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([1]) Text with EEA relevance.

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Commission Notice

Technical guidance on the application of 'do no significant harm' under the Recovery and Resilience Facility Regulation

(2021/C 58/01)

This document is based on the text of the Regulation on the Recovery and Resilience Facility as politically agreed between the European Parliament and the Council in December 2020 (2020/0104 (COD)) ([1]).

This technical guidance is intended to assist national authorities in the preparation of the Recovery and Resilience Plans under the Recovery and Resilience Facility Regulation. Only the Court of Justice of the European Union is competent to authoritatively interpret Union law.

The Regulation establishing the Recovery and Resilience Facility (RRF) provides that no measure included in a Recovery and Resilience Plan (RRP) should lead to significant harm to environmental objectives within the meaning of Article 17 of the Taxonomy Regulation ([2]) ([3]). According to the RRF Regulation, the assessment of the RRPs should ensure that each and every measure (i.e. each reform and each investment) within the plan complies with the 'do no significant harm' principle (DNSH) ([4]).

The RRF Regulation also states that the Commission should provide technical guidance on how DNSH should apply in the context of the RRF ([5]). The present document provides this technical guidance. This guidance is limited to setting out the modalities of the DNSH application in the context of the RRF only, taking into consideration its specific characteristics, and is without prejudice to the application and implementation of the Taxonomy Regulation and other legislative acts adopted in relation to other EU funds. This guidance aims to clarify the meaning of DNSH and how it should be applied in the context of the RRF, and how the Member States can demonstrate that their proposed measures in the RRP comply with DNSH. Concrete worked out examples on how DNSH should be demonstrated in the plans are provided in Annex IV to this guidance.

([1]) https://data.consilium.europa.eu/doc/document/ST-14310-2020-INIT/en/pdf. The numbering and the wording of the enacting provisions are subject to modifications during the ongoing legal revision.

([2]) See Article 4a ('*Horizontal principles*') of the RRF Regulation (which states that the RFF can only support measures that respect DNSH) and Articles 15 and 16 ('*Recovery and Resilience Plan*' and '*Commission assessment*') (which further set out that the RRPs should explain and be assessed in light of '*how the plan ensures that no measure for the implementation of reforms and investments included in the plan makes a significant harm to environmental objectives within the meaning of Article 17 of Regulation (EU) 2020/852 ("do no significant harm")*').

([3]) The 'Taxonomy Regulation' refers to Regulation (EU) 2020/852 on the establishment of a framework to facilitate sustainable investment, by setting out a classification system (or 'taxonomy') for environmentally sustainable economic activities.

([4]) The '*Assessment guidelines for the Facility*' annexed to the RRF Regulation set out a number of assessment guidelines as a basis for the Commission to assess the proposals for RRPs as submitted by the Member States. The Commission is therein requested to use a rating system, ranging from A to C, for all the '*Commission assessment*' criteria listed in Article 16(3) of the Regulation. Assessment criterion (d) clarifies that for the assessment of DNSH, the Commission has only two rating options, A or C. 'A' if no measure within a RRP leads to significant harm to environmental objectives and 'C' if one or more measures lead to significant harm to environmental objectives (within the meaning of Article 17 ('*Significant harm to environmental objectives*') of the Taxonomy Regulation). That Annex stipulates that a RRP does not comply satisfactorily with the assessment criteria as from the occurrence of a single 'C'. In such a case, the plan could not be endorsed by the Commission.

([5]) This technical guidance document supplements the initial guidance already provided by the Commission in the Annual Sustainable Growth Strategy 2021, and the accompanying staff working document and updates thereof.

1. What is 'Do No Significant Harm'?

For the purposes of the RRF Regulation, DNSH is to be interpreted within the meaning of Article 17 of the Taxonomy Regulation. This article defines what constitutes 'significant harm' for the six environmental objectives covered by the Taxonomy Regulation:

1. An activity is considered to do significant harm to *climate change mitigation* if it leads to significant greenhouse gas (GHG) emissions;

2. An activity is considered to do significant harm to *climate change adaptation* if it leads to an increased adverse impact of the current climate and the expected future climate, on the activity itself or on people, nature or assets ([6]);

3. An activity is considered to do significant harm to the *sustainable use and protection of water and marine resources* if it is detrimental to the good status or the good ecological potential of bodies of water, including surface water and groundwater, or to the good environmental status of marine waters;

4. An activity is considered to do significant harm to the *circular economy*, including waste prevention and recycling, if it leads to significant inefficiencies in the use of materials or in the direct or indirect use of natural resources, or if it significantly increases the generation, incineration or disposal of waste, or if the long-term disposal of waste may cause significant and long-term environmental harm;

5. An activity is considered to do significant harm to *pollution prevention and control* if it leads to a significant increase in emissions of pollutants into air, water or land;

6. An activity is considered to do significant harm to the *protection and restoration of biodiversity and ecosystems* if it is significantly detrimental to the good condition and resilience of ecosystems, or detrimental to the conservation status of habitats and species, including those of Union interest.

2. How should DNSH be applied in the context of the RRF?

This section provides guidance on key issues underlying the DNSH assessment: the fact that all measures need to be addressed as part of the DNSH assessment (Section 2.1), although for certain measures the DNSH assessment can take a simplified form (Section 2.2); the relevance of EU environmental legislation and impact assessments (Section 2.3); the core guiding principles of the assessment (Section 2.4); and the applicability of the technical screening criteria of the Taxonomy Regulation (Section 2.5).

2.1. *All measures need to be addressed as part of the DNSH assessment*

Member States need to provide a DNSH assessment for each and every measure ([7]) of their RRP. According to the RRF Regulation, *no measure* included in a RRP should entail significant harm to environmental objectives, and the Commission cannot assess positively the RRP if one or more measures do not comply with DNSH. As a consequence, Member States need to provide an *individual* DNSH assessment for each measure within each component of the plan ([8]). Therefore, the DNSH assessment is not to be carried out at the level of the plan or of individual components of the plan, but at measure level. This applies equally to measures that are considered to provide a contribution to the green transition and all other measures included in the RRPs ([9]).

([6]) This means specifically that significant harm to the objective of climate change adaptation can be done by either (i) not adapting an activity to the adverse impacts of climate change when that activity is at risk of such impacts (such as a building in a flood-prone area), or (ii) by maladaptation, when putting in place an adaptation solution that protects one area ('*people, nature or assets*'), while increasing risks in another area (such as building a dyke around a plot in a flood plain which results in shifting the damages to a neighbouring plot that is not protected).

([7]) According to Article 14 ('*Eligibility*') of the RRF Regulation, '*Recovery and resilience plans eligible for financing under this Facility instrument shall comprise measures for the implementation of reforms and public investment.*'

([8]) Compliance with DNSH is assessed at the level of each *measure* within the context of the RRF, while Article 17 *('Significant harm to environmental objectives')* of the Taxonomy Regulation refers to *economic activities*. A measure under the RRF (i.e. an investment or a reform) is an intervention that may constitute an economic activity or that may trigger (changes to) economic activities. Therefore, for the purposes of the RRF, *economic activities* as set out in Article 17 of the Taxonomy Regulation are interpreted as *measures* in this guidance.

([9]) As such, the scope of activities covered by the DNSH assessment under the RRF Regulation is different, and considerably broader than the one under the Taxonomy Regulation, which aims to identify environmentally sustainable economic activities. It thus classifies and sets out criteria for environmentally sustainable economic activities that substantially contribute to the environmental objectives listed in Articles 10 to 15 of that Regulation, and do not significantly harm those objectives. This is a different aim than the RRF Regulation, which aims to demonstrate that a wide range of measures do no significant harm to any of the environmental objectives.

Member States need to assess both reforms and investments. Under the RRF, Member States need to put forward coherent packages of measures, including both reforms and investments (in accordance with Article 14(1) of the RRF Regulation). The DNSH assessment needs to be carried out not only for investments, but also for reforms. Reforms in some sectors, including industry, transport and energy, while having the potential to significantly contribute to the green transition, can also entail a risk of significant harm to a number of environmental objectives, depending on how they are designed ([10]). On the other hand, reforms in other sectors (e.g. education and training, public administration, and arts and culture) will likely have a limited risk of environmental harm (see simplified approach in Sections 2.2 and 3), independently of their potential contribution to the green transition, which might still be significant. The present guidance aims to support Member States in carrying out the DNSH assessment for both investments and reforms. The fact that the DNSH assessment must be carried out for reforms should not be understood as a deterrent for inclusion in the RRPs of important reforms in the areas of industry, transport and energy, given that such measures have a major potential to foster the green transition and to promote the recovery.

2.2. *For certain measures, the DNSH assessment can take a simplified form*

While all measures require a DNSH assessment, a simplified approach can be taken for measures that have no or an insignificant foreseeable impact on all or some of the six environmental objectives. By design, certain measures might have a limited bearing on one or several environmental objectives. In this case, Member States may provide a brief justification for those environmental objectives and focus the substantive DNSH assessment on environmental objectives that may be significantly impacted (see Section 3, Step 1). For instance, a labour market reform intended to increase the overall level of social protection for the self-employed would have no or an insignificant foreseeable impact on any of the six environmental objectives, and a brief justification could be used for all six objectives. Similarly, for some simple energy efficiency measures, such as the replacement of existing windows with new, energy-efficient windows, a brief justification could be used as regards compliance with DNSH for the climate change mitigation objective. By contrast, this simplified approach is unlikely to be applicable to some investments and reforms in a number of areas (e.g. energy, transport, waste management, industry) which have a higher risk to affect one or more of the environmental objectives.

When a measure is tracked as 100 % supporting one of the six environmental objectives, this measure is considered compliant with DNSH for that objective ([11]). Some measures are tracked as supporting climate change or other environmental objectives in the context of the RRF, according to the 'Methodology for climate tracking' annexed to the RRF Regulation. Where a measure is tracked with a 100 % coefficient as supporting climate change objectives, DNSH is considered complied with for the relevant climate change objective (i.e. climate change mitigation or adaptation) ([12]). Where a measure is tracked with a 100 % coefficient as supporting environmental objectives other than the climate-related ones, DNSH is considered complied with for the relevant environmental objective (i.e. water and marine resources, the circular economy, pollution prevention and control, or biodiversity and ecosystems). In each case, Member States will have to identify and substantiate which of the six environmental objectives of the Taxonomy Regulation the measure supports. Member States would nevertheless need to demonstrate that the measure does not significantly harm the remaining environmental objectives ([13]).

([10]) For instance, a reform that may lead to an increase in funding for fossil fuels through government-owned banks and financial institutions, or an increase in explicit or implicit subsidies for fossil fuels, could be considered to risk causing significant harm to the objectives of climate change mitigation and pollution prevention and control. These considerations would need to be reflected in the DNSH assessment.

([11]) To reflect the extent to which a measure contributes to the overarching climate targets set out in the RRF Regulation and compute the overall shares of the plan's total allocation related to climate, Member States should use the methodology, intervention fields and associated coefficients for climate tracking, according to the 'Methodology for climate tracking' annexed to the RRF Regulation. Where the Commission has not validated the choice of intervention field and coefficient proposed by a Member State, the measure will not be considered automatically compliant with DNSH for the relevant objective(s), and the DNSH assessment will still need to be carried out.

([12]) For instance, a support/renewal scheme for the replacement of outdated rolling stock with zero tailpipe emission rolling stock could fall in this category.

([13]) The approach mentioned in this paragraph is not applicable for measures tracked with a 40 % coefficient. For such measures, Member States will need to provide an explanation of why the measure is compliant with DNSH, taking into account the general principles outlined in the rest of this guidance document (for example, Member States will need to confirm that no fossil fuels are involved, or that the criteria spelled out in Annex III are complied with for the climate change mitigation objective). Where measures tracked with a 40 % coefficient have no or an insignificant foreseeable impact on a specific environmental objective, or where they 'contribute substantially' to a specific environmental objective pursuant to the Taxonomy Regulation, Member States will still be able to apply a simplified approach for that environmental objective (as per the first and third paragraphs of Section 2.2).

Similarly, where a measure 'contributes substantially' ([14]), pursuant to the Taxonomy Regulation, to one of the six environmental objectives, this measure is considered compliant with DNSH for that objective ([15]). For example, a Member State putting forward a measure that supports the manufacture of energy efficiency equipment for buildings (e.g. presence and daylight controls for lighting systems) would not have to carry out a substantive DNSH assessment for the objective of climate change mitigation, in case the Member State can show that the proposed measure 'contributes substantially' to that environmental objective, in line with the Taxonomy Regulation. In such a case, Member States would only have to demonstrate the absence of significant harm to the other five environmental objectives.

2.3. *Relevance of EU law and impact assessments*

Complying with the applicable EU and national environmental law is a separate obligation and does not waive the need for a DNSH assessment. All measures proposed in the RRPs must comply with the relevant EU legislation, including the relevant EU environmental legislation. Although compliance with the existing EU legislation provides a strong indication that the measure does not entail environmental harm, it does not automatically imply that a measure complies with DNSH, in particular as some of the objectives covered by Article 17 are not yet fully reflected in the EU environmental legislation.

Impact assessments related to the environmental dimensions or the sustainability proofing of a measure should be taken into account for the DNSH assessment. Whilst they do not automatically entail that no significant harm is done, they constitute a strong indication for the absence of significant harm for a number of the relevant environmental objectives. Therefore, the fact that a Member State has carried out an Environmental Impact Assessment (EIA) in line with the Directive 2011/92/EU, a Strategic Environmental Assessment (SEA) in line with Directive 2001/42/EC ([16]), or Sustainability / Climate Proofing, as laid down in the guidance from the Commission on sustainability proofing under the InvestEU Regulation, for a particular measure included in the RRP will support the arguments brought forward by the Member State in the context of the DNSH assessment. For instance, depending on the exact design of a measure, carrying out an EIA and implementing the required mitigation steps for protecting the environment can in some cases, and in particular when it comes to investments in infrastructure, be sufficient for a Member State to demonstrate compliance with DNSH for some of the relevant environmental objectives (notably, the sustainable use and protection of marine and water resources ([17]), as well as protection and restoration of biodiversity and ecosystems ([18])). However, this does not exempt the Member State from carrying out the DNSH assessment for that measure since an EIA, SEA or proofing might not cover all aspects that are required as part of the DNSH assessment ([19]). This is because neither the legal obligations contained in the EIA and SEA Directives, nor the approach set out in the relevant Commission guidelines on proofing, are the same as those set out in Article 17 ('*Significant harm to environmental objectives*') of the Taxonomy Regulation ([20]).

([14]) Articles 10 to 16 of the Taxonomy Regulation define what 'substantial contribution' means for each of the six environmental objectives, as well as for 'enabling activities'. To benefit from the simplified approach outlined in this paragraph, Member States would need to show that the measure 'contributes substantially' to one or more of the environmental objectives pursuant to Articles 10 to 16 of the Taxonomy Regulation (see also Section 2.5).

([15]) This option is particularly relevant for activities that are identified as making a substantial contribution to an environmental objective under the Taxonomy Regulation, but which are not tracked as 100 % supporting climate or environment objectives under the 'Methodology for climate tracking' annexed to the RRF Regulation. In the area of climate change mitigation, these activities include, for example: specific low- and zero-emission light-duty vehicles; specific zero- or low-emission vessels for water transport; specific low- and zero-emission heavy-duty vehicles; electricity transmission and distribution infrastructure; hydrogen transmission and distribution networks; specific waste management activities (e.g. separately collected non-hazardous waste that is segregated at source and prepared for reuse/recycling); and breakthrough circular economy research, development and innovation.

([16]) An environmental assessment is a procedure that ensures that the environmental implications of plans/programmes/projects are taken into account before the decisions are made. Environmental assessments can be undertaken for individual projects, such as a dam, motorway, airport or factory, on the basis of Directive 2011/92/EU (known as 'Environmental Impact Assessment' – EIA Directive) or for public plans or programmes on the basis of Directive 2001/42/EC (known as 'Strategic Environmental Assessment' – SEA Directive).

([17]) If the EIA includes an assessment of the impact on water in accordance with Directive 2000/60/EC and the risks identified have been addressed in the design of the measure.

([18]) Without prejudice to additional assessments required by Directives 2009/147/EC and 92/43/EEC if the operation is located in or near biodiversity-sensitive areas (including the Natura 2000 network of protected areas, UNESCO World Heritage sites and Key Biodiversity Areas, as well as other protected areas).

([19]) Conversely, the DNSH assessment does not waive the obligation for an EIA/SEA, climate, environmental or sustainability proofing, if this is required by existing EU legislation, such as for projects financed through InvestEU or the Connecting Europe Facility.

([20]) For example, an EIA is required for the construction of crude-oil refineries, coal-fired thermal power stations and projects involving the extraction of petroleum or natural gas. However, these types of measures would not be compliant with DNSH to climate change mitigation of Article 17 *('Significant harm to environmental objectives')* of the Taxonomy Regulation, which state that significant harm is done if an activity 'leads to significant GHG emissions'. Similarly, while the construction of a new airport requires an EIA, on the basis of DNSH to climate change mitigation, only measures related to low-carbon airport infrastructure such as investments in energy-efficient airport buildings, on-site renewable grid connection upgrades of airport infrastructure and related services are likely to be compliant.

2.4. *Guiding principles for the DNSH assessment*

In the context of the RRF, the *direct* and *primary indirect* impacts of a measure are relevant for the DNSH assessment ([21]). Direct impacts may reflect effects of the measure at project-level (e.g. production plant, protected area) or at system-level (e.g. railway network, public transport system), and that occur at the time of implementation of the measure. Primary indirect impacts may reflect effects that occur outside of those projects or systems and may materialise after the implementation of the measure or beyond the timeline of the RRF but are reasonably foreseeable and relevant. An example of a *direct* impact in the area of road transport would be the use of materials during the construction of the road. An example of a *primary indirect* impact would be the expected future GHG emissions due to an increase in overall traffic during the use-phase of the road.

The DNSH assessment needs to consider the life cycle of the activity that results from the measure. Based on Article 17 ('*Significant harm to environmental objectives*') of the Taxonomy Regulation, 'significant harm' in the context of the RRF is assessed by taking into account the life cycle. Applying life cycle considerations rather than carrying out a life cycle assessment suffices for the purposes of the DNSH assessment in the context of the RRF ([22]). The scope of the assessment should encompass the production, use and end-of-life phases – wherever most harm is to be expected. For instance, for a measure supporting the purchase of vehicles, the assessment should take into account, among others, the pollution (e.g. emissions to air) generated when assembling, transporting and using the vehicles, and the appropriate management of the vehicles at their end-of-life. In particular, an appropriate end-of-life management of battery and electronic elements (e.g. their reuse and/or the recycling of critical raw materials therein) should ensure that no significant harm is done to the environmental objective of the circular economy.

Measures promoting greater electrification (e.g. industry, transport and buildings) are considered compatible with the DNSH assessment for the environmental objective of climate change mitigation. To enable the shift to an effective climate-neutral economy, measures leading to greater electrification of key sectors such as industry, transport and buildings (e.g. investment in electricity transmission and distribution infrastructure; electric roadside infrastructure; electricity storage; mobility batteries; heat pumps) should be encouraged. Electricity generation is not yet a climate-neutral activity across the EU (the CO_2 intensity of the electricity mix differs across Member States), and in principle the increased consumption of carbon-intensive electricity represents a primary indirect effect of such measures, at least in the short term. However, the deployment of these technologies and infrastructure is required for a climate-neutral economy, together with measures to achieve 2030 and 2050 GHG emissions reduction targets, and a policy framework for electricity decarbonisation and the development of renewables is already in place in the EU. In this context, these investments should be deemed as complying with DNSH in the area of climate change mitigation under the RRF, provided that Member States justify that greater electrification is accompanied by increased renewables generation capacity at the national level. In addition, Member States would nevertheless need to demonstrate that these measures do not significantly harm the other five environmental objectives.

