two Union producers (Gesellschaft für Wolfram Industrie mbH and Plansee SE) ('the applicants'), representing 100 % of the total production of tungsten electrodes in the European Union ('the Union'), lodged a request for review ('the Request') under Article 11(2) of the Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽⁵⁾ ('the basic Regulation').
- (6) The applicants based their Request on the grounds that the expiry of the measures would be likely to result in continuation or recurrence of dumping and injury to the Union industry.
- (7) Having determined that sufficient evidence existed for the initiation of an expiry review, on 31 May 2018 the Commission published a notice of initiation in the *Official Journal of the European Union* ⁽⁶⁾ ('the Notice of Initiation').

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Council Regulation (EC) No 260/2007, OJ L 72, 13.3.2007, p. 1.

⁽³⁾ Council Implementing Regulation (EU) No 508/2013, OJ L 150, 4.6.2013, p. 1.

⁽⁴⁾ OJ C 292, 2.9.2017, p. 6.

⁽⁵⁾ OJ L 176, 30.6.2016, p. 21, as last amended as last amended by Regulation (EU) 2018/825 of the European Parliament and of the Council of 30 May 2018 (OJ L 143, 7.6.2018, p. 1).

⁽⁶⁾ OJ C 186, 31.5.2018, p. 13.

1.3. Review investigation period and period considered

- (8) The investigation of the likelihood of continuation or recurrence of dumping and injury covered the period from 1 April 2017 to 31 March 2018 ('the review investigation period' or 'RIP').
- (9) The examination of trends relevant for the assessment of the likelihood of a continuation or recurrence of injury covered the period from 1 January 2014 to the end of the review investigation period ('the period considered').

1.4. Interested parties

- (10) In the Notice of Initiation, the Commission invited interested parties to contact it in order to participate in the investigation. In addition, the Commission specifically informed the applicants, known importers and users of tungsten electrodes in the Union, the authorities in the PRC and known producers in the PRC about the initiation of the expiry review and invited them to cooperate.
- (11) All interested parties had an opportunity to comment on the initiation of the investigation and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings. No comments on the initiation or requests for a hearing were received.

1.5. Sampling

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

1.5.1. Sampling of unrelated importers

- (13) The Commission invited in the Notice of Initiation importers to make themselves known and to provide specific information necessary to decide whether sampling was necessary and, if so, to select a sample.
- (14) From the 46 unrelated importers that were contacted, five companies made themselves known. Two of them, however, did not import tungsten electrodes originating in the PRC during the review investigation period and the three remaining ones claimed to be users, not importers, and only one of them wanted to be an interested party. One additional importer came forward at a later stage of the investigation and it was accorded the status of an interested party. Thus, no sample of importers was selected.

1.5.2. Sampling of producers in the PRC

- (15) To decide whether sampling is necessary and, if so, to select a sample, the Commission asked all known producers in the PRC to provide the information specified in the Notice of Initiation. In addition, the Commission asked the Mission of the PRC to the European Union to identify and/or contact other producers in the PRC, if any, that could be interested in participating in the investigation.
- (16) Three producers in the PRC provided the requested information and agreed to be included in the sample. In view of the low number of cooperating producers, the Commission decided that sampling was not necessary and requested all Chinese producers that submitted sampling replies to complete the questionnaire.

1.6. Users

- (17) The Commission invited in the Notice of Initiation the users to make themselves known and cooperate. As explained in recital (14) three users came forward, but only one wanted to be registered as an interested party.

1.7. Replies to the questionnaires

- (18) The Commission sent questionnaires to the two Union producers, to the three producers in the PRC which made themselves known in the sampling exercise and to the Government of the People's Republic of China ('GOC'). Replies to the questionnaires were received only from the two Union producers and one Chinese company Shaanxi Yuheng Tungsten & Molybdenum Industrial Co., Ltd. This company used to be a producer of the product under review as defined in recital (32), but with currently suspended production engaged in trading activities only.
- (19) Therefore, there was no cooperation by the GOC or producers ⁽⁷⁾ of the product under review in the PRC, irrespective of whether or not they exported. The Commission informed the producers of the consequences of the lack of cooperation; yet, no producer cooperated in the investigation.

1.8. Verification visits

- (20) The Commission sought and verified all the information deemed necessary for determination of a likelihood of continuation or recurrence of dumping and injury and Union interest. Verification visits pursuant to Article 16 of the basic Regulation were carried out at the premises of the following companies:

Union producers

- Gesellschaft für Wolfram Industrie mbH, Traunstein, Germany,
- Plansee SE, Reutte, Austria;

Exporter in the PRC

- Shaanxi Yuheng Tungsten & Molybdenum Industrial Co., Ltd, Baoji, Shaanxi, PRC.

1.9. Procedure for the determination of the normal value under Article 2(6a) of the basic Regulation

- (21) In view of the sufficient evidence available at the initiation of the investigation tending to show the existence of significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation, the Commission considered it appropriate to initiate the investigation on the basis of Article 2(6a) of the basic Regulation.
- (22) Consequently, in order to collect the necessary data for the eventual application of Article 2(6a) of the basic Regulation, in the Notice of Initiation the Commission invited all known producers in the PRC to provide the information requested in Annex III to the Notice of Initiation regarding the inputs used for producing the product under review. Two Chinese producers provided information in this regard.
- (23) In order to obtain information it deems necessary for its investigation with regard to the alleged significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation, as explained in recital (18) the Commission also sent a questionnaire to GOC. No reply was received from the GOC.
- (24) In the Notice of Initiation, the Commission also invited all interested parties to make their views known, submit information and provide supporting evidence regarding the appropriateness of the application of Article 2(6a) of the basic Regulation within 37 days of the date of publication of this Notice in the *Official Journal of the European Union*. No submissions or additional evidence were received in that respect from the GOC or the producers in the PRC.
- (25) In the Notice of Initiation, the Commission also specified that, in view of the evidence available, it may need to select an appropriate representative country pursuant to Article 2(6a)(a) of the basic Regulation for the purpose of determining the normal value based on undistorted prices or benchmarks.

⁽⁷⁾ A producer is any company in the country concerned which produces the product under review, including any of its related companies involved in the production, domestic sales or exports of the product under review.

- (26) On 8 November 2018, the Commission made available a first note for the file ('Note of 8 November 2018') seeking the views of the interested parties on the relevant sources that the Commission may use for the determination of the normal value. The Note of 8 November 2018 provided a list of all factors of production such as materials, energy and labour used in the production of the product under review by the exporting producers. In addition, taking into account the criteria guiding the choice of undistorted prices or benchmarks, the Commission services identified, at that stage, Brazil, Mexico, Russia and Turkey as a potential representative countries. The note of 8 November 2018 further indicated the intention to use international benchmarks for the cost of the main raw material.
- (27) All interested parties were given the opportunity to comment, within 10 days. Comments were received from the two Union producers. In particular the Union industry submitted that costs in Turkey provide a better basis than Mexico, Brazil or Russia.
- (28) The Commission addressed the comments received by the two Union producers in the Second note on the sources for the determination of the normal value of 6 March 2019 ('the Note of 6 March 2019'). In the Note of 6 March 2019, based on the information available at that stage, Turkey was identified as the most appropriate representative country under Article 2(6a)(a), first indent of the basic Regulation. The Note of 6 March 2019 further indicated that in respect of the labour and electricity costs, the Commission intended to use the data published by the Turkish Statistical Institute. It was further indicated that, based on the information available, it would appear that there was no production of the product under review outside the PRC and the Union. Therefore, the Commission indicated that it intended to use the publicly available data from the two cooperating Union producers for manufacturing overhead costs, SG&A and profits. For the net price of the raw material (tungsten oxide included in the ammonium paratungstate ('APT')), the international benchmark of Platts Metals Week as published by the National Minerals Information Center of the U.S. Geological Survey would be used.
- (29) All interested parties were given the opportunity to comment, within 10 days, but no comments were received.

1.9.1. *Subsequent procedure*

- (30) On 6 May 2019, the Commission disclosed the essential facts and considerations on the basis of which it intended to maintain the anti-dumping duties ('final disclosure'). All parties were granted a period within which they could make comments on the disclosure and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.
- (31) One party submitted comments, highlighting issues already duly explained in this regulation. No requests for a hearing were received.

2. PRODUCT UNDER REVIEW AND LIKE PRODUCT

2.1. **Product under review**

- (32) The product under review is the same as in the original investigation, namely tungsten welding electrodes, including tungsten bars and rods for welding electrodes, containing 94 % or more by weight of tungsten, other than those obtained simply by sintering, whether or not cut to length, currently falling under CN codes ex 8101 99 10 and ex 8515 90 80 (TARIC codes 8101 99 10 10 and 8515 90 80 10) ('the product under review').
- (33) The product under review is used in welding and similar processes, including tungsten inert gas (TIG) shielded arc welding, plasma arc welding and cutting. These processes are operated in a wide variety of industrial sectors such as construction, shipbuilding, automobile manufacturing, marine, chemical and nuclear engineering and aerospace as well as oil and gas pipelines. Based on the physical and chemical characteristics and the substitutability of the different types of the product from the perspective of the user, all tungsten electrodes are considered to constitute a single product for the purpose of this proceeding.

2.2. Like product

- (34) No interested parties commented on the like product. Hence, as established in the original investigation, this expiry review investigation confirmed that product produced and sold on the domestic markets of the PRC, and the product produced and sold in the Union by the Union producers have the same basic physical and technical characteristics and end-uses. They are therefore considered to be like products within the meaning of Article 1(4) of the basic Regulation.

3. LIKELIHOOD OF CONTINUATION OF DUMPING

3.1. Preliminary remarks for the PRC

- (35) In accordance with Article 11(2) of the basic Regulation, the Commission examined whether the expiry of the measures in force would be likely to lead to a continuation or recurrence of dumping from the PRC.
- (36) As mentioned in recitals (18) and (19) none of the Chinese producers cooperated in the investigation. The Chinese producers failed to submit questionnaire replies, including any data on export prices and costs, domestic prices and costs, capacity, production, investments, etc. Likewise, the GOC and Chinese producers did not submit any comments on the evidence in the case file, including the Report. Therefore, the Commission resorted to the use of facts available in accordance with Article 18 of the basic Regulation.
- (37) The Commission notified the Chinese authorities and the two Chinese producers, which came forward for the sampling exercise, of the application of Article 18 of the basic Regulation and gave them the opportunity to comment. No comments were received which could alter the use of Article 18 of the basic Regulation.
- (38) On that basis, in accordance with the Article 18 of the basic Regulation, the findings in relation to the likelihood of continuation or recurrence of dumping set out below were based on facts available, in particular, the information contained in the Request, in the submissions by interested parties, the statistics available in the Article 14(6) of the basic Regulation database and other public sources identified where applicable below.

3.2. Dumping during the review investigation period

- (39) For the review investigation period, the statistical data from the Article 14(6) of the basic Regulation database show that 45 000-50 000 kg of tungsten electrodes were imported into the Union from the PRC constituting 40-50 % of the total Union consumption. Consequently, the Commission concluded that the actual imports in the review investigation period were representative and, therefore, examined whether dumping continued during the review investigation period.

3.3. Normal value

- (40) According to Article 2(1) of the basic Regulation, 'the normal value shall normally be based on the prices paid or payable, in the ordinary course of trade, by independent customers in the exporting country'.
- (41) However, according to Article 2(6a)(a) of the basic Regulation, '(i)n case it is determined [...] that it is not appropriate to use domestic prices and costs in the exporting country due to the existence in that country of significant distortions within the meaning of point (b), the normal value shall be constructed exclusively on the basis of costs of production and sale reflecting undistorted prices or benchmarks', and 'shall include an undistorted and reasonable amount of administrative, selling and general costs and for profits'. As further explained below, the Commission concluded in the present investigation that based on the evidence available, and in view of the lack of cooperation of the GOC and the exporting producers, the application of Article 2(6a) of the basic Regulation was appropriate.

3.3.1. Existence of significant distortions

3.3.1.1. Introduction

- (42) According to Article 2(6a)(b) of the basic Regulation *‘significant distortions are those distortions which occur when reported prices or costs, including the costs of raw materials and energy, are not the result of free market forces because they are affected by substantial government intervention. In assessing the existence of significant distortions regard shall be had, inter alia, to the potential impact of one or more of the following elements:*
- *the market in question being served to a significant extent by enterprises which operate under the ownership, control or policy supervision or guidance of the authorities of the exporting country;*
 - *state presence in firms allowing the state to interfere with respect to prices or costs;*
 - *public policies or measures discriminating in favour of domestic suppliers or otherwise influencing free market forces;*
 - *the lack, discriminatory application or inadequate enforcement of bankruptcy, corporate or property laws;*
 - *wage costs being distorted;*
 - *access to finance granted by institutions which implement public policy objectives or otherwise not acting independently of the state’.*
- (43) According to Article 2(6a)(b) of the basic Regulation, the assessment of the existence of significant distortions within the meaning of Article 2(6a)(a) shall take into account, amongst others, the non-exhaustive list of elements in the former provision. Pursuant to Article 2(6a)(b) of the basic Regulation, in assessing the existence of significant distortions, regard shall be had to the potential impact of one or more of these elements on prices and costs in the exporting country of the product concerned. Indeed, as that list is non-cumulative, not all the elements need to be given regard to for a finding of significant distortions. Moreover, the same factual circumstances may be used when assessing different elements of the list. However, any conclusion on significant distortions within the meaning of Article 2(6a)(a) must be made on the basis of all the evidence at hand. The overall assessment on the existence of distortions may also take into account the general context and situation in the exporting country, in particular where the fundamental elements of the exporting country’s economic and administrative set-up entrust the government with substantive powers to intervene into market forces and which therefore points to the fact that prices and costs are not the result of free market forces.
- (44) Article 2(6a)(c) of the basic Regulation provides that *‘[w]here the Commission has well-founded indications of the possible existence of significant distortions as referred to in point (b) in a certain country or a certain sector in that country, and where appropriate for the effective application of this Regulation, the Commission shall produce, make public and regularly update a report describing the market circumstances referred to in point (b) in that country or sector.’*
- (45) Interested parties were invited to rebut, comment or supplement the evidence contained in the investigation file at the time of initiation. In that respect, the Commission relies on the Report ⁽⁸⁾ showing the existence of substantial government intervention at many levels of the economy, including specific distortions in key factors of production (such as land, energy, capital, raw materials and labour) as well as in specific sectors (such as steel and chemicals). The Report was placed in the investigation file at the initiation stage. The request also contained some relevant evidence complementing the Report.
- (46) The applicant refers in the Request to the distortions in the tungsten industry listed in the Report, and more specifically:
- measures by the GOC to limit capacity and support downstream products: limits on the numbers of mining and export licenses, production quotas and additional constraints for mining and processing;

⁽⁸⁾ Commission Staff Working Document on Significant Distortions in the Economy of the People’s Republic of China for the purposes of Trade Defence Investigations.

- plans to reduce output of tungsten concentrates announced in 2016 by eight large producers in the PRC, following the request of the China Tungsten Industry Association;
 - tungsten is part of the 13th Five Year Plan for Mineral Resources and it is extensively regulated;
 - tungsten is subject to export licensing requirements, which only allow certain State Trading Enterprises to trade tungsten;
 - export quotas; and
 - stockpiling.
- (47) The Commission examined whether it was appropriate or not to use domestic prices and costs in the PRC, due to the existence of significant distortions within the meaning of point (b) of Article 2(6a) of the basic Regulation. The Commission did so on the basis of the evidence available on the file, including the evidence contained in the Report, which relies on publicly available sources, notably on Chinese legislation, published official Chinese policy documents, reports published by international organisations and studies/articles by academics, specifically identified in the Report. That analysis covered the examination of the substantial government interventions in its economy in general, but also the specific market situation in the relevant sector including the product under review.
- (48) As specified in recitals (18) and (19), neither the GOC nor the Chinese producers commented or provided evidence supporting or rebutting the existing evidence on the case file, including the Report, and the additional evidence provided by the applicants, on the existence of significant distortions and/or on the appropriateness of the application of Article 2(6a) of the basic Regulation in the case at hand.

3.3.1.2. Significant distortions affecting the domestic prices and costs in the PRC: general economic context

- (49) The Chinese economic system is based on the concept of a 'socialist market economy'. That concept is enshrined in the Chinese Constitution and determines the economic governance of PRC. The core principle is the '*socialist public ownership of the means of production, namely, ownership by the whole people and collective ownership by the working people*'. The State-owned economy is the '*leading force of the national economy*' and the State has the mandate '*to ensure its consolidation and growth*' ⁽⁹⁾. Consequently, the overall setup of the Chinese economy not only allows for substantial government interventions into the economy, but such interventions are expressly mandated. The notion of supremacy of public ownership over the private one permeates the entire legal system and is emphasized as a general principle in all central pieces of legislation. The Chinese property law is a prime example: it refers to the primary stage of socialism and entrusts the State with upholding the basic economic system under which the public ownership plays a dominant role. Other forms of ownership are tolerated, with the law permitting them to develop side by side with the State ownership ⁽¹⁰⁾.
- (50) In addition, under Chinese law, the socialist market economy is developed under the leadership of the Chinese Communist Party ('CCP'). The structures of the Chinese State and of the CCP are intertwined at every level (legal, institutional, personal), forming a superstructure in which the roles of CCP and the State are indistinguishable. Following an amendment of the Chinese Constitution in March 2018, the leading role of the CCP was given an even greater prominence by being reaffirmed in the text of Article 1 of the Constitution. Following the existing first sentence of the provision: '*[t]he socialist system is the basic system of the People's Republic of China*' a new second sentence was inserted which reads: '*[t]he defining feature of socialism with Chinese characteristics is the leadership of the Communist Party of China.*' ⁽¹¹⁾ This illustrates the control of the CCP over the economic system of the PRC. This control is inherent to the Chinese system and goes beyond the situation customary in other countries where the governments exercise broad macroeconomic control within the boundaries of which free market forces are at play.

⁽⁹⁾ Report – Chapter 2, p. 6-7.

⁽¹⁰⁾ Report – Chapter 2, p. 10.

⁽¹¹⁾ <http://en.pkulaw.cn/display.aspx?cgid=311950&lib=law>.

- (51) The Chinese State engages in an interventionist economic policy in pursuance of goals, which coincide with the political agenda set by the CCP rather than reflecting the prevailing economic conditions in a free market ⁽¹²⁾. The interventionist economic tools deployed by the Chinese authorities are manifold, including the system of industrial planning, the financial system, as well as at the level of the regulatory environment.
- (52) First, on the level of overall administrative control, the direction of the Chinese economy is governed by a complex system of industrial planning which affects all economic activities within the country. The totality of these plans cover a comprehensive and complex matrix of sectors and crosscutting policies and is present on all levels of government. Plans at provincial level are detailed while national plans set broader targets. Plans also specify the means to support the relevant industries/sectors as well as the timeframes in which the objectives need to be achieved. Some plans contain explicit output targets. Under the plans, individual industrial sectors and/or projects are singled out as (positive or negative) priorities in line with the government priorities and specific development goals are attributed to them (industrial upgrade, international expansion etc.). The economic operators, private and State-owned alike, must effectively adjust their business activities according to the realities imposed by the planning system. The binding nature of the plans and the fact that the relevant Chinese authorities at all levels of government adhere to the system of plans and use their vested powers accordingly, induce the economic operators to comply with the priorities set out in the plans (see also section 3.3.1.5 below) ⁽¹³⁾.
- (53) Second, on the level of allocation of financial resources, the financial system of China is dominated by the State-owned commercial banks. Those banks, when setting up and implementing their lending policy need to align themselves with the government's industrial policy objectives rather than primarily assessing the economic merits of a given project (see also section 3.3.1.8) ⁽¹⁴⁾. The same applies to the other components of the Chinese financial system, such as the stock markets, bond markets, private equity markets etc. Even though of lesser significance than the banking sector, these parts of the financial sector are institutionally and operationally set up in a manner not geared towards maximizing the efficient functioning of the financial markets but towards ensuring control and allowing intervention by the State and the CCP ⁽¹⁵⁾.
- (54) Third, on the level of regulatory environment, the interventions by the State into the economy take a number of forms. For instance, the public procurement rules are regularly used in pursuit of policy goals other than economic efficiency, thereby undermining market based principles in the area. The applicable legislation specifically provides that public procurement shall be conducted in order to facilitate the achievement of goals designed by State policies. However, the nature of these goals remains undefined, thereby leaving broad margin of appreciation to the decision-making bodies ⁽¹⁶⁾. Similarly, in the area of investment, the Chinese government maintains significant control and influence over destination and magnitude of both State and private investment. Investment screening as well as various incentives, restrictions, and prohibitions related to investment are used by authorities as an important tool for supporting industrial policy goals, such as maintaining State control over key sectors or bolstering domestic industry ⁽¹⁷⁾.
- (55) In sum, the Chinese economic model is based on certain basic axioms which provide for and encourage manifold government interventions. Such substantial government interventions are at odds with free play of market forces, resulting in distorting the effective allocation of resources in line with market principles ⁽¹⁸⁾.

3.3.1.3. Significant distortions according to Article 2(6a)(b), first indent of the basic Regulation: the market in question being served to a significant extent by enterprises which operate under the ownership, control or policy supervision or guidance of the authorities of the exporting country

- (56) In the PRC, enterprises operating under the ownership, control and policy supervision or guidance by the State represent an essential part of the economy.

⁽¹²⁾ Report – Chapter 2, p. 20-21.

⁽¹³⁾ Report – Chapter 3, p. 41, 73-74.

⁽¹⁴⁾ Report – Chapter 6, p. 120-121.

⁽¹⁵⁾ Report – Chapter 6, p. 122-135.

⁽¹⁶⁾ Report – Chapter 7, p. 167-168.

⁽¹⁷⁾ Report – Chapter 8, p. 169-170, 200-201.

⁽¹⁸⁾ Report – Chapter 2, p. 15-16, Report – Chapter 4, p. 50, p. 84, Report – Chapter 5, p. 108-9.

- (57) With regard to State ownership, a substantial degree of ownership by the Chinese government persists in the tungsten sector. Many of the major tungsten mining companies are State-owned, as tungsten mining licences are mostly granted to SOEs ⁽¹⁹⁾.
- (58) With regard to control by the State, the government and the CCP maintain structures that ensure their continued influence over enterprises. The State (and in many respects also the CCP) not only actively formulates and oversees the implementation of general economic policies by individual enterprises, but it also claims its rights to participate in their operational decision making. The elements that point to the existence of government control over enterprises in the tungsten industry include mining licences, investment restrictions and export restrictions ⁽²⁰⁾. Furthermore, there is a large number of detailed goals and quotas set out in the 13th Five Year Plan for the Nonferrous Metals Industry ('13th FYP for Non-Ferrous Metals Industry') ⁽²¹⁾.
- (59) As concerns policy supervision and guidance by the State in the sector, the analysis is set out in sections 3.3.1.4 and 3.3.1.5 below. With the high level of government control and intervention in the tungsten sector as described below, even privately owned tungsten producers are prevented from operating under market conditions.
- (60) On the basis of the above, the Commission concluded that the market for tungsten electrodes in the PRC was served to a significant extent by enterprises subject to control or policy supervision or guidance by the Chinese government.

3.3.1.4. Significant distortions according to Article 2(6a)(b), second indent of the basic Regulation: State presence in firms allowing the state to interfere with respect to prices or costs

- (61) The Chinese State is in position to interfere with prices and costs through State presence in firms. While the right to appoint and to remove key management personnel in SOEs by the relevant State authorities, as provided for in the Chinese legislation, can be considered to reflect the corresponding ownership rights ⁽²²⁾, CCP cells in enterprises, state owned and private alike, represent another channel through which the State can interfere with business decisions. According to China's company law, a CCP organisation is to be established in every company (with at least three CCP members as specified in the CCP Constitution ⁽²³⁾) and the company is to provide the necessary conditions for the activities of the party organisation. In the past, this requirement appears not to have always been followed or strictly enforced. However, since at least 2016 the CCP has reinforced it claims to control business decision in SOEs as a matter of political principle. The CCP is also reported to exercise pressure on private companies to put 'patriotism' first and to follow party discipline ⁽²⁴⁾. In 2017, it was reported that party cells existed in 70 % of some 1.86 million privately owned companies, with growing pressure for the CCP organisations to have final say over the business decision within their respective companies ⁽²⁵⁾. These rules are of general application throughout the Chinese economy, including the tungsten sector. Hence, it is established that these rules also apply to the producers of tungsten electrodes and the suppliers of their inputs.
- (62) Specifically in the tungsten sector (including the product under review), tight links exist between decision making processes of enterprises active in the sector and the State, in particular the CCP. Tungsten producers are organised within the China Tungsten Industry Association ('CTIA'), which is part of the Chinese Non-Ferrous Metals Industry Association. The latter is clearly following the governmental policy urging the employees and members to among others, convey and implement the spirit of the Lianghui – Two Sessions ⁽²⁶⁾. CTIA is implementing governmental policies resulting in cost and price distortions on the Chinese market. In 2016 eight large producers in the PRC announced plans to reduce output of tungsten concentrates, the China Tungsten Industry Association asked its members to cut production and China's State Reserve Bureau held tenders to purchase tungsten concentrates. Since the PRC produces over 80 % of the world output of tungsten, such actions have an impact on Chinese as well as global prices of tungsten. Secondly, the majority of tungsten mining quota is

⁽¹⁹⁾ Report – Chapter 13, p. 322.

⁽²⁰⁾ Report – Chapter 12, p. 298-312.

⁽²¹⁾ Report – Chapter 12, p. 267-282.

⁽²²⁾ Report – Chapter 5, p. 100-1.

⁽²³⁾ Report – Chapter 2, p. 26.

⁽²⁴⁾ Report – Chapter 2, p. 31-2.

⁽²⁵⁾ See <https://www.reuters.com/article/us-china-congress-companies-idUSKCN1B40JU>.

⁽²⁶⁾ See Chinese Non-Ferrous Metals Industry Association website: <http://www.chinania.org.cn/html/dangjiangongzuo/dangjianhuodong/2019/0326/34906.html> (accessed on 29 March 2019).

divided between six major SOEs: China Minmetals, Aluminium Corporation of China, China Northern Rare Earth Group High-Tech, Xiamen Tungsten, China Southern Rare Earth Group, Guangdong Rare Earth Industry Group ⁽²⁷⁾. Thus, the state presence in the tungsten industry in China is exercised directly in the SOEs, but also via the CTIA.

- (63) The State's presence and intervention in the financial markets (see also section 3.3.1.8) as well as in the provision of raw materials and inputs have an additional distorting effect on the market ⁽²⁸⁾.
- (64) Based on all of the above, it is concluded that the State presence in firms in the tungsten sector, as well as in the financial sector and other input sectors, combined with the framework described in section 3.3.1.3 and in the subsequent sections, allows the GOC to interfere with respect to prices and costs.

3.3.1.5. Significant distortions according to Article 2(6a)(b), third indent of the basic Regulation: public policies or measures discriminating in favour of domestic suppliers or otherwise influencing free market forces

- (65) The direction of the Chinese economy is to a significant degree determined by an elaborate system of planning which sets out priorities and prescribes the goals the central and local governments must focus on. Relevant plans exist on all levels of government and cover virtually all economic sectors, the objectives set by the planning instruments are of binding nature and the authorities at each administrative level monitor the implementation of the plans by the corresponding lower level of government. Overall, the system of planning in the PRC results in resources being driven to sectors designated as strategic or otherwise politically important by the government, rather than being allocated in line with market forces ⁽²⁹⁾.
- (66) The GOC is closely controlling and regulating the tungsten industry. This is confirmed in the 13th FYP for Non-Ferrous Metals Industry and 13th FYP for Mineral Resources, but also in the laws on regulating mining and processing, export and investment into the tungsten industry.
- (67) The 13th FYP for Mineral Resources lists tungsten as one of the 24 strategic minerals, which are 'key elements of the mineral resources macro-control, supervision and management' ⁽³⁰⁾. The Plan furthermore limits the tungsten ore overall mining volume to 120 000 tonnes per year ⁽³¹⁾ and envisages to stabilize the scale of mining operations and to consolidate the tungsten resource bases in south Jiangxi, Hunan (Chenzhou). It furthermore sets out the target for medium-large sized mines to account for more than 12 % of all mines and it envisages to ensure enterprise concentration and development of large and medium sized mines competitive on the market ⁽³²⁾.
- (68) The 13th FYP for Non-Ferrous Metals Industry sets the goal to 'improve production restrictions and value protection mechanisms applicable to tungsten etc.; [and] reasonably adjust and control mining volume control indicators for tungsten' ⁽³³⁾.
- (69) Furthermore, tungsten is included in the list of products subject to export duties ⁽³⁴⁾, licensing export requirements ⁽³⁵⁾ as well as state trading ⁽³⁶⁾. This, together with strict controls of production quotas as well as large reserves held by the State Reserve Bureau ⁽³⁷⁾ allows GOC to have control over tungsten supply in China.
- (70) It is therefore established that the GOC has public policies in place influencing free market forces concerning the production of tungsten and tungsten welding electrodes. Such measures impede market forces from operating normally.

⁽²⁷⁾ Report – Chapter 12, p. 322.

⁽²⁸⁾ Report – Chapters 14.1 to 14.3.

⁽²⁹⁾ Report – Chapter 4, p. 41-42, 83.

⁽³⁰⁾ Report – Chapter 12, p. 268.

⁽³¹⁾ Report – Chapter 12, p. 271.

⁽³²⁾ Report – Chapter 12 p. 273.

⁽³³⁾ Report – Chapter 12 p. 279.

⁽³⁴⁾ Report – Chapter 12 p. 306.

⁽³⁵⁾ Report – Chapter 12 p. 310.

⁽³⁶⁾ Report – Chapter 12 p. 311.

⁽³⁷⁾ Report – Chapter 12 p. 316.

- (71) Furthermore, the Commission notes that while it was not required to perform an analysis with regard to the raw materials used in the production of the product under review to establish that public policies affect free market forces in the tungsten electrode sector, it found that the main raw material, APT, is subject to export licensing in China ⁽³⁸⁾.
- (72) Export licenses have been recognised by the OECD Inventory of Export Restrictions on Industrial Raw Materials as a type of export restrictions ⁽³⁹⁾. Export licences allow the government to control the exporters and the amounts of exported goods ⁽⁴⁰⁾, giving it thus the possibility to limit the exports significantly by keeping the products on the domestic market. This in turns may lead to increased supply, not necessarily linked with an increased demand, which may drive the domestic prices down. This may point to a distortion in the form of indirect subsidisation of a domestic industry that uses the restricted commodity as an input ⁽⁴¹⁾. As such, the export licenses put in place on APT create an additional incentive to the Chinese industry to produce and export at lower prices, since the downstream industry has access to cheaper raw materials in the production of the product concerned. This affects the competitive relationship between the product concerned and the like product, since the Chinese industry is able to produce and export the product under review paying a price that does not result from the free play of market forces due to export licencing.
- (73) In sum, the Commission established that the GOC has public policies in place influencing free market forces also for the main raw material APT used for the production of tungsten electrode.

3.3.1.6. Significant distortions according to Article 2(6a)(b), fourth indent of the basic Regulation: the lack, discriminatory application or inadequate enforcement of bankruptcy, corporate or property laws

- (74) According to the information on file, the Chinese bankruptcy system appears inadequate to deliver on its own main objectives such as to fairly settle claims and debts and to safeguard the lawful rights and interests of creditors and debtors. This appears to be rooted in the fact that while the Chinese bankruptcy law formally rests on similar principles as corresponding laws in other countries, the Chinese system is characterised by systematic under-enforcement. The number of bankruptcies remains notoriously low in relation to the size of the country's economy, not least because the insolvency proceedings suffer from a number of shortcomings, which effectively function as a disincentive for bankruptcy filings. Moreover, the role of the State in the insolvency proceedings remains strong and active, often having direct influence on the outcome of the proceedings ⁽⁴²⁾.
- (75) In addition, the shortcomings of the system of property rights are particularly obvious in relation to ownership of land and land-use rights in China ⁽⁴³⁾. All land is owned by the Chinese State (collectively owned rural land and State-owned urban land). Its allocation remains solely dependent on the State. There are legal provisions that aim at allocating land use rights in a transparent manner and at market prices, for instance by introducing bidding procedures. However, these provisions are regularly not respected, with certain buyers obtaining their land for free or below market rates ⁽⁴⁴⁾. Moreover, authorities often pursue specific political goals including the implementation of the economic plans when allocating land ⁽⁴⁵⁾.
- (76) Therefore, the Chinese bankruptcy and property laws do not appear to properly work, resulting in distortions when maintaining insolvent firms afloat and in relation to the land provision and acquisition in the PRC. These laws also apply with respect to the tungsten sector, including the exporting producers of the product under review.
- (77) In light of the above, the Commission concluded that there was discriminatory application or inadequate enforcement of bankruptcy and property laws in the tungsten sector, including with respect to the product under review.

⁽³⁸⁾ See Mofcom notice No. 208[2018] available at: <http://www.mofcom.gov.cn/article/b/e/201812/20181202821970.shtml> (accessed on 26.4.2019).

⁽³⁹⁾ See p. 298 of the Report.

⁽⁴⁰⁾ OECD. (2014). Export Restrictions in Raw Materials Trade: Facts, Fallacies and Better Practices (OECD Publishing, 2014), page 26.

⁽⁴¹⁾ OECD. (2016). Methodological note to the Inventory of Export Restrictions on Industrial Raw Materials, OECD, 9 March 2016.

⁽⁴²⁾ Report – Chapter 6, p. 138-149.

⁽⁴³⁾ Report – Chapter 9, p. 216.

⁽⁴⁴⁾ Report – Chapter 9, p. 213-215.

⁽⁴⁵⁾ Report – Chapter 9, p. 209-211.

3.3.1.7. Significant distortions according to Article 2(6a)(b), fifth indent of the basic Regulation: wage costs being distorted

- (78) A system of market-based wages cannot fully develop in the PRC as workers and employers are impeded in their rights to collective organisation. China has not ratified a number of essential conventions of the International Labour Organisation (ILO), in particular those on freedom of association and on collective bargaining ⁽⁴⁶⁾. Under national law, only one trade union organisation is active. However, this organisation lacks independence from the State authorities and its engagement in collective bargaining and protection of workers' rights remains rudimentary ⁽⁴⁷⁾. Moreover, the mobility of the Chinese workforce is restricted by the household registration system, which limits access to the full range of social security and other benefits to local residents of a given administrative area. This typically results in workers who are not in possession of the local residence registration finding themselves in a vulnerable employment position and receiving lower income than the holders of the residence registration ⁽⁴⁸⁾. Those findings lead to the distortion of wages costs in the PRC.
- (79) The tungsten sector, including tungsten electrodes, is also subject to the Chinese labour law system described. The tungsten sector is thus affected by the distortions of wage costs both directly (when making the product under review) as well as indirectly (when having access to capital or inputs from companies subject to the same labour system in the PRC).
- (80) On the basis of the above, the Commission concluded that wage costs were distorted in the tungsten sector, including with respect to the product under review.

3.3.1.8. Significant distortions according to Article 2(6a)(b), sixth indent of the basic Regulation: access to finance granted by institutions which implement public policy objectives or otherwise not acting independently of the State

- (81) Access to capital for corporate actors in the PRC is subject to various distortions.
- (82) Firstly, the Chinese financial system is characterised by strong position of State-owned banks ⁽⁴⁹⁾, which, when granting access to finance, take into consideration criteria other than economic viability of a project. Similarly to non-financial SOEs, the banks remain connected to the State not only through ownership but also via personal relations (the top executives of the large State-owned financial institutions are ultimately appointed by the CCP) ⁽⁵⁰⁾ and, again just like non-financial SOEs, the banks regularly implement public policies designed by the government. In doing so, the banks comply with an explicit legal obligation to conduct their business in accordance with the needs of the national economic and social development and under the guidance of the industrial policies of the State ⁽⁵¹⁾. This is compounded by additional existing rules, which direct finances into sectors designated by the government as encouraged or otherwise important ⁽⁵²⁾.
- (83) While it is acknowledged that there might be various legal instruments referring to the need to respect normal banking behaviour and prudential rules such as the need to examine the creditworthiness of the borrower, the relevant evidence shows that these provisions play only a secondary role in the application of the various legal instruments ⁽⁵³⁾. Findings made in previous trade defence investigations also reached the same conclusion ⁽⁵⁴⁾.
- (84) Furthermore, bond and credit ratings are often distorted for a variety of reasons including the fact that the risk assessment is influenced by the firm's strategic importance to the Chinese government and the strength of any implicit guarantee by the government. Estimates strongly suggest that Chinese credit ratings systematically correspond to lower international ratings ⁽⁵⁵⁾.

⁽⁴⁶⁾ Report – Chapter 13, p. 332-337.

⁽⁴⁷⁾ Report – Chapter 13, p. 336.

⁽⁴⁸⁾ Report – Chapter 13, p. 337-341.

⁽⁴⁹⁾ Report – Chapter 6, p. 114-117.

⁽⁵⁰⁾ Report – Chapter 6, p. 119.

⁽⁵¹⁾ Report – Chapter 6, p. 120.

⁽⁵²⁾ Report – Chapter 6, p. 121-122, 126-128, 133-135.

⁽⁵³⁾ Report, *ibid.*

⁽⁵⁴⁾ Report – Chapter 14, p. 362-3, listing EU trade defence investigations (concerning certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in the People's Republic of China and concerning certain organic coated steel products originating in the People's Republic of China), as well as trade defence investigation conducted by the Australian, Canadian, Indian or US authorities.

⁽⁵⁵⁾ Report – Chapter 6, p. 127, in particular with respect to the IMF estimate.

- (85) This results in a bias for lending to SOEs, large well-connected private firms and firms in key industrial sectors, which implies that the availability and cost of capital is not equal for all players on the market.
- (86) Secondly, borrowing costs have been kept artificially low to stimulate investment growth. This has led to the excessive use of capital investment with ever lower returns on investment. This is illustrated by the recent growth in corporate leverage in the state sector despite a sharp fall in profitability, which suggests that the mechanisms at work in the banking system do not follow normal commercial responses.
- (87) Thirdly, although nominal interest rate liberalization was achieved in October 2015, price signals are still not the result of free market forces, but are influenced by government induced distortions. Indeed, the share of lending at or below the benchmark rate still represents 45 % of all lending and recourse to targeted credit appears to have been stepped up, since this share has increased markedly since 2015 in spite of worsening economic conditions. Artificially low interest rates result in under-pricing, and consequently, the excessive utilization of capital.
- (88) Overall credit growth in the PRC indicates a worsening efficiency of capital allocation without any signs of credit tightening that would be expected in an undistorted market environment. As a result, non-performing loans have increased rapidly in recent years. Faced with a situation of increasing debt-at-risk, the Chinese government has opted to prevent defaults. Consequently, bad debt issues have been handled by rolling over debt, thus creating so called 'zombie' companies, or by transferring the ownership of the debt (e.g. via mergers or debt-to-equity swaps), without necessarily removing the overall debt problem or addressing its root causes.
- (89) In essence, despite the recent steps that have been taken to liberalize the market, the corporate credit system in the PRC is affected by significant systemic issues and distortions resulting from the continuing pervasive role of the state in the capital markets.
- (90) Specifically in the tungsten sector, both the 13th FYP for Non-Ferrous Metals Industry and 13th FYP for Mineral Resources provide for a range of support measures and subsidies to support the relevant industries, including the tungsten industry ⁽⁵⁶⁾. Since the tungsten industry is included in the list of industries supported by the state in the 13th FYP for Non-Ferrous Metals Industry and 13th FYP for Mineral Resources, and because banks structure their loan policies in accordance with these plans (see recital (53)), the exporting producers as well as their suppliers have access to preferential financing as described in this section ⁽⁵⁷⁾.
- (91) In light of the above, the Commission concluded that the producers of tungsten electrodes had access to finance granted by institutions which implement public policy objectives or otherwise not acting independently from the state.

3.3.1.9. Systemic nature of the distortions described

- (92) The Commission noted that the distortions described in the Report are not limited to the tungsten sector in general or the tungsten welding electrodes sector. On the contrary, the evidence available shows that the facts and features of the Chinese system as described above in Sections 3.3.1.1-3.3.1.5 as well as in Part I of the Report apply throughout the country and across the sectors of the economy. The same holds true for the description of the factors of production as set out above in sections 3.3.1.6-3.3.1.8 above and in Part II of the Report.
- (93) In order to produce tungsten welding electrodes, the key input is ammonium paratungstate ('APT'). When the tungsten welding electrodes producers purchase/contract these inputs the prices they pay (and which are recorded as their costs) are clearly exposed to the same systemic distortions mentioned before. For instance, suppliers of inputs employ labour that is subject to the distortions. They may borrow money that is subject to the distortions on the financial sector/capital allocation. In addition, they are subject to the planning system which applies across all levels of government and sectors.