For economic activities where there is a technologically and economically feasible alternative with low environmental impact, the assessment of the negative environmental impact of each measure should be carried out against a 'no intervention' scenario by taking into account the environmental effect of the measure in absolute terms ([23]). This approach consists of considering the environmental impact of the measure, compared to a situation with no negative environmental impact. The impact of a measure is not assessed in comparison to the impact of another existing or envisaged activity that the measure in question may be replacing ([24]). For instance, if a hydropower plant requiring building a dam on an untouched area is assessed,

([21]) This approach follows Article 17 *('Significant harm to environmental objectives')* of the Taxonomy Regulation, which requires taking into account the environmental impacts of the activity and of the products and services provided by that activity throughout their life cycle.

([22]) In practice, this means that attributional or consequential life cycle analyses (e.g. including the indirect environmental impacts of technological, economic or social changes due to the measure) are not required. However, evidence from existing life cycle analyses could be used to substantiate the DNSH assessment.

([23]) This approach applies in particular to measures under the RRF that relate to public investments, or that directly entail a government expenditure. For measures that relate to the implementation of reforms, as a rule the DNSH assessment should be carried out by reference to the status quo before the implementation of the measure.

([24]) This approach is in line with the logic of the Taxonomy Regulation: under the draft delegated act, several of the technical screening criteria on DNSH are based on *absolute* criteria, such as specific emissions thresholds, (e.g. CO_2 limits for adaptation solutions in electricity generation activities or for passenger vehicles). The approach is further supported by the precautionary principle, which is one of the guiding principles of environmental laws in the EU, including the Taxonomy Regulation (Recital 40 and Article 19(1)(f)) and stems from the fact that harm to the environment needs to be seen from an absolute, not relative perspective (e.g. global warming arises due to the absolute level of the stock of GHG emissions).

the impact of the dam would be evaluated against a scenario where the concerned river remains in its natural state rather than considering a different possible alternative use of the area. Similarly, if a scrappage scheme aims to replace inefficient cars with more efficient cars relying on internal combustion-engines, the impact of the new internal combustion-engine cars would be evaluated in absolute terms as low-impact alternatives exist (e.g. zero-emission cars), rather than compared with the impact of the inefficient cars they are replacing (see Annex IV, Example 5, showing an example of non-compliance with DNSH).

For economic activities where there is no technologically and economically ([25]) feasible alternative with low environmental impact, Member States may demonstrate that a measure does no significant harm by adopting the best available levels of environmental performance in the sector. In these cases, DNSH would be assessed compared to the best available levels of environmental performance in the sector. A number of conditions need to apply for this approach to hold, including the fact that the activity leads to a significantly better environmental performance than available alternatives, avoids environmentally harmful lock-in effects, and does not hamper the development and deployment of low-impact alternatives ([26]), ([27]). This approach should be applied at sector-level, i.e., all alternatives within the sector should be explored ([28]).

In light of the conditions set out above, measures related to power and/or heat generation using fossil fuels, as well as related transmission and distribution infrastructure, as a general rule should not be deemed compliant under DNSH for the purposes of the RRF, given the existence of low-carbon alternatives. From a climate change mitigation perspective, limited exceptions for measures related to power and/or heat generation using natural gas, as well as related transmission and distribution infrastructure, can be made to this general rule, on a case-by-case basis. This is relevant specifically to Member States that face significant challenges in the transition away from more carbon-intensive energy sources, such as coal, lignite or oil, and where a measure or combination of measures can therefore lead to a particularly large and rapid reduction in GHG emissions. Those exceptions will need to comply with a number of conditions laid out in Annex III, in order to avoid carbon-intensive lock-in effects and be in line with the EU's decarbonisation objectives for 2030 and 2050. In addition, Member States will need to demonstrate compliance with DNSH of these measures for the remaining five environmental objectives.

To ensure that measures are future-proof and do not lead to harmful lock-in effects, and to promote beneficial dynamic effects, accompanying reforms and investments may be required. Examples of such accompanying measures include equipping roads with low-carbon infrastructure (e.g. charging stations for electric vehicles or hydrogen fuelling stations) and putting in place appropriate road access or congestion charges, or broader reforms and investments to decarbonise national electricity mixes or transport systems. While these additional reforms and investments could be addressed within the same measure, by way of a sub-measure, this might not always be possible. Thus, flexibility should be granted to allow Member States in limited circumstances and on a case-by-case basis to demonstrate avoidance of adverse lock-in effects by relying on accompanying measures in the RRP.

([25]) To show that an alternative with low environmental impact is not economically feasible, Member States need to take into account the costs arising across the lifetime of the measure. These costs include negative environmental externalities and future investment needs required to switch to an alternative with low environmental impact, avoiding lock-ins or hampering the development and deployment of low-impact alternatives.

([26]) Recitals 39 and 41, as well as Article 10(2) of the Taxonomy Regulation, set out the definition of 'transitional activities'. The conditions described here draw from that definition but are not the same, given that the Taxonomy Regulation defines criteria for transitional activities making a substantial contribution, while the present guidance sets out criteria for DNSH only, and as such, it is applicable to a broader set of measures and applies a different substantive test.

([27]) This approach, and the DNSH assessment overall, is without prejudice to other considerations affecting the assessment of measures in the context of the RRPs, including considerations associated with State aid control, consistency with other EU funds, and possible crowding-out of private investment. In relation to measures supporting activities covered by the EU Emission Trading System (ETS) in particular, in order not to distort the market signals put in place by the ETS and in line with the approach under the Just Transition Fund, activities with projected CO_2 equivalent emissions that are not substantially lower than the relevant benchmarks established for free allocation should generally not be supported under the RRF.

([28]) In cases where even the best available levels of environmental performance would still lead to environmentally harmful lock-in effects, measures supporting research and development for lower impact alternatives should be considered, in line with intervention fields 022 and 023, set out in the 'Methodology for climate tracking' annexed to the RRF Regulation.

Compliance with DNSH, along these guiding principles, should be integrated in the design of measures, including at the level of milestones and targets. The description of measures in the RRP should reflect the relevant DNSH considerations from the outset. This may mean integrating DNSH considerations and necessary mitigating steps to be taken to ensure compliance into corresponding milestones and targets or in tendering and procurement processes ([29]). For example, a measure setting out investments in a large road infrastructure project, which required an EIA to be carried out before issuing the relevant permits, could specify as a milestone the implementation of the required mitigation steps for protecting the environment that resulted from the EIA. When it comes to the tendering or procurement process for this type of project, the measure's design could set out that tender or procurement specifications will contain specific conditions related to DNSH. This could include, for instance, a minimum percentage of construction and demolition waste that will be prepared for reuse and recycling. Likewise, accompanying measures that support the shift to cleaner modes of transport, such as reforms related to road pricing, investments supporting modal shift to rail, inland waterways or incentives for the use of public transport, should be integrated in the description of the measure. Measures of a more general nature, such as broad industry support schemes (e.g. financial instruments covering investments in companies across multiple sectors), should be designed to ensure adherence of the relevant investments with DNSH.

2.5. *Applicability of the technical screening criteria of the Taxonomy Regulation*

Member States are not required to refer to the 'technical screening criteria' (quantitative and/or qualitative criteria) established according to the Taxonomy Regulation to substantiate compliance with DNSH. According to the RRF Regulation ([30]), the entry into force of the delegated acts containing technical screening criteria ([31]) should not affect the technical guidance provided by the Commission. However, when assessing compliance with DNSH, Member States have the option of relying upon the technical screening criteria in the delegated acts under the Taxonomy Regulation. They can also refer to the draft version of the delegated acts.

3. **How should Member States concretely show in their plans that the measures comply with DNSH?**

To facilitate the Member States' assessment and presentation of DNSH in their RRPs, the Commission has prepared a checklist (see Annex I), which should be used by Member States to support their analysis of how each measure relates to DNSH. The Commission will then use this information to assess whether and how each measure in RRPs respects DNSH, in accordance with the criteria established in the RRF Regulation.

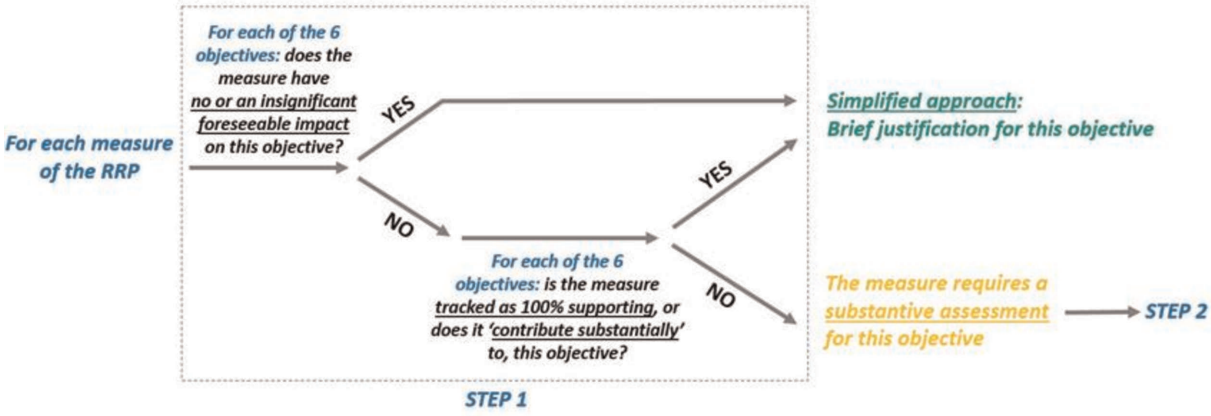
The Commission invites Member States to answer the questions set out in the checklist, and integrate the answers into their RRP, as part of the description of each measure (see Part 2, Section 8 of the Commission Template – *do no significant harm*). Where necessary for supporting the assessment provided in the checklist, Member States are also invited to provide additional analysis and/or supporting documents, in a targeted and limited manner, to further substantiate their replies to the list of questions.

The checklist is based on the following decision tree, which should be used for each measure of the RRP. The section below provides more information on the two steps of the decision tree.

([29]) Milestones and targets, including those reflecting compliance with DNSH, are subject, like all other milestones and targets, to Article 19a of the RRF Regulation ('*Rules on payments, suspension and termination of agreements regarding financial contributions and loan support*').

([30]) Recital 11b of the RRF Regulation.

([31]) Based on Article 3(d) of the Taxonomy Regulation ('*Criteria for environmentally sustainable economic activities*'), the Commission is empowered to adopt delegated acts containing detailed technical screening criteria (quantitative and/or qualitative criteria) to determine the conditions under which a specific economic activity can (i) qualify as substantially contributing to one of the six environmental objectives; and (ii) do no significant harm to any of the other environmental objectives. So far, one delegated act related to climate mitigation and climate change adaptation has been published for consultation. It can be found at: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12302-Climate-change-mitigation-and-adaptation-taxonomy#ISC_-WORKFLOW



Decision tree

Step 1: Filter the six environmental objectives to identify those that require a substantive assessment

As a first step, Member States are invited to complete Part 1 of the checklist (see Annex I), to identify which of the six environmental objectives require a substantive DNSH assessment of the measure. This first, high-level screening will facilitate Member States' analysis, by distinguishing between environmental objectives for which the DNSH assessment will require a substantive assessment, and those for which a simplified approach (see Section 2.2) can be sufficient.

Part 1 of the checklist

Please indicate which of the environmental objectives below require a substantive DNSH assessment of the measure	Yes	No	Justification if 'No' has been selected
Climate change mitigation			
Climate change adaptation			
The sustainable use and protection of water and marine resources			
The circular economy, including waste prevention and recycling			
Pollution prevention and control to air, water or land			
The protection and restoration of biodiversity and ecosystems			

Where the answer is 'no', Member States are asked to provide a brief justification (in the right-hand column), why the environmental objective does not require a substantive DNSH assessment of the measure, based on one of the following cases (to be indicated by Member States) (see Section 2.2):

a. The measure has no or an insignificant foreseeable impact on the environmental objective related to the direct and primary indirect effects of the measure across its life cycle, given its nature, and as such is considered compliant with DNSH for the relevant objective;

b. The measure is tracked as supporting a climate change or environmental objective with a coefficient of 100 %, and as such is considered compliant with DNSH for the relevant objective;

c. The measure 'contributes substantially' to an environmental objective, pursuant to the Taxonomy Regulation, and as such is considered compliant with DNSH for the relevant objective.

For RRP measures for which the simplified approach would suffice, the requested explanations (right-hand column) can be limited to a minimum and if useful grouped together, allowing Member States to focus on the demonstration of the DNSH assessment for those measures where a substantive analysis of possible significant harm is required.

Where the answer is 'yes', Member States are invited to proceed to Step 2 of the checklist for the corresponding environmental objectives.

For worked out examples in relation to this step, see Annex IV.

Step 2: Provide a substantive DNSH assessment for those environmental objectives that require it

As a second step, for each measure of the plan, Member States are invited to use Part 2 of the checklist (see Annex I) to perform a substantive DNSH assessment for those environmental objectives selected with a 'yes' under Step 1. Part 2 of the checklist compiles, for each of the six objectives, the questions corresponding to the legal requirements of the DNSH assessment. For measures to be included in the plan, they have to comply with DNSH. Therefore the answers to the questions in Part 2 of the checklist has to be 'no', to indicate that no significant harm is being done to the specific environmental objective.

Part 2 of the checklist – Example for the environmental objective 'climate change mitigation'

Questions	No	Substantive justification
Climate change mitigation: Is the measure expected to lead to significant GHG emissions?		

Member States are asked to confirm that the answer is 'no', and to provide a substantive explanation and justification of their reasoning in the right-hand column, on the basis of the corresponding questions. Where necessary, as a complement to the table, Member States are also invited to provide further analysis and/or supporting documents, in a targeted and limited manner, to further substantiate their replies to the list of questions.

Where Member States cannot provide a sufficient substantive justification, the Commission may consider that a given measure is associated with possible significant harm to some of the six environmental objectives. If this is the case, the Commission would need to give a rating of 'C' to the RRP under the criterion spelled out in paragraph 2.4 of Annex II to the RRF Regulation. This would be without prejudice to the process outlined in Articles 16 and 17 of the RRF Regulation, and in particular the possibility for further exchanges between the Member State and the Commission outlined in Article 16(1).

For worked out examples in relation to this step, see Annex IV.

Where useful, when providing a substantive DNSH assessment in the context of Step 2, Member States can rely upon the list of supporting elements of evidence provided in Annex II. This list is provided by the Commission to facilitate the case-by-case assessment by the Member State as part of the substantive assessment in the context of Part 2 of the checklist. While using this list is optional, Member States can refer to this list to identify the type of evidence that can support their reasoning to establish that a measure is compliant with DNSH, complementing the general questions included under Part 2 of the checklist.

ANNEX I

DNSH checklist

1. **Part 1 – Member States should filter the six environmental objectives to identify those that require a substantive assessment. For each measure, please indicate which of the below environmental objectives, as defined in Article 17 (*'Significant harm to environmental objectives'*) of the Taxonomy Regulation, require a substantive DNSH assessment of the measure:**

Please indicate which of the environmental objectives below require a substantive DNSH assessment of the measure	Yes	No	Justification if 'No' has been selected
Climate change mitigation			
Climate change adaptation			
The sustainable use and protection of water and marine resources			
The circular economy, including waste prevention and recycling			
Pollution prevention and control to air, water or land			
The protection and restoration of biodiversity and ecosystems			

2. **Part 2 – Member States should provide a substantive DNSH assessment for those environmental objectives that require it. For each measure, please answer the questions below, for those environmental objectives identified under Part 1 as requiring a substantive assessment:**

Questions	No	Substantive justification
Climate change mitigation: Is the measure expected to lead to significant GHG emissions?		
Climate change adaptation: Is the measure expected to lead to an increased adverse impact of the current climate and the expected future climate, on the measure itself or on people, nature or assets?		
The sustainable use and protection of water and marine resources: Is the measure expected to be detrimental: (i) to the good status or the good ecological potential of bodies of water, including surface water and groundwater; or (ii) to the good environmental status of marine waters?		
The transition to a circular economy, including waste prevention and recycling: Is the measure expected to: (i) lead to a significant increase in the generation, incineration or disposal of waste, with the exception of the incineration of non-recyclable hazardous waste; or		

(ii) lead to significant inefficiencies in the direct or indirect use of any natural resource ([1]) at any stage of its life cycle which are not minimised by adequate measures ([2]); or (iii) cause significant and long-term harm to the environment in respect to the circular economy ([3])?		
Pollution prevention and control: Is the measure expected to lead to a significant increase in the emissions of pollutants ([4]) into air, water or land?		
The protection and restoration of biodiversity and ecosystems: Is the measure expected to be: (i) significantly detrimental to the good condition ([5]) and resilience of ecosystems; or (ii) detrimental to the conservation status of habitats and species, including those of Union interest?		

([1]) Natural resources comprise energy, materials, metals, water, biomass, air and land.

([2]) For instance, inefficiencies can be minimised by significantly increasing the durability, reparability, upgradability and reusability of products or by significantly reducing resources through the design and choice of materials, facilitating repurposing, disassembly and deconstruction, in particular to reduce the use of building materials and promote the reuse of building materials. Additionally, transitioning to 'product-as-a-service business models and circular value chains with the aim of keeping products, components and materials at their highest utility and value for as long as possible. This also comprises a significant reduction in the content of hazardous substance in materials and products, including by replacing them with safer alternatives. This further includes significantly reducing food waste in the production, processing, manufacturing or distribution of food.

([3]) Please refer to Recital 27 of the Taxonomy Regulation for more information on the circular economy objective.

([4]) Pollutant means a substance, vibration, heat, noise, light or other contaminant present in air, water or land which may be harmful to human health or the environment.

([5]) In line with Article 2(16) of the Taxonomy Regulation, "'good condition' means, in relation to an ecosystem, that the ecosystem is in good physical, chemical and biological condition or of a good physical, chemical and biological quality with self-reproduction or self-restoration capability, in which species composition, ecosystem structure and ecological functions are not impaired".

ANNEX II

Supporting evidence for the substantive DNSH assessment in the context of Part 2 of the checklist

Where useful, when providing a substantive DNSH assessment for a measure in the context of Part 2 of the checklist (see Section 3), Member States can rely upon the (non-exhaustive) list of supporting elements of evidence below. This list is provided by the Commission to facilitate the case-by-case assessment by the Member State as part of the substantive assessment in the context of Part 2 of the checklist. While using this list is optional, Member States can refer to this list to identify the type of evidence that can support their reasoning to establish that a measure is compliant with DNSH, complementing the general questions included under Part 2 of the checklist.

Cross-cutting supporting evidence

— The applicable part of the EU environmental legislation (in particular environmental assessments) has been complied with and relevant permits/authorisations have been granted.

— The measure includes elements requiring companies to implement a recognised environmental management system, such as EMAS (or alternatively ISO 14001 or equivalent), or to use and/or produce goods or services that are awarded an EU Ecolabel ([1]) or another Type I environmental label ([2]).

— The measure concerns the implementation of best environmental practices or the reaching of benchmarks of excellence set out in the Sectoral Reference Documents ([3]) adopted according to Article 46(1) of Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a community eco-management and audit scheme (EMAS).