⁽⁵⁶⁾ Report – Chapter 12, p. 274 and 281-282.

⁽⁵⁷⁾ Report – Chapter 6, p. 120.

- (94) As a consequence, not only the domestic sales prices of tungsten welding electrodes cannot be used but all the input costs (including raw materials, energy, land, financing, labour, etc.) are also tainted because their price formation is affected by substantial government intervention, as described in Parts I and II of the Report. Indeed, the government interventions described in relation to the allocation of capital, land, labour, energy and raw materials are present throughout the PRC. This means, for instance, that an input that in itself was produced in the PRC by combining a range of factors of production is exposed to significant distortions. The same applies for the input to the input and so forth.

3.3.1.10. Conclusion

- (95) The analysis laid out in sections 3.3.1.2 to 3.3.1.9, which includes an examination of all the available evidence relating to the PRC's intervention in its economy in general as well as in the tungsten sector (including the product under review) showed that prices or costs, including the costs of raw materials, energy and labour, are not the result of free market forces because they are affected by substantial government intervention within the meaning of Article 2(6a)(b) of the basic Regulation. On that basis, and in the absence of any cooperation from the GOC and the producers in the PRC, the Commission concluded that it is not appropriate to use domestic prices and costs to establish normal value in this case.
- (96) Consequently, the Commission proceeded to construct the normal value exclusively on the basis of costs of production and sale reflecting undistorted prices or benchmarks, that is, in this case, on the basis of corresponding costs of production and sale in an appropriate representative country, in accordance with Article 2(6a)(a) of the basic Regulation, as discussed in the following section. The Commission recalled that no Chinese producer cooperated with the investigation and that no claim was presented that some domestic costs would be undistorted under the third indent of Article 2(6a)(a) of the basic Regulation.

3.3.2. Representative country

3.3.2.1. General remarks

- (97) The choice of the representative country was based on the following criteria:
- A level of economic development similar to the PRC. For this purpose, the Commission used countries with a gross national income similar to the PRC on the basis of the database of the World Bank ⁽⁵⁸⁾;
 - Production of the product under review in that country ⁽⁵⁹⁾;
 - Availability of relevant public data in that country;
 - Where there is more than one possible representative country, preference was given, where appropriate, to the country with an adequate level of social and environmental protection.
- (98) As mentioned in recital (26), in the Note of 8 November 2018, the Commission informed interested parties that it had identified four possible representative countries: Brazil, Mexico, Russia and Turkey, and invited interested parties to comment and suggest other countries.
- (99) With regard to the representative country, subsequent to the Note of 8 November 2018, the Commission received a submission from the Union industry.
- (100) The Union industry submitted that costs in Turkey provide a better basis than Mexico, Brazil or Russia. This is because the costs in these three countries are distorted for a variety of reasons, including high inflation and government protection.

⁽⁵⁸⁾ World Bank Open Data – Upper Middle Income, <https://data.worldbank.org/income-level/upper-middle-income>.

⁽⁵⁹⁾ If there is no production of the product under review in any country with a similar level of development, production of a product in the same general category and/or sector of the product under review may be considered.

- (101) The Union industry contested the appropriateness of Russia in particular, claiming that energy prices are heavily distorted. They corroborated this fact by referring to the recent findings of the Commission in the context of ammonium nitrate case (Commission Implementing Decision (EU) 2018/1703). Given that, as explained in recital (108) the Commission chose Turkey as the appropriate representative country for this investigation because it identified that Turkey has the most detailed statistical data regarding labour costs among the potential representative countries considered, it was not necessary to address this claim and examine the existence of energy distortions in Russia in the context of this proceeding.

3.3.2.2. A level of economic development similar to the PRC

- (102) With regard to the level of economic development, the Commission notes that all countries listed in recital (98) are at the same income level 'Upper Middle Income', according to the World Bank ⁽⁶⁰⁾ and are therefore equally suitable as representative countries in this respect.

3.3.2.3. Production of the product under review in the representative country and availability of the relevant public data in the representative country

- (103) In the Note of 6 March 2019, the Commission informed the interested parties that based on the available information, the product under review was only produced in the PRC and the Union. No comments were received in this respect.
- (104) As more than one possible representative country is available, the Commission, with regard to the Article 2(6a)(a) first indent of the basic Regulation took into account the availability of relevant public data in the representative country.
- (105) The Commission took into account the significance of the factors of production of tungsten electrodes. Apart from the most significant raw material, APT, which accounts for the majority of the final product costs, the second and third most significant factors were labour and electricity. Consequently, the Commission compared the four potential representative countries with regards to the quality of labour and electricity costs information.
- (106) Based on the information available, the Commission identified Turkey as having the most detailed statistical data regarding labour costs among the potential representative countries considered. The Turkish Statistical Institute publishes detailed labour costs for each economic activity. Consequently, specific labour costs for the basic metals manufacturing sector are publically available. Similarly, detailed electricity price data for industrial users were available.
- (107) Taking into account the information provided by the Union industry, together with the availability of relevant public data in the representative country, the Commission proposed to use Turkey as the representative country in its 6 March 2019 Note and invited interested parties to comment. No comments were received.

3.3.2.4. Conclusion on representative country

- (108) In view of the above analysis, and the data available on the file, the Commission used the data of Turkey for establishing corresponding costs of labour and electricity in an appropriate representative country in accordance with Article 2(6a)(a) of the basic Regulation.

3.3.3. Data used for the construction of normal value

- (109) According to Article 2(6a)(a) of the basic Regulation, 'the normal value shall be constructed exclusively on the basis of costs of production and sale reflecting undistorted prices and benchmarks' and 'shall include an undistorted and reasonable amount for administrative, selling and general costs and for profits'.
- (110) In the Note of 8 November 2018, the Commission stated that, in order to construct the normal value in accordance with Article 2(6a)(a) of the basic Regulation, it could not rely on import data from appropriate representative countries to value the main factor of production. This is due to the extreme inconsistency of the import prices for HS code covering the main raw material (APT) but also other products in the four possible representative countries. The international benchmark published by the National Minerals Information Center of the U.S. Geological Survey was used instead to establish the undistorted cost of the main raw material.

⁽⁶⁰⁾ World Bank Open Data – Upper Middle Income, <https://data.worldbank.org/income-level/upper-middle-income>.

- (111) The Commission used the information provided by the Turkish Statistical Institute as the source of labour costs and electricity costs.

3.3.4. Factors of production

- (112) In the Note of 8 November 2018, the Commission sought to establish an initial list of factors of production and sources intended to be used for all factors of production such as materials, energy and labour used in the production of the product under review by any cooperating producer.
- (113) In the absence of cooperation by the Chinese producers, the Commission relied on the applicants and the two respondents to the Annex III to the Notice of Initiation in order to specify the factors of production used in the production.
- (114) The Commission did not receive any comments concerning specific factors of production.
- (115) Considering all the information submitted by the applicant, the following factors of production and related tariff heading where applicable, have been identified:

Table 1

Factors of production

Factor of Production	HS Code	Source used	Value
Raw materials			
Ammonium paratungstate ('APT')	ex 2841 80	Net price of wolfram oxide included in the APT per international benchmark of Platts Metals Week as published by the National Minerals Information Center of the U.S. Geological Survey	34,81 EUR/kg
Labour			
Direct labour, Wages in manufacturing sector	[N/A]	Turkish statistical institute	8,15 EUR/man hour
Energy			
Electricity	[N/A]	Turkish statistical institute	0,06 EUR/kWh

3.3.4.1. Raw materials

- (116) The major raw material for production of the product under review is APT. In its note of 6 March 2019, the Commission indicated that it intended to use the international benchmark of Platts Metals Week as published by the National Minerals Information Center of the U.S. Geological Survey ⁽⁶¹⁾ in its monthly mineral surveys.
- (117) APT need to undergo a conversion to tungsten metal powder, prior to being used as a raw material for the production of tungsten electrodes.
- (118) As the international benchmark quote the APT price per its content of tungsten oxides and also the conversion costs need to be added, the benchmark data were adjusted using a factor of 1,26 plus EUR 0,767 per kg of the transformed material. These costs of conversion, suggested by the Union industry were made available to the interested parties and the Commission did not receive any comments on this.

⁽⁶¹⁾ <https://minerals.usgs.gov/minerals/pubs/commodity/tungsten/>.

3.3.4.2. Labour

- (119) With regard to labour costs, in its Note of 6 March 2019, the Commission indicated that it intended to use the data published by the Turkish Statistical Institute. In particular, the Commission indicated that it intended to use the hourly labour costs in the manufacturing sector for 2016, for the economic activity C.24 (manufacture of basic metals) according to NACE Rev.2 ⁽⁶²⁾, which are the most recent statistics available ⁽⁶³⁾. It further indicated that the values would be properly adjusted for inflation using the domestic producer price index ⁽⁶⁴⁾ published by the Turkish statistical institute. In the absence of any comments, the Commission adopted this approach.

3.3.4.3. Electricity

- (120) With regard to electricity costs, in its Note of 6 March 2019, the Commission indicated that it intended to apply the average electricity unit price for industrial users, provided in a press release issued by the Turkish statistical institute. In the absence of any comments, the Commission adopted this approach.

3.3.4.4. Manufacturing overhead costs, SG&A and profits

- (121) According to Article 2(6a)(a) of the basic Regulation, the constructed normal value shall include an undistorted and reasonable amount for administrative, selling and general costs ('SG&A') and for profits. In addition, a value for manufacturing overhead costs needed to be established to cover costs not included in the factors of production.
- (122) In the Note of 8 November 2018, the Commission had identified only two producers of tungsten electrodes outside of the PRC, which were the cooperating Union producers. In the absence of any comments on this matter, the Commission used the data on manufacturing overhead costs, SG&A and profits from those two producers. As only one of the two Union producers published their financial statements that were readily available in the Orbis database ⁽⁶⁵⁾, the data used were restricted to only one of the producers.
- (123) In order to establish an undistorted value of manufacturing overheads and SG&A, the Commission used the proportion of the cost of manufacturing that manufacturing overheads and SG&A represent in the cost structure of the cooperating Union producer.
- (124) More precisely, the Commission first expressed the actual manufacturing overheads cost and SG&A of the cooperating Union producer as a percentage of the total actual cost of manufacturing. Then the Commission applied the same percentage on the undistorted value of the cost of manufacturing to obtain the undistorted value of the manufacturing overheads and SG&A.
- (125) For profit the Commission used the financial data from the same Union producer. More precisely, the Commission used the profit figures as reported in the company's audited accounts for the period 1 March 2017 to 28 February 2018.
- (126) As a result, the following items were added to the undistorted cost of manufacturing:
- Manufacturing overheads and SG&A ⁽⁶⁶⁾ of 32,06 % applied to the costs of manufacturing (covering the consumption of raw materials, labour, and energy);
 - A profit ⁽⁶⁷⁾ of 5,58 % applied to the sum of costs of manufacturing.

3.3.4.5. Calculation of normal value

- (127) In order to establish the constructed normal value, the Commission followed the following steps.
- (128) First, the Commission established the undistorted manufacturing costs. In the absence of cooperation from the Chinese producers, the Commission used the same materials, labour and energy consumption ratio as the Union producer with the largest production in the Union. The data used were related to production of the most commonly used WL15 dia. 2,4 × 175 mm electrode.

⁽⁶²⁾ The NACE codes can be found at http://ec.europa.eu/competition/mergers/cases/index/nace_all.html.

⁽⁶³⁾ The labour costs are available at http://www.turkstat.gov.tr/PreIstatistikTablo.do?istab_id=2088.

⁽⁶⁴⁾ The press release publishing the annual change for the domestic producer price index for the manufacturing sector is available at http://www.turkstat.gov.tr/PreTabloArama.do?metod=search&araType=hb_x.

⁽⁶⁵⁾ Orbis (Bureau Van Dijk) is a global data provider of corporate information, www.bvdinfo.com.

⁽⁶⁶⁾ The Note of 6 March 2019, Annex 2.

⁽⁶⁷⁾ The Note of 6 March 2019, Annex 2.

- (129) The Commission then multiplied the usage factors by the undistorted costs per unit as established in the Table 1 and added the Manufacturing overheads, SG&A and profit as described in recital (126).
- (130) On that basis, the Commission constructed the normal value on an ex-works basis in accordance with Article 2(6a)(a) of the basic Regulation.
- (131) As no Chinese producers cooperated, the normal value was established on a countrywide basis and not for each producer separately.

3.4. Export price

- (132) In the absence of cooperation of Chinese producers, the export price was determined based on CIF import price obtained in the Article 14(6) of the basic Regulation database.

3.5. Comparison

- (133) Where justified by the need to ensure a fair comparison, the Commission adjusted the normal value and the export price for differences affecting prices and price comparability, in accordance with Article 2(10) of the basic Regulation.
- (134) A 17 % export VAT upwards adjustment was applied to the normal value as there is no export VAT discount on exports of the product under review and a downwards adjustment was made to the export price for international and domestic freight and insurance.

3.6. Dumping margin

- (135) In the absence of cooperation from the Chinese producers, the Commission compared the normal value of the like product with the export price at ex-works level, in accordance with Articles 2(11) and (12) of the basic Regulation.
- (136) On this basis, the Commission found a dumping margin, expressed as a percentage of the CIF Union frontier price duty unpaid, at a level of 55 %.
- (137) The Commission therefore concluded that dumping continued during the review investigation period.

3.7. Likelihood of a continuation of dumping should the measures be repealed

- (138) Further to the finding of the existence of dumping during the review investigation period, the Commission investigated in accordance with Article 11(2) of the basic Regulation the likelihood of continuation of dumping, should the measures be repealed. The following additional elements were analysed: the production capacity and spare capacity in the PRC, the attractiveness of the Union market and the raw material distortions.
- (139) As a consequence of non-cooperation of producers from the PRC, this examination was based on the information available to the Commission, that is, information supplied in the Request and information from other available sources, such as Article 14(6) of the basic Regulation database and information obtained from interested parties during the investigation.

3.7.1. Production capacity and spare capacity in the PRC

- (140) In the situation of non-cooperation of producers from the PRC, the following conclusion rely on the information provided in the Request for review, information provided by the Union industry in the course of the investigation, and information provided by Shaanxi Yuheng Tungsten & Molybdenum Industrial Co., Ltd.,
- (141) The Request for review estimated the Chinese production capacity of tungsten electrodes within a range of 2 000 000 and 4 000 000 kg per year. The capacity established in the previous expiry review investigation was 1 600 000 with the capacity utilisation of 63 %, resulting in an unused capacity of about 600 000 kg, exceeding nearly five times the total Union consumption.
- (142) In the current investigation, the two producers responding in the sampling phase reported 17 % spare capacity. Applying this ratio to the most modest estimation of the production capacity in the PRC, its spare capacity represents much more than the total Union consumption of the like product.

- (143) Consequently, it can be concluded that substantial spare capacity exists in the PRC, which could be directed to the Union should the measures be allowed to lapse. There are also no indications that third country markets or the domestic market could absorb this significant spare capacity.

3.7.2. Attractiveness of the Union market

- (144) The Chinese producers showed a continuous interest in the Union market and were able to increase the market share to 40-50 %. The Union with its strong industrial base is also a large market, accounting consistently for more than 10 % of the total estimated Chinese production.
- (145) As shown in Table 4 and Table 9, the prices of the Union producers are set well above the import prices. The existence of significant imports from the PRC into the Union despite the anti-dumping duty in place confirms the high attractiveness of the Union market.

3.7.3. Raw material distortions

- (146) As noted in recitals (71) - (73) and as explained in section 12.4.1 of the Report, the economic situation of companies depends also on the conditions of supply of raw materials ⁽⁶⁸⁾. As such, if there are government measures in place which favour the domestic consumption of raw materials as opposed to an allocation of raw materials on the basis of international supply and demand, the level playing field of competition is tilted towards the domestic downstream industry.

3.7.4. Conclusion on the likelihood of continuation of dumping

- (147) Tungsten electrodes are only produced in the PRC and in the Union. The PRC applies export restrictions on the main raw material, which is largely found only in the PRC. Given the attractiveness of the Union market, the large installed spare capacities in the PRC and the continued significant dumping, the Commission concludes that there is a high likelihood of continuation of dumping should the measures be repealed.

4. LIKELIHOOD OF CONTINUATION OF INJURY

4.1. Definition of the Union industry and Union production

- (148) During the review investigation period, the like product was produced by two known producers in the Union. Both producers cooperated fully with the investigation. They constitute the 'Union industry' within the meaning of Article 4(1) of the basic Regulation.

4.2. Preliminary remarks

- (149) The Commission assessed injury on the basis of trends concerning production, production capacity, capacity utilisation, sales, market share, employment, productivity and growth, as well as trends concerning prices, profitability, cash flow, ability to raise capital and investments, stocks, return on investment and wages.
- (150) Since there are only two companies which constitute the Union industry, the data referring to the Union industry will be presented in ranges, so as to protect confidentiality pursuant to Article 19 of the basic Regulation.
- (151) In order to protect the confidentiality of the Union industry, also imports from the PRC obtained from Article 14(6) of the basic Regulation database will be presented in ranges, as their disclosure would provide a level of detail which allows for identification of exact production and sales of the Union industry.

4.3. Union production and consumption

- (152) The total Union production during the review investigation period was in the range of 35-40 tonnes, which is less than in the previous expiry review.
- (153) The Commission established the Union consumption by adding together import statistics at TARIC level using information collected on the basis of Article 14(6) of the basic Regulation database and sales volumes of the Union industry in the Union.

⁽⁶⁸⁾ The link between export restrictions and prices is further described in the Report, section 12.4.1, p. 298-299.

- (154) Union consumption of the product under review developed as follows:

Table 2

Union consumption

	2014	2015	2016	2017	RIP
Total Union consumption (kg)	130 000- 140 000	120 000- 130 000	120 000- 130 000	100 000- 110 000	105 000- 115 000
<i>Index (2014 = 100)</i>	100	95	96	83	86

Source: Questionnaire replies, Article 14(6) database

- (155) The Union consumption decreased by 14 % in the period considered. A year-by-year analysis shows almost gradual decrease throughout the period until 2017, and then slightly increasing by 3 % between 2017 and the review investigation period.

4.4. Imports from the PRC**4.4.1. Volume and market share of the imports from the PRC**

- (156) The Commission established the volume of imports from the PRC into the Union on the basis of Article 14(6) of the basic Regulation database and the market shares of the imports by comparing these import volumes with the Union consumption as shown in Table 2.
- (157) Market share and imports from the PRC developed as follows:

Table 3

Import volume (tonnes) and market share

	2014	2015	2016	2017	RIP
Volume of imports from the PRC (kg)	45 000- 50 000	50 000- 55 000	50 000- 55 000	40 000- 45 000	45 000- 50 000
<i>Index (2014 = 100)</i>	100	103	109	87	97
Market share of PRC imports (%)	30-40 %	40-50 %	40-50 %	40-50 %	40-50 %
<i>Index (2014 = 100)</i>	100	108	113	105	112

Source: Questionnaire replies, Article 14(6) database

- (158) In line with the decrease of the Union consumption, the volume of imports of the product under review originating in the PRC decreased by 3 % over the period considered, keeping a level of 45 000-50 000 kg during the review investigation period (see Table 3). Despite this decrease, the market share of the Chinese exporters has risen by 12 % to almost half of the total Union market.
- (159) It is relevant for the analysis of injury to note that imports from the PRC continued to enter the Union, with duties paid, throughout the period considered.

4.4.2. Prices of imports from the PRC

- (160) The Commission used the prices of imports from the PRC reported in the Article 14(6) of the basic Regulation database.

- (161) The average price of imports into the Union from the PRC developed as follows:

Table 4

Import prices from PRC (EUR/ tonne)

	2014	2015	2016	2017	RIP
Average PRC import price (EUR per kg)	45-50	50-55	45-50	45-50	45-50
Index (2014 = 100)	100	108	93	93	99

Source: Article 14(6) database

- (162) Average prices of imports from the PRC increased by 8 % in 2015, decreased and stayed stable in 2016 and 2017 then increased in the review investigation period to almost the level of 2014.
- (163) During the period considered the average import price from the PRC remained significantly lower than both the average sales price and the average cost of production of the Union industry as reported in Table 9.

4.4.3. Price undercutting

- (164) The Commission determined the price undercutting during the review investigation period by comparing the weighted average sales prices of the two Union producers charged to unrelated customers in the Union market, adjusted to an ex-works level, with the import price data from the Article 14(6) of the basic Regulation database for the product under review from the PRC at a CIF level, adjusted to a landed price.
- (165) The result of the comparison was expressed as a percentage of the two Union producers' average price during the review investigation period.
- (166) The comparison showed for imports from the PRC an average undercutting of over 50 % in the Union market during the review investigation period, despite the existence of an anti-dumping duty intended to remedy the competitive differences between the two products.

4.5. Imports from third countries other than the PRC

- (167) The volume of imports into the Union as well as the market share and the price trends for imports of the product under review from other third countries are shown in Table 5. The volume and price trends are based on the Article 14(6) of the basic Regulation database data.

Table 5

Imports from third countries other than the PRC

	2014	2015	2016	2017	RIP
Imports from third countries other than the PRC (kg)	60 000-65 000	55 000-60 000	50 000-55 000	45 000-50 000	45 000-50 000
Index (2014 = 100)	100	88	85	76	75
Market share of third countries imports	45-50 %	45-50 %	40-45 %	40-45 %	40-45 %
Index (2014 = 100)	100	92	88	91	87
Average third countries import price (EUR/kg)	50-55	65-70	65-70	55-60	55-60
Index (2014 = 100)	100	129	124	113	111

Source: Article 14(6) database

- (168) Import volumes from other third countries decreased by 25 % over the period considered.
- (169) The market share of the imports from other third countries over the same period decreased by 13 %.
- (170) Average prices of imports from third countries other than the PRC increased by 11 % during the period considered but remained well below the price levels of the Union industry as reported in Table 10.
- (171) As stated in recital (28), the product under review is only produced in the PRC and the Union. Therefore the imports from other third countries most likely originate in the PRC.

4.6. Economic situation of the Union industry

4.6.1. General remarks

- (172) In accordance with Article 3(5) of the basic Regulation, the examination of the impact of the dumped imports on the Union industry included an evaluation of all economic indicators having a bearing on the state of the Union industry during the period considered.
- (173) For the injury determination, the Commission used the data of the sole two Union producers to establish the injury indicators.
- (174) The injury indicators are: production, production capacity, capacity utilisation, sales volume, market share, growth, employment, productivity, magnitude of the dumping margin, and recovery from past dumping, as well as average unit prices, unit cost, labour costs, stocks, profitability, cash flow, investments, return on investments, and ability to raise capital.

4.6.2. Injury indicators

4.6.2.1. Production, production capacity and capacity utilisation

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

Table 6

Production, production capacity and capacity utilisation

	2014	2015	2016	2017	RIP
Production volume (kg)	40 000-45 000	40 000-45 000	35 000-40 000	35 000-40 000	35 000-40 000
<i>Index (2014 = 100)</i>	100	101	88	94	94
Production capacity (kg)	100 000-110 000	100 000-110 000	100 000-110 000	100 000-110 000	100 000-110 000
<i>Index (2014 = 100)</i>	100	100	100	100	100
Capacity utilisation	35-40 %	35-40 %	35-40 %	35-40 %	35-40 %
<i>Index (2014 = 100)</i>	100	101	88	94	94

Source: Questionnaire replies

- (176) The production volume of the Union industry decreased by 6 % over the period considered in line with the decrease of the Union consumption. There was a significant drop by 12 % in 2016, but in the following year the production increased by 6 % and remained at the same level during the review investigation period.
- (177) The production capacity of the Union industry remained stable throughout the period considered.
- (178) Capacity utilisation fluctuated over the period considered. First, it rose by 1 % between 2014 and 2015, but decreased by 13 % in 2016, and then increased by 6 % in 2017 and remained at this level. Overall, the capacity utilisation rate remained low and decreased by 6 % over the period considered.

- (179) Production and capacity utilisation of the Union industry decreased by 6 %, following the trend of the decrease of the Union consumption of 14 %, but also imports from the PRC and third countries decreased by 3 % and 25 % respectively.

4.6.2.2. Sales volume and market share

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

Table 7

Sales volume and market share

	2014	2015	2016	2017	RIP
Sales volume in the Union market (kg)	15 000-20 000	15 000-20 000	15 000-20 000	15 000-20 000	15 000-20 000
<i>Index (2014 = 100)</i>	100	101	100	98	96
Market share	10-15 %	10-15 %	10-15 %	15-20 %	15-20 %
<i>Index (2014 = 100)</i>	100	106	105	118	111

Source: Questionnaire replies

- (181) The sales volume of the Union industry in the Union market decreased by 4 % over the period considered. The decrease followed the decline in Union consumption.
- (182) The Union industry was able to gain market share between 2014 and 2017 by 18 %, but lost 7 % in the review investigation period. Overall, it increased its market share by 11 % during the period considered.

4.6.2.3. Growth

- (183) During the period considered the production of the Union industry decreased by 6 % while Union consumption decreased by 14 % and the sales volume of the Union industry on the Union market decreased by 4 %. The drop in sales volume of the Union industry over the period considered should be seen in the context of the declining consumption over the same period. The market share of the Union increased by 11 %.

4.6.2.4. Employment and productivity

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

Table 8

Employment and productivity

	2014	2015	2016	2017	RIP
Number of employees (FTE)	40-50	40-50	40-50	40-50	40-50
<i>Index (2014 = 100)</i>	100	98	100	106	106
Productivity (kg/FTE)	900-1 000	900-1 000	800-900	800-900	800-900
<i>Index (2014 = 100)</i>	100	103	88	88	89

Source: Questionnaire replies

- (185) Despite the reduced production, employment of the Union industry increased by 6 % during the period considered. This affected the productivity of the Union producers, which declined by 11 % over the period considered.

4.6.2.5. Prices and factors affecting prices

- (186) The average sales prices and cost of production of the Union producers to unrelated customers in the Union developed over the period considered as follows:

Table 9

Sales prices in the Union

	2014	2015	2016	2017	RIP
Average sales price per kg (EUR)	140-180	140-180	140-180	140-180	140-180
Index (2014 = 100)	100	102	101	99	97
Average cost of production per kg (EUR)	130-150	130-150	130-150	130-150	130-150
Index (2014 = 100)	100	101	91	98	100

Source: Questionnaire replies

- (187) The Union industry's average sales price to unrelated customers in the Union fluctuated, but in overall decreased by 3 % during the period considered whilst its cost of production stayed relatively stable over the same period, with a slight increase in 2015 by 1 % followed by a decrease by 10 % in 2016.

4.6.2.6. Labour costs

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

Table 10

Average labour costs per employee

	2014	2015	2016	2017	RIP
Average labour costs per employee (FTE)(EUR)	52 007	55 772	52 157	54 719	52 362
Index (2014 = 100)	100	107	100	105	101

Source: Questionnaire replies

- (189) The average labour costs per worker of the Union industry fluctuated during the period considered, but overall increased slightly by 1 %.

4.6.2.7. Stocks

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

Table 11

Stocks

	2014	2015	2016	2017	RIP
Closing stocks (kg)	3 500-4 000	3 500-4 000	2 500-3 000	2 300-2 800	2 500-3 000
Index (2014 = 100)	100	106	71	67	81

Source: Questionnaire replies

- (191) The level of closing stocks fluctuated during the period considered. Overall, it decreased by 19 % over this period.

4.6.2.8. Profitability, cash flow, investments, return on investments and ability to raise capital

- (192) The Commission established the profitability of the Union industry by expressing the pre-tax profit of the sales of the like product to unrelated customers in the Union as a percentage of the turnover of those sales.
- (193) Profitability, cash flow, investments and return on investments of the Union producers developed over the period considered as follows:

Table 12

Profitability, cash flow, investments and return on investments

	2014	2015	2016	2017	RIP
Profitability of sales in the Union to unrelated customers (% of sales turnover)	(– 10)-(– 5)	0-5	0-5	0-5	(– 5)-(0)
<i>Index (2014 = 100)</i>	– 100	11	50	34	– 11
Cash flow (EUR)	30 000-35 000	300 000-350 000	400 000-450 000	500 000-550 000	(– 150 000)-(– 75 000)
<i>Index (2014 = 100)</i>	100	1,065	1,329	1,681	– 411
Investments (EUR)	220 000-270 000	200 000-230 000	230 000-250 000	250 000-275 000	410 000-440 000
<i>Index (2014 = 100)</i>	100	80	92	103	163
Return on investments	(– 15)-(– 10)	(– 5)-(0)	5-10	5-10	0-5
<i>Index (2014 = 100)</i>	– 100	– 23	74	64	4

Source: Questionnaire replies

- (194) The profitability of the Union industry fluctuated over the period considered. Although it improved 2015, 2016 and 2017, it collapsed back to a lossmaking level during the review investigation period.
- (195) The net cash flow, the Union industry's ability to self-finance its activities, decreased by 411 % over the period considered. It was at a stable level in 2015, 2016 and 2017 but then declined sharply in the review investigation period.
- (196) During the period considered the annual investments in the like product made by the Union industry fluctuated, but overall increased by 63 %.
- (197) The Union industry's return on investment, the profit as a percentage of the net book value of assets, increased by 104 % over the period considered but remained very low in the review investigation period.

4.6.3. Conclusion on the situation of the Union industry

- (198) The investigation showed that most of the injury indicators developed negatively and the economic and financial situation of the Union industry deteriorated during the period considered.
- (199) With measures in place, and in a declining market, the Union industry was able to increase its market share by 11 %, despite its prices decreasing.

- (200) The Union industry's production and sales volume followed the same negative trend as the Union consumption. Profitability improved, but was still negative in the review investigation period. Cash flow has deteriorated and is negative during the review investigation period. Investments have decreased over the period considered. Return on investment has somehow recuperated, but hovers only slightly over zero in the review investigation period.
- (201) Profitability, cash flow and return on investment developed positively in the beginning of the period considered. However, the Union industry became again loss-making in the review investigation period.
- (202) At the same time, imports from third countries have decreased both in absolute volumes and market share during the period considered. Despite the decrease in Union consumption the market share of Chinese imports has risen by 4 %, while their price has decreased. Although the average prices of imports from third countries were slightly higher than the very low Chinese prices, the Commission could not conclude whether these imports originated in fact in the PRC, as explained in (171). The average unit price from third countries is only slightly higher than the prices at which the imports from the PRC entered the Union market during the review investigation period. Consequently, regardless of whether the imports from third countries are in fact from the PRC or not, the worsening economic and financial situation of the Union industry coincides with the continued presence at representative volumes of dumped imports from the PRC on the Union market, which continue to significantly undercut the Union industry's prices and therefore have continued to put an unfair competitive pressure on the Union industry.
- (203) The Commission concluded that, upon an overall assessment of the injury factors, the Union industry was still suffering material injury, since it has not improved its economic and financial situation and has not recovered from the material injury that the Commission found in the original investigation.

4.7. Likelihood of continuation of injury

- (204) In accordance with Article 11(2) of the basic Regulation, the Commission examined whether material injury from dumped imports from the PRC would continue should measures be allowed to lapse.
- (205) To establish the likelihood of continuation of injury if the measures against the PRC were repealed the Commission analysed (i) the spare capacity available in the PRC, (ii) the attractiveness of the Union market and (iii) the impact of Chinese imports on the situation of the Union industry should measures be allowed to lapse.

(a) Spare capacity in the PRC

- (206) As explained in recitals (140) to (143), there is substantial spare capacity of the product under review in the PRC, which largely exceed the total Union consumption during the review investigation period.
- (207) In addition, the Commission has found no elements that could indicate any significant increase of domestic demand of the product under review in the PRC or in any other third country market in the near future. The Commission therefore concluded that domestic demand in the PRC or in other third country markets could not absorb the available spare capacity in the PRC.

(b) Attractiveness of the Union market

- (208) As explained in recitals (144) to (145), the Union market is an attractive market for exporting producers from the PRC. The market share of imports from the PRC was 76,2 % during the original investigation period (2001 – 2005), showing the possible level of imports from the PRC should the measures lapse.
- (209) Imports from the PRC excluding the anti-dumping duty would have undercut the Union industry's sales prices by over 60 % in the review investigation period. This is an indication of the likely price level of imports from the PRC should measures be repealed. On this basis, it is likely that the price pressure on the Union market would increase should the measures be repealed, thus leading the Union industry to suffer further injury.
- (210) On this basis, in the absence of measures, exporting producers from the PRC will likely increase their presence in the Union market, in terms of both volume and market share, and at dumped prices that would significantly undercut the Union industry's sales prices.

(c) ***Impact on the Union industry***

- (211) The continuous presence of dumped imports from the PRC in the Union market and their low pricing policy have prevented the Union industry to benefit fully from the existing anti-dumping measures and recover from past injurious dumping practices. Due to the presence of these dumped imports the Union industry has not been able to reflect its costs into its sales prices, which caused a considerable deterioration of its profitability to loss-making levels in the review investigation period.
- (212) If the measures are repealed, the Union industry would not be able to maintain its sales volume and market share against low priced imports from the PRC. It is highly likely that the market share of the PRC would increase rapidly if the measures are allowed to lapse. Further losing sales volume would lead to an even lower utilisation rate and an increase in the average cost of production. Together with increased price pressure, as the undercutting would exceed 60 % without measures, this would lead to a further deterioration of the already precarious financial situation of the Union industry and ultimately the closures of production sites, and eventually the disappearance of the industry anywhere outside of the PRC.
- (213) Therefore, the Commission concluded that there is a strong likelihood that the expiry of the existing measures would lead to a continuation of injury from dumped imports from the PRC and that the already precarious situation of the Union industry would be likely to further deteriorate.

4.8. Conclusion

- (214) The repeal of the measures would in all likelihood result in a significant increase of dumped imports from the PRC at prices far undercutting the Union industry prices. The Commission therefore concluded that there is a strong likelihood of continuation of injury should measures be repealed.

5. UNION INTEREST

- (215) In accordance with Article 21 of the basic Regulation, the Commission examined whether maintaining the existing anti-dumping measures would be against the interest of the Union as a whole.
- (216) The Commission based the determination of the Union interest on an appreciation of all the various interests involved, including those of the Union industry, importers and users. All interested parties were given the opportunity to make their views known pursuant to Article 21(2) of the basic Regulation.
- (217) On this basis, the Commission examined whether, despite the conclusions on the likelihood of a continuation of dumping and injury, compelling reasons existed which would lead to the conclusion that it was not in the Union interest to maintain the existing measures.

5.1. Interest of the Union industry

- (218) The investigation has shown that should the measures be repealed, the fragile situation of the Union industry is very likely to significantly deteriorate further. This could lead to its disappearance and the monopolisation of the market by the Chinese.
- (219) Therefore, the Commission concluded that the continuation of the measures against the PRC would benefit the Union industry.

5.2. Interest of unrelated importers and users

- (220) As indicated in recitals (14) and (17), only one importer and one user wanted to be registered as interested parties and neither of them submitted any comments in this investigation. The low level of cooperation by the importers and users, in line with findings of the previous expiry review, can be explained by the low impact of the product under review on their production costs. It appears that the product is seen as commodity and its price and ability to supply all needed types from one supplier are primary criteria for customers. Given the apparent marginal impact of the product under review on the costs of downstream products, it was concluded that measures would not adversely impact importers and users.

5.3. Conclusion on Union interest

- (221) In view of the above, the Commission concluded that there are no compelling reasons to conclude that it is not in the Union interest to extend the existing anti-dumping measures on imports of the product under review originating in the PRC.

6. ANTI-DUMPING MEASURES

- (222) On the basis of the conclusions reached by the Commission on likelihood of continuation of dumping and injury and Union interest, the anti-dumping measures applicable to imports of tungsten electrodes originating in the PRC should be maintained.
- (223) The individual company anti-dumping duty rates specified in this Regulation are solely applicable to imports of the product under review produced by these companies and thus by the specific legal entities mentioned. Imports of the product under review manufactured by any other company not specifically mentioned in the operative part of this Regulation with its name and address, including entities related to those specifically mentioned, cannot benefit from those rates and shall be subject to the duty rate applicable to 'all other companies'.
- (224) Any claim requesting the application of these individual anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission ⁽⁶⁹⁾ immediately with all relevant information. In particular any modification in the company's activities linked to production, domestic and export sales associated with, for instance, that name change or that change in the production and sales entities. If appropriate, the Regulation will then be amended accordingly by updating the list of companies benefitting from individual duty rates.
- (225) In view of Article 109 of Regulation 2018/1046 ⁽⁷⁰⁾, when an amount is to be reimbursed following a judgment of the Court of Justice of the European Union, the interest to be paid should be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union* on the first calendar day of each month.
- (226) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of tungsten welding electrodes, including tungsten bars and rods for welding electrodes, containing 94 % or more by weight of tungsten, other than those obtained simply by sintering, whether or not cut to length, currently falling under CN codes ex 8101 99 10 and ex 8515 90 80 (TARIC codes 8101 99 10 10 and 8515 90 80 10) and originating in the People's Republic of China.

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

Company	Duty	TARIC additional code
Shandong Weldstone Tungsten Industry Co., Ltd	17,0 %	A754
Shaanxi Yuheng Tungsten & Molybdenum Industrial Co., Ltd	41,0 %	A755
Beijing Advanced Metal Materials Co., Ltd	38,8 %	A756
All other companies	63,5 %	A999

⁽⁶⁹⁾ European Commission, Directorate-General for Trade, Directorate H, B-1049 Brussels, Belgium.

⁽⁷⁰⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, OJ L 193, 30.7.2018, p. 1.

3. The application of the individual duty rates specified for the companies mentioned in paragraph 2 shall be conditional upon presentation to the Member States' customs authorities of a valid commercial invoice, on which shall appear a declaration dated and signed by an official of the entity issuing such invoice, identified by his/her name and function, drafted as follows: '*I, the undersigned, certify that the (volume) of tungsten electrodes sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in [country concerned]. I declare that the information provided in this invoice is complete and correct.*' If no such invoice is presented, the duty applicable to all other companies shall apply.

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

Article 2

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

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

Done at Brussels, 26 July 2019.

For the Commission
The President
Jean-Claude JUNKER

DECISIONS

COMMISSION DECISION (EU) 2019/1268

of 3 July 2019

on the proposed citizens' initiative entitled 'Let's put an end to the era of plastic in Europe'

(notified under document C(2019) 4974)

(Only the French text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative ⁽¹⁾, and in particular Article 4 thereof,

Whereas:

- (1) The subject matter of the proposed citizens' initiative entitled 'Let's put an end to the era of plastic in Europe' refers to the following: 'We call on the European Commission to revise the Directive on the impact of certain plastics on the environment with the aim of banning all single-use plastics in Europe.'
- (2) The objectives of the proposed citizens' initiative refer to the following: 'On 10 May, the European Union already exceeded the limit of the resources that the planet can provide to it. However, and despite the scientific reports stressing the urgent need to act, Europe is not implementing any profound change in its model. Plastic is symptomatic of this stubborn refusal to face the facts, which is at odds with the needs of the environment. We are therefore calling for the banning of all plastic packaging and bottles by 2027 so that concrete measures can begin to be put in place to respect the limits of our resources.'
- (3) The Treaty on European Union (TEU) reinforces citizenship of the Union and enhances further the democratic functioning of the Union by providing, inter alia, that every citizen is to have the right to participate in the democratic life of the Union by way of a European citizens' initiative.
- (4) To this end, the procedures and conditions required for the citizens' initiative should be clear, simple, user-friendly and proportionate to the nature of the citizens' initiative so as to encourage participation by citizens and to make the Union more accessible.
- (5) The Commission has the power to present proposals for legal acts of the Union for the purpose of implementing the Treaties for action to be taken to achieve the objectives of preserving, protecting and improving the quality of the environment, promoting human health, prudent and rational utilisation of natural resources and promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change, on the basis of Article 192(1) TFEU, read in conjunction with Article 191(1) TFEU.
- (6) For these reasons, the proposed citizens' initiative does not manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties in accordance with Article 4(2)(b) of the Regulation.
- (7) Furthermore, the citizens' committee has been formed and the contact persons have been designated in accordance with Article 3(2) of the Regulation and the proposed citizens' initiative is neither manifestly abusive, frivolous or vexatious nor manifestly contrary to the values of the Union as set out in Article 2 TEU.
- (8) The proposed citizens' initiative entitled 'Let's put an end to the era of plastic in Europe' should therefore be registered,

HAS ADOPTED THIS DECISION:

Article 1

The proposed citizens' initiative entitled 'Let's put an end to the era of plastic in Europe' is hereby registered.

⁽¹⁾ OJ L 65, 11.3.2011, p. 1.

Article 2

This Decision shall enter into force on 26 July 2019.

Article 3

This Decision is addressed to the organisers (members of the citizens' committee) of the proposed citizens' initiative entitled 'Let's put an end to the era of plastic in Europe', represented by Ms Daniela PLATSCH and Ms Alice BUSTIN acting as contact persons.