— For public investments, the measure respects green public procurement criteria ([4]).

— For infrastructure investments, the investment has been subject to a climate and environmental proofing.

Climate change mitigation

— For a measure in an area not covered by ETS benchmarks, the measure is compatible with achieving the GHG emissions reduction target by 2030 and with the objective of reaching climate neutrality by 2050.

— For a measure promoting electrification, the measure is complemented with evidence that the energy mix is on a path to decarbonise in line with the GHG emissions reduction targets by 2030 and 2050, and is accompanied by increased renewables generation capacity.

Climate change adaptation

— A proportionate climate risk assessment has been carried out.

— If an investment is above the value of EUR 10 million, a climate vulnerability and risk assessment ([5]) has been carried out or is planned leading to identification, appraisal and implementation of relevant adaptation measures.

([1]) The EU Ecolabel scheme is established by Regulation (EC) No 66/2010. The list of product groups for which EU Ecolabel criteria have been set is available at: https://ec.europa.eu/environment/ecolabel/products-groups-and-criteria.html

([2]) Type I environmental labels are set out in the ISO 14024:2018 standard.

([3]) Available at: https://ec.europa.eu/environment/emas/emas_publications/sectoral_reference_documents_en.htm

([4]) The European Commission has set out EU Green Public Procurement criteria for a large number of product groups: https://ec.europa.eu/environment/gpp/eu_gpp_criteria_en.htm

([5]) Member States are encouraged to use the Commission's guidance on the Sustainability proofing of investments under InvestEU, including the guidance on climate proofing of infrastructure 2021-2027. However, the Member States are allowed to apply their own criteria and markers for the sustainability proofing, provided they are based on the EU climate targets, and they substantially contribute to climate and environmental objectives in the meaning of Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088.

The sustainable use and protection of water and marine resources

— Environmental degradation risks related to preserving water quality and avoiding water stress have been identified and addressed in accordance with the requirements under the Water Framework Directive and a River Basin Management Plan.

— In the case of a measure in relation to the coastal and marine environment, the measure does not permanently preclude or compromise the achievement of good environmental status as defined under the Marine Strategy Framework Directive at the level of the marine region or sub-region concerned or in the marine waters of other Member States.

— The measure does not significantly impact (i) affected water bodies (nor prevent the specific water body to which it relates nor other water bodies in the same river basin to achieve good status or good potential, in accordance with the requirements of the Water Framework Directive) or (ii) protected habitats and species directly dependent on water.

The circular economy, including waste prevention and recycling

— The measure is in line with the relevant national or regional waste management plan and waste prevention programme, in accordance with Article 28 of Directive 2008/98/EC as amended by Directive 2018/851/EU, and, where available, the relevant national, regional or local circular economy strategy.

— The measure is in line with the principles of sustainable products and the waste hierarchy, with a priority on waste prevention.

— The measure ensures resource efficiency for major resources used. Inefficiencies ([6]) in the use of resources are addressed, including ensuring that products, buildings and assets are efficiently used and durable.

— The measure ensures the effective and efficient separate collection of waste at source and that source-segregated fractions are sent for preparation for reuse or recycling.

Pollution prevention and control

— The measure is in line with existing global, national, regional or local plans for pollution reduction.

— The measure complies with the relevant Best Available Techniques (BAT) conclusions or with the Best Available Techniques Reference Documents (BREFs) ([7]) in the sector.

— Alternative solutions to the use of hazardous substances ([8]) will be implemented.

— The measure is in line with the sustainable use of pesticides ([9]).

— The measure is in line with best practices to combat antimicrobial resistance ([10]).

The protection and restoration of biodiversity and ecosystems

— The measure respects the mitigation hierarchy ([11]) and other relevant requirements under the Habitats and Birds Directives.

— An environmental impact assessment has been carried out and the conclusions have been implemented.

([6]) See Footnote 2 in Annex I of this guidance.

([7]) The type of supporting evidence is applicable to activities under the scope of Directive 2010/75/EU ('Industrial Emissions Directive'). The list of available BAT conclusions and BREFs can be accessed at: https://eippcb.jrc.ec.europa.eu/reference

([8]) This question addresses prevention and control of pollution arising from industrial activities. Article 3(18) of the Directive 2010/75/EU ('Industrial Emissions Directive', EID)' defines 'hazardous substances' as: "substances or mixtures as defined in Article 3 of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures". In addition, Article 58 of the EID states: "Substances or mixtures which, because of their content of volatile organic compounds classified as carcinogens, mutagens, or toxic to reproduction under Regulation (EC) No 1272/2008, are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F, shall be replaced, as far as possible by less harmful substances or mixtures within the shortest possible time."

([9]) As laid down in the Sustainable Use Directive 2009/128/EC.

([10]) Council conclusions on the next steps towards making the EU a best practice region in combating antimicrobial resistance (2019/C 214/01).

([11]) In line with the Methodological guidance on the provisions of Article 6 (3) and (4) of the Habitats Directive 92/43/EEC.

ANNEX III

Specific conditions for compliance with the climate change mitigation objective of DNSH under the RRF for measures related to power and/or heat generation, as well as related transmission and distribution infrastructure, using natural gas

— Support for measures related to natural gas-based power and/or heat generation can exceptionally be given on a case-by-case basis in Member States that face significant challenges in the transition away from carbon-intensive energy sources, provided that this support would contribute to the EU's decarbonisation objectives for 2030 and 2050, if:

  — Measures relate to future-proof, flexible and efficient gas-fired power production or gas-fired Combined Heat and Power, with GHG emissions lower than 250 gCO_2e/kWh over the economic life-time of the facility;

    or

  — Measures relate to future-proof, flexible and efficient gas-fired power production or gas-fired Combined Heat and Power, enabled for the use of renewable and low-carbon gases and:

    — the RRP includes credible plans or commitments to increase usage of renewable and low-carbon gases; and

    — result in the simultaneous closure of a significantly more carbon-intensive power plant and/or heat generation facility (e.g. coal, lignite or oil) with at least the same capacity, leading to a significant decrease in GHG emissions; and

    — the Member State concerned can demonstrate that they have a credible trajectory for increasing the share of renewables towards their 2030 renewables target; and

    — the RRP includes concrete reforms and investments to increase the share of renewables.

— Support for measures related to natural gas-based generation facilities in district heating and cooling systems can exceptionally be given, if the facility meets the requirements of 'efficient district heating and cooling' systems (as defined in Article 2(41) of the Directive 2012/27/EU) and meets the conditions for natural gas-based heat/power generation as described in the first bullet of this Annex.

— Support for measures related to district heating and cooling networks that obtain heat/cool from facilities using natural gas can exceptionally be given, if:

  — they are a part of 'efficient district heating and cooling' systems (as defined in Article 2(41) of the Directive 2012/27/EU), obtaining heat/cool from existing facilities that meet the conditions for natural gas-based heat/power generation as described in the first bullet;

    or

  — investments in the heat/power generation facility start within three years of the modernisation of the network, aim at making the whole system efficient (as defined in Article 2(41) of the Directive 2012/27/EU) and meet the conditions for natural gas-based heat/power generation as described in the first bullet.

— Support for measures related to transmission and distribution infrastructure of gaseous fuels is possible, if they enable at the time of construction the transport (and/or storage) of renewable and low-carbon gases.

— Support for measures related to natural gas-based boilers and heating systems (and related distribution infrastructure) can exceptionally be given, on a case-by-case basis, if:

  — they are either in line with Article 7(2) of the Energy Labelling Framework Regulation (EU) 2017/1369 ([1]) or are being installed in buildings that are part of a wider energy efficiency or building renovation programme, in line with long-term renovation strategies under the Energy Performance of Buildings Directive, leading to a substantial improvement in energy performance, and

([1]) Article 7(2) of the any Energy Labelling Framework Regulation (EU) 2017/1369 stipulates that incentives provided by Member States must aim at the highest two significantly populated classes of energy efficiency, or at higher classes as laid down in a delegated act. For space and water heaters, fossil-fuelled products are generally not in these classes with the possible exception of gas fired micro-cogeneration products.

— lead to a significant decrease in GHG emissions; and

— lead to a significant improvement of the environment (notably due to pollution reduction) and public health, in particular in areas where the EU air quality standards set by Directive 2008/50/EU are exceeded or risk being exceeded, such as when replacing coal- or oil-based heating systems and boilers.

ANNEX IV

Worked out examples of how to implement the DNSH assessment

This section provides worked out examples of hypothetical measures and the general elements that could form part of the DNSH assessment, using the two steps of the checklist described in Section 3. These examples are provided without prejudice to the level of detail or content required in the description of the measure and the actual DNSH assessment to be performed in the RRPs. The DNSH assessment that will be ultimately required depends on the nature and features of each measure, and cannot be exhaustively covered for the purposes of this document.

Example 1: Energy efficiency measures in existing buildings, including replacement of heating and cooling systems

Description of the measure

Investments in a broad energy efficiency building renovation programme, leading to a substantial improvement in energy performance, aimed at renovation of existing residential housing stock through a variety of energy efficiency measures, including insulation, efficient windows, replacement of heating and cooling systems, green roofs, and installing renewable energy generation equipment (e.g. solar PV panels).

Part 1 of the DNSH checklist

Please indicate which of the environmental objectives below require a substantive DNSH assessment of the measure	Yes	No	Justification if 'No' has been selected
Climate change mitigation	X		
Climate change adaptation	X		
The sustainable use and protection of water and marine resources		X	The activity that is supported by the measure has an insignificant foreseeable impact on this environmental objective, taking into account both the direct and primary indirect effects across the life cycle. No environmental degradation risks related to preserving water quality and water stress are identified, as no water fittings or water-using appliances are being installed.
The circular economy, including waste prevention and recycling	X		
Pollution prevention and control to air, water or land	X		
The protection and restoration of biodiversity and ecosystems		X	The activity that is supported by the measure has an insignificant foreseeable impact on this environmental objective, taking into account both the direct and primary indirect effects across the life cycle. The building renovation programme does not concern buildings located in or near biodiversity-sensitive areas (including the Natura 2000 network of protected areas, UNESCO World Heritage sites and Key Biodiversity Areas, as well as other protected areas).

Part 2 of the DNSH checklist

Questions	No	Substantive justification
Climate change mitigation: Is the measure expected to lead to significant GHG emissions?	X	The measure is eligible for intervention field 025 in the Annex to the RRF Regulation with a climate change coefficient of 40 %.

		The measure is not expected to lead to significant GHG emissions because: — The building is not dedicated to extraction, storage, transport or manufacture of fossil fuels. — The renovation programme has the potential to reduce energy use, increase energy efficiency, leading to a substantial improvement in energy performance of the buildings concerned, and significantly reduce GHG emissions (see specifications of the measure on page X of the RRP and specifications in the next point below). As such, it will contribute to the national target of energy efficiency increase per year, set out according to the Energy Efficiency Directive (2012/27/EU) and the Nationally Determined Contributions to the Paris Climate Agreement. — This measure will lead to a significant reduction in GHG emissions, i.e. an estimated XX kt of GHG emissions per year, which corresponds to X % of national GHG emissions from the residential sector (see analysis in page X in the RRP). — The renovation programme will, amongst others, include the replacement of coal/oil-based heating systems with gas condensing boilers: — These boilers correspond to class A, which is below the highest two significantly populated classes of energy efficiency in this Member State. Lower-carbon and more efficient alternatives (notably, heat pumps of A++ and A+ classes) were considered but due to the architecture of the buildings covered by the programme, common heat pumps cannot be installed, and gas condensing boilers of class A are the best-performing technologically feasible alternative. — Moreover, the investments in gas condensing boilers are a part of a wider energy efficiency building renovation programme, in line with long-term renovation strategies under the Energy Performance of Buildings Directive, and leading to a substantial improvement in energy performance. — Alongside the installation of these boilers, the measure also includes the installation of solar PV panels as part of these building renovations. — In order to not hamper the deployment of low-carbon alternatives, in particular heat pumps, across the Member State, reform X of this component (see page Y of the RRP) will lead to a review of relative fuel pricing.
Climate change adaptation. Is the measure expected to lead to an increased adverse impact of the current climate and the expected future climate, on the measure itself or on people, nature or assets?	X	The physical climate risks that could be material to this measure were assessed as part of an exposure analysis, covering current and future climate, which demonstrated that buildings in the targeted climate zone will be exposed to heatwaves. The measure requires the economic operators to ensure that the technical building systems in the renovated buildings are optimised to provide thermal comfort to the occupants even in those extreme temperatures. There is thus no evidence of significant negative direct and primary indirect effects of the measure across its life-cycle on this environmental objective.
Transition to a circular economy, including waste prevention and recycling: Is the measure expected to: (i) lead to a significant increase in the generation, incineration or disposal of waste, with the exception of the incineration of non-recyclable hazardous waste; or	X	The measure requires the economic operators carrying out the building renovation to ensure that at least 70 % (by weight) of the non-hazardous construction and demolition waste (excluding naturally occurring material referred to in category 17 05 04 in the European List of Waste established by Decision 2000/532/EC) generated on the construction site will be prepared for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, in accordance with the waste hierarchy and the EU Construction and Demolition Waste Management Protocol.

(ii) lead to significant inefficiencies in the direct or indirect use of any natural resource at any stage of its life cycle which are not minimised by adequate measures; or (iii) cause significant and long-term harm to the environment in respect to the circular economy?		The measure includes technical specifications for the renewable energy generation equipment that can be installed about their durability, reparability and recyclability as specified on page X of the RRP. In particular, operators will limit waste generation in processes related to construction and demolition, in accordance with the EU Construction and Demolition Waste Management Protocol. Building designs and construction techniques will support circularity and in particular demonstrate, with reference to ISO 20887 or other standards for assessing the disassemblability or adaptability of buildings, how they are designed to be more resource efficient, adaptable, flexible and dismantleable to enable reuse and recycling.
Pollution prevention and control: Is the measure expected to lead to a significant increase in the emissions of pollutants into air, water or land?	X	The measure is not expected to lead to a significant increase in the emissions of pollutants into air, water or land because: — The replacement of oil-based heating systems in particular will lead to significant reductions of emissions to air and a subsequent improvement in public health, in an area where the EU air quality standards set by Directive 2008/50/EU are exceeded or likely to be exceeded. — As described in the justification for the climate change mitigation objective, lower-impact alternatives were considered but are not technologically feasible in the context of this programme. Moreover, the expected average lifetime of the boilers to be installed is 12 years. — The operators carrying out the renovation are required to ensure that building components and materials used in the building renovation do not contain asbestos nor substances of very high concern as identified on the basis of the list of substances subject to authorisation set out in Annex XIV to Regulation (EC) No 1907/2006. — The operators carrying out the renovation are required to ensure that building components and materials used in the building renovation that may come into contact with occupiers emit less than 0,06 mg of formaldehyde per m^3 of material or component and less than 0,001 mg of categories 1A and 1B carcinogenic volatile organic compounds per m^3 of material or component, upon testing in accordance with CEN/TS 16516 and ISO 16000-3 or other comparable standardised test conditions and determination method. — Measures will be taken to reduce noise, dust and pollutant emissions during renovation works, as described on page X of the RRP.

Example 2: Waste management (construction and demolition waste processing)

Description of the measure

This measure is an investment to support the construction of recycling facilities for construction and demolition waste. More specifically, the facilities sort and process separately collected, non-hazardous and solid waste streams, including from the building renovation component of the RRP. The facilities recycle non-hazardous and solid waste into secondary raw materials by involving a mechanical transformation process. The objective of the measure is to convert more than 50 %, in terms of weight, of the processed separately collected, non-hazardous and solid waste into secondary raw materials that are suitable for the substitution of primary construction materials.

Part 1 of the DNSH checklist

Please indicate which of the environmental objectives below require a substantive DNSH assessment of the measure	Yes	No	Justification if 'No' has been selected
Climate change mitigation		X	The measure is eligible for the intervention field 045bis in the Annex to the RRF Regulation with a climate change coefficient of 100 % since the technical specifications of the support to recycling facilities is conditional on achieving the 50 % conversion rate. The objective of the measure and the nature of the intervention field directly support the climate change mitigation objective.
Climate change adaptation	X		
The sustainable use and protection of water and marine resources		X	The activity that is supported by the measure has an insignificant foreseeable impact on this environmental objective, taking into account both the direct and primary indirect effects across the life cycle. No environmental degradation risks related to preserving water quality and water stress are identified. In accordance with Directive 2011/92/EU, the screening stage of the Environmental Impact Assessment (EIA) process concluded that no significant effects are expected. Where construction and demolition waste will be stored waiting to be processed will have to be covered, and water infiltration on site will be managed, to avoid that pollutants from the treated waste can be washed off into the local aquifer in case of rain.
The circular economy, including waste prevention and recycling		X	The measure is eligible for the intervention field 045bis in the Annex to the RRF Regulation with an environmental coefficient of 100 % since the technical specifications of the support to recycling facilities is conditional on achieving the 50 % conversion rate. The objective of the measure and the nature of the intervention field directly supports the circular economy objective. The measure is consistent with the [national/regional/local] waste management plan.
Pollution prevention and control to air, water or land		X	The activity that is supported by the measure has an insignificant foreseeable impact on this environmental objective, taking into account both the direct and primary indirect effects across the life cycle. In accordance with Directives 2011/92/EU, the screening stage of the Environmental Impact Assessment (EIA) process was concluded that no significant effects are expected, based on measures taken to reduce noise, dust and pollutant emissions during construction of the recycling facility and its operation (sorting and treatment of waste). The facilities supported by the measure apply

			the best available techniques described in the Reference Document on Best Available Techniques (BREF) for waste treatment industries. Measures taken to reduce noise, dust and pollutant emissions during construction works are described on page X of the RRP.
The protection and restoration of biodiversity and ecosystems		X	The activity that is supported by the measure has an insignificant foreseeable impact on this environmental objective, taking into account both the direct and primary indirect effects across the life cycle. The operation is not located in or near biodiversity-sensitive areas (including the Natura 2000 network of protected areas, UNESCO World Heritage sites and Key Biodiversity Areas, as well as other protected areas). In accordance with Directives 2011/92/EU and 92/43/EEC, the screening stage of the Environmental Impact Assessment (EIA) process was concluded that no significant effects are expected.

Part 2 of the DNSH checklist

Questions	No	Substantive justification
Climate change adaptation: Is the measure expected to lead to an increased adverse impact of the current climate and the expected future climate, on the measure itself or on people, nature or assets?	X	Since the measure relates to two facilities being constructed in proximity to flood-prone areas and the expected life-span of the facilities exceed 10 years, a robust climate risk and vulnerability assessment has been performed, using high resolution, state-of-the-art climate projections across a range of future scenarios consistent with the expected lifetime of the facilities. The conclusions of the assessment have been incorporated in the design of the measure (see page X in the RRP). Additionally, the measure specifies the obligation for the economic operators to develop a plan to implement adaptation solutions to reduce material physical climate risks to the recycling facilities (see page X in the RRP). The obligation includes that adaptation solutions do not adversely affect the adaptation efforts or the level of resilience to physical climate risks of other people, of nature, of assets and of other economic activities and are consistent with local, sectoral, regional or national adaptation efforts.

Example 3: Waste incinerator (example of non-compliance with DNSH)

Description of the measure

This measure is an investment to support the construction of new waste incinerators to increase the existing capacity in the country. The aim of the measure is to reduce the landfilling of non-hazardous municipal solid waste and generate energy through waste incineration (waste-to-energy).