Done at Brussels, 3 July 2019.

For the Commission
Frans TIMMERMANS
First Vice-President

COMMISSION IMPLEMENTING DECISION (EU) 2019/1269**of 26 July 2019****amending Implementing Decision 2014/287/EU setting out criteria for establishing and evaluating European Reference Networks and their Members and for facilitating the exchange of information and expertise on establishing and evaluating such Networks****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare ⁽¹⁾ and in particular Article 12(4)(b) and (c) thereof,

Whereas:

- (1) Commission Implementing Decision 2014/287/EU ⁽²⁾ sets out criteria for establishing and evaluating European Reference Networks and their Members and for facilitating the exchange of information and expertise on establishing and evaluating those Networks. Article 6 of that Decision invited Member States to set up a Board of Member States with a view to deciding whether or not to approve proposals for Networks, their membership and termination. The Member States set up the Board of Member States, which subsequently approved 23 European Reference Networks (ERNs) in December 2016 and one in February 2017. All Networks commenced activities in 2017.
- (2) To increase the efficiency of the European Reference Networks, the Board of Member States should become the forum for exchanging information and expertise in order to steer the development of the ERNs, provide guidance to the Networks and to the Member States and advise the Commission on matters related to the establishment of the Networks. To promote the exchange of experience and to facilitate a process consistent with other cross border exchanges of health data, the Board should foresee a close cooperation with the eHealth Network to develop, wherever possible, common approaches, data structures and guidelines facilitating transparent access to different services and streamlining rules for healthcare providers. The Board should also promote the discussion with other relevant EU fora (such as Steering Group on Health Promotion, Disease Prevention and Management of Non-Communicable Diseases) on areas of common interest.
- (3) The current experience of the 24 existing ERNs has shown that to ensure an effective functioning of each Network, its Members should closely cooperate in performing their tasks, such as exchanging health data concerning patients' diagnoses and treatment in an efficient and secure manner, contributing to scientific research activities and to the development of medical guidelines. Close cooperation requires mutual trust among the Members of each Network and mutual recognition in particular of their expertise and competence, of the quality of their clinical care as well as of their specific human, structural and equipment resources as provided for under point 2 of Annex II to Commission Delegated Decision 2014/286/EU ⁽³⁾.
- (4) Mutual trust and recognition by peers are equally important where healthcare providers wish to join an existing Network as they guarantee the right pre-conditions for future cooperation within the Network. A favourable opinion on the membership application by the Board of the Network that the healthcare provider wishes to join, following a peer review carried out by the Network on the basis of the criteria and conditions set out in point 2 of Annex II to Delegated Decision 2014/286/EU, should therefore accompany such application when it is assessed by an independent assessment body appointed by the Commission. In order to allow the healthcare

⁽¹⁾ OJ L 88, 4.4.2011, p. 45.⁽²⁾ Commission Implementing Decision 2014/287/EU of 10 March 2014 setting out criteria for establishing and evaluating European Reference Networks and their Members and for facilitating the exchange of information and expertise on establishing and evaluating such Networks (OJ L 147, 17.5.2014, p. 79).⁽³⁾ Commission Delegated Decision 2014/286/EU of 10 March 2014 setting out criteria and conditions that European Reference Networks and healthcare providers wishing to join a European Reference Network must fulfil (OJ L 147, 17.5.2014, p. 71).

provider express its views on the opinion of the Board of the Network, the healthcare provider should be permitted to submit comments on the draft opinion within a period of one month from the date of receipt of that opinion.

- (5) Reasonable deadlines should be set out for the Board of the Network as regards the draft and final opinion. The deadline for the final opinion should therefore, in principle be set at four months. However, in case the healthcare provider submits comments on the Board of the Network's draft opinion, the four-month deadline for delivering the final opinion should be extended by one month in order to allow the Board of the Network to take into account the comments received. For reasons of legal certainty, if the Board of the Network fails to send the draft opinion or deliver the final opinion within the deadlines set, the final opinion should be deemed favourable.
- (6) If a membership application receives an unfavourable opinion by the Board of the Network that the healthcare provider wishes to join, while having received the endorsement in the form of a written statement from the healthcare provider's Member State of establishment, the Member State of establishment should have the possibility of requesting the Board of Member States to decide, on the basis of the criteria and conditions set in point 2 of Annex II to Delegated Decision 2014/286/EU, whether the application can nevertheless be submitted to the Commission.
- (7) In order to support health professionals across the ERNs to collaborate remotely in the diagnosis and treatment of patients with rare or low prevalence complex diseases or conditions across national borders and to facilitate scientific research of such diseases or conditions, the Commission developed a Clinical Patient Management System for ERNs ('CPMS') with the aim of facilitating the establishment and functioning of the ERNs as provided for in point (c) of paragraph 4 of Article 12 of Directive 2011/24/EU.
- (8) The CPMS should provide a common infrastructure for health professionals to collaborate within the ERNs in the diagnosis and treatment of patients with rare or low prevalence complex diseases or conditions. It should provide the means through which the exchange of information and expertise on such diseases takes place within the ERNs in the most effective way.
- (9) The CPMS should therefore consist of a secure IT infrastructure providing a common interface where healthcare providers that are members of the ERNs, Affiliated Partners⁽⁴⁾ or guest users ('healthcare providers authorised to access CPMS'), can exchange information within the Networks on the concerned patients with the aim of facilitating their access to safe and high quality healthcare and promoting effective cooperation on healthcare between Member States by facilitating the exchange of relevant information.
- (10) In order to guarantee compliance with data protection rules and ensure the use of an effective and secured environment for the electronic exchange of personal data of patients between healthcare providers within the ERNs for the purposes referred to in paragraph 2 of Article 12 of Directive 2011/24/EU, such exchange should take place only on the basis of the patients' explicit consent and only through the CPMS. The healthcare providers are responsible for ensuring the security of the data they process outside of the CPMS with the aim of entering them into the CPMS, as well as of the data that are not entered into the CPMS but are processed by them in relation with the CPMS (such as consent forms) or of the data downloaded by them from the CPMS and processed outside of the CPMS.
- (11) The CPMS processes sensitive data concerning patients suffering from rare or low prevalence complex diseases. These data are processed solely for the purpose of facilitating patients' diagnosis and treatment, for entering them into relevant registries or other databases for rare and low prevalence complex diseases, which serve a scientific research, clinical or health policy purposes and for contacting potential participants for scientific research initiatives. Healthcare providers within the ERNs should be able to process the patients' data in the CPMS once they have obtained the patients' specific, informed and free consent about three possible uses of their data (medical assessment of the file for advice on diagnosis and treatment, entering the data in rare diseases registries or other databases for rare and low prevalence complex diseases and possibility for the patients to be contacted to participate in a scientific research initiative). The consent should be obtained separately for each of these three purposes. This decision should lay down the purposes and the safeguards for the processing of such data in the CPMS. In particular, the Commission should provide for the general features of the CPMS in relation to each Network, should provide and maintain the secure IT infrastructure required to that end and should ensure its technical functioning and security. In line with the principle of data minimisation, the Commission

⁽⁴⁾ As referred to in recital 14 and point (7)(c) of Annex I of Delegated Decision 2014/286/EU and in the Statement of the Board of Member States of 10 October 2017, available at https://ec.europa.eu/health/sites/health/files/ern/docs/boms_affiliated_partners_en.pdf

should only process personal data strictly necessary in order to ensure the administration of the CPMS in relation to each Network and therefore should not access health data of patients exchanged in the ERNs, unless it is strictly necessary to fulfil its obligations as a joint controller.

- (12) This Implementing Decision should only apply to processing of personal data, which takes place in the CPMS, in particular contact details, and health data, within the ERNs.
- (13) Article 26 of Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽⁵⁾ and Article 28 of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽⁶⁾ place an obligation on joint controllers of personal data processing operations to determine, in a transparent manner, their respective responsibilities for compliance with the obligations under these Regulations. They also provides for the possibility to have those responsibilities determined by Union or Member State law to which the controllers are subject.
- (14) Implementing Decision 2014/287/EU should therefore be amended accordingly.
- (15) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 13 September 2018.
- (16) The measures provided for in this Decision are in accordance with the opinion of the Committee set up under Article 16 of Directive 2011/24/EU,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision 2014/287/EU is amended as follows:

- (1) The following Article 1a is inserted:

‘Article 1a

Definitions

For the purposes of this Implementing Decision the following definitions shall apply:

- (a) “European Reference Networks’ Coordinator” means the person appointed as the Coordinator of the Network by the Member of a European Reference Network chosen as the coordinating Member as referred to in recital 3 and Article 4 of Delegated Decision 2014/286/EU
- (b) “Board of the Network” means a body responsible for the governance of the Network, composed of representatives from each Member in the Network as referred to in recital 3 and point (1)(b)(ii) of Annex I to Delegated Decision 2014/286/EU;
- (c) “Affiliated Partner” means (Associated National Centre, Collaborative National Centre and National Coordination Hub), as referred to in recital 14 and point (7)(c) of Annex I of Delegated Decision 2014/286/EU and in the Statement of the Board of Member States of 10 October 2017;
- (d) “Guest user” means a healthcare provider who is not a member or Affiliated Partner and who has the right, following the approval of the competent European Reference Network Coordinator, for a limited period of time, to enrol patients in CPMS and participate in the panel related to that patient or to participate in a specific panel as an expert.’

- (2) In Article 8, the following paragraphs 4, 5 and 6 are inserted:

‘4. If the Commission concludes that the requirements set out in Article 8(2) and (3) are fulfilled, the Board of the Network that the healthcare provider wishes to join, shall issue an opinion on the membership application, following a peer review carried out by the Network on the basis of the criteria and conditions set out in point 2 of Annex II to Delegated Decision 2014/286/EU.

⁽⁵⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

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

5. Before delivering the opinion referred to in paragraph 4 and within three months from the moment the Commission has confirmed that the requirements set out in Article 8(2) and (3) are fulfilled, the Board of the Network shall send a draft opinion to the applicant healthcare provider that may send comments to the Network within one month of receiving the draft opinion. In case the Board of the Network does not receive comments on that draft, it shall deliver a final opinion on the membership application, within four months from the moment the Commission has confirmed that the requirements set out in Article 8(2) and (3) are fulfilled.

In case the Board of the Network receives comments, the deadline for the delivery of the final opinion is extended to five months from the moment the Commission has confirmed that the requirements set out in Article 8(2) and (3) are fulfilled. On receiving comments, the Board of the Network shall amend its opinion explaining whether the comments justify a change in its assessment. If the Board of the Network fails to send the draft opinion or to deliver its final opinion within the deadlines set above, the final opinion is deemed to be favourable.

6. In case of an unfavourable opinion of the Board of the Network, upon request of the Member State of establishment, the Board of the Member States, may issue a favourable opinion after re-assessing the application on the basis of the criteria and conditions set out in point 2 of Annex II to Delegated Decision 2014/286/EU. That favourable opinion shall accompany the application.'

(3) In Article 9, paragraph 1 is replaced by the following:

'1. If a favourable opinion is issued in accordance with Article 8(5) or (6), the Commission shall appoint a body to assess the membership application which it accompanies.'

(4) In Chapter IV, the following Article 15a is inserted:

'Article 15a

Exchange of information and expertise among the Member States

Member States are invited to exchange information and expertise within the Board of Member States in order to steer the development of the ERNs, provide guidance to the Networks and to the Member States and advise the Commission on matters related to the establishment of the Networks.'

(5) The following Article 16a is inserted:

'Article 16a

The Clinical Patient Management System

1. A Clinical Patient Management System ("CPMS") for the electronic exchange of personal data of patients between healthcare providers authorised to access CPMS within the ERNs is hereby established.

2. The CPMS shall consist of a secure IT tool provided by the Commission for the sharing and hosting of patient data and for real and on-time communication on patient cases within the ERNs.

3. It shall include, inter alia, a medical image viewer, data reporting capabilities, custom datasets and it shall integrate adequate data protection safeguards in accordance with Annex I.'

(6) The following Article 16b is inserted:

'Article 16b

Personal data processed in the CPMS

1. Personal data of patients, which consist of name, gender, date and place of birth and other personal data necessary for the purpose of diagnosis and treatment shall be exchanged and processed within the ERNs exclusively through the CPMS. The processing shall be limited to the purposes of facilitating collaboration on the medical assessment of a patient file for diagnosis and treatment, of entering the data in registries and other databases for rare and low prevalence complex diseases, which serve scientific research, clinical or health policy purposes and of contacting potential participants for scientific research initiatives. It shall be based on a consent obtained in accordance with Annex IV.

2. The Commission shall be regarded as controller of processing of personal data related to the management of access rights and shall process these data on the basis of the explicit consent of the individuals identified by the healthcare providers as users and authorised by the relevant ERNs in so far as necessary to ensure that:

(a) access rights are granted to these individuals;

(b) these individuals may exercise their rights and fulfil their obligations; and

(c) it can fulfil its obligations as a controller.

3. The Commission shall not access personal data of patients, unless it is strictly necessary to fulfil its obligations as a joint controller.

4. Only persons authorised by ERNs and belonging to the categories of staff and other individuals affiliated to the healthcare providers authorised to access CPMS may access personal data of patients in the CPMS.

5. The name of the patient, as well as the place and exact date of birth, shall be encrypted and pseudonymised in the CPMS. Other personal data necessary for the purpose of diagnosis and treatment shall be pseudonymised. Only pseudonymised data shall be available to CPMS users from other healthcare providers for panel discussions and assessment of patient files.

6. The Commission shall ensure the security of transfer and hosting of personal data.

7. Healthcare providers authorised to access CPMS shall delete data no longer necessary. Personal data of patients shall only be retained for as long as necessary in the interest of patient care, diseases' diagnosis or for the purpose of ensuring care within an ERN to the patients' family members. Every 15 years at the latest, each healthcare provider authorised to access CPMS shall review the need to keep the patients' data it is controller of.

8. The effectiveness of technical and organisational measures for ensuring the security of processing of personal data in the CPMS shall be regularly tested, assessed and evaluated by the Commission and by the healthcare providers authorised to access CPMS.'

(7) The following Article 16c is inserted:

'Article 16c

Joint controllership of patients' personal data processed through the CPMS

(1) Each of the healthcare providers processing patients' data in the CPMS and the Commission shall be joint controllers of the processing of these data in the CPMS.

(2) For the purposes of paragraph 1, responsibilities shall be allocated among joint controllers in accordance with Annex III.

(3) Each of the joint controllers shall comply with relevant Union and national legislation to which the respective controller is subject.'

(8) Annex III is added, the text of which is set out in Annex I to this Decision.

(9) Annex IV is added, the text of which is set out in Annex II to this Decision.

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, 26 July 2019.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX I

‘ANNEX III

ALLOCATION OF RESPONSIBILITIES AMONG JOINT CONTROLLERS

1. The Commission shall be responsible for:

- (i) the setting up, operation and administration of the CPMS;
- (ii) providing, where necessary, the technical means to the healthcare providers to enable patients to exercise their rights through the CPMS in accordance with Regulation (EU) 2018/1725 and responding and attending to the requests of data subjects where so required by applicable legislation;
- (iii) ensuring that the CPMS complies with the requirements applicable to Commission's communication and information systems ⁽¹⁾;
- (iv) defining and implementing the technical means to enable patients to exercise their rights in accordance with Regulation (EU) 2018/1725;
- (v) communicating any personal data breaches within the CPMS to the healthcare providers;
- (vi) exporting personal data sets from the CPMS in the event of a change of personal data processor;
- (vii) identifying the categories of staff and other individuals to whom access to the CPMS may be granted, affiliated to the healthcare providers authorised to access CPMS;
- (viii) ensuring that the patients' name and place of birth (unless necessary for diagnosis and treatment), and the exact date of birth are encrypted and pseudonymised and that other personal data necessary for the purpose of diagnosis and treatment are pseudonymised in CPMS;
- (ix) putting adequate safeguards in place to ensure the security and confidentiality of patients' personal data processed through the CPMS.

2. Each healthcare provider authorised to access CPMS shall be responsible for:

- (i) selecting the patients whose personal data are processed through the CPMS;
- (ii) collecting and maintaining explicit, informed, freely-given and specific consent(s) of the patients whose data are processed through the CPMS in compliance with the mandatory minimum requirements for the consent form specified in Annex IV;
- (iii) acting as the contact point for its patients, including when they exercise their rights, responding to the requests of patients or their representatives and ensuring that patients whose data are processed through the CPMS are enabled to exercise their rights in compliance with data protection legislation, using, where necessary, the technical means provided by the Commission in line with point 1(ii);
- (iv) reviewing, at least every 15 years, the necessity of processing specific patients' personal data through the CPMS;
- (v) ensuring the security and confidentiality of any processing of patients' personal data outside the CPMS done by that healthcare provider, where such data is processed for the purposes of or in connection to processing patients' personal data through the CPMS;
- (vi) communicating any personal data breaches with regard to patient data processed through the CPMS to the Commission, to the competent supervisory authorities and, where so required, to patients, in accordance with Articles 33 and 34 of Regulation (EU) 2016/679 or if requested by the Commission;

⁽¹⁾ Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission (OJ L 6, 11.1.2017, p. 40) and Commission Decision of 13 December 2017 laying down implementing rules for Articles 3, 5, 7, 8, 9, 10, 11, 12, 14, 15 of Decision (EU, Euratom) 2017/46 on the security of communication and information systems in the Commission (C(2017) 8841 final).

- (vii) identifying, in compliance with access criteria referred to in point 1(vii) of this Annex, staff and other individuals affiliated to them, whom shall be granted access to patients' personal data within the CPMS and communicating it to the Commission;
 - (viii) ensuring that their staff and other individuals affiliated to them, who have access to patients' personal data within the CPMS, are adequately trained to ensure that they perform their tasks in compliance with the rules applicable to the protection of personal data, and are subject to the obligation of professional secrecy in accordance with Article 9(3) of the Regulation (EU) 2016/679.'
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ANNEX II

‘ANNEX IV

Mandatory minimum requirements for the consent form to be provided by healthcare providers authorised to access CPMS

1. The consent form shall describe the legal basis and lawfulness of processing, concept and purpose of the European Reference Networks (ERNs) established by Directive 2011/24/EU on the application of patients' rights in cross-border healthcare. It shall inform about the specific processing operations and the respective rights of the data subject in accordance with applicable data protection legislation. It shall explain that Networks are constituted of Members that are highly specialised healthcare providers, with the purpose to allow healthcare professionals to work together to support patients with rare or low prevalence complex diseases or conditions that need highly specialised healthcare.
2. The consent form shall request the patient's explicit consent for sharing her/his personal data with one or more ERNs, with the sole purpose to improve her/his access to diagnosis and treatment and the provision of high-quality healthcare. To that end, it shall explain that:
 - (a) if the consent is given, the patients' personal data will be processed by healthcare providers authorised to access CPMS respecting the following conditions:
 - (i) the name of the patient, as well as place and exact date of birth will not be included in the shared data; the patient's identifying data will be replaced by a unique identifier which will not allow identification of the patient to anyone else other than the healthcare provider (pseudonymisation);
 - (ii) only data that are relevant for the purpose of diagnosis and treatment will be shared; this may include area of birth and area of residence, gender, year and month of birth, medical images, laboratory reports, as well as biological sample data. It may also include letters and reports from other healthcare professionals who have cared for the patient in the past;
 - (iii) the patient's data will be shared through the Clinical Patient Management System (CPMS), a secure electronic information system;
 - (iv) only healthcare professionals and other individuals affiliated to such healthcare providers subject to the obligation of professional secrecy who are entitled to have access to patients' data in the Networks will have access to the patient's data;
 - (v) healthcare professionals and other individuals affiliated to such healthcare providers who are entitled to have access to patients' data may run queries in the CPMS and create reports in order to identify similar patient cases;
 - (b) if the consent is not given, it will by no means affect the patient's care by the respective healthcare provider.
3. The consent form may also request the patient's additional consent to her/his data being entered in registries or other databases for rare and low prevalence complex diseases, which serve scientific research, clinical or policy purposes. If consent is requested for this purpose, the consent form shall describe the concept and purpose of rare disease registries or databases and explain that:
 - (a) if the consent is given, the patient's personal data will be processed by healthcare providers authorised to access CPMS respecting the following conditions:
 - (i) only relevant data related to the patient's medical condition will be shared;
 - (ii) healthcare professionals and other individuals affiliated to such healthcare providers who are entitled to have access to patients' data may run queries in the CPMS and create reports in order to identify similar patient cases;
 - (b) if the consent is not given, it will by no means affect either the patient's care by the respective healthcare provider, or the fact that the Network will provide advice on diagnoses and treatment, at the request of the patient.

4. The consent form may also request the patient's additional consent to being contacted by a Network Member who believes the patient could be suitable for a scientific research initiative, a specific scientific research project or parts of a scientific research project. If consent is requested for this purpose, the consent form shall explain that giving at this stage the consent to be contacted for scientific research purposes does not mean giving the consent for the patient's data to be used for a specific scientific research initiative, neither does it mean that the patient will in any event be contacted in connection with, or that the patient will be part of, a specific scientific research project and that:
 - (a) if the consent is given, the patient's personal data will be processed by healthcare providers authorised to access CPMS respecting the following conditions:
 - (i) healthcare professionals and other individuals affiliated to such healthcare providers who are entitled to have access to patients' data may run queries in the CPMS and create reports in order to find patients suitable for scientific research;
 - (ii) if the patient's disease or condition is found relevant for a specific scientific research project, the patient may be contacted for this specific scientific research project, in order to obtain the patient's consent to her/his data being used for that scientific research project;
 - (b) if the consent is not given, it will by no means affect either the patient's care by the respective healthcare provider, or the fact that the Network will provide advice on diagnoses and treatment, at the request of the patient.
 5. The consent form shall explain the rights of the patient as regards her/his respective consent(s) to share personal data and in particular provide the information that the patient:
 - (a) has the right to give or withhold any of the consents and this will not affect her/his care;
 - (b) can withdraw the consent given previously at any time;
 - (c) has the right to know which data are shared in a Network and to access data held about them and request corrections of any errors;
 - (d) can request the blocking or erasure of her/his personal data and has the right to data portability.
 6. The consent form shall inform the patient that the healthcare provider will keep the personal data only for as long as necessary for the purposes to which the patient consented, with a review of the necessity of storing specific patient's personal data in the CPMS at least every 15 years.
 7. The consent form shall inform the patient about the identity and the contact details of the controllers, clearly specifying that the contact point to exercise the patient's rights is the particular healthcare provider authorised to access CPMS, about the contact details of the data protection officers, and where applicable, about available remedies related to data protection, and provide the contact details of the National Data Protection Authority.
 8. The consent form shall record separately the individual consent for each of the three different forms of data sharing in a specific, explicit and unambiguous way:
 - (a) the consent must be shown through a clear affirmative action, for example by the use of a ticking box and a signature on the form;
 - (b) both options (to provide or to refuse the consent) shall be included.'
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COMMISSION IMPLEMENTING DECISION (EU) 2019/1270**of 26 July 2019****amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States***(notified under document C(2019) 5737)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary checks applicable in intra-Union trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽³⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Commission Implementing Decision 2014/709/EU ⁽⁴⁾ lays down animal health control measures in relation to African swine fever in certain Member States, where there have been confirmed cases of that disease in domestic or feral pigs (the Member States concerned). The Annex to that Implementing Decision demarcates and lists certain areas of the Member States concerned in Parts I to IV thereof, differentiated by the level of risk based on the epidemiological situation as regards that disease. The Annex to Implementing Decision 2014/709/EU has been amended several times to take account of changes in the epidemiological situation in the Union as regards African swine fever that need to be reflected in that Annex. The Annex to Implementing Decision 2014/709/EU was last amended by Commission Implementing Decision (EU) 2019/1247 ⁽⁵⁾, following an instance of African swine fever in Poland, Bulgaria and Lithuania.
- (2) Since the date of adoption of Implementing Decision (EU) 2019/1247, there have been further instances of African swine fever in feral and domestic pigs in Bulgaria, Poland and Lithuania that also need to be reflected in the Annex to Implementing Decision 2014/709/EU.
- (3) In July 2019, one outbreak of African swine fever in domestic pigs was observed in the region of Ruse in Bulgaria in an area currently listed in Part I of the Annex to Implementing Decision 2014/709/EU. This outbreak of African swine fever in domestic pigs constitutes an increased level of risk which should be reflected in that Annex. Accordingly, this area of Bulgaria affected by African swine fever should be listed in Part III of the Annex to Implementing Decision 2014/709/EU instead of in Part I thereof.
- (4) In July 2019, one case of African swine fever in feral pigs was observed in the region of Silistra in Bulgaria in an area currently listed in Part I of the Annex to Implementing Decision 2014/709/EU. This case of African swine fever in feral pigs constitutes an increased level of risk which should be reflected in that Annex. Accordingly, this area of Bulgaria affected by African swine fever should be listed in Part II of the Annex to Implementing Decision 2014/709/EU instead of in Part I thereof.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 18, 23.1.2003, p. 11.

⁽⁴⁾ Commission Implementing Decision 2014/709/EU of 9 October 2014 concerning animal health control measures relating to African swine fever in certain Member States and repealing Implementing Decision 2014/178/EU (OJ L 295, 11.10.2014, p. 63).

⁽⁵⁾ Commission Implementing Decision (EU) 2019/1247 of 19 July 2019 amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States (OJ L 194, 22.7.2019, p. 27).

- (5) In July 2019, three outbreaks of African swine fever in domestic pigs were observed in the districts of lubartowski, ciechanowski and sokołowski in Poland in areas currently listed in Part II of the Annex to Implementing Decision 2014/709/EU. These outbreaks of African swine fever in domestic pigs constitute an increased level of risk which should be reflected in that Annex. Accordingly, these areas of Poland affected by African swine fever should be listed in Part III of the Annex to Implementing Decision 2014/709/EU instead of in Part II thereof.
- (6) In July 2019, one outbreak of African swine fever in domestic pigs was observed in the county of Alytus in Lithuania in an area currently listed in Part II of the Annex to Implementing Decision 2014/709/EU. This outbreak of African swine fever in domestic pigs constitutes an increased level of risk which should be reflected in that Annex. Accordingly, this area of Lithuania affected by African swine fever should be listed in Part III of the Annex to Implementing Decision 2014/709/EU instead of in Part II thereof.
- (7) In order to take account of recent developments in the epidemiological evolution of African swine fever in the Union, and in order to combat the risks associated with the spread of that disease in a proactive manner, new high-risk areas of a sufficient size should be demarcated for Bulgaria, Poland and Lithuania and duly listed in Parts I, II and III of the Annex to Implementing Decision 2014/709/EU. The Annex to Implementing Decision 2014/709/EU should therefore be amended accordingly.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision 2014/709/EU is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 July 2019.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

The Annex to Implementing Decision 2014/709/EU is replaced by the following:

‘ANNEX

PART I

1. Belgium

The following areas in Belgium:

in Luxembourg province:

— the area is delimited clockwise by:

- Frontière avec la France,
- Rue Mersinhat,
- La N818 jusque son intersection avec la N83,
- La N83 jusque son intersection avec la N884,
- La N884 jusque son intersection avec la N824,
- La N824 jusque son intersection avec Le Routeux,
- Le Routeux,
- Rue d'Orgéo,
- Rue de la Vierre,
- Rue du Bout-d'en-Bas,
- Rue Sous l'Eglise,
- Rue Notre-Dame,
- Rue du Centre,
- La N845 jusque son intersection avec la N85,
- La N85 jusque son intersection avec la N40,
- La N40 jusque son intersection avec la N802,
- La N802 jusque son intersection avec la N825,
- La N825 jusque son intersection avec la E25-E411,
- La E25-E411 jusque son intersection avec la N40,
- N40: Burnaimont, Rue de Luxembourg, Rue Ranci, Rue de la Chapelle,
- Rue du Tombois,
- Rue Du Pierroy,
- Rue Saint-Orban,
- Rue Saint-Aubain,
- Rue des Cottages,
- Rue de Relune,
- Rue de Rulune,
- Route de l'Ermitage,
- N87: Route de Habay,
- Chemin des Ecoliers,
- Le Routy,
- Rue Burgknapp,
- Rue de la Halte,
- Rue du Centre,
- Rue de l'Eglise,

- Rue du Marquisat,
- Rue de la Carrière,
- Rue de la Lorraine,
- Rue du Beynert,
- Millewée,
- Rue du Tram,
- Millewée,
- N4: Route de Bastogne, Avenue de Longwy, Route de Luxembourg,
- Frontière avec le Grand-Duché de Luxembourg,
- Frontière avec la France,
- La N87 jusque son intersection avec la N871 au niveau de Rouvroy,
- La N871 jusque son intersection avec la N88,
- La N88 jusque son intersection avec la rue Baillet Latour,
- La rue Baillet Latour jusque son intersection avec la N811,
- La N811 jusque son intersection avec la N88,
- La N88 jusque son intersection avec la N883 au niveau d'Aubange,
- La N883 jusque son intersection avec la N81 au niveau d'Aubange,
- La N81 jusque son intersection avec la E25-E411,
- La E25-E411 jusque son intersection avec la N40,
- La N40 jusque son intersection avec la rue du Fet,
- Rue du Fet,
- Rue de l'Accord jusque son intersection avec la rue de la Gaume,
- Rue de la Gaume jusque son intersection avec la rue des Bruyères,
- Rue des Bruyères,
- Rue de Neufchâteau,
- Rue de la Motte,
- La N894 jusque son intersection avec la N85,
- La N85 jusque son intersection avec la frontière avec la France.

2. Bulgaria

The following areas in Bulgaria:

the whole region of Yambol,

the whole region of Sliven,

the whole region of Vidin,

in the region of Sofia District:

- the whole municipality of Dragoman,
- the whole municipality of Svoje,
- the whole municipality of Botevgrad,
- the whole municipality of Etropole,

the whole region of Lovech excluding the areas in Part III,

the whole region of Burgas excluding the areas in Part III.

3. Estonia

The following areas in Estonia:

- Hiiu maakond.

4. Hungary

The following areas in Hungary:

- Borsod-Abaúj-Zemplén megye 651100, 651300, 651400, 651500, 651610, 651700, 651801, 651802, 651803, 651900, 652000, 652200, 652300, 652601, 652602, 652603, 652700, 652900, 653000, 653100, 653200, 653300, 653401, 653403, 653500, 653600, 653700, 653800, 653900, 654000, 654201, 654202, 654301, 654302, 654400, 654501, 654502, 654600, 654700, 654800, 654900, 655000, 655100, 655200, 655300, 655500, 655600, 655700, 655800, 655901, 655902, 656000, 656100, 656200, 656300, 656400, 656600, 657300, 657400, 657500, 657600, 657700, 657800, 657900, 658000, 658201, 658202 és 658403 kódszámú vadgazdálkodási egységeinek teljes területe,
- Hajdú-Bihar megye 900750, 901250, 901260, 901270, 901350, 901551, 901560, 901570, 901580, 901590, 901650, 901660, 901750, 901950, 902050, 902150, 902250, 902350, 902450, 902550, 902650, 902660, 902670, 902750, 903250, 903650, 903750, 903850, 904350, 904750, 904760, 904850, 904860, 905360, 905450 és 905550 kódszámú vadgazdálkodási egységeinek teljes területe,
- Heves megye 702550, 703350, 703360, 703450, 703550, 703610, 703750, 703850, 703950, 704050, 704150, 704250, 704350, 704450, 704550, 704650, 704750, 704850, 704950, 705050, és 705350 kódszámú vadgazdálkodási egységeinek teljes területe,
- Jász-Nagykun-Szolnok megye 750150, 750160, 750250, 750260, 750350, 750450, 750460, 750550, 750650, 750750, 750850, 750950, 751150, 752150 és 755550 kódszámú vadgazdálkodási egységeinek teljes területe,
- Nógrád megye 552010, 552150, 552250, 552350, 552450, 552460, 552520, 552550, 552610, 552620, 552710, 552850, 552860, 552950, 552970, 553050, 553110, 553250, 553260, 553350, 553650, 553750, 553850, 553910 és 554050 kódszámú vadgazdálkodási egységeinek teljes területe,
- Pest megye 571250, 571350, 571550, 571610, 571750, 571760, 572250, 572350, 572550, 572850, 572950, 573360, 573450, 580050 és 580450 kódszámú vadgazdálkodási egységeinek teljes területe,
- Szabolcs-Szatmár-Bereg megye 851950, 852350, 852450, 852550, 852750, 853560, 853650, 853751, 853850, 853950, 853960, 854050, 854150, 854250, 854350, 855350, 855450, 855550, 855650, 855660 és 855850 kódszámú vadgazdálkodási egységeinek teljes területe.

5. Latvia

The following areas in Latvia:

- Aizputes novads Cīravas pagasta daļa uz ziemeļiem no autoceļa 1192, Lažas pagasta daļa uz ziemeļrietumiem no autoceļa 1199 un uz ziemeļiem no Padures autoceļa,
- Alsungas novads,
- Durbes novads Dunalkas pagasta daļa uz rietumiem no autoceļiem P112, 1193 un 1192, un Tadaikšu pagasts,
- Kuldīgas novads Gudenieku pagasts,
- Pāvilostas novads,
- Stopiņu novads daļa, kas atrodas uz rietumiem no autoceļa V36, P4 un P5, Acones ielas, Dauguļupes ielas un Dauguļpītes,
- Ventspils novads Jūrkalnes pagasts,
- Grobiņas novads,
- Rucavas novads Dunikas pagasts.

6. Lithuania

The following areas in Lithuania:

- Jurbarko rajono savivaldybė: Smalininkų ir Viešvilės seniūnijos,
- Kelmės rajono savivaldybė: Kelmės, Kelmės apylinkių, Kražių, Kukečių seniūnijos dalis į pietus nuo kelio Nr. 2128 ir į vakarus nuo kelio Nr. 2106, Liolių, Pakražančio seniūnijos, Tytuvėnų seniūnijos dalis į vakarus ir šiaurę nuo kelio Nr. 157 ir į vakarus nuo kelio Nr. 2105 ir Tytuvėnų apylinkių seniūnijos dalis į šiaurę nuo kelio Nr. 157 ir į vakarus nuo kelio Nr. 2105, ir Vaiguvos seniūnijos,
- Pagėgių savivaldybė,
- Plungės rajono savivaldybė,
- Raseinių rajono savivaldybė: Girkalnio ir Kalnųjų seniūnijos dalis į šiaurę nuo kelio Nr. A1, Nemakščių, Paliepių, Raseinių, Raseinių miesto ir Viduklės seniūnijos,

- Rietavo savivaldybė,
- Skuodo rajono savivaldybė,
- Šilalės rajono savivaldybė,
- Šilutės rajono savivaldybė: Juknaičių, Kintų, Šilutės ir Usenų seniūnijos,
- Tauragės rajono savivaldybė: Lauksargių, Skaudvilės, Tauragės, Mažonų, Tauragės miesto ir Žygaičių seniūnijos.

7. Poland

The following areas in Poland:

w województwie warmińsko-mazurskim:

- gmina Ruciane – Nida w powiecie piskim,
- część gminy Ryn położona na południe od linii kolejowej łączącej miejscowości Giżycko i Kętrzyn w powiecie giżyckim,
- gminy Mikołajki, Piecki, część gminy wiejskiej Mrągowo położona na południe od linii wyznaczonej przez drogę nr 16 biegnącą od zachodniej granicy gminy do granicy miasta Mrągowo oraz na południe od linii wyznaczonej przez drogę nr 59 biegnącą od wschodniej granicy gminy do granicy miasta Mrągowo w powiecie mrągowskim,
- gminy Dźwierzuty, Pasym, Rozogi i Świętajno w powiecie szczycieńskim,
- gminy Gronowo Elbląskie, Markusy, Rychliki, część gminy Elbląg położona na zachód od zachodniej granicy powiatu miejskiego Elbląg i na północ od linii wyznaczonej przez drogę nr 22 i część gminy Tolkmicko niewymieniona w części II załącznika w powiecie elbląskim oraz strefa wód przybrzeżnych Zalewu Wiślanego i Zatoki Elbląskiej,
- gminy Gietrzwałd, Purda, Stawiguda, Jonkowo, Świętki i miasto Olsztyn w powiecie olsztyńskim,
- gminy Łukta, Miłakowo, Małdyty, Miłomłyn i Morąg w powiecie ostródzkim,
- gmina Zalewo w powiecie iławskim,

w województwie podlaskim:

- gminy Rudka, Wyszki, część gminy Brańsk położona na północ od linii od linii wyznaczonej przez drogę nr 66 biegnącą od wschodniej granicy gminy do granicy miasta Brańsk i miasto Brańsk w powiecie bielskim,
- gminy Kolno z miastem Kolno, Mały Płock i Turośl w powiecie kolneńskim,
- gmina Poświętne w powiecie białostockim,
- gminy Kulesze Kościelne, Nowe Piekuty, Szepietowo, Klukowo, Wysokie Mazowieckie z miastem Wysokie Mazowieckie, Czyżew w powiecie wysokomazowieckim,
- gminy Miastkowo, Nowogród, Śniadowo i Zbójna w powiecie łomżyńskim,
- powiat zambrowski,

w województwie mazowieckim:

- powiat ostrołęcki,
- powiat miejski Ostrołęka,
- powiat płocki,
- powiat sierpecki,
- powiat żuromiński,
- gminy Andrzejewo, Boguty – Pianki, Brok, Małkinia Górna, Stary Lubotyń, Szulborze Wielkie, Wąsewo, Zaręby Kościelne i Ostrów Mazowiecka z miastem Ostrów Mazowiecka w powiecie ostrowskim,
- gminy Dzierzgowo, Lipowiec Kościelny, Radzanów, Stupsk, Szreńsk, Szydłowo, Wieczfnia Kościelna, Wiśniewo i część gminy Strzegowo położona na zachód od linii wyznaczonej przez drogę nr 7 w powiecie mławskim,
- powiat przasnyski,
- powiat makowski,
- gminy Gzy, Obryte, Zatory, Pułtusk i część gminy Winnica położona na wschód od linii wyznaczonej przez drogę łączącą miejscowości Bielany, Winnica i Pokrzywnica w powiecie pułtuskim,
- gminy Brańszczyk, Długosiodło, Rząśnik, Wyszków, Zabrodzie i część gminy Somianka położona na północ od linii wyznaczonej przez drogę nr 62 w powiecie wyszkowskim,
- gminy Jadów, Klembów, Poświętne, Strachówka i Tuszcz w powiecie wołomińskim,

- gminy Garbatka Letnisko, Gniewoszków i Sieciechów w powiecie kozienickim,
 - gminy Baranów i Jaktorów w powiecie grodziskim,
 - powiat żyrardowski,
 - gminy Belsk Duży, Błędów, Goszczyn i Mogielnica w powiecie grójeckim,
 - gminy Białobrzegi, Promna, Stara Błotnica, Wyśmierzyce i Radzanów w powiecie białobrzeskim,
 - gminy Jedlińsk, Jastrzębia i Pionki z miastem Pionki w powiecie radomskim,
 - gminy Iłów, Nowa Sucha, Rybno, część gminy Teresin położona na południe od linii wyznaczonej przez drogę nr 92, część gminy wiejskiej Sochaczew położona na południe od linii wyznaczonej przez drogę nr 92 i część miasta Sochaczew położona na południowy zachód od linii wyznaczonej przez drogi nr 50 i 92 w powiecie sochaczewskim,
 - gmina Policzna w powiecie zwoleniskim,
 - gmina Solec nad Wisłą w powiecie lipskim,
- w województwie lubelskim:
- gminy Nowodwór, Ryki, Ułęż i miasto Dęblin w powiecie ryckim,
 - gmina Janowiec i część gminy wiejskiej Puławy położona na zachód od rzeki Wisły w powiecie puławskim,
 - gminy Bełżyce, Borzechów, Bychawa, Niedzwica Duża, Konopnica, Strzyżewice, Wysokie, Wojciechów i Zakrzew w powiecie lubelskim,
 - gminy Adamów, Miączyn, Radecznica, Sitno, Komarów-Osada, Krasnobród, Łabunie, Sułów, Szczepieszyn, Zamość, Zwierzyniec i Radecznica w powiecie zamojskim,
 - powiat miejski Zamość,
 - gminy Chodel, Karczmiska, Łaziska, Opole Lubelskie, Poniatowa i Wilków w powiecie opolskim,
 - gmina Żółkiewka w powiecie krasnostawskim,
 - gminy Krynice, Rachanie i Tarnawatka w powiecie tomaszowskim,
 - gminy Aleksandrów, Józefów, Łukowa, Obsza, Terespol, Turobin, Frampol, Goraj w powiecie biłgorajskim,
 - gminy Kraśnik z miastem Kraśnik, Szastarka, Trzydnik Duży, Urzędów, Wilkołaz i Zakrzówek w powiecie kraśnickim,
 - gminy Modliborzyce, Potok Wielki, Chrzanów i Batorz w powiecie janowskim;
- w województwie podkarpackim:
- gminy Cieszanów, Oleszyce, Stary Dzików, Wielki Oczy i Lubaczów z miastem Lubaczów w powiecie lubaczowskim,
 - gminy Laszki i Wiązownica w powiecie jarosławskim,
 - gminy Pysznica, Zaleszany i miasto Stalowa Wola w powiecie stalowowolskim,
 - gmina Gorzyce w powiecie tarnobrzskim;
- w województwie świętokrzyskim:
- gminy Tarłów i Ożarów w powiecie opatowskim,
 - gminy Dwikozy, Zawichost i miasto Sandomierz w powiecie sandomierskim.