Part 1 of the DNSH checklist

Please indicate which of the environmental objectives below require a substantive DNSH assessment of the measure	Yes	No	Justification if 'No' has been selected
Climate change mitigation	X		

Climate change adaptation	X		
The sustainable use and protection of water and marine resources		X	In this particular case, the activity that is supported by the measure has an insignificant foreseeable impact on this environmental objective, taking into account both the direct and primary indirect effects across the life cycle. There is evidence that the measure will not result in environmental degradation risks related to preserving water quality and water stress in accordance with the Water Framework Directive (2000/60/EC). In accordance with Directives 2011/92/EU, the screening stage of the Environmental Impact Assessment (EIA) process was concluded that no significant effects are expected.
The circular economy, including waste prevention and recycling	X		
Pollution prevention and control to air, water or land	X		
The protection and restoration of biodiversity and ecosystems	X		

Part 2 of the DNSH checklist

Questions	No	Substantive justification
Climate change mitigation: Is the measure expected to lead to significant GHG emissions?	X	The facilities supported by the measure aim to minimise CO_2 emissions of fossil origin. This is ensured by incinerating only biomass (and not fossil) material. This is substantiated (see page X in the RRP) and incorporated in the relevant targets linked to Component Y. A monitoring plan is in place for leakage of GHG emissions at each facility, in particular from stored waste to be processed, as reflected in the design of the measure on page X in the RRP.
Climate change adaptation: Is the measure expected to lead to an increased adverse impact of the current climate and the expected future climate, on the measure itself or on people, nature or assets?	X	Since the three waste incinerators to be supported by the measure are located in landslide prone areas and with an expected life-span of the facilities of 25-30 years, a robust climate risk and vulnerability assessment has been performed, using high resolution, state-of-the-art climate projections across a range of future scenarios consistent with the expected lifetime of the facilities. The conclusions of the assessment have been incorporated in the design of the measure (see page X in the RRP). Additionally, the measure specifies the obligation for the economic operators to develop a plan to implement adaptation solutions to reduce material physical climate risks to the waste incinerators (see page X in the RRP). The obligation further includes that adaptation solutions do not adversely affect the adaptation efforts or the level of resilience to physical climate risks of other people, of nature, of assets and of other economic activities and are consistent with local, sectoral, regional or national adaptation efforts.

Transition to a circular economy, including waste prevention and recycling: Is the measure expected to: (i) lead to a significant increase in the generation, incineration or disposal of waste, with the exception of the incineration of non-recyclable hazardous waste; or (ii) lead to significant inefficiencies in the direct or indirect use of any natural resource at any stage of its life cycle which are not minimised by adequate measures; or (iii) cause significant and long-term harm to the environment in respect to the circular economy?	*Example of non-compliance with DNSH*	While this measure aims to divert, among others, combustible non-recyclable waste from landfills, the Commission would likely consider this measure to develop or "lead to a significant increase in the generation, incineration or disposal of waste, with the exception of the incineration of non-recyclable hazardous waste" for the following reasons. The construction of new waste incinerators to increase the existing incineration capacity in the country leads to a significant increase in the incineration of waste, which does not fall under the category of non-recyclable hazardous waste. Therefore, it is in direct breach of Article 17(1)d(ii) ('Significant harm to environmental objectives') of the Taxonomy Regulation. The measure hampers the development and deployment of available low-impact alternatives with higher levels of environmental performance (e.g. reuse, recycling), and could lead to a lock-in of high-impact assets, considering their lifetime and capacity. Significant amounts of non-hazardous waste (recyclable and non-recyclable, indistinctively) might be used as feedstock, thus hampering, as regards recyclable waste, treatment ranking higher in the waste hierarchy, including recycling. This would undermine the achievement of recycling targets at national/regional level and the national/regional/local Waste Management Plan adopted in accordance with the amended Waste Framework Directive.
Pollution prevention and control: Is the measure expected to lead to a significant increase in the emissions of pollutants into air, water or land?	X	The measure requires the facilities supported to apply the best available techniques laid out in the BAT Conclusions for Waste Incineration (Commission Implementing Decision (EU) 2019/2010). This is ensured by the design of the measure (see page X in the RRP). The facilities supported by the measure have secured the relevant environmental permit and include mitigation and monitoring of environmental impacts, based on measures taken to reduce and control the level of noise, dust and other pollutant emissions during construction, maintenance works and operation (see page X in the RRP).
Protection and restoration of biodiversity and ecosystems: Is the measure expected to be: (i) significantly detrimental to the good condition and resilience of ecosystems; or (ii) detrimental to the conservation status of habitats and species, including those of Union interest?	X	An Environmental Impact Assessment (EIA) or screening has been completed in accordance with Directive 2011/92/EU, and the required mitigation measures for protecting the environment have been/will be implemented and reflected in the milestones and targets of measure X in Component Y (see page X in the RRP). The incinerators will not be located in or near biodiversity-sensitive areas (including the Natura 2000 network of protected areas, UNESCO World Heritage sites and Key Biodiversity Areas, as well as other protected areas).

Example 4: Transport infrastructure (roads)

Description of the measure

This measure would consist of investments across two sub-measures:

— Construction of a new highway, part of the Core TEN-T Network, aimed at (i) better connecting a remote region of a Member State with the rest of the country and (ii) improving road safety.

— Construction of electric charging (one charging point per ten vehicles) and hydrogen refuelling points (one refuelling point every X km) along the new highway.

Part 1 of the DNSH checklist

Please indicate which of the environmental objectives below require a substantive DNSH assessment of the measure		Yes	No	Justification if 'No' has been selected
Climate change mitigation	Construction of the new highway	X		
	Construction of charging and refuelling infrastructure		X	This sub-measure is eligible for intervention field 077 in the Annex to the RRF Regulation with a climate change coefficient of 100 %. In addition, electric charging and hydrogen refuelling infrastructure (which will be based on green hydrogen produced by electrolysers) promotes electrification and as such can be considered a necessary investment to enable the shift to an effective climate-neutral economy. Justification and evidence of upscaling of renewables generation capacity at the national level is provided in component X, pages Y-Z of the RRP.
Climate change adaptation		X		
The sustainable use and protection of water and marine resources		X		
The circular economy, including waste prevention and recycling		X		
Pollution prevention and control to air, water or land		X		
The protection and restoration of biodiversity and ecosystems		X		

Part 2 of the DNSH checklist

Questions	No	Substantive justification
Climate change mitigation: Is the measure expected to lead to significant GHG emissions?	X	*(Only regarding the sub-measure on the construction of a new highway:)*

		The measure is not expected to lead to significant GHG emissions, as the new highway forms part of the comprehensive transport plan ([1]) aimed at decarbonising transport in line with 2030 and 2050 climate targets. In particular, this is due to the following accompanying measures: — the coupling of the road investment with electric charging and hydrogen refuelling infrastructure; — reform X (pages Y-Z) of this component, which introduces tolling for this road and others; — reform Y (pages Y-Z) of this component, which increases taxation for conventional fuels; — reform Z (pages Y-Z) of this component, which provides incentives for the purchasing of zero emission vehicles; — and measures XX and XY (pages Y-Z) of this component, which support the modal shift towards rail and/or inland waterways.
Climate change adaptation: Is the measure expected to lead to an increased adverse impact of the current climate and the expected future climate, on the measure itself or on people, nature or assets?	X	Since the measure relates to the construction of a road and related charging and refuelling infrastructure in an area prone to heat stress and temperature variability and the expected life-span of the assets exceeds 10 years, a climate risk and vulnerability assessment has been performed, using climate projections across a range of future scenarios consistent with the expected lifetime of the facilities. In particular, a flood risk analysis was carried out and two segments where specific adaptation solution need to be implemented have been identified. Special attention has been paid to sensitive elements like bridges and tunnels. The conclusions of the assessment have been incorporated in the design of the measure (see page X in the RRP). Additionally, the measure specifies the obligation for the economic operators to develop a plan to implement adaptation solutions to reduce material physical climate risks to the road and related charging and refuelling infrastructure (see page X in the RRP). The obligation includes that adaptation solutions do not adversely affect the adaptation efforts or the level of resilience to physical climate risks of other people, of nature, of assets and of other economic activities and are consistent with local, sectoral, regional or national adaptation efforts.
Sustainable use and protection of water and marine resources: Is the measure expected to be detrimental: (i) to the good status or the good ecological potential of bodies of water, including surface water and groundwater; or (ii) to the good environmental status of marine waters?	X	An Environmental Impact Assessment (EIA) was carried out for the construction of the road and installation of the related charging and refuelling infrastructure, in accordance with Directive 2011/92/EU. The required mitigation steps for protecting the environment will be implemented, which has been reflected in the design of the measure (see page X in the RRP). The EIA included an assessment of the impact on water in accordance with Directive 2000/60/EC and the risks identified have been addressed in the design of the measure (see page X in the RRP). Environmental degradation risks related to preserving water quality and avoiding water stress are identified and addressed in accordance with the requirements under Directive 2000/60/EC (Water Framework Directive) and with a River Basin Management Plan developed for the potentially affected water body or bodies in consultation with relevant stakeholders (see page X in the RRP).

Transition to a circular economy, including waste prevention and recycling: Is the measure expected to: (i) lead to a significant increase in the generation, incineration or disposal of waste, with the exception of the incineration of non-recyclable hazardous waste; or (ii) lead to significant inefficiencies in the direct or indirect use of any natural resource at any stage of its life cycle which are not minimised by adequate measures; or (iii) cause significant and long-term harm to the environment in respect to the circular economy?	X	The measure requires the operators carrying out the road construction to ensure that at least 70 % (by weight) of the non-hazardous construction and demolition waste from the construction of the road and related charging and refuelling infrastructure (excluding naturally occurring material defined in category 17 05 04 in the European List of Waste established by Commission Decision 2000/532/EC) generated on the construction site will be prepared for re-use, recycling and other material recovery, including backfilling operations using waste to substitute other materials, in accordance with the waste hierarchy and the EU Construction and Demolition Waste Management Protocol. The operators will limit waste generation during construction, in accordance with the EU Construction and Demolition Waste Management Protocol and taking into account best available techniques and facilitate re-use and high-quality recycling by selective removal of materials, using available sorting systems for construction waste.
Pollution prevention and control: Is the measure expected to lead to a significant increase in the emissions of pollutants into air, water or land?	X	The measure is not expected to lead to a significant increase in the emissions of pollutants into air, as it forms part of the comprehensive transport plan and is in line with the National Air Pollution Control Programme. In particular, this is due to the following accompanying measures: — the coupling of the road investment with electric charging and hydrogen refuelling infrastructure; — reform X (pages Y-Z) of this component, which introduces tolling for this road and others; — reform Y (pages Y-Z) of this component, which increases taxation for conventional fuels; — reform Z (pages Y-Z) of this component, which provides incentives for the purchasing of zero emission vehicles; — and measures XX and XY (pages Y-Z) of this component, which support the modal shift towards rail and/or inland waterways. In addition, noise and vibrations from use of the road and related charging and refuelling infrastructure will be mitigated by introducing wall barriers that comply with Directive 2002/49/EC.
Protection and restoration of biodiversity and ecosystems: Is the measure expected to be: (i) significantly detrimental to the good condition and resilience of ecosystems; or (ii) detrimental to the conservation status of habitats and species, including those of Union interest?	X	An Environmental Impact Assessment was carried out for the construction of the road and related charging and refuelling infrastructure, in accordance with Directive 2011/92/EU and Directive 92/43/EEC. The required mitigation steps for reducing land fragmentation and degradation, in particular green corridors and other habitat connectivity measures, as well as the relevant protected animals species listed in Annex IV of Directive 92/43/EEC, have been based on established conservation objectives and have been implemented, which has been reflected in the design of the measure (see page X in the RRP).

([1]) Or, in the absence of a comprehensive sustainable transport plan, a specific cost-benefit analysis performed at project-level shows that the project itself leads to a decrease / does not lead to an increase of GHG emissions throughout its life cycle.

Example 5: Car scrappage scheme (example of non-compliance with DNSH)

Description of the measure

This measure is a scrappage scheme for the replacement of currently used internal combustion-engine cars by more efficient ones also relying on internal combustion (i.e. diesel or petrol combustion). The incentive takes the form of a unitary grant per scrapped and acquired car but can also take a more sophisticated form (tax deduction).

The measure seeks to replace older, more polluting vehicles with more recent and therefore less polluting equivalents. For the purpose of this example, it is assumed that this scheme only requires the shift to a new generation of product (e.g. a successive level of the Euro standards) within the same technology.

Part 1 of the DNSH checklist

Please indicate which of the environmental objectives below require a substantive DNSH assessment of the measure	Yes	No	Justification if 'No' has been selected
Climate change mitigation	X		
Climate change adaptation		X	The activity that is supported by the measure has an insignificant foreseeable impact on this environmental objective, taking into account both the direct and primary indirect effects across the life cycle.
The sustainable use and protection of water and marine resources		X	The activity that is supported by the measure has an insignificant foreseeable impact on this environmental objective, taking into account both the direct and primary indirect effects across the life cycle.
The circular economy, including waste prevention and recycling	X		
Pollution prevention and control to air, water or land	X		
The protection and restoration of biodiversity and ecosystems		X	The activity that is supported by the measure has an insignificant foreseeable impact on this environmental objective, taking into account both the direct and primary indirect effects across the life cycle.

Part 2 of the DNSH checklist

Questions	No	Substantive justification
Climate change mitigation: Is the measure expected to lead to significant GHG emissions?	*Example of non-compliance with DNSH*	Combustion cars produce CO_2 (and particulate emissions, NO, volatile organic compounds and various other hazardous air pollutants including benzene). As regards climate change mitigation, the acquisition of new cars (to replace old ones) would diminish emission but still lead to significant greenhouse gas emissions (The average CO_2 emissions, measured in laboratory tests, of new passenger cars registered in the EU and Iceland in 2018 were 120,8 grams of CO_2 per kilometre). The Commission is likely to reject the argument that new generation diesel or petrol cars represent the best available alternative in the sector and that therefore the investment does not breach DNSH. Electric cars represent a better available alternative with a higher environmental

		performance (i.e., lower levels of lifecycle emissions) in the sector in terms of climate change mitigation. Therefore, the Commission would be likely to consider that the scrappage scheme would lead to a significant harm to climate mitigation.
Circular economy and waste management: Is the measure expected to: (i) lead to a significant increase in the generation, incineration or disposal of waste, with the exception of the incineration of non-recyclable hazardous waste; or (ii) lead to significant inefficiencies in the direct or indirect use of any natural resource at any stage of its life cycle which are not minimised by adequate measures; or (iii) cause significant and long-term harm to the environment in respect to the circular economy?	X	Measures are in place to manage waste both in the use phase (maintenance) and the end-of-life of the fleet, including through reuse and recycling of batteries and electronics (in particular critical raw materials therein), in accordance with the waste hierarchy. Production impacts are factored in, and the scheme will not encourage the premature scrapping of serviceable vehicles. In particular, the scheme requires that any scrapped car is processed by an Authorised Treatment Facility (ATF) according to the end-of-life vehicles directive (2000/53/EC) as proven by a certificate required to take part in the scheme. Additionally, the measure is accompanied by an activity that promotes the harvest of parts by the ATFs for their ultimate re-use and remanufacturing.
Pollution prevention and control: Is the measure expected to lead to a significant increase in the emissions of pollutants ([1]) into air, water or land?	*Example of non-compliance with DNSH*	Combustion-engine cars emit among others carbon monoxide (CO), particulate matter (PM), nitrogen oxides (NOx) and unburnt hydrocarbons (HC). Given the average practices and regulatory requirements in the industry ([2]), the Commission would be unlikely to consider that the measure does not lead to a significant increase in the emissions of pollutants into air, for similar considerations as those set out for climate change mitigation.

Example 6: Land irrigation

Description of the measure

The measure envisages primarily investments in an existing and in-use irrigation system in region X to use more efficient irrigation methods and promote safe re-use of reclaimed water. The aim is to compensate water scarcity of soil caused by droughts and as such to contribute to climate change adaptation, in particular as regards agricultural crops. The measure will be accompanied by the promotion and support for sustainable agricultural practices, in particular more sustainable and efficient irrigation systems and natural water retention measures, switching to crops and management practices with lower water requirements, as well as more sustainable fertilisation practices.

([1]) Pollutant means a substance, vibration, heat, noise, light or other contaminant present in air, water or land which may be harmful to human health or the environment.

([2]) The composition varies from petrol to diesel engines. Euro 5 and 6 Regulation (EC) No 715/2007 sets the emission limits for cars for regulated pollutants, in particular nitrogen oxides (NOx, i.e. the combined emissions of NO and NO_2) of 80 mg/km.

Part 1 of the DNSH checklist

Please indicate which of the environmental objectives below require a substantive DNSH assessment of the measure	Yes	No	Justification if 'No' has been selected
Climate change mitigation		X	The activity that is supported by the measure has an insignificant foreseeable impact on this environmental objective, taking into account both the direct and primary indirect effects across the life cycle. This is ensured because the new system/equipment will be energy-efficient and hence the absolute emissions will not increase despite a modest increase in the irrigated area, and/or because the electricity to power the equipment will be wind or solar derived. Irrigation can indirectly facilitate the continuation of agricultural practices that compromise the carbon sink function of agricultural soils or even turn them into net emitters. The meaningful promotion and support for sustainable agricultural practices as part of the measure indicates no further deterioration on that account, and ought to lead to an improvement.
Climate change adaptation	X		
The sustainable use and protection of water and marine resources	X		
The circular economy, including waste prevention and recycling		X	The activity that is supported by the measure has an insignificant foreseeable impact on this environmental objective, taking into account both the direct and primary indirect effects across the life cycle. The measure will not lead to significant inefficiencies in the use of resources nor to increase the generation of waste.
Pollution prevention and control to air, water or land	X		
The protection and restoration of biodiversity and ecosystems	X		

Part 2 of the DNSH checklist

Questions	No	Substantive justification
Climate change adaptation: Is the measure expected to lead to an increased adverse impact of the current climate and the expected future climate, on the measure itself or on people, nature or assets?	X	The measure is not expected to be detrimental to climate change adaptation for the following reasons: — The main part of the measure contributes to a limited extent to improving resilience to climate change impacts in the short term, since it enhances irrigation without increasing water abstraction. This positive contribution is possible only in so far as the current and projected state of the water bodies affected are in a good state (or are reasonably not expected to deteriorate to a less than good state according to reliable projections). If this were not to be the case, the rate of abstraction would therefore be unsustainable, and the investment would not qualify as a

		climate adaptation measure (and would be a borderline mal-adaptation measure) even if it doesn't make the underlying situation worse, as it would prolong the lifetime of a fundamentally unsustainable structure. The measure is in principle eligible for the intervention field 040 in the Annex to the RRF Regulation with a climate change coefficient of 40 % since the measure is a water management measure that is aimed at managing water scarcity which is exacerbated by climate-related risks, i.e. droughts. — The promotion of sustainable agricultural practices and natural water retention measures, would, by contrast, fit into intervention field 037, directly supporting the climate change adaptation objective. For the whole measure to qualify under 037, the latter would need to be predominant, or at least sufficiently convincing in size, scale and detail.
The sustainable use and protection of water and marine resources: Is the measure expected to be detrimental: (i) to the good status or the good ecological potential of bodies of water, including surface water and groundwater; or (ii) to the good environmental status of marine waters?	X	The measure is not expected to be detrimental to the sustainable use and protection of water and marine resources. The measure is aimed at improving the sustainable use of water resources, in particular through: — supporting the switch by the farmers to crops and management practices with lower water requirements; supporting farmers to implement measures that increase the soil water retention capability and water storage at farm level; — implementing irrigation system that allows the re-use of water in line with the Water Framework Directive and does not lead to an increment of water abstraction. The measure will contain investments in infrastructures to enable the safe re-use of reclaimed water for agricultural purposes. Through this investment, it will become possible to use treated urban waste water for the irrigation of nearby crop fields and prepare for the application of the new Regulation on minimum requirements for water reuse (EU/2020/741); — investing in more sustainable and efficient irrigation systems that require less water, such as localised irrigation. This at the same time will lead to less nutrient leaking to the ground waters as well as nearby inland water bodies; — where the activity involves water abstraction, a permit for water abstraction has been granted by the relevant authority, specifying conditions to avoid deterioration and ensure that affected water bodies achieve good quantitative status (in case of groundwater) or good ecological status or potential (in case of surface water) at the latest by 2027, in accordance with the requirements of the Water Framework Directive 2000/60/EC; — an environmental impact assessment in line with the EIA Directive has been conducted and all the necessary mitigating steps have been identified and reflected in the design of the measure (see page X in the RRP).
Pollution prevention and control: Is the measure expected to lead to a significant increase in the emissions of pollutants into air, water or land?	X	The measure is not expected to lead to a significant increase in the emissions of pollutants into air, water or land because: — of the use of ultra-efficient energy consuming equipment, or that powered from renewable energy sources; — with the installation of more efficient irrigation systems (explained above), the nutrient runoff from agriculture will be reduced; — with the support to farmers to switch to crops and management practices with lower water requirements and the increment of water availability at farm level, less water will be used for irrigation;

		— sustainable agricultural practices will be supported which will in turn require less pesticides leading to less water and land pollution.
The protection and restoration of biodiversity and ecosystems: Is the measure expected to be: (i) significantly detrimental to the good condition and resilience of ecosystems; or (ii) detrimental to the conservation status of habitats and species, including those of Union interest?	X	The measure will not have detrimental effects on biodiversity and ecosystems because: — the irrigation projects covered by this measure are not located in protected sites, or will not have negative effects on such sites in light of their conservation objectives. Any disturbance of species or negative impact on habitats outside those sites, both during the construction and operation phases, will be avoided through the necessary prevention and mitigation steps, which are reflected in the design of the measure (see page X in the RRP); — an environmental impact assessment in line with the EIA Directive has been conducted and all the necessary mitigating steps have been identified and reflected in the design of the measure (see page X in the RRP); — it complies with the requirements of the Habitats and Birds Directive; it was subject to an Article 6(3) assessment under the Habitats Directive (integrated in this particular case within the environmental impact assessment procedure) which excluded significant effects on Natura 2000 sites; — by supporting sustainable agricultural practices, it will in turn require less pesticides hence mitigating the negative impact on biodiversity (insects, birds, life in the soil) and may include more crop diversity, also supporting biodiversity.