8. Romania

The following areas in Romania:

- Județul Alba,
- Județul Cluj,
- Județul Harghita,
- Județul Hunedoara,
- Județul Iași cu restul comunelor care nu sunt incluse în partea II,
- Județul Neamț,
- Restul județului Mehedinți care nu a fost inclus în Partea III cu următoarele comune:
 - Comuna Garla Mare,
 - Hinova,

- Burila Mare,
- Gruia,
- Pristol,
- Dubova,
- Municipiul Drobeta Turnu Severin,
- Eselnița,
- Salcia,
- Devesel,
- Svinița,
- Gogoșu,
- Simian,
- Orșova,
- Obârșia Closani,
- Baia de Aramă,
- Bala,
- Florești,
- Broșteni,
- Corcova,
- Isverna,
- Balta,
- Podeni,
- Cireșu,
- Ilovîța,
- Ponoarele,
- Ilovăț,
- Patulele,
- Jiana,
- Iyvoru Bârzii,
- Malovat,
- Bălvănești,
- Breznița Ocol,
- Godeanu,
- Padina Mare,
- Corlățel,
- Vânju Mare,
- Vânjuleț,
- Obârșia de Câmp,
- Vânători,
- Vladaia,
- Pungina,
- Cujmir,
- Oprișor,
- Dârvari,
- Căzănești,
- Husnicioara,
- Poroina Mare,

- Prunișor,
- Tămna,
- Livezile,
- Rogova,
- Voloiac,
- Sisești,
- Sovarna,
- Bălăcița,
- Județul Gorj,
- Județul Suceava,
- Județul Mureș,
- Județul Sibiu,
- Județul Caraș-Severin.

PART II

1. Belgium

The following areas in Belgium:

in Luxembourg province:

- the area is delimited clockwise by:
- La frontière avec la France au niveau de Florenville,
- La N85 jusque son intersection avec la N894 au niveau de Florenville,
- La N894 jusque son intersection avec la rue de la Motte,
- La rue de la Motte jusque son intersection avec la rue de Neufchâteau,
- La rue de Neufchâteau,
- La rue des Bruyères jusque son intersection avec la rue de la Gaume,
- La rue de la Gaume jusque son intersection avec la rue de l'Accord,
- La rue de l'Accord,
- La rue du Fet,
- La N40 jusque son intersection avec la E25-E411,
- La E25-E411 jusque son intersection avec la N81 au niveau de Weyler,
- La N81 jusque son intersection avec la N883 au niveau d'Aubange,
- La N883 jusque son intersection avec la N88 au niveau d'Aubange,
- La N88 jusque son intersection avec la N811,
- La N811 jusque son intersection avec la rue Baillet Latour,
- La rue Baillet Latour jusque son intersection avec la N88,
- La N88 jusque son intersection avec la N871,
- La N871 jusque son intersection avec la N87 au niveau de Rouvroy,
- La N87 jusque son intersection avec la frontière avec la France.

2. Bulgaria

The following areas in Bulgaria:

- the whole region of Varna,
- the whole region of Dobrich,
- the whole region of Shumen.

3. Estonia

The following areas in Estonia:

- Eesti Vabariik (välja arvatud Hiiu maakond).

4. Hungary

The following areas in Hungary:

- Heves megye 700150, 700250, 700260, 700350, 700450, 700460, 700550, 700650, 700750, 700850, 700860, 700950, 701050, 701111, 701150, 701250, 701350, 701550, 701560, 701650, 701750, 701850, 701950, 702050, 702150, 702250, 702260, 702350, 702450, 702750, 702850, 702950, 703050, 703150, 703250, 703370, 705150, 705250, 705450, 705510 és 705610 kódszámú vadgazdálkodási egységeinek teljes területe,
- Szabolcs-Szatmár-Bereg megye 850950, 851050, 851150, 851250, 851350, 851450, 851550, 851560, 851650, 851660, 851751, 851752, 852850, 852860, 852950, 852960, 853050, 853150, 853160, 853250, 853260, 853350, 853360, 853450, 853550, 854450, 854550, 854560, 854650, 854660, 854750, 854850, 854860, 854870, 854950, 855050, 855150, 855250, 855460, 855750, 855950, 855960, 856051, 856150, 856250, 856260, 856350, 856360, 856450, 856550, 856650, 856750, 856760, 856850, 856950, 857050, 857150, 857350, 857450, 857650, valamint 850150, 850250, 850260, 850350, 850450, 850550, 852050, 852150, 852250 és 857550, továbbá 850650, 850850, 851851 és 851852 kódszámú vadgazdálkodási egységeinek teljes területe,
- Nógrád megye 550110, 550120, 550130, 550210, 550310, 550320, 550450, 550460, 550510, 550610, 550710, 550810, 550950, 551010, 551150, 551160, 551250, 551350, 551360, 551450, 551460, 551550, 551650, 551710, 551810, 551821, 552360 és 552960 kódszámú vadgazdálkodási egységeinek teljes területe,
- Borsod-Abaúj-Zemplén megye 650100, 650200, 650300, 650400, 650500, 650600, 650700, 650800, 650900, 651000, 651200, 652100, 655400, 656701, 656702, 656800, 656900, 657010, 657100, 658100, 658310, 658401, 658402, 658404, 658500, 658600, 658700, 658801, 658802, 658901, 658902, 659000, 659100, 659210, 659220, 659300, 659400, 659500, 659601, 659602, 659701, 659800, 659901, 660000, 660100, 660200, 660400, 660501, 660502, 660600 és 660800, valamint 652400, 652500 és 652800 kódszámú vadgazdálkodási egységeinek teljes területe,
- Hajdú-Bihar megye 900150, 900250, 900350, 900450, 900550, 900650, 900660, 900670, 901850, 900850, 900860, 900930, 900950, 901050, 901150, 901450, 902850, 902860, 902950, 902960, 903050, 903150, 903350, 903360, 903370, 903450, 903550, 904450, 904460, 904550, 904650 kódszámú vadgazdálkodási egységeinek teljes területe.

5. Latvia

The following areas in Latvia:

- Ādažu novads,
- Aizputes novads Kalvenes pagasts pagasta daļa uz dienvidiem no autoceļa A9,
- Aglonas novads,
- Aizkraukles novads,
- Aknīstes novads,
- Alojas novads,
- Alūksnes novads,
- Amatas novads,
- Apes novads,
- Auces novads,
- Babītes novads,
- Baldones novads,
- Baltnavas novads,
- Balvu novads,
- Bauskas novads,
- Beverīnas novads,
- Brocēnu novads Blīdenes pagasts, Remtes pagasta daļa uz austrumiem no autoceļa 1154 un P109,
- Burtnieku novads,
- Carnikavas novads,
- Cēsu novads,
- Cesvaines novads,
- Ciblas novads,

- Dagdas novads,
- Daugavpils novads,
- Dobeles novads,
- Dundagas novads,
- Durbes novada Durbes pagasta daļa uz dienvidiem no dzelzceļa līnijas Jelgava-Liepāja,
- Engures novads,
- Ērgļu novads,
- Garkalnes novads,
- Gulbenes novads,
- Iecavas novads,
- Ikšķiles novads,
- Ilūkstes novads,
- Inčukalna novads,
- Jaunjelgavas novads,
- Jaunpiebalgas novads,
- Jaunpils novads,
- Jēkabpils novads,
- Jelgavas novads,
- Kandavas novads,
- Kārsavas novads,
- Ķeguma novads,
- Ķekavas novads,
- Kocēnu novads,
- Kokneses novads,
- Krāslavas novads,
- Krimuldas novads,
- Krustpils novads,
- Kuldīgas novada Ēdoles, Īvandes, Padures, Rendas, Kables, Rumbas, Kurmāles, Pelču, Snēpeles, Turlavas, Laidu un Vārmes pagasts, Kuldīgas pilsēta,
- Lielvārdes novads,
- Līgatnes novads,
- Limbažu novads,
- Līvānu novads,
- Lubānas novads,
- Ludzas novads,
- Madonas novads,
- Mālpils novads,
- Mārupes novads,
- Mazsalacas novads,
- Mērsraga novads,
- Naukšēnu novads,
- Neretas novads,
- Ogres novads,
- Olaines novads,
- Ozolnieku novads,
- Pārgaujas novads,
- Pļaviņu novads,

- Preiļu novads,
- Priekules novads,
- Priekuļu novads,
- Raunas novads,
- republikas pilsēta Daugavpils,
- republikas pilsēta Jelgava,
- republikas pilsēta Jēkabpils,
- republikas pilsēta Jūrmala,
- republikas pilsēta Rēzekne,
- republikas pilsēta Valmiera,
- Rēzeknes novads,
- Riebiņu novads,
- Rojas novads,
- Ropažu novads,
- Rugāju novads,
- Rundāles novads,
- Rūjienas novads,
- Salacgrīvas novads,
- Salas novads,
- Salaspils novads,
- Saldus novada Novadnieku, Kursīšu, Zvārdes, Pampāļu, Šķēdes, Nīgrandes, Zaņas, Ezeres, Rubas, Jaunaucē un Vadakstes pagasts,
- Saulkrastu novads,
- Sējas novads,
- Siguldas novads,
- Skrīveru novads,
- Skrundas novads,
- Smiltenes novads,
- Stopiņu novada daļa, kas atrodas uz austrumiem no autoceļa V36, P4 un P5, Acones ielas, Dauguļupes ielas un Dauguļupītes,
- Strenču novads,
- Talsu novads,
- Tērvetes novads,
- Tukuma novads,
- Vaiņodes novads,
- Valkas novads,
- Varakļānu novads,
- Vārkavas novads,
- Vecpiebalgas novads,
- Vecumnieku novads,
- Ventspils novada Ances, Tārgales, Popes, Vārves, Užavas, Piltenes, Puzes, Ziru, Ugāles, Usmas un Zlēku pagasts, Piltenes pilsēta,
- Viesītes novads,
- Viļakas novads,
- Viļānu novads,
- Zilupes novads.

6. Lithuania

The following areas in Lithuania:

- Alytaus miesto savivaldybė,
- Alytaus rajono savivaldybė: Alytaus, Alovės, Butrimonių, Daugų, Nemunaičio, Pivašiūnų, Punios, Raitininkų seniūnijos,
- Anykščių rajono savivaldybė,
- Akmenės rajono savivaldybė: Ventos ir Papilės seniūnijos,
- Biržų miesto savivaldybė,
- Biržų rajono savivaldybė,
- Druskininkų savivaldybė,
- Elektrėnų savivaldybė,
- Ignalinos rajono savivaldybė,
- Jonavos rajono savivaldybė,
- Joniškio rajono savivaldybė: Kepalių, Kriukų, Saugėlaukio ir Satkūnų seniūnijos,
- Jurbarko rajono savivaldybė,
- Kaišiadorių rajono savivaldybė,
- Kalvarijos savivaldybė: Akmenynų, Liubavo, Kalvarijos seniūnijos dalis į pietus nuo kelio Nr. 131 ir į pietus nuo kelio Nr. 200 ir Sangrūdų seniūnijos,
- Kauno miesto savivaldybė,
- Kauno rajono savivaldybė: Babtų, Batniavos, Čekiškės, Domeikavos, Garliavos, Garliavos apylinkių, Karmėlavos, Kulautuvos, Lapių, Linksmakalnio, Neveronių, Raudondvario, Rokų, Samylų, Taurakiemio, Užliedžių, Vandžiogalos, Vilkijos ir Vilkijos apylinkių seniūnijos,
- Kelmės rajono savivaldybė: Tytuvėnų seniūnijos dalis į rytus ir pietus nuo kelio Nr. 157 ir į rytus nuo kelio Nr. 2105 ir Tytuvėnų apylinkių seniūnijos dalis į pietus nuo kelio Nr. 157 ir į rytus nuo kelio Nr. 2105, Užvenčio, Kukečių dalis į šiaurę nuo kelio Nr. 2128 ir į rytus nuo kelio Nr. 2106, ir Šaukėnų seniūnijos,
- Kėdainių rajono savivaldybė,
- Kupiškio rajono savivaldybė,
- Lazdijų rajono savivaldybė: Būdviečio, Kapčiamieščio, Kučiūnų ir Noragėlių seniūnijos,
- Marijampolės savivaldybė: Degučių, Mokolų ir Narto seniūnijos,
- Mažeikių rajono savivaldybė: Šerkšnėnų, Sedos ir Židikų seniūnijos,
- Molėtų rajono savivaldybė,
- Pakruojo rajono savivaldybė,
- Panevėžio rajono savivaldybė,
- Panevėžio miesto savivaldybė,
- Pasvalio rajono savivaldybė,
- Radviliškio rajono savivaldybė,
- Prienų rajono savivaldybė: Stakliškių ir Veiverių seniūnijos
- Raseinių rajono savivaldybė: Ariogalos, Betygalos, Pagojukų, Šiluvos, Kalnujų seniūnijos ir Girkalnio seniūnijos dalis į pietus nuo kelio Nr. A1,
- Rokiškio rajono savivaldybė,
- Šakių rajono savivaldybė: Barzdų, Griškabūdžio, Kidulių, Kudirkos Naumiesčio, Lekėčių, Sintautų, Slavikų, Sudargo, Žvirgždaičių seniūnijos ir Kriukų seniūnijos dalis į rytus nuo kelio Nr. 3804, Lukšių seniūnijos dalis į rytus nuo kelio Nr. 3804, Šakių seniūnijos dalis į pietus nuo kelio Nr. 140 ir į pietvakarius nuo kelio Nr. 137
- Šalčininkų rajono savivaldybė,
- Šiaulių miesto savivaldybė,
- Šiaulių rajono savivaldybė: Šiaulių kaimiškoji seniūnija,
- Šilutės rajono savivaldybė: Rusnės seniūnija,
- Širvintų rajono savivaldybė,

- Švenčionių rajono savivaldybė,
- Tauragės rajono savivaldybė: Batakių ir Gaurės seniūnijos,
- Telšių rajono savivaldybė,
- Trakų rajono savivaldybė,
- Ukmergės rajono savivaldybė,
- Utenos rajono savivaldybė,
- Varėnos rajono savivaldybė,
- Vilniaus miesto savivaldybė,
- Vilniaus rajono savivaldybė,
- Vilkaviškio rajono savivaldybė: Bartninkų, Gražiškių, Keturvalakių, Kybartų, Klausučių, Pajevonio, Šeimenos, Vilkaviškio miesto, Virbalio, Vištyčio seniūnijos,
- Visagino savivaldybė,
- Zarasų rajono savivaldybė.

7. Poland

The following areas in Poland:

w województwie warmińsko-mazurskim:

- gminy Kalinowo, Prostki i gmina wiejska Elk w powiecie elckim,
- gminy Godkowo, Milejewo, Młynary, Pasłęk, część gminy Elbląg położona na południe od linii wyznaczonej przez drogę nr 22 oraz na południe i na południowy wschód od granicy powiatu miejskiego Elbląg, i część obszaru lądowego gminy Tolkmicko położona na południe od linii brzegowej Zalewu Wiślanego i Zatoki Elbląskiej do granicy z gminą wiejską Elbląg w powiecie elbląskim,
- powiat miejski Elbląg,
- powiat gołdapski,
- gmina Wieliczki w powiecie oleckim,
- gminy Orzysz, Biała Piska i Pisz w powiecie piskim,
- gminy Górowo Iławeckie z miastem Górowo Iławeckie i Bisztynek w powiecie bartoszyckim,
- gminy Kolno, Jeziorany, Barczewo, Biskupiec, Dywity i Dobre Miasto w powiecie olsztyńskim,
- powiat braniewski,
- gmina Reszel, część gminy Kętrzyn położona na południe od linii kolejowej łączącej miejscowości Giżycko i Kętrzyn biegnącej do granicy miasta Kętrzyn, na zachód od linii wyznaczonej przez drogę nr 591 biegnącą od miasta Kętrzyn do północnej granicy gminy oraz na zachód i na południe od zachodniej i południowej granicy miasta Kętrzyn, miasto Kętrzyn i część gminy Korsze położona na południe od linii wyznaczonej przez drogę biegnącą od wschodniej granicy łączącą miejscowości Kreliekijmy i Sątoczno i na wschód od linii wyznaczonej przez drogę łączącą miejscowości Sątoczno, Sajna Wielka biegnącą do skrzyżowania z drogą nr 590 w miejscowości Glitajny, a następnie na wschód od drogi nr 590 do skrzyżowania z drogą nr 592 i na południe od linii wyznaczonej przez drogę nr 592 biegnącą od zachodniej granicy gminy do skrzyżowania z drogą nr 590 w powiecie kętrzyńskim,
- gminy Lidzbark Warmiński z miastem Lidzbark Warmiński, Lubomino, Orneta i część gminy Kiwity położona na południe od linii wyznaczonej przez drogę nr 513 w powiecie lidzbarskim,
- gmina Sorkwity i część gminy wiejskiej Mrągowo położona na północ od linii wyznaczonej przez drogę nr 16 biegnącą od zachodniej granicy gminy do granicy miasta Mrągowo oraz na północ od linii wyznaczonej przez drogę nr 59 biegnącą od wschodniej granicy gminy do granicy miasta Mrągowo w powiecie mrągowskim;

w województwie podlaskim:

- powiat grajewski,
- powiat moniecki,
- powiat sejneński,
- gminy Łomża, Piątnica, Jedwabne, Przytuły i Wiznaw powiecie łomżyńskim,
- powiat miejski Łomża,

- gminy Dziadkowice, Grodzisk, Mielnik, Nurzec-Stacja i Siemiatycze z miastem Siemiatycze w powiecie siemiatyckim,
 - gminy Białowieża, Czyże, Narew, Narewka, Hajnówka z miastem Hajnówka i część gminy Dubicze Cerkiewne położona na północny wschód od linii wyznaczonej przez drogę nr 1654B w powiecie hajnowskim,
 - gminy Kobylin-Borzymy i Sokoly w powiecie wysokomazowieckim,
 - gminy Grabowo i Stawiski w powiecie kolneńskim,
 - gminy Czarna Białostocka, Dobrzyniewo Duże, Gródek, Juchnowiec Kościelny, Łapy, Michałowo, Supraśl, Suraż, Turośń Kościelna, Tykocin, Wasilków, Zabłudów, Zawady i Choroszcz w powiecie białostockim,
 - miasto Bielsk Podlaski, część gminy Bielsk Podlaski położona na zachód od linii wyznaczonej przez drogę nr 19 biegnącą od południowo-zachodniej granicy gminy do granicy miasta Bielsk Podlaski, na północ od linii wyznaczonej przez drogę nr 689 biegnącą od wschodniej granicy gminy do wschodniej granicy miasta Bielsk Podlaski oraz na północ i północny zachód od granicy miasta Bielsk Podlaski, część gminy Boćki położona na zachód od linii od linii wyznaczonej przez drogę nr 19 i część gminy Brańsk położona na południe od linii od linii wyznaczonej przez drogę nr 66 biegnącą od wschodniej granicy gminy do granicy miasta Brańsk w powiecie bielskim,
 - powiat suwalski,
 - powiat miejski Suwałki,
 - powiat augustowski,
 - powiat sokólski,
 - powiat miejski Białystok;
- w województwie mazowieckim:
- gminy Korczew, Kotuń, Paprotnia, Przesmyki, Wodynie, Skórzec, Mokobody, Mordy, Siedlce, Suchożebry i Zbuczyn w powiecie siedleckim,
 - powiat miejski Siedlce,
 - gminy Bielany, Ceranów, Kosów Lacki, Repki i gmina wiejska Sokołów Podlaski w powiecie sokołowskim,
 - powiat węgrowski,
 - powiat łosicki,
 - gminy Grudusk, Opinogóra Górna, Gołymín-Ośrodek i część gminy Gliniojeck położona na zachód od linii wyznaczonej przez drogę nr 7 w powiecie ciechanowskim,
 - gminy Brochów, Młodzieszyn, część gminy Teresin położona na północ od linii wyznaczonej przez drogę nr 92, część gminy wiejskiej Sochaczew położona na północ od linii wyznaczonej przez drogę nr 92 i część miasta Sochaczew położona na północny wschód od linii wyznaczonej przez drogi nr 50 i 92 w powiecie sochaczewskim,
 - powiat nowodworski,
 - powiat płoński,
 - gminy Pokrzywnica, Świercze i część gminy Winnica położona na zachód od linii wyznaczonej przez drogę łączącą miejscowości Bielany, Winnica i Pokrzywnica w powiecie pułtuskim,
 - gminy Dąbrówka, Kobyłka, Marki, Radzymin, Wołomin, Zielonka i Ząbki w powiecie wołomińskim,
 - część gminy Somianka położona na południe od linii wyznaczonej przez drogę nr 62 w powiecie wyszkowskim,
 - gminy Borowie, Garwolin z miastem Garwolin, Górzno, Miastków Kościelny, Parysów, Pilawa, Trojanów, Żelechów, część gminy Wilga położona na północ od linii wyznaczonej przez rzekę Wilga biegnącą od wschodniej granicy gminy do ujścia do rzeki Wisły w powiecie garwolińskim,
 - powiat otwocki,
 - powiat warszawski zachodni,
 - powiat legionowski,
 - powiat piaseczyński,
 - powiat pruszkowski,
 - gminy Chynów, Grójec, Jasieniec, Pniewy i Warkaw powiecie grójeckim,
 - gminy Milanówek, Grodzisk Mazowiecki, Podkowa Leśna i Żabia Wola w powiecie grodziskim,
 - gminy Grabów nad Pilicą, Magnuszew, Głowaczów, Kozienice w powiecie kozienickim,