Non-opposition to a notified concentration

(Case M.10142 — Pamplona Capital/Signature Foods)

(Text with EEA relevance)

(2021/C 58/02)

On 12 February 2021, the Commission decided not to oppose the above notified concentration and to declare it compatible with the internal market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004 ([1]). The full text of the decision is available only in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

— in the merger section of the Competition website of the Commission (http://ec.europa.eu/competition/mergers/cases/). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,

— in electronic form on the EUR-Lex website (http://eur-lex.europa.eu/homepage.html?locale=en) under document number 32021M10142. EUR-Lex is the online access to European law.

([1]) OJ L 24, 29.1.2004, p. 1.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates [1]

17 February 2021

(2021/C 58/03)

1 euro =

	Currency	Exchange rate		Currency	Exchange rate
USD	US dollar	1,2060	CAD	Canadian dollar	1,5304
JPY	Japanese yen	127,94	HKD	Hong Kong dollar	9,3493
DKK	Danish krone	7,4368	NZD	New Zealand dollar	1,6786
GBP	Pound sterling	0,86960	SGD	Singapore dollar	1,6028
SEK	Swedish krona	10,0413	KRW	South Korean won	1 334,77
CHF	Swiss franc	1,0806	ZAR	South African rand	17,8247
ISK	Iceland króna	155,80	CNY	Chinese yuan renminbi	7,7886
NOK	Norwegian krone	10,2113	HRK	Croatian kuna	7,5705
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	16 959,38
CZK	Czech koruna	25,883	MYR	Malaysian ringgit	4,8702
HUF	Hungarian forint	359,03	PHP	Philippine peso	58,433
PLN	Polish zloty	4,5012	RUB	Russian rouble	89,0524
RON	Romanian leu	4,8750	THB	Thai baht	36,168
TRY	Turkish lira	8,4348	BRL	Brazilian real	6,4771
AUD	Australian dollar	1,5573	MXN	Mexican peso	24,4836
			INR	Indian rupee	87,7940

[1] *Source*: reference exchange rate published by the ECB.

ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS

AVERAGE COSTS OF BENEFITS IN KIND

(2021/C 58/04)

AVERAGE COSTS OF BENEFITS IN KIND – 2018

Application of Article 64 of Regulation (EC) No 987/2009 [1]

I. The amounts to be refunded with regard to the benefits in kind provided in 2018 to family members who do not reside in the same State as the insured person, as referred to in Article 17 of Regulation (EC) No 883/2004 [2], will be determined on the basis of the following average costs:

	Age group	Annual	Net monthly x=0,20
Cyprus	under 20 years	EUR 363,31	EUR 24,22
	20 - 64 years	EUR 368,17	EUR 24,54
	65 years and over	EUR 1 534,74	EUR 102,32
Sweden	under 20 years	SEK 15 052,14	SEK 1 003,48
	20 - 64 years	SEK 21 823,53	SEK 1 454,90
	65 years and over	SEK 66 546,36	SEK 4 436,42

II. The amounts to be refunded with regard to benefits in kind provided in 2018 to pensioners and members of their family, as provided for in Article 24(1) and Articles 25 and 26 of Regulation (EC) No 883/2004, will be determined on the basis of the following average costs:

	Age group	Annual	Net monthly x=0,20	Net monthly x=0,15 [1]
Cyprus	under 20 years	EUR 363,31	EUR 24,22	EUR 25,73
	20 – 64 years	EUR 368,17	EUR 24,54	EUR 26,08
	65 years and over	EUR 1 534,74	EUR 102,32	EUR 108,71
Sweden	under 20 years	SEK 15 052,14	SEK 1 003,48	SEK 1 066,19
	20 – 64 years	SEK 21 823,53	SEK 1 454,90	SEK 1 545,83
	65 years and over	SEK 66 546,36	SEK 4 436,42	SEK 4 713,70

[1] The reduction applied to the monthly fixed amount 'shall be equal to 15 % (X = 0,15) for pensioners and members of their family where the competent Member State is not listed in Annex IV of the basic Regulation' (Article 64(3) of Regulation (EC) No 987/2009).

[1] OJ L 284, 30.10.2009, p. 1.
[2] OJ L 166, 30.4.2004, p. 1.

AVERAGE COSTS OF BENEFITS IN KIND – 2019

Application of Article 64 of Regulation (EC) No 987/2009

I. The amounts to be refunded with regard to the benefits in kind provided in 2019 to family members who do not reside in the same State as the insured person, as referred to in Article 17 of Regulation (EC) No 883/2004, will be determined on the basis of the following average costs:

	Age group	Annual	Net monthly x=0,20
Spain	under 20 years	EUR 582,28	EUR 38,82
	20 - 64 years	EUR 888,20	EUR 59,21
	65 years and over	EUR 4 696,52	EUR 313,10

II. The amounts to be refunded with regard to benefits in kind provided in 2019 to pensioners and members of their family, as provided for in Article 24(1) and Articles 25 and 26 of Regulation (EC) No 883/2004, will be determined on the basis of the following average costs:

	Age group	Annual	Net monthly x=0,20	Net monthly x=0,15 ([1])
Spain	under 20 years	EUR 582,28	EUR 38,82	EUR 41,24
	20 – 64 years	EUR 888,20	EUR 59,21	EUR 62,91
	65 years and over	EUR 4 696,52	EUR 313,10	EUR 332,67

([1]) The reduction applied to the monthly fixed amount 'shall be equal to 15 % (X = 0,15) for pensioners and members of their family where the competent Member State is not listed in Annex IV of the basic Regulation' (Article 64(3) of Regulation (EC) No 987/2009).

NOTICES FROM MEMBER STATES

Update of the list of border crossing points as referred to in Article 2(8) of Regulation (EU) 2016/399 of the European Parliament and of the Council on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) [1]

(2021/C 58/05)

The publication of the list of border crossing points as referred to in Article 2(8) of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) [2] is based on the information notified by the Member States to the Commission pursuant to Article 39 of the Schengen Borders Code.

In addition to the publication in the Official Journal, a regular update is available on the website of the Directorate-General for Migration and Home Affairs.

LIST OF BORDER CROSSING POINTS

GERMANY

Replacement of the information published in OJ C 43, 4.2.2019, p. 2.

Ports on the North Sea

(1) Baltrum

(2) Bensersiel

(3) Borkum

(4) Brake

(5) Brunsbüttel

(6) Büsum

(7) Bützflether Sand

(8) Buxtehude

(9) Bremen

(10) Bremerhaven

(11) Carolinensiel (Harlesiel)

(12) Cuxhaven

(13) Eckwarderhörne

(14) Elsfleth

(15) Emden

(16) Fedderwardersiel

(17) Glückstadt

(18) Greetsiel

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[1] See the list of previous publications at the end of this update.

[2] OJ L 77, 23.3.2016, p. 1.

(19) Großensiel

(20) Hamburg

(21) Hamburg-Neuenfelde

(22) Herbrum

(23) Helgoland

(24) Hooksiel

(25) Horumersiel

(26) Husum

(27) Juist

(28) Langeoog

(29) Leer

(30) Lemwerder

(31) List/Sylt

(32) Neuharlingersiel

(33) Norddeich

(34) Nordenham

(35) Norderney

(36) Otterndorf

(37) Papenburg

(38) Spiekeroog

(39) Stade

(40) Stadersand

(41) Varel

(42) Wangerooge

(43) Wedel

(44) Weener

(45) Westeraccumersiel

(46) Wewelsfleth

(47) Wilhelmshaven

Baltic ports

(1) Eckernförde

(2) Port of Flensburg

(3) Port of Greifswald-Ladebow

(4) Jägersberg (Federal German Navy port facilities)

(5) Kiel

(6) Kiel (Federal German Navy port facilities)

(7) Kiel-Holtenau (Federal German Navy port facilities)

(8) Lubmin

(9) Lübeck

(10) Lübeck-Travemünde

(11) Mukran

(12) Neustadt (Federal German Navy port facilities)

(13) Puttgarden

(14) Rendsburg

(15) Port of Rostock (amalgamation of the overseas ports of Warnemünde and Rostock)

(16) Sassnitz

(17) Stralsund

(18) Surendorf

(19) Vierow

(20) Wismar

(21) Wolgast

ODERHAFF

(1) Ueckermünde

Airports, aerodromes, air fields

IN THE FEDERAL STATE OF BADEN WÜRTTEMBERG

(1) Aalen-Heidenheim-Elchingen

(2) Baden Airport Karlsruhe Baden-Baden

(3) Donaueschingen-Villingen

(4) Freiburg/Brg.

(5) Friedrichshafen-Löwental

(6) Heubach (District of Schwäb. Gmünd)

(7) Lahr

(8) Laupheim

(9) Leutkirch-Unterzeil

(10) Mannheim-City

(11) Mengen

(12) Niederstetten

(13) Schwäbisch Hall

(14) Stuttgart

IN THE FEDERAL STATE OF BAVARIA

(1) Aschaffenburg

(2) Augsburg-Mühlhausen

(3) Bayreuth – Bindlacher Berg

(4) Coburg-Brandebsteinsebene

(5) Giebelstadt

(6) Hassfurth-Mainwiesen

(7) Hof-Plauen

(8) Ingolstadt

(9) Landsberg/Lech

(10) Landshut-Ellermühle

(11) Lechfeld

(12) Memmingerberg

(13) München "Franz Joseph Strauß"

(14) Neuburg

(15) Nürnberg

(16) Oberpfaffenhofen

(17) Roth

(18) Straubing-Wallmühle

IN THE FEDERAL STATE OF BERLIN

(1) Berlin-Tegel

IN THE FEDERAL STATE OF BRANDENBURG

(1) Berlin Brandenburg "Willy Brandt"

(2) Schönhagen

IN THE FEDERAL STATE OF BREMEN

(1) Bremen

IN THE FEDERAL STATE OF HAMBURG

(1) Hamburg

IN THE FEDERAL STATE OF HESSE

(1) Allendorf/Eder

(2) Egelsbach

(3) Frankfurt/Main

(4) Fritzlar

(5) Kassel-Calden

(6) Reichelsheim

IN THE FEDERAL STATE OF MECKLENBURG-WESTERN POMERANIA

(1) Neubrandenburg-Trollenhagen

(2) Rostock-Laage

IN THE FEDERAL STATE OF LOWER SAXONY

(1) Borkum

(2) Braunschweig-Waggum

(3) Bückeburg-Achum

(4) Celle

(5) Damme/Dümmer-See

(6) Diepholz

(7) Emden

(8) Fassberg

(9) Ganderkesee

(10) Hannover

(11) Jever

(12) Leer-Nüttermoor

(13) Norderney

(14) Nordholz

(15) Nordhorn-Lingen

(16) Osnabrück-Atterheide

(17) Wangerooge

(18) Wilhelmshaven-Mariensiel

(19) Wittmundhafen

(20) Wunstorf

IN THE FEDERAL STATE OF NORTH RHINE-WESTPHALIA

(1) Aachen-Merzbrück

(2) Arnsberg

(3) Bielefeld-Windelsbleiche

(4) Bonn-Hardthöhe

(5) Dortmund-Wickede

(6) Düsseldorf

(7) Essen-Mülheim

(8) Bonn Hangelar

(9) Köln/Bonn

(10) Marl/Loemühle

(11) Mönchengladbach

(12) Münster-Osnabrück

(13) Nörvenich

(14) Paderborn-Lippstadt

(15) Porta Westfalica

(16) Rheine-Bentlage

(17) Siegerland

(18) Stadtlohn-Wenningfeld

(19) Weeze-Lahrbruch

IN THE FEDERAL STATE OF RHINELAND-PALATINATE

(1) Büchel

(2) Föhren

(3) Hahn

(4) Koblenz-Winningen

(5) Mainz-Finthen

(6) Pirmasens-Pottschütthöhe

(7) Ramstein (US Air Base)

(8) Speyer

(9) Spangdahlem (US Air Base)

(10) Zweibrücken

IN THE FEDERAL STATE OF SAARLAND

(1) Saarbrücken-Ensheim

(2) Saarlouis/Düren

IN THE FEDERAL STATE OF SAXONY

(1) Dresden

(2) Leipzig-Halle

(3) Rothenburg/Oberlausitz

IN THE FEDERAL STATE OF SAXONY-ANHALT

(1) Cochstedt

(2) Magdeburg

IN THE FEDERAL STATE OF SCHLESWIG-HOLSTEIN

(1) Helgoland-Düne

(2) Hohn

(3) Kiel-Holtenau

(4) Lübeck-Blankensee

(5) Schleswig/Jagel

(6) Westerland/Sylt

IN THE FEDERAL STATE OF THURINGIA

(1) Altenburg-Nobitz

(2) Erfurt-Weimar

LITHUANIA

Replacement of the information published in OJ C 126, 18.4.2015, p. 10.

LITHUANIA – BELARUS

Land borders

(1) Kena – Gudagojis (railway)

(2) Stasylos – Benekainys (railway)

(3) Lavoriškės – Kotlovka

(4) Medininkai – Kamenyj Log

(5) Šalčininkai – Benekainys

(6) Raigardas – Privalka

(7) Švendubrė – Privalka (river)

(8) Tverečius – Vidžiai

(9) Šumskas – Loša

(10) Vilnius railway station (railway)

Local border traffic

(1) Adutiškis – Moldevičiai

(2) Papelekis – Lentupis

(3) Norviliškės – Pickūnai

(4) Krakūnai – Geranainys

(5) Eišiškės – Dotiškės

(6) Rakai – Petiulevcai

(7) Latežeris – Pariečė

LITHUANIA – RUSSIAN FEDERATION

Land borders

(1) Jurbarkas – Sovetsk (river)

(2) Kybartai – Černyševskoje

(3) Kybartai – Nesterov (railway)

(4) Nida – Morskoje

(5) Nida – Rybačyj (river)

(6) Rambynas – Dubki

(7) Pagėgiai – Sovetsk (railway)

(8) Panemunė – Sovetsk

(9) Ramoniškiai – Pograničnyj*

(10) Rusnė – Sovetsk (river)

* Open only for residents of Republic of Lithuania and the Russian Federation according to the Agreement of 24 February 1995 between the Governments of the Republic of Lithuania and the Russian Federation regarding border crossing points between the Republic of Lithuania and the Russian Federation (Article 1(1)(1.2)(d)).

Sea borders

(1) Klaipėda State Seaport (Molas, Pilis and Malkų įlanka border crossing points)

(2) Būtingė Oil Terminal

Air borders

(1) Vilnius airport

(2) Kaunas airport

(3) Palanga airport

(4) Zokniai airport

HUNGARY

Replacement of the information published in OJ C 341, 16.10.2015, p. 19.

HUNGARY – CROATIA

Land borders

(1) Barcs – Terezino Polje

(2) Beremend – Baranjsko Petrovo Selo

(3) Berzence – Gola

(4) Drávaszabolcs – Donji Miholjac

(5) Drávaszabolcs (river, on request)*

(6) Gyékényes – Koprivnica (rail)

(7) Letenye – Goričan I

(8) Letenye – Goričan II (motorway)

(9) Magyarboly – Beli Manastir (railway)

(10) Mohács (river)

(11) Murakeresztúr – Kotoriba (railway)

(12) Udvar – Dubosevica

HUNGARY – SERBIA

Land borders

(1) Ásotthalom – Backi Vinograd*

(2) Bácsalmás – Bajmok*

(3) Hercegszántó – Bački Breg

(4) Kelebia – Subotica (railway)

(5) Mohács (river)

(6) Röszke – Horgoš (Horgos) (road) for those international vehicles not allowed to cross on the motorway as well as for pedestrian and bicycle traffic)*

(7) Röszke – Horgoš (motorway)

(8) Röszke – Horgoš (railway)

(9) Szeged (river)*

(10) Tiszasziget – Đjala (Gyála)*

(11) Tompa – Kelebija

(12) Kübekháza – Rabe*

(13) Bácsszentgyörgy – Rastina*

HUNGARY – ROMANIA

Land borders

(1) Ágerdőmajor (Tiborszállás) – Carei (railway)

(2) Ártánd – Borş

(3) Battonya – Turnu

(4) Biharkeresztes – Episcopia Bihorului (railway)

(5) Csanádpalota – Nădlac (motorway)

(6) Csengersima – Petea

(7) Gyula – Vărşand

(8) Kiszombor – Cenad

(9) Kötegyán – Salonta (railway)

(10) Létavértes – Săcuieni*

(11) Lőkösháza – Curtici (railway)

(12) Méhkerék – Salonta

(13) Nagylak – Nădlac (road)

(14) Nyírábrány – Valea Lui Mihai (railway)

(15) Nyírábrány – Valea Lui Mihai

(16) Vállaj – Urziceni

(17) Nagykereki – Borş II. (motorway)

HUNGARY – UKRAINE

Land borders

(1) Barabás – Kosino*

(2) Beregsurány – Luzhanka

(3) Eperjeske – Salovka (railway)

(4) Lónya – Dzvinkove***

(5) Tiszabecs – Vylok

(6) Záhony – Čop (railway)

(7) Záhony – Čop

Air borders

International airports:

(1) Budapest Liszt Ferenc International Airport

(2) Debrecen

(3) Sármellék

Small international airports (on request):

(1) Békéscsaba

(2) Budaörs

(3) Fertőszentmiklós

(4) Győr-Pér

(5) Kecskemét

(6) Nyíregyháza
(7) Pápa
(8) Pécs-Pogány
(9) Siófok-Balatonkiliti
(10) Szeged
(11) Szolnok

* 7.00-19.00

** 6.00-22.00

*** 7.00-18.00

SWEDEN

Replacement of the information published in OJ C 316, 28.12.2007, p. 1.

Airborders

International airports

Airport	Municipality
Arlanda	Sigtuna
Arvidsjaur	Arvidsjaur
Bromma	Stockholm
Dala Airport	Borlänge
Göteborg City Airport	Göteborg
Göteborg/Landvetter	Härryda
Halmstad	Halmstad
Jönköping	Jönköping
Kalmar	Kalmar
Karlstad	Karlstad
Kiruna	Kiruna
Kristianstad-Everöd	Kristianstad
Malmö-Sturup	Svedala
Norrköping	Norrköping
Linköping	Linköping
Luleå-Kallax	Luleå
Pajala-Ylläs	Pajala
Ronneby/Kallinge	Ronneby
Scandinavian Mountains Airport	Malung-Sälen
Stockholm-Skavsta	Nyköping
Sundsvall-Härnösand	Timrå
Umeå	Umeå
Visby	Gotland
Västerås-Hässlö	Västerås
Växjö	Växjö

Örebro	Örebro
Östersund	Östersund

Aerodromes

Airport	Municipality
Rörberg	Gävle
Skellefteå	Skellefteå
Skövde	Skövde
Trollhättan/Vänersborg	Vänersborg
Ängelholm	Ängelholm
Örnsköldsvik	Örnsköldsvik

Sea borders

Port	Municipality
Bergkvara	Torsås
Borgholm	Borgholm
Ekenäs	Ronneby
Falkenberg	Falkenberg
Furusund	Norrtälje
Grönhögen	Mörbylånga
Gävle hamnar	Gävle
Göta kanal Söderköping	Söderköping
Göteborgs hamnar	Göteborg
Halmstad	Halmstad
Handelshamnen	Karlskrona
Hargshamn	Östhammar
Harnäs-Skutskär	Älvkarleby
Helsingborgs hamn	Helsingborg
Herrvik	Gotland
Holmsund	Umeå
Hudiksvalls hamnar	Hudiksvall
Husums hamn	Örnsköldsvik
Härnösands hamnar	Härnösand
Kalix hamn, Karlsborg	Kalix
Kalmar	Kalmar
Kapellskär	Norrtälje
Karlshamns hamnar	Karlshamn

Karlstad	Karlstad
Kramfors hamnar	Kramfors
Landskrona	Landskrona
Luleå hamn	Luleå
Lysekil	Lysekil
Malmö	Malmö
Mönsterås	Mönsterås
Norrköpings hamn	Norrköping
Nynäshamn	Nynäshamn
Oskarshamn	Oskarshamn
Oxelösund	Oxelösund
Piteå hamn	Piteå
Ronehamn	Gotland
Ronneby hamn	Ronneby
Saltö fiskhamn	Karlskrona
Sandhamn	Värmdö
Simrishamn	Simrishamn
Skelleftehamn	Skellefteå
Slite	Gotland
Sternö vindhamn	Karlshamn
Stillerydshamnen	Karlshamn
Stockholms hamnar	Stockholm
Strömstad	Strömstad
Sundsvalls hamnar	Sundsvall
Söderhamns hamnar	Söderhamn
Södertälje	Södertälje
Sölvesborgs hamn	Sölvesborg
Timrå hamnar	Timrå
Trelleborg	Trelleborg
Varberg	Varberg
Verköhamnen	Karlskrona
Visby	Gotland
Västervik	Västervik
Ystad	Ystad
Åhus	Kristianstad
Öregrund	Östhammar
Örnsköldsviks hamnar	Örnsköldsvik

SWITZERLAND

Replacement of the information published in OJ C 411, 2.12.2017, p. 10.

Airports

(1) Basel-Mulhouse

(2) Geneva-Cointrin

(3) Zurich

(4) St. Gallen-Altenrhein

(5) Bern-Belp

(6) Grenchen

(7) Les Eplatures

(8) Lausanne-La Blécherette

(9) Locarno-Magadino

(10) Lugano-Agno

(11) Samedan

(12) Sion

(13) Buochs*

(14) Emmen*

(15) Mollis*

(16) Saanen*

(17) St. Stephan*

* May only be used as a border crossing point in exceptional circumstances, provided that an individual authorisation is granted in advance by the control authority present on site.

Explanation:

The border crossing points marked with an asterisk (*) are not permanently manned by the staff of the border control authorities. They can only be used in exceptional circumstances to enter and leave the Schengen area, provided that an individual authorisation is issued in advance by the competent control authorities, pursuant to Article 29(3) of the Ordinance of 15 August 2018 on entry and the granting of visas (RS 142.204).

List of previous publications

OJ C 316, 28.12.2007, p. 1.
OJ C 134, 31.5.2008, p. 16.
OJ C 177, 12.7.2008, p. 9.
OJ C 200, 6.8.2008, p. 10.
OJ C 331, 31.12.2008, p. 13.
OJ C 3, 8.1.2009, p. 10.
OJ C 37, 14.2.2009, p. 10.
OJ C 64, 19.3.2009, p. 20.
OJ C 99, 30.4.2009, p. 7.
OJ C 229, 23.9.2009, p. 28.
OJ C 263, 5.11.2009, p. 22.
OJ C 298, 8.12.2009, p. 17.
OJ C 74, 24.3.2010, p. 13.
OJ C 326, 3.12.2010, p. 17.
OJ C 355, 29.12.2010, p. 34.
OJ C 22, 22.1.2011, p. 22.
OJ C 37, 5.2.2011, p. 12.
OJ C 149, 20.5.2011, p. 8.
OJ C 190, 30.6.2011, p. 17.
OJ C 203, 9.7.2011, p. 14.
OJ C 210, 16.7.2011, p. 30.
OJ C 271, 14.9.2011, p. 18.
OJ C 356, 6.12.2011, p. 12.
OJ C 111, 18.4.2012, p. 3.
OJ C 183, 23.6.2012, p. 7.
OJ C 313, 17.10.2012, p. 11.

OJ C 394, 20.12.2012, p. 22.
OJ C 51, 22.2.2013, p. 9.
OJ C 167, 13.6.2013, p. 9.
OJ C 242, 23.8.2013, p. 2.
OJ C 275, 24.9.2013, p. 7.
OJ C 314, 29.10.2013, p. 5.
OJ C 324, 9.11.2013, p. 6.
OJ C 57, 28.2.2014, p. 4.
OJ C 167, 4.6.2014, p. 9.
OJ C 244, 26.7.2014, p. 22.
OJ C 332, 24.9.2014, p. 12.
OJ C 420, 22.11.2014, p. 9.
OJ C 72, 28.2.2015, p. 17.
OJ C 126, 18.4.2015, p. 10.
OJ C 229, 14.7.2015, p. 5.
OJ C 341, 16.10.2015, p. 19.
OJ C 84, 4.3.2016, p. 2.
OJ C 236, 30.6.2016, p. 6.
OJ C 278, 30.7.2016, p. 47.
OJ C 331, 9.9.2016, p. 2.
OJ C 401, 29.10.2016, p. 4.
OJ C 484, 24.12.2016, p. 30.
OJ C 32, 1.2.2017, p. 4.
OJ C 74, 10.3.2017, p. 9.
OJ C 120, 13.4.2017, p. 17.
OJ C 152, 16.5.2017, p. 5.
OJ C 411, 2.12.2017, p. 10.
OJ C 31, 27.1.2018, p. 12.
OJ C 261, 25.7.2018, p. 6.
OJ C 264, 26.7.2018, p. 8.
OJ C 368, 11.10.2018, p. 4.
OJ C 459, 20.12.2018, p. 40.
OJ C 43, 4.2.2019, p. 2.
OJ C 64, 27.2.2020, p. 6.

NOTICES CONCERNING THE EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

State aid – Decision to raise no objections

(2021/C 58/06)

The EFTA Surveillance Authority raises no objections to the following state aid measure:

Date of adoption of the decision	15 October 2020
Case No	85649
Decision No	118/20/COL
EFTA State	Norway
Title	COVID-19 Prolongation of guarantee scheme for airlines
Legal basis	The Parliamentary Decision authorising the Guarantee scheme, in accordance with conditions proposed by the Ministry
Type of measure	Scheme
Objective	The purpose of the guarantee scheme is to alleviate the liquidity shortage faced by the airline industry and ensure that disruptions caused by the COVID-19 outbreak do not undermine the airlines' viability.
Form of aid	Public guarantees
Budget	Estimated NOK 6 billion
Duration	31 December 2020
Economic sectors	Airline industry
Name and address of the granting authority	GIEK, The Norwegian Export Credit Guarantee Agency Pb 1763 Vika N-0122 Oslo NORWAY

The authentic text of the decision, from which all confidential information has been removed, can be found on the EFTA Surveillance Authority's website: http://www.eftasurv.int/state-aid/state-aid-register/decisions/

State aid – Decision to raise no objections

(2021/C 58/07)

The EFTA Surveillance Authority raises no objections to the following state aid measure:

Date of adoption of the decision	12 November 2020
Case No	85837
Decision No	132/20/COL
EFTA State	Norway
Region	Whole territory of Norway
Title	COVID-19 - Portfolio guarantee on trade credit insurance
Legal basis	Parliamentary resolution ('Stortingsvedtak') on an amendment to the National Budget 2020: 'Prop. 1 S Tillegg 1 (2020-2021) Endring av Prop. 1 S (2021-2021) Statsbudsjettet 2021' (yet to be adopted)
Type of measure	Scheme
Objective	Ensure a functioning trade credit insurance market in the face of the COVID-19 pandemic
Form of aid	Guarantees
Budget	NOK 19.820 billion in guarantees
Duration	Until 30 June 2021
Economic sectors	Trade credit insurance
Name and address of the granting authority	GIEK Postboks 1763 Vika N-0122 Oslo NORWAY

The authentic text of the decision, from which all confidential information has been removed, can be found on the EFTA Surveillance Authority's website: http://www.eftasurv.int/state-aid/state-aid-register/decisions/

State aid – Decision to raise no objections

(2021/C 58/08)

The EFTA Surveillance Authority raises no objections to the following state aid measure:

Date of adoption of the decision	12 November 2020
Case No	85836
Decision No	133/20/COL
EFTA State	Norway
Title (and/or name of the beneficiary)	4th amendment to COVID-19 Guarantee scheme
Legal basis	Forskrift om endring i forskrift 27. mars 2020 nr. 490 til lov om statlig garantiordning for lån til små og mellomstore bedrifter, FOR-2020-03-27-490
Type of measure	Scheme
Objective	Ensure access to liquidity for undertakings facing a sudden shortage of liquidity due to the COVID-19 outbreak
Form of aid	Public guarantees
Budget	NOK 50 billion (for the scheme as amended)
Duration	26 March 2020 - 30 June 2021
Economic sectors	All sectors
Name and address of the granting authority	GIEK, The Norwegian Export Credit Guarantee Agency Pb 1763 Vika N-0122 Oslo NORWAY

The authentic text of the decision, from which all confidential information has been removed, can be found on the EFTA Surveillance Authority's website: http://www.eftasurv.int/state-aid/state-aid-register/decisions/

State aid – Decision to raise no objections

(2021/C 58/09)

The EFTA Surveillance Authority raises no objections to the following state aid measure:

Date of adoption of the decision	28 October 2020
Case No	85631
Decision No	123/20/COL
EFTA State	Norway
Title	Grant scheme for local broadcasting
Legal basis	Regulation of 19 February 2016 No 166 on grants to local broadcasting
Type of measure	Aid scheme
Objective	Media pluralism, freedom of speech, and to strengthen the democratic function of local broadcasting
Form of aid	Grant
Budget	NOK 22 million annually
Intensity	80 %
Duration	1 January 2021 to 31 December 2026
Economic sectors	Media
Name and address of the granting authority	The Norwegian Media Authority Nygata 4 N-1607 Fredrikstad NORWAY

The authentic text of the decision, from which all confidential information has been removed, can be found on the EFTA Surveillance Authority's website: http://www.eftasurv.int/state-aid/state-aid-register/decisions/

State aid – Decision to raise no objections

(2021/C 58/10)

The EFTA Surveillance Authority raises no objections to the following state aid measure:

Date of adoption of the decision	11 November 2020
Case No	85838
Decision No	131/20/COL
EFTA State	Norway
Title	Regionally differentiated social security contributions 2021
Legal basis	The annual Resolution of the Parliament on rates for social security contributions etc., and Section 23-2 of Act No 19 of 28 February 1997 relating to the National Insurance Scheme (Folketrygdloven)
Type of measure	Scheme
Objective	Regional aid
Form of aid	Tax reduction
Intensity	3,1 to 12,4
Duration	1.1.2021-31.12.2021
Economic sectors	Horizontal. All sectors covered by the Regional Aid Guidelines 2014-2021
Name and address of the granting authority	Government of Norway

The authentic text of the decision, from which all confidential information has been removed, can be found on the EFTA Surveillance Authority's website: http://www.eftasurv.int/state-aid/state-aid-register/decisions/.

State aid – Decision to raise no objections

(2021/C 58/11)

The EFTA Surveillance Authority raises no objections to the following state aid measure:

Date of adoption of the decision	19 October 2020
Case No	85613
Decision No	119/20/COL
EFTA State	Norway
Region	Vestfold og Telemark
Title (and/or name of the beneficiary)	COVID-19 compensation to Dyrsku'n Arrangement AS
Legal basis	Allocation letter from the Ministry of Agriculture and Food to Dyrsku'n Arrangement AS, implementing the objective of the decision of 09 October 2020 of the Norwegian Parliament on appropriating state aid in the amount of NOK 11.2 million.
Type of measure	Individual aid
Objective	Compensation of damage caused by exceptional occurrence
Form of aid	Direct grant
Budget	NOK 11.2 million
Intensity	68,7 % (estimate)
Economic sectors	Organisation of conventions and trade shows; Camping grounds, recreational vehicle parks and trailer parks; Other accommodation.
Name and address of the granting authority	The Ministry of Agriculture and Food Postboks 8007 Dep. N-0030 Oslo NORWAY

The authentic text of the decision, from which all confidential information has been removed, can be found on the EFTA Surveillance Authority's website: http://www.eftasurv.int/state-aid/state-aid-register/decisions/

State aid – Decision to raise no objections

(2021/C 58/12)

The EFTA Surveillance Authority raises no objections to the following State aid measure:

Date of adoption of the decision	6 November 2020
Case No	85844
Decision No	129/20/COL
EFTA State	Iceland
Title	COVID-19 Income loss grants
Legal basis	The Act on aid for undertakings faced with income losses due to the coronavirus pandemic (i. *lög um tekjufallsstyrki*)
Type of measure	Direct grants
Objective	To maintain the level of employment and economic activity in Iceland by supporting undertakings that have incurred a temporary loss of income due to the COVID-19 outbreak and measures imposed to fight the spreading of the virus.
Form of aid	Direct grants
Budget	ISK 23,3 billion
Duration	Until 1 May 2021
Economic sectors	All sectors
Name and address of the granting authority	Iceland Revenue and Customs Tryggvagata 19 101 Reykjavík ICELAND

The authentic text of the decision, from which all confidential information has been removed, can be found on the EFTA Surveillance Authority's website: http://www.eftasurv.int/state-aid/state-aid-register/decisions/

V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN COMMISSION

NOTICE OF OPEN COMPETITION

(2021/C 58/13)

The European Personnel Selection Office (EPSO) is organising the following open competition:

EPSO/AST/148/21

PROOFREADERS/LANGUAGE EDITORS (AST 3) for the following languages:

Greek (EL), Spanish (ES), Estonian (ET), Irish (GA), Italian (IT) and Portuguese (PT)

The competition notice is published in 24 languages in *Official Journal of the European Union* C 58 A of 18 February 2021.

Further information can be found on the EPSO website: https://epso.europa.eu/

COURT PROCEEDINGS

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by Borgarting Lagmannsrett in criminal proceedings against P

(Case E-15/20)

(2021/C 58/14)

A request has been made to the EFTA Court dated 16 October 2020 from *Borgarting Lagmannsrett* (Borgarting Court of Appeal), which was received at the Court Registry on 21 October 2020, for an Advisory Opinion in criminal proceedings against P on the following questions:

Question 1

Do Articles 3 and 7(a) of the EEA Agreement, read in conjunction with Regulation 883/2004, in particular Articles 4, 5 and 7, read in conjunction with Chapter 6, preclude a national scheme under which:

a) it is a condition for entitlement to unemployment benefits that the unemployed person stays ('oppholder seg') in Norway (see Section 4-2 of the National Insurance Act); and

b) an exemption from the requirement to stay, including the provision in Article 64 of Regulation 883/2004, is provided for in the national Unemployment Benefits Regulation, which is also implemented in the Transposing Regulation?

Question 2

Irrespective of the answer to question 1, is a scheme as described in question 1 a restriction under the EEA Agreement's rules on free movement, including Articles 28, 29 and 36?

If so, can such a restriction be justified by reference to the following grounds:

i. that stays in the competent State are usually viewed as giving the unemployed person better incentive and opportunities for seeking and finding employment, including being able to start quickly in a possible job;

ii. that stays in the competent State are usually viewed as helping the unemployed person to be available for the employment services, and that presence in Norway makes it possible for the public administration to monitor whether the unemployed person fulfils the conditions for receiving the cash benefit paid in the event of unemployment – including that the unemployed person is in fact unemployed and does not have hidden sources of income, is a genuine job-seeker, is engaged in an active search for employment or participates in other activities aimed at finding employment;

iii. that stays in the competent State are usually viewed as giving the employment services better opportunities to assess whether the unemployed person is being given suitable follow-up; and

iv. that the national scheme allows for receiving unemployment benefits in another EEA State on the conditions provided for by Regulation 883/2004.

Question 3

In so far as required by the answers to questions 1 and 2, equivalent questions are asked in relation to Directive 2004/38, including Articles 4, 6 and 7.

Question 4

The accused has been indicted for having provided false information to the administrative body NAV regarding stays in another EEA State, thereby having misled NAV into paying unemployment benefits to which he was not entitled because the National Insurance Act lays down conditions requiring a stay ('opphold') in Norway in order to receive unemployment benefits. Given the Norwegian transposition of Regulation 883/2004 (see question 1), is the use of the provisions of the Criminal Code on fraud and providing a false statement in a case such as the present one in accordance with fundamental EEA law principles such as the principle of clarity and the principle of legal certainty?

Question 5

In the light of the specific case such as the present one and the transposition by Norway of Regulation 883/2004 (see question 1), is the criminal law sanction in accordance with the principle of proportionality?

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice of initiation

of an anti-dumping proceeding concerning imports of calcium silicon originating in the People's Republic of China

(2021/C 58/15)

The European Commission ('the Commission') has received a complaint pursuant to Article 5 of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ([1]) ('the basic Regulation'), alleging that imports of calcium silicon ('CaSi'), originating in the People's Republic of China are being dumped and are thereby causing injury ([2]) to the Union industry.

1. Complaint

The complaint was lodged on 4 January 2021 by Euroalliages ('the complainant'), an association that represents all the producers of calcium silicon in the Union. The complaint was made on behalf of the Union industry of calcium silicon in the sense of Article 5(4) of the basic Regulation.

An open version of the complaint and the analysis of the degree of support by Union producers for the complaint are available in the file for inspection by interested parties. Section 5.6 of this Notice provides information about access to the file for interested parties.

2. Product under investigation

The product subject to this investigation is an alloy or a chemical compound that contains by weight 16 % or more of calcium, 45 % or more of silicon, less than 14 % of iron and not more than 10 % of any other element; whether or not presented in bulk, packaged in bags or in steel drums, enclosed in steel sheets (or cored wire), or otherwise presented ('the product under investigation'). It is commonly referred to as calcium silicon ('CaSi').

All interested parties wishing to submit information on the product scope must do so within 10 days of the date of publication of this Notice ([3]).

3. Allegation of dumping

The product allegedly being dumped is the product under investigation, originating in the People's Republic of China ('the PRC' or 'the country concerned') currently classified under CN codes ex 7202 99 80 and ex 2850 00 60 (TARIC codes 7202 99 80 30 and 2850 00 60 91). The CN and TARIC codes are given for information only.

The complainant claimed that it is not appropriate 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.

([1]) OJ L 176, 30.6.2016, p. 21.

([2]) The general term 'injury' refers to material injury as well as to threat of material injury or material retardation of the establishment of an industry as set out in Article 3(1) of the basic Regulation.

([3]) References to the publication of this Notice mean publication in the *Official Journal of the European Union*.

To substantiate the allegations of significant distortions, the complainant relied on the information contained in the 'Commission Staff Working Document on Significant Distortions in the Economy of the PRC' dated 20 December 2017 ([4]). In particular, the complainant relied on the specific section on distortions in the factors of production, and on the section on raw materials such as limestone and quartz and to other material inputs, as well as on the chapters about general distortions regarding energy and electricity. The complainant also made reference to a sectoral study on the Chinese ferro-alloys market ([5]) that states that the Chinese ferro-alloy industry is subjected to heavy handed government guidance and discretionary interference and concluded that the Chinese companies in this industry 'are operating in a distorted market environment in which competitive forces are not permitted to structure the domestic market and align it with the global markets'. Finally, the complainant relied on the findings and conclusions of the anti-dumping expiry review Regulation (EU) 2020/909 of 30 June 2020 on ferro-silicon that established that the Chinese ferro-alloys industry is heavily distorted. This finding applies to the whole ferro-alloys industry that includes CaSi ([6]).

As a result, in view of Article 2(6a)(a) of the basic Regulation, the allegation of dumping is based on a comparison of a constructed normal value on the basis of costs of production and sale reflecting undistorted prices or benchmarks, with the export price (at ex-works level) of the product under investigation when sold for export to the Union. On that basis the dumping margins calculated are significant for the country concerned.

In light of the information available, the Commission considers that there is sufficient evidence pursuant to Article 5(9) of the basic Regulation tending to show that, due to significant distortions affecting prices and costs, the use of domestic prices and costs in the country concerned is inappropriate, thus warranting the initiation of an investigation on the basis of Article 2(6a) of the basic Regulation.

The country report is available in the file for inspection by interested parties and on DG Trade's website ([7]). All the evidence in support of State intervention and distortions in the calcium silicon sector is part of the open version of the complaint and available in the file for inspection by interested parties.

4. Allegations of injury, causation and raw materials distortions

4.1. *Allegation of injury/causation*

The complainant has provided evidence that imports of the product under investigation from the country concerned have significantly increased in absolute terms and in terms of market share.

The evidence provided by the complainant shows that the volume and the prices of the imported product under investigation have had, among other consequences, a negative impact on the volumes of EU sales and on the level of prices charged by the Union industry, resulting in substantial adverse effects on the overall performance, financial situation and employment situation of the Union industry.

4.2. *Allegation of raw materials distortions*

The complainant has provided sufficient evidence of raw material distortions, in particular through a dual pricing scheme, in the PRC regarding the product under investigation. The evidence provided shows that electricity accounts for 20 % of the cost of production of the product under investigation. The complaint also contains a comparison of prices of electricity in Northern provinces of the PRC, in which the main exporters of the CaSi are located, and the export price of electricity exported from the same provinces, showing that consistently the latter is significantly higher. Moreover, the complaint indicates that as a result of this distortion, the price of electricity on the PRC market is significantly lower as compared to prices in a representative international market.

([4]) Commission Staff Working Document, on Significant Distortions in the Economy of the People's Republic of China for the Purposes of Trade Defence Investigations, 20.12.2017, SWD(2017) 483 final/2, available at: http://trade.ec.europa.eu/doclib/docs/2017/december/tradoc_156474.pdf

([5]) Think !Desk China Research & Consulting, Prof. M. Taube, Analysis of State-induced Market distortions in the Chinese Ferroalloys and Silicon industries – Ferroalloy focus, September 2018.

([6]) Commission Implementing Regulation (EU) 2020/909 of 30 June 2020 imposing a definitive anti-dumping duty on imports of ferro-silicon originating in Russia and the People's Republic of China, following an expiry review pursuant to Article 11(2) of Regulation (EU) 2016/1036 (OJ L 208, 1.7.2020, p. 2).

([7]) Documents cited in the country report may also be obtained upon a duly reasoned request.

Therefore, in accordance with Article 7(2a) of the basic Regulation, the investigation will examine the alleged distortions to assess whether, if relevant, a duty lower than the margin of dumping would be sufficient to remove injury with regard to the People's Republic of China. Should other distortions covered by Article 7(2a) of the basic Regulation be identified in the course of the investigation, the investigation may also cover these other distortions.

5. **Procedure**

Having determined, after informing the Member States, that the complaint has been lodged by or on behalf of the Union industry and that there is sufficient evidence to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 5 of the basic Regulation.

The investigation will determine whether the product under investigation originating in the country concerned is being dumped and whether the dumped imports have caused injury to the Union industry.

If the conclusions are affirmative, the investigation will examine whether the imposition of measures would not be against the Union interest under Article 21 of the basic Regulation. In case of application of Article 7(2a) of the basic Regulation, the investigation will examine the Union's interest test under Article 7(2b) of that Regulation.

Regulation (EU) 2018/825 of the European Parliament and of the Council ([8]), which entered into force on 8 June 2018 (TDI Modernisation package), introduced significant changes to the timetable and deadlines previously applicable in anti-dumping proceedings. The time limits for interested parties to come forward, in particular at the early stage of investigations, are shortened.

The Commission also draws the attention of the parties that further to the COVID-19 outbreak a Notice ([9]) was published on the consequences of the COVID-19 outbreak on anti-dumping and anti-subsidy investigations that may be applicable to this proceeding.

5.1. *Investigation period and period considered*

The investigation of dumping and injury will cover the period from 1 January 2020 to 31 December 2020 ('the investigation period'). The examination of trends relevant for the assessment of injury will cover the period from 1 January 2017 to the end of the investigation period ('the period considered').

5.2. *Comments on the complaint and the initiation of the investigation*

All interested parties wishing to comment on the complaint (including matters pertaining to injury and causality) or any aspects regarding the initiation of the investigation (including the degree of support for the complaint) must do so within 37 days of the date of publication of this Notice.

Any request for a hearing with regard to the initiation of the investigation must be submitted within 15 days of the date of publication of this Notice.

5.3. *Procedure for the determination of dumping*

Exporting producers ([10]) of the product under investigation are invited to participate in the Commission investigation.

([8]) Regulation (EU) 2018/825 of the European Parliament and of the Council of 30 May 2018 amending Regulation (EU) 2016/1036 on protection against dumped imports from countries not members of the European Union and Regulation (EU) 2016/1037 on protection against subsidised imports from countries not members of the European Union (OJ L 143, 7.6.2018, p. 1).

([9]) On the consequences of the COVID-19 outbreak on anti-dumping and anti-subsidy investigations (OJ C 86, 16.3.2020, p. 6).

([10]) An exporting producer is any company in the country concerned which produces and exports the product under investigation to the Union market, either directly or via a third party, including any of its related companies involved in the production, domestic sales or exports of the product under investigation.

5.3.1. *Investigating exporting producers*

5.3.1.1. Procedure for selecting exporting producers to be investigated in the PRC

(a) Sampling

In view of the potentially large number of exporting producers in the country concerned involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit the exporting producers to be investigated to a reasonable number by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary, and if so, to select a sample, all exporting producers, or representatives acting on their behalf, are hereby requested to provide the Commission with information on their company(ies) within 7 days of the date of publication of this Notice. This information must be provided via TRON.tdi at the following address:

https://tron.trade.ec.europa.eu/tron/tdi/form/ecba917e-c736-0124-915b-dee5fe7dca5e

Tron access information can be found in sections 5.6 and 5.8.

In order to obtain information it deems necessary for the selection of the sample of exporting producers, the Commission has also contacted the authorities of the PRC and may contact any known associations of exporting producers.

If a sample is necessary, the exporting producers may be selected based on the largest representative volume of exports to the Union which can reasonably be investigated within the time available. All known exporting producers, the authorities of the PRC and associations of exporting producers will be notified by the Commission, via the authorities of the PRC if appropriate, of the companies selected to be in the sample.

Once the Commission has received the necessary information to select a sample of exporting producers, it will inform the parties concerned of its decision whether they are included in the sample. The sampled exporting producers will have to submit a completed questionnaire within 30 days from the date of notification of the decision of their inclusion in the sample, unless otherwise specified.

The Commission will add a note reflecting the sample selection to the file for inspection by interested parties. Any comment on the sample selection must be received within 3 days of the date of notification of the sample decision.

A copy of the questionnaire for exporting producers is available in the file for inspection by interested parties and on DG Trade's website https://trade.ec.europa.eu/tdi/case_details.cfm?id=2514

The questionnaire will also be made available to any known association of exporting producers, and to the authorities of the PRC.

Without prejudice to the possible application of Article 18 of the basic Regulation, exporting producers that have agreed to be included in the sample but are not selected as part of the sample will be considered to be cooperating ('non-sampled cooperating exporting producers'). Without prejudice to section 5.3.1.1(b) below, the anti-dumping duty that may be applied to imports from non-sampled cooperating exporting producers will not exceed the weighted average margin of dumping established for the exporting producers in the sample ([11]).

(b) Individual dumping margin for exporting producers not included in the sample

Pursuant to Article 17(3) of the basic Regulation, non-sampled cooperating exporting producers may request the Commission to establish their individual dumping margins. Exporting producers wishing to claim an individual dumping margin must fill in the questionnaire and return it duly completed within 30 days of the date of notification of the sample selection, unless otherwise specified. A copy of the questionnaire for exporting producers is available in the file for inspection by interested parties and on DG Trade's website https://trade.ec.europa.eu/tdi/case_details.cfm?id=2514

([11]) Pursuant to Article 9(6) of the basic Regulation, any zero and de minimis margins, and margins established in accordance with the circumstances described in Article 18 of the basic Regulation will be disregarded.

The Commission will examine whether non-sampled cooperating exporting producers can be granted an individual duty in accordance with Article 9(5) of the basic Regulation.

However, non-sampled cooperating exporting producers claiming an individual dumping margin should be aware that the Commission may nonetheless decide not to determine their individual dumping margin if, for instance, the number of non-sampled cooperating exporting producers is so large that such determination would be unduly burdensome and would prevent the timely completion of the investigation.

5.3.2. *Additional procedure with regard to the country concerned subject to significant distortions*

Subject to the provisions of this Notice, all interested parties are hereby invited to make their views known, submit information and provide supporting evidence regarding the application of Article 2(6a) of the basic Regulation. Unless otherwise specified, this information and supporting evidence must reach the Commission within 37 days of the date of publication of this Notice.

In particular, the Commission invites all interested parties to make their views known on the inputs and the Harmonised System (HS) codes provided in the complaint, propose (an) appropriate representative country(ies) and provide the identity of producers of the product under investigation in those countries. This information and supporting evidence must reach the Commission within 15 days of the date of publication of this Notice.

Pursuant to point (e) of Article 2(6a) of the basic Regulation, the Commission will shortly after initiation, by means of a note to the file for inspection by interested parties, inform parties to the investigation about the relevant sources, including the selection of an appropriate representative third country where appropriate, that it intends to use for the purpose of determining normal value pursuant to Article 2(6a). Parties to the investigation will be given 10 days to comment on the note, in accordance with point (e) of Article 2(6a). According to the information available to the Commission, a possible appropriate representative third country is Brazil.

With the aim of finally selecting the appropriate representative third country, the Commission will examine whether those third countries have a similar level of economic development as the PRC, whether there is production and sales of the product under investigation in those third countries, and whether relevant data are readily available. Where there is more than one representative third country, preference will be given, where appropriate, to countries with an adequate level of social and environmental protection.

In the context of this exercise, the Commission invites all exporting producers in the PRC to provide the Commission with information on the materials (raw and processed) and energy used in the production of the product under investigation within 15 days of the date of publication of this Notice. This information must be provided via TRON.tdi at the following address:

https://tron.trade.ec.europa.eu/tron/tdi/form/4848756d-ef04-defb-9797-7f02776792b7

Tron access information can be found in sections 5.6 and 5.8.

Furthermore, any submissions of factual information to value costs and prices pursuant to point (a) of Article 2(6a) of the basic Regulation must be filed within 65 days of the date of publication of this Notice. Such factual information should be taken exclusively from publicly available sources.

5.3.3. *Investigating unrelated importers* ([12]) ([13])

Unrelated importers of the product under investigation from the PRC to the Union are invited to participate in this investigation.

In view of the potentially large number of unrelated importers involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit to a reasonable number the unrelated importers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all unrelated importers, or representatives acting on their behalf, are hereby requested to provide the Commission with the information on their company*(ies)* requested in the Annex to this Notice within 7 days of the date of publication of this Notice.

In order to obtain information it deems necessary for the selection of the sample of unrelated importers, the Commission may also contact any known associations of importers.

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under investigation in the Union which can reasonably be investigated within the time available.

Once the Commission has received the necessary information to select a sample, it will inform the parties concerned of its decision on the sample of importers. The Commission will also add a note reflecting the sample selection to the file for inspection by interested parties. Any comment on the sample selection must be received within 3 days of the date of notification of the sample decision.

In order to obtain information it deems necessary for its investigation, the Commission will make available questionnaires to the sampled unrelated importers. Those parties must submit a completed questionnaire within 30 days from the date of the notification of the decision about the sample, unless otherwise specified.

A copy of the questionnaire for importers is available in the file for inspection by interested parties and on DG Trade's website https://trade.ec.europa.eu/tdi/case_details.cfm?id=2514

5.4. ***Procedure for the determination of injury and investigating Union producers***

In order to obtain information it deems necessary for its investigation with regard to Union producers the Commission will make available questionnaires to known Union producers, namely to:

— OFZ, a.s., Istebné

— Ferropem

The aforementioned Union producers must submit the completed questionnaire within 37 days of the date of publication of this Notice, unless otherwise specified.

([12]) This section covers only importers not related to exporting producers. Importers that are related to exporting producers have to fill in the questionnaire for exporting producers that is available in the file for inspection by interested parties and on DG Trade's website https://trade.ec.europa.eu/tdi/case_details.cfm?id=2514. In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, 'person' means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).

([13]) The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of dumping.

Union producers not listed above are invited to contact the Commission, preferably by email, immediately but no later than 7 days after the publication of this Notice, unless otherwise specified, in order to make themselves known and request a questionnaire.

A copy of the questionnaire for Union producers is available in the file for inspection by interested parties and on DG Trade's website https://trade.ec.europa.eu/tdi/case_details.cfm?id=2514

5.5. *Procedure for the assessment of Union interest in case of allegations of raw material distortions*

In cases of distortions on raw materials as identified in Article 7(2a) of the basic Regulation, the Commission will conduct a Union interest test as laid out in Article 7(2b) of that Regulation. If the Commission decides, when establishing the level of duties subject to Article 7 of that Regulation, to apply Article 7(2), it will carry out the Union-interest test in accordance with Article 21.

Interested parties are invited to provide all pertinent information enabling the Commission to determine whether it is in the Union interest to set the level of the measures in accordance with Article 7(2a) of the basic Regulation. In particular, interested parties are invited to provide any information about spare capacities in the country concerned, competition for raw materials and the effect on supply chains for companies in the Union. In the absence of cooperation, the Commission may conclude that it is in accordance with the Union interest to apply Article 7(2a) of the basic Regulation.

Should the Commission decide to apply Article 7(2) of the basic Regulation, a decision will be reached, pursuant to Article 21, as to whether the adoption of anti-dumping measures would not be against the Union interest. Union producers, importers and their representative associations, users and their representative associations, trade unions and representative consumer organisations are invited to provide the Commission with information on the Union interest.

Information concerning the assessment of Union interest must be provided within 37 days of the date of publication of this Notice unless otherwise specified. This information may be provided either in a free format or by completing a questionnaire prepared by the Commission. A copy of the questionnaires, including the questionnaire for users of the product under investigation, is available in the file for inspection by interested parties and on DG Trade's website https://trade.ec.europa.eu/tdi/case_details.cfm?id=2514. The information submitted pursuant to article 21 will only be taken into account if supported by factual evidence at the time of submission.

5.6. *Interested parties*

In order to participate in the investigation interested parties, such as exporting producers, Union producers, importers and their representative associations, users and their representative associations, trade unions and representative consumer organisations first have to demonstrate that there is an objective link between their activities and the product under investigation.

Exporting producers, Union producers, importers and representative associations who made information available in accordance to the procedures described in sections 5.3.1, 5.3.3 and 5.4 above will be considered as interested parties if there is an objective link between their activities and the product under investigation.

Other parties will only be able to participate in the investigation as interested party from the moment they make themselves known, and provided that there is an objective link between their activities and the product under investigation. Being considered as an interested party is without prejudice to the application of Article 18 of the basic Regulation.

Access to the file available for inspection for interested parties is made via TRON.tdi at the following address: https://tron.trade.ec.europa.eu/tron/TDI. Please follow the instructions on that page to get access ([14]).

([14]) In case of technical problems please contact the Trade Service Desk by email trade-service-desk@ec.europa.eu or by telephone +32 2 297 97 97.

5.7. ***Possibility to be heard by the Commission investigation services***

All interested parties may request to be heard by the Commission's investigation services.

Any request to be heard must be made in writing and must specify the reasons for the request as well as a summary of what the interested party wishes to discuss during the hearing. The hearing will be limited to the issues set out by the interested parties in writing beforehand.

The timeframe for hearings is as follows:

i. For any hearings to take place before the deadline for the imposition of provisional measures, a request should be made within 15 days from the date of publication of this Notice and the hearing will normally take place within 60 days of the date of publication of this Notice.

ii. After the stage of provisional findings, a request should be made within 5 days from the date of the disclosure of the provisional findings or of the information document, and the hearing will normally take place within 15 days from the date of notification of the disclosure or the date of the information document.

iii. At the stage of definitive findings, a request should be made within 3 days from the date of the final disclosure, and the hearing will normally take place within the period granted to comment on the final disclosure. If there is an additional final disclosure, a request should be made immediately upon receipt of this additional final disclosure, and the hearing will normally take place within the deadline to provide comments on this disclosure.

The outlined timeframe is without prejudice to the right of the Commission services to accept hearings outside the timeframe in duly justified cases and to the right of the Commission to deny hearings in duly justified cases. Where the Commission services refuse a hearing request, the party concerned will be informed of the reasons for such refusal.

In principle, hearings will not be used to present factual information which is not yet on file. Nevertheless, in the interest of good administration and to enable Commission services to progress with the investigation, interested parties may be directed to provide new factual information after a hearing.

5.8. ***Instructions for making written submissions and sending completed questionnaires and correspondence***

Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing the Commission a) to use the information and data for the purpose of this trade defence proceeding and b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

All written submissions, including the information requested in this Notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Sensitive' ([15]). Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.

Parties providing 'Sensitive' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. Those summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence.

If a party providing confidential information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.

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

Interested parties are invited to make all submissions and requests via TRON.tdi (https://tron.trade.ec.europa.eu/tron/TDI) including scanned powers of attorney and certification sheets. By using TRON.tdi or email, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf. The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email, which is checked on a daily basis. Once contact details are provided, the Commission will communicate with interested parties by TRON.tdi or email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions via TRON.tdi and by email, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate G
Office: CHAR 04/039
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Email:

For dumping issues:

TRADE-AD679-CALCIUM-SILICON-DUMPING@ec.europa.eu

For injury issues:

TRADE-AD679-CALCIUM-SILICON-INJURY@ec.europa.eu

6. Schedule of the investigation

The investigation will be concluded, pursuant to Article 6(9) of the basic Regulation within normally 13, but not more than 14 months of the date of the publication of this Notice. In accordance with Article 7(1) of the basic Regulation, provisional measures may be imposed normally not later than 7 months, but in any event not later than 8 months from the publication of this Notice.

In accordance with Article 19a of the basic Regulation, the Commission will provide information on the planned imposition of provisional duties 4 weeks before the imposition of provisional measures. Interested parties will be given 3 working days to comment in writing on the accuracy of the calculations.

In cases where the Commission intends not to impose provisional duties but to continue the investigation, interested parties will be informed, by means of an information document, of the non-imposition of duties 4 weeks before the expiry of the deadline under Article 7(1) of the basic Regulation.

Interested parties will be given 15 days to comment in writing on the provisional findings or on the information document, and 10 days to comment in writing on the definitive findings, unless otherwise specified. Where applicable, additional final disclosures will specify the deadline for interested parties to comment in writing.

7. Submission of information

As a rule, interested parties may only submit information in the timeframes specified in sections 5 and 6 of this Notice. The submission of any other information not covered by those sections, should respect the following timetable:

i. Any information for the stage of provisional findings should be submitted within 70 days from the date of publication of this Notice, unless otherwise specified.

ii. Unless otherwise specified, interested parties should not submit new factual information after the deadline to comment on the disclosure of the provisional findings or the information document at the stage of provisional findings. After this deadline, interested parties may only submit new factual information if they can demonstrate that such new factual information is necessary to rebut factual allegations made by other interested parties and provided that such new factual information can be verified within the time available to complete the investigation in a timely manner.

iii. In order to complete the investigation within the mandatory deadlines, the Commission will not accept submissions from interested parties after the deadline to provide comments on the final disclosure or, if applicable, after the deadline to provide comments on the additional final disclosure.

8. **Possibility to comment on other parties' submissions**

In order to guarantee the rights of defence, interested parties should have the possibility to comment on information submitted by other interested parties. When doing so, interested parties may only address issues raised in the other interested parties' submissions and may not raise new issues.

Such comments should be made according to the following timeframe:

i. Any comment on information submitted by other interested parties before the deadline of imposition of provisional measures should be made at the latest on day 75 from the date of publication of this Notice, unless otherwise specified.

ii. Comments on the information provided by other interested parties in reaction to the disclosure of the provisional findings or of the information document should be submitted within 7 days from the deadline to comment on the provisional findings or on the information document, unless otherwise specified.

iii. Comments on the information provided by other interested parties in reaction to the final disclosure should be submitted within 3 days from the deadline to comment on the final disclosure, unless otherwise specified. If there is an additional final disclosure, comments on the information provided by other interested parties in reaction to this disclosure should be made within 1 day from the deadline to comment on this disclosure, unless otherwise specified.

The outlined timeframe is without prejudice to the Commission's right to request additional information from interested parties in duly justified cases.

9. **Extension to time limits specified in this Notice**

Any extension to the time limits provided for in this Notice should only be requested in exceptional circumstances and will only be granted if duly justified upon good cause being shown.

In any event, any extension to the deadline to reply to questionnaires will be limited normally to 3 days, and as a rule will not exceed 7 days.

Regarding time limits for the submission of other information specified in the Notice of initiation, extensions will be limited to 3 days unless exceptional circumstances are demonstrated.

10. **Non-cooperation**

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 18 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.

If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

11. Hearing Officer

Interested parties may request the intervention of the Hearing Officer for trade proceedings. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and any other request concerning the rights of defence of interested parties and third parties as may arise during the proceeding.

The Hearing Officer may organise hearings and mediate between the interested party/-ies and Commissions services to ensure that the interested parties' rights of defence are being fully exercised. A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. The Hearing Officer will examine the reasons for the requests. These hearings should only take place if the issues have not been settled with the Commission services in due course.

Any request must be submitted in good time and expeditiously so as not to jeopardise the orderly conduct of proceedings. To that effect, interested parties should request the intervention of the Hearing Officer at the earliest possible time following the occurrence of the event justifying such intervention. In principle, the timeframes set out in section 5.7 to request hearings with the Commission services apply *mutatis mutandis* to requests for hearings with the Hearing Officer. Where hearing requests are submitted outside the relevant timeframes, the Hearing Officer will also examine the reasons for such late requests, the nature of the issues raised and the impact of those issues on the rights of defence, having due regard to the interests of good administration and the timely completion of the investigation.

For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's website: http://ec.europa.eu/trade/trade-policy-and-you/contacts/hearing-officer/

12. Processing of personal data

Any personal data collected in this investigation will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council ([16]).

A data protection notice that informs all individuals of the processing of personal data in the framework of Commission's trade defence activities is available on DG TRADE's website: http://ec.europa.eu/trade/policy/accessing-markets/trade-defence/

([16]) 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).

ANNEX

☐	'Sensitive' version
☐	Version 'For inspection by interested parties'
(tick the appropriate box)	

ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF CALCIUM SILICON ORIGINATING IN THE PEOPLE'S REPUBLIC OF CHINA

INFORMATION FOR THE SELECTION OF THE SAMPLE OF UNRELATED IMPORTERS

This form is designed to assist unrelated importers in responding to the request for sampling information made in point 5.3.3 of the Notice of initiation.

Both the 'Sensitive' version and the version 'For inspection by interested parties' must be returned to the Commission as set out in the Notice of initiation.

1. **IDENTITY AND CONTACT DETAILS**

Supply the following details about your company:

Company name	
Address	
Contact person	
Email address	
Telephone	

2. **TURNOVER AND SALES VOLUME**

Indicate the total turnover in euros (EUR) of your company, and the value in euros (EUR) and volume in tonnes for imports into the Union and resales on the Union market after importation from the People's Republic of China, during the investigation period (year 2020), of calcium silicon as defined in the Notice of initiation.

	Tonnes	Value in euros (EUR)
Total turnover of your company in euros (EUR)		
Imports of the product under investigation originating in the People's Republic of China into the Union		
Imports of the product under investigation into the Union (all origins)		
Resales on the Union market after importation from the People's Republic of China of the product under investigation		

3. **ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES** ([1])

Give details of the precise activities of your company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under investigation. Such activities could include but are not limited to purchasing the product under investigation or producing it under sub-contracting arrangements, or processing or trading the product under investigation.

Company name and location	Activities	Relationship

4. **OTHER INFORMATION**

Please provide any other relevant information that you consider useful to assist the Commission in the selection of the sample.

5. **CERTIFICATION**

By providing the above information, your company agrees to its possible inclusion in the sample. If your company is selected to be part of the sample, this will involve completing a questionnaire and accepting a visit at its premises in order to verify its response. If your company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The Commission's findings for non-cooperating importers are based on the facts available and the result may be less favourable to that company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

([1]) In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, 'person' means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).

Notice of initiation of an anti-dumping proceeding concerning imports of superabsorbent polymers originating in the Republic of Korea

(2021/C 58/16)

The European Commission ('the Commission') has received a complaint pursuant to Article 5 of Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union [1] ('the basic Regulation'), alleging that imports of superabsorbent polymers originating in the Republic of Korea, are being dumped and are thereby causing injury [2] to the Union industry.

1. Complaint

The complaint was lodged on 4 January 2021 by the European Superabsorbent Polymer Coalition, hereinafter 'ESPC' or 'the complainant'. The complaint was made on behalf of the Union industry in the sense of Article 5(4) of the basic Regulation.

An open version of the complaint and the analysis of the degree of support by Union producers for the complaint are available in the file for inspection by interested parties. Section 5.6 of this Notice provides information about access to the file for interested parties.

2. Product under investigation

The product subject to this investigation is defined as 'superabsorbent polymers', insoluble in water, which result from a polymerization of acrylic monomer molecules with crosslinkers to form crosslinked polymer networks, with a high capacity to absorb and retain water and aqueous liquids, originating from the Republic of Korea ('the product under investigation').

All interested parties wishing to submit information on the product scope must do so within 10 days of the date of publication of this Notice [3].

3. Allegation of dumping

The product allegedly being dumped is the product under investigation, originating in the Republic of Korea ('the country concerned'), currently classified under CN code ex 3906 90 90 (TARIC codes 3906 90 90 17). The CN and TARIC code are given for information only.

The allegation of dumping from the Republic of Korea is based on a comparison of the domestic price with the export price (at ex-works level) of the product under investigation when sold for export to the Union.

On that basis the dumping margins calculated are significant for the country concerned.

4. Allegation of injury and causation

The complainant has provided evidence that imports of the product under investigation from the country concerned have increased overall in absolute terms and in terms of market share.

The evidence provided by the complainant shows that the volume and the prices of the imported product under investigation have had, among other consequences, a negative impact on the level of prices charged by the Union industry, resulting in substantial adverse effects on the overall performance and the financial situation and the employment situation of the Union industry.

5. Procedure

Having determined, after informing the Member States, that the complaint has been lodged by or on behalf of the Union industry and that there is sufficient evidence to justify the initiation of a proceeding, the Commission hereby initiates an investigation pursuant to Article 5 of the basic Regulation.

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[1] OJ L 176, 30.6.2016, p. 21

[2] The general term 'injury' refers to material injury as well as to threat of material injury or material retardation of the establishment of an industry as set out in Article 3(1) of the basic Regulation.

[3] References to the publication of this Notice mean publication of this Notice in the *Official Journal of the European Union*.

The investigation will determine whether the product under investigation originating in the country concerned is being dumped and whether the dumped imports have caused injury to the Union industry.

If the conclusions are affirmative, the investigation will examine whether the imposition of measures would not be against the Union interest under Article 21 of the basic Regulation.

Regulation (EU) 2018/825 of the European Parliament and of the Council ([4]), which entered into force on 8 June 2018 (TDI Modernisation package), introduced significant changes to the timetable and deadlines previously applicable in anti-dumping proceedings. The time-limits for interested parties to come forward, in particular at the early stage of investigations, are shortened.

The Commission also draws the attention of the parties that further to the COVID-19 outbreak a Notice ([5]) was published on the consequences of the COVID-19 outbreak on anti-dumping and anti-subsidy investigations that may be applicable to this proceeding.

5.1. *Investigation period and period considered*

The investigation of dumping and injury will cover the period from 1 January 2020 to 31 December 2020 ('the investigation period'). The examination of trends relevant for the assessment of injury will cover the period from 1 January 2017 to the end of the investigation period ('the period considered').

5.2. *Comments on the complaint and the initiation of the investigation*

All interested parties wishing to comment on the complaint (including matters pertaining to injury and causality) or any aspects regarding the initiation of the investigation (including the degree of support for the complaint) must do so within 37 days of the date of publication of this Notice.

Any request for a hearing with regard to the initiation of the investigation must be submitted within 15 days of the date of publication of this Notice.

5.3. *Procedure for the determination of dumping*

Exporting producers ([6]) of the product under investigation from the country concerned are invited to participate in the Commission investigation.

5.3.1. *Investigating exporting producers*

5.3.1.1. Procedure for selecting exporting producers to be investigated in the Republic of Korea

(a) Sampling

In view of the potentially large number of exporting producers in the Republic of Korea involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit the exporting producers to be investigated to a reasonable number by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary, and if so, to select a sample, all exporting producers, or representatives acting on their behalf, are hereby requested to provide the Commission with information on their company(ies) within 7 days of the date of publication of this Notice. This information must be provided via TRON.tdi at the following address:

([4]) Regulation (EU) 2018/825 of the European Parliament and of the Council of 30 May 2018 amending Regulation (EU) 2016/1036 on protection against dumped imports from countries not members of the European Union and Regulation (EU) 2016/1037 on protection against subsidised imports from countries not members of the European Union (OJ L 143, 7.6.2018, p. 1).

([5]) On the consequences of the COVID-19 outbreak on anti-dumping and anti-subsidy investigations (OJ C 86, 16.3.2020, p. 6).

([6]) An exporting producer is any company in the country concerned which produces and exports the product under investigation to the Union market, either directly or via a third party, including any of its related companies involved in the production, domestic sales or exports of the product under investigation.

https://tron.trade.ec.europa.eu/tron/tdi/form/52d341a5-57a8-b06e-7eaf-60d25569e1b2

Tron access information can be found in Sections 5.6 and 5.8 below.

In order to obtain information it deems necessary for the selection of the sample of exporting producers, the Commission has also contacted the authorities of the Republic of Korea and may contact any known associations of exporting producers.

If a sample is necessary, the exporting producers may be selected based on the largest representative volume of exports to the Union which can reasonably be investigated within the time available. All known exporting producers, the authorities of the Republic of Korea and associations of exporting producers will be notified by the Commission, or, if appropriate, via the authorities of the Republic of Korea, of the companies selected to be in the sample.

Once the Commission has received the necessary information to select a sample of exporting producers, it will inform the parties concerned of its decision whether they are included in the sample. The sampled exporting producers will have to submit a completed questionnaire within 30 days from the date of notification of the decision of their inclusion in the sample, unless otherwise specified.

The Commission will add a note reflecting the sample selection to the file for inspection by interested parties. Any comment on the sample selection must be received within 3 days of the date of notification of the sample decision.

A copy of the questionnaire for exporting producers is available in the file for inspection by interested parties and on DG Trade's website https://trade.ec.europa.eu/tdi/case_details.cfm?id=2516

The questionnaire will also be made available to any known association of exporting producers, and to the authorities of the Republic of Korea.

Without prejudice to the possible application of Article 18 of the basic Regulation, exporting producers that have agreed to be included in the sample but are not selected as part of the sample will be considered to be cooperating ('non-sampled cooperating exporting producers'). Without prejudice to Section 5.3.1.1(b) below, the anti-dumping duty that may be applied to imports from non-sampled cooperating exporting producers will not exceed the weighted average margin of dumping established for the exporting producers in the sample ([7]).

(b) Individual dumping margin for exporting producers not included in the sample

Pursuant to Article 17(3) of the basic Regulation, non-sampled cooperating exporting producers may request the Commission to establish their individual dumping margins. Exporting producers wishing to claim an individual dumping margin must fill in the questionnaire and return it duly completed within 30 days of the date of notification of the sample selection, unless otherwise specified. A copy of the questionnaire for exporting producers is available in the file for inspection by interested parties and on DG Trade's website https://trade.ec.europa.eu/tdi/case_details.cfm?id=2516 The Commission will examine whether non-sampled cooperating exporting producers can be granted an individual duty in accordance with Article 9(5) of the basic Regulation.

However, non-sampled cooperating exporting producers claiming an individual dumping margin should be aware that the Commission may nonetheless decide not to determine their individual dumping margin if, for instance, the number of non-sampled cooperating exporting producers is so large that such determination would be unduly burdensome and would prevent the timely completion of the investigation.

([7]) Pursuant to Article 9(6) of the basic Regulation, any zero and *de minimis* margins, and margins established in accordance with the circumstances described in Article 18 of the basic Regulation will be disregarded.

5.3.2. *Investigating unrelated importers* ([8]) ([9])

Unrelated importers of the product under investigation from the Republic of Korea to the Union are invited to participate in this investigation.

In view of the potentially large number of unrelated importers involved in this proceeding and in order to complete the investigation within the statutory time limits, the Commission may limit to a reasonable number the unrelated importers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling will be carried out in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all unrelated importers, or representatives acting on their behalf, are hereby requested to provide the Commission with the information on their company(ies) requested in the Annex to this Notice within 7 days of the date of publication of this Notice.

In order to obtain information it deems necessary for the selection of the sample of unrelated importers, the Commission may also contact any known associations of importers.

If a sample is necessary, the importers may be selected based on the largest representative volume of sales of the product under investigation in the Union which can reasonably be investigated within the time available.

Once the Commission has received the necessary information to select a sample, it will inform the parties concerned of its decision on the sample of importers. The Commission will also add a note reflecting the sample selection to the file for inspection by interested parties. Any comment on the sample selection must be received within 3 days of the date of notification of the sample decision.

In order to obtain information it deems necessary for its investigation, the Commission will make available questionnaires to the sampled unrelated importers. Those parties must submit a completed questionnaire within 30 days from the date of the notification of the decision about the sample, unless otherwise specified.

A copy of the questionnaire for importers is available in the file for inspection by interested parties and on DG Trade's website https://trade.ec.europa.eu/tdi/case_details.cfm?id=2516

5.4. ***Procedure for the determination of injury and investigating Union producers***

A determination of injury is based on positive evidence and involves an objective examination of the volume of the dumped imports, their effect on prices on the Union market and the consequent impact of those imports on the Union industry. In order to establish whether the Union industry is injured, Union producers of the product under investigation are invited to participate in the Commission investigation.

In view of the large number of Union producers concerned and in order to complete the investigation within the statutory time limits, the Commission has decided to limit to a reasonable number the Union producers that will be investigated by selecting a sample (this process is also referred to as 'sampling'). The sampling is carried out in accordance with Article 17 of the basic Regulation.

([8]) This section covers only importers not related to exporting producers. Importers that are related to exporting producers have to fill in Annex I to the questionnaire for these exporting producers. In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, 'person' means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).

([9]) The data provided by unrelated importers may also be used in relation to aspects of this investigation other than the determination of dumping.

The Commission has provisionally selected a sample of Union producers. Details can be found in the file for inspection by interested parties. Interested parties are hereby invited to comment on the provisional sample. In addition, other Union producers, or representatives acting on their behalf, that consider that there are reasons why they should be included in the sample must contact the Commission within 7 days of the date of publication of this Notice. All comments regarding the provisional sample must be received within 7 days of the date of publication of this Notice, unless otherwise specified.

All known Union producers and/or associations of Union producers will be notified by the Commission of the companies finally selected to be in the sample.

The sampled Union producers will have to submit a completed questionnaire within 30 days from the date of notification of the decision of their inclusion in the sample, unless otherwise specified.

A copy of the questionnaire for Union producers is available in the file for inspection by interested parties and on DG Trade's website https://trade.ec.europa.eu/tdi/case_details.cfm?id=2516

5.5. *Procedure for the assessment of Union interest*

Should the existence of dumping and injury caused thereby be established, a decision will be reached, pursuant to Article 21 of the basic Regulation, as to whether the adoption of anti-dumping measures would not be against the Union interest. Union producers, importers and their representative associations