- gmina Stromiec w powiecie białobrzeskim,
 - powiat miejski Warszawa;
- w województwie lubelskim:
- gminy Janów Podlaski, Kodeń, Tucznia, Leśna Podlaska, Rossosz, Łomazy, Konstantynów, Piszczac, Rokitno, Biała Podlaska, Zalesie, Terespol z miastem Terespol, Drelów, Międzyrzec Podlaski z miastem Międzyrzec Podlaski w powiecie białskim,
 - powiat miejski Biała Podlaska,
 - gminy Markuszów, Nałęczów, Kazimierz Dolny, Końskowola, Kurów, Wąwolnica, Żyrzyn, Baranów, część gminy wiejskiej Puławy położona na wschód od rzeki Wisły i miasto Puławy w powiecie puławskim,
 - gminy Kłoczew i Stężyca w powiecie ryckim;
 - gminy Stoczek Łukowski z miastem Stoczek Łukowski, Wola Mysłowska, Trzebieszów, Stanin, część gminy wiejskiej Łuków położona na wschód od linii wyznaczonej przez drogę nr 63 biegnącą od północnej granicy gminy do granicy miasta Łuków i na północ od linii wyznaczonej przez drogę nr 806 biegnącą od wschodniej granicy miasta Łuków do wschodniej granicy gminy wiejskiej Łuków i miasto Łuków w powiecie łukowskim,
 - gminy Jabłonna, Krzczonów i Garbów w powiecie lubelskim,
 - gminy Rybczewice i Piaski w powiecie świdnickim,
 - gminy Fajslawice i część gminy Łopiennik Górny położona na zachód od linii wyznaczonej przez drogę nr 17 w powiecie krasnostawskim,
 - gminy Dołhobyczów, Mircze, Trzeszczany, Werbkowice i część gminy wiejskiej Hrubieszów położona na południe od linii wyznaczonej przez drogę nr 844 oraz na południe od linii wyznaczonej przez drogę nr 74 i miasto Hrubieszów w powiecie hrubieszowskim,
 - Łaszczów, Telatyn, Tyszowce i Ulhówek w powiecie tomaszowskim,
 - część gminy Wojsławice położona na zachód od linii wyznaczonej przez drogę biegnącą od północnej granicy gminy przez miejscowość Wojsławice do południowej granicy gminy w powiecie chełmskim,
 - gmina Grabowiec i część gminy Skierbieszów położona na wschód od linii wyznaczonej przez drogę nr 843 w powiecie zamojskim,
 - gminy Annopol, Dzierzkowice i Gościeradów w powiecie kraśnickim,
 - gmina Józefów nad Wisłą w powiecie opolskim,
- w województwie podkarpackim:
- gminy Radomyśl nad Sanem i Zaklików w powiecie stalowowolskim,
 - gmina Horyniec-Zdrój w powiecie lubaczowskim.

8. Romania

The following areas in Romania:

- Restul județului Maramureș care nu a fost inclus în Partea III cu următoarele comune:
 - Comuna Vișeu de Sus,
 - Comuna Moisei,
 - Comuna Borșa,
 - Comuna Oarța de Jos,
 - Comuna Suciul de Sus,
 - Comuna Coroieni,
 - Comuna Târgu Lăpuș,
 - Comuna Vima Mică,
 - Comuna Boiu Mare,
 - Comuna Valea Chioarului,
 - Comuna Ulmeni,
 - Comuna Băsești,
 - Comuna Baia Mare,
 - Comuna Tăuții Magherăuș,

- Comuna Cicărlău,
- Comuna Seini,
- Comuna Ardușat,
- Comuna Farcasa,
- Comuna Salsig,
- Comuna Asuaju de Sus,
- Comuna Băița de sub Codru,
- Comuna Bicaz,
- Comuna Grosi,
- Comuna Recea,
- Comuna Baia Sprie,
- Comuna Sisesti,
- Comuna Cernesti,
- Copalnic Mănăstur,
- Comuna Dumbrăvița,
- Comuna Cupseni,
- Comuna Șomcuța Mare,
- Comuna Sacaleșeni,
- Comuna Remetea Chioarului,
- Comuna Mireșu Mare,
- Comuna Ariniș,
- Județul Bistrița-Năsăud,
- Județul Iași cu următoarele comune:
 - Bivolari,
 - Trifești,
 - Probota,
 - Movileni,
 - Țigănași,
 - Popricani,
 - Victoria,
 - Golăești,
 - Aroneanu,
 - Iași,
 - Rediu,
 - Miroslava,
 - Bârnova,
 - Ciurea,
 - Mogosești,
 - Grajduri,
 - Scânteia,
 - Scheia,
 - Dobrovăț,
 - Schitu Duca,
 - Tușora,
 - Tomești,
 - Bosia,

- Prisăcani,
- Osoi,
- Costuleni,
- Răducăneni,
- Dolhești,
- Gorban,
- Ciortești,
- Moșna,
- Cozmești,
- Grozești,
- Holboca.

PART III

1. Bulgaria

The following areas in Bulgaria:

the whole region of Montana,

the whole region of Ruse,

the whole region of Razgrad,

the whole region of Silistra,

the whole region of Pleven,

the whole region of Vratza,

the whole region of Targovishte,

in the region of Lovech:

— within municipality of Lovech:

- Bahovitsa,
- Vladinya,
- Goran,
- Devetaki,
- Doyrentsi,
- Drenov,
- Yoglav,
- Lisets,
- Slavyani,
- Slatina,
- Smochan,

— within municipality of Lukovit:

- Bezhanovo,
- Dermantsi,
- Karlukovo,
- Lukovit,
- Petrevene,
- Todorichene,
- Aglen,

— within municipality of Ugarchin:

- Dragana,
- Katunets,

in the region of Veliko Tarnovo:

- the whole municipality of Svishtov,
- the whole municipality of Pavlikeni
- the whole municipality of Polski Trambesh
- the whole municipality of Strajitsa,

in Burgas region:

- the whole municipality of Burgas,
- the whole municipality of Kameno,
- the whole municipality of Malko Tarnovo,
- the whole municipality of Primorsko,
- the whole municipality of Sozopol,
- the whole municipality of Sredets,
- the whole municipality of Tsarevo.

2. Latvia

The following areas in Latvia:

- Aizputes novada Aizputes pagasts, Cīravas pagasta daļa uz dienvidiem no autoceļa 1192, Kazdangas pagasts, Kalvenes pagasta daļa uz ziemeļiem no autoceļa A9, Lažas pagasta dienvidaustrumu daļa un pagasta daļa uz dienvidaustrumiem no autoceļa 1199 un uz dienvidiem no Padures autoceļa, Aizputes pilsēta,
- Durbes novada Vecpils pagasts, Durbes pagasta daļa uz ziemeļiem no dzelzceļa līnijas Jelgava-Liepāja, Dunalkas pagasta daļa uz austrumiem no autoceļiem P112, 1193 un 1192, Durbes pilsēta,
- Brocēnu novada Cieceres un Gaiķu pagasts, Remtes pagasta daļa uz rietumiem no autoceļa 1154 un P109, Brocēnu pilsēta,
- Saldus novada Saldus, Zirņu, Lutriņu un Jaunlutriņu pagasts, Saldus pilsēta.

3. Lithuania

The following areas in Lithuania:

- Akmenės rajono savivaldybė: Akmenės, Kruopių, Naujosios Akmenės kaimiškoji ir Naujosios Akmenės miesto seniūnijos,
- Alytaus rajono savivaldybė: Simno sen, Krokialaukio ir Miroslovo seniūnijos,
- Birštono savivaldybė,
- Joniškio rajono savivaldybė: Gaižaičių, Gataučių, Joniškio, Rudiškių, Skaistgirio, Žagarės seniūnijos,
- Kalvarijos savivaldybė: Kalvarijos seniūnijos dalis į šiaurę nuo kelio Nr. 131 ir į šiaurę nuo kelio Nr. 200,
- Kauno rajono savivaldybė: Akademijos, Alšėnų, Ežerėlio, Kačerginės, Ringaudų ir Zapyškio seniūnijos,
- Kazlų Rudos savivaldybė: Antanavo, Kazlų Rudos, Jankų ir Plutiškių seniūnijos,
- Lazdijų rajono savivaldybė: Krosnos, Lazdijų miesto, Lazdijų, Seirijų, Šeštokų, Šventežerio ir Veisiejų seniūnijos,
- Marijampolės savivaldybė: Gudelių, Igliaukos, Liudvinavo, Marijampolės, Sasnavos ir Šunskų seniūnijos,
- Mažeikių rajono savivaldybės: Laižuvos, Mažeikių apylinkės, Mažeikių, Reivyčių, Tirkšlių ir Viekšnių seniūnijos,
- Prienų rajono savivaldybė: Ašmintos, Balbieriškio, Išlaužo, Jiezno, Naujosios Ūtos, Pakuonio, Prienų ir Šilavotos seniūnijos,
- Šakių rajono savivaldybė: Gelgaudiškio ir Plokščių seniūnijos ir Kriūkų seniūnijos dalis į vakarus nuo kelio Nr. 3804, Lukšių seniūnijos dalis į vakarus nuo kelio Nr. 3804, Šakių seniūnijos dalis į šiaurę nuo kelio Nr. 140 ir į šiaurės rytus nuo kelio Nr. 137,
- Šiaulių rajono savivaldybės: Bubių, Ginkūnų, Gruzdžių, Kairių, Kuršėnų kaimiškoji, Kuršėnų miesto, Kužių, Meškučių, Raudėnų ir Šakynos seniūnijos,
- Šakių rajono savivaldybė: Gelgaudiškio ir Plokščių seniūnijos ir Kriūkų seniūnijos dalis į vakarus nuo kelio Nr. 3804, Lukšių seniūnijos dalis į vakarus nuo kelio Nr. 3804, Šakių seniūnijos dalis į šiaurę nuo kelio Nr. 140 ir į šiaurės rytus nuo kelio Nr. 137,
- Vilkaviškio rajono savivaldybės: Gižų ir Pilviškių seniūnijos.

4. Poland

The following areas in Poland:

w województwie warmińsko-mazurskim:

- gminy Sępólno i Bartoszyce z miastem Bartoszyce w powiecie bartoszyckim,
- część gminy Kiwity położona na północ od linii wyznaczonej przez drogę nr 513 w powiecie lidzbarskim,
- gminy Srokowo, Barciany, część gminy Kętrzyn położona na północ od linii kolejowej łączącej miejscowości Giżycko i Kętrzyn biegnącej do granicy miasta Kętrzyn oraz na wschód od linii wyznaczonej przez drogę nr 591 biegnącą od miasta Kętrzyn do północnej granicy gminy i część gminy Korsze położona na północ od linii wyznaczonej przez drogę biegnącą od wschodniej granicy łączącą miejscowości Krelikiejmy i Sątoczno i na zachód od linii wyznaczonej przez drogę łączącą miejscowości Sątoczno, Sajna Wielka biegnącą do skrzyżowania z drogą nr 590 w miejscowości Glitajny, a następnie na zachód od drogi nr 590 do skrzyżowania z drogą nr 592 i na północ od linii wyznaczonej przez drogę nr 592 biegnącą od zachodniej granicy gminy do skrzyżowania z drogą nr 590 w powiecie kętrzyńskim,
- gmina Stare Juchy w powiecie elckim,
- gminy Kowale Oleckie, Olecko i Świętajno w powiecie oleckim,
- powiat węgorzewski,
- gminy Kruklanki, Wydmyny, Miłki, Giżycko z miastem Giżycko i część gminy Ryn położona na północ od linii kolejowej łączącej miejscowości Giżycko i Kętrzyn w powiecie giżyckim,

w województwie podlaskim:

- gmina Orla, część gminy Bielsk Podlaski położona na wschód od linii wyznaczonej przez drogę nr 19 biegnącą od południowo-zachodniej granicy gminy do granicy miasta Bielsk Podlaski i na południe od linii wyznaczonej przez drogę nr 689 biegnącą od wschodniej granicy gminy do wschodniej granicy miasta Bielsk Podlaski i część gminy Boćki położona na wschód od linii wyznaczonej przez drogę nr 19 w powiecie bielskim,
- gminy Kleszczele, Czeremcha i część gminy Dubicze Cerkiewne położona na południowy zachód od linii wyznaczonej przez drogę nr 1654B w powiecie hajnowskim,
- gminy Perlejewo, Drohiczyn i Milejczyce w powiecie siemiatyckim,
- gmina Ciechanowiec w powiecie wysokomazowieckim,

w województwie mazowieckim:

- gminy Domanice i Wiśniew w powiecie siedleckim,
- gminy Łaskarzew z miastem Łaskarzew, Maciejowice, Sobolew i część gminy Wilga położona na południe od linii wyznaczonej przez rzekę Wilga biegnącą od wschodniej granicy gminy do ujścia dorzeczki Wisły w powiecie garwolińskim,
- powiat miński,
- gminy Jabłonna Lacka, Sabnie i Sterdyń w powiecie sokołowskim,
- gminy Ojrzeń, Sońsk, Regimin, Ciechanów z miastem Ciechanów i część gminy Gliniojeck położona na wschód od linii wyznaczonej przez drogę nr 7 w powiecie ciechanowskim,
- część gminy Strzegowo położona na wschód od linii wyznaczonej przez drogę nr 7 w powiecie mławskim,
- gmina Nur w powiecie ostrowskim,

w województwie lubelskim:

- gminy Bełzec, Jarczów, Lubycza Królewska, Susiec, Tomaszów Lubelski i miasto Tomaszów Lubelski w powiecie tomaszowskim,
- gminy Białopole, Dubienka, Chełm, Leśniowice, Wierzbica, Sawin, Ruda Huta, Dorohusk, Kamień, Rejowiec, Rejowiec Fabryczny z miastem Rejowiec Fabryczny, Siedliszcze, Żmudź i część gminy Wojsławice położona na wschód od linii wyznaczonej przez drogę biegnącą od północnej granicy gminy do miejscowości Wojsławice do południowej granicy gminy w powiecie chełmskim,
- powiat miejski Chełm,
- gminy Izbica, Gorzków, Rudnik, Kraśniczyn, Krasnystaw z miastem Krasnystaw, Siennica Różana i część gminy Łopiennik Górny położona na wschód od linii wyznaczonej przez drogę nr 17 w powiecie krasnostawskim,
- gmina Stary Zamość, Nielisz i część gminy Skierbieszów położona na zachód od linii wyznaczonej przez drogę nr 843 w powiecie zamojskim,
- gminy Hanna, Hańsk, Wola Uhruska, Urszulín, Stary Brus, Wiryki i gmina wiejska Włodawa w powiecie włodawskim,

- powiat łączyński,
 - gmina Trawniki w powiecie świdnickim,
 - gminy Sławatycze, Sosnówka i Wisznice w powiecie bialskim,
 - gminy Adamów, Krzywda, Serokomla, Wojcieszków i część gminy wiejskiej Łuków położona na zachód od linii wyznaczonej przez drogę nr 63 biegnącą od północnej granicy gminy do granicy miasta Łuków, a następnie na północ, zachód, południe i wschód od linii stanowiącej północną, zachodnią, południową i wschodnią granicę miasta Łuków do jej przecięcia się z drogą nr 806 i na południe od linii wyznaczonej przez drogę nr 806 biegnącą od wschodniej granicy miasta Łuków do wschodniej granicy gminy wiejskiej Łuków w powiecie łukowskim,
 - powiat parczewski,
 - powiat radzyński,
 - powiat lubartowski,
 - gminy Horodło, Uchanie, Niedźwiada i część gminy wiejskiej Hrubieszów położona na północ od linii wyznaczonej przez drogę nr 844 biegnącą od zachodniej granicy gminy wiejskiej Hrubieszów do granicy miasta Hrubieszów oraz na północ od linii wyznaczonej przez drogę nr 74 biegnącą od wschodniej granicy miasta Hrubieszów do wschodniej granicy gminy wiejskiej Hrubieszów w powiecie hrubieszowskim,
 - gminy Głusk, Jastków, Niemce i Wólka w powiecie lubelskim,
 - gminy Mełgiew i miasto Świdnik w powiecie świdnickim,
 - powiat miejski Lublin,
- w województwie podkarpackim:
- gmina Narol w powiecie lubaczowskim.

5. Romania

The following areas in Romania:

- Zona oraşului Bucureşti,
- Judeţul Constanţa,
- Judeţul Satu Mare,
- Judeţul Tulcea,
- Judeţul Bacău,
- Judeţul Bihor,
- Judeţul Brăila,
- Judeţul Buzău,
- Judeţul Călăraşi,
- Judeţul Dâmboviţa,
- Judeţul Galaţi,
- Judeţul Giurgiu,
- Judeţul Ialomiţa,
- Judeţul Ilfov,
- Judeţul Prahova,
- Judeţul Sălaj,
- Judeţul Vaslui,
- Judeţul Vrancea,
- Judeţul Teleorman,
- Partea din judeţul Maramureş cu următoarele delimitări:
 - Comuna Petrova,
 - Comuna Bistra,
 - Comuna Repedea,
 - Comuna Poienile de sub Munte,

- Comuna Vișeu e Jos,
- Comuna Ruscova,
- Comuna Leordina,
- Comuna Rozavlea,
- Comuna Strâmtura,
- Comuna Bârsana,
- Comuna Rona de Sus,
- Comuna Rona de Jos,
- Comuna Bocoiu Mare,
- Comuna Sighetu Marmației,
- Comuna Sarasau,
- Comuna Câmpulung la Tisa,
- Comuna Săpânța,
- Comuna Remeti,
- Comuna Giulești,
- Comuna Ocna Șugatag,
- Comuna Desești,
- Comuna Budești,
- Comuna Băiuț,
- Comuna Cavnic,
- Comuna Lăpuș,
- Comuna Dragomirești,
- Comuna Ieud,
- Comuna Săliștea de Sus,
- Comuna Săcel,
- Comuna Călinești,
- Comuna Vadu Izei,
- Comuna Botiza,
- Comuna Bogdan Vodă,
- Localitatea Groșii Țibileșului, comuna Suciul de Sus,
- Localitatea Vișeu de Mijloc, comuna Vișeu de Sus,
- Localitatea Vișeu de Sus, comuna Vișeu de Sus.
- Partea din județul Mehedinți cu următoarele comune:
 - Comuna Strehăia,
 - Comuna Greci,
 - Comuna Brejnita Motru,
 - Comuna Butoiești,
 - Comuna Stângăceaua,
 - Comuna Grozești,
 - Comuna Dumbrava de Jos,
 - Comuna Băcles,
 - Comuna Bălăcița,
- Județul Argeș,
- Județul Olt,
- Județul Dolj,
- Județul Arad,

- Județul Timiș,
- Județul Covasna,
- Județul Brașov,
- Județul Botoșani,
- Județul Vâlcea.

PART IV

Italy

The following areas in Italy:

- tutto il territorio della Sardegna.'
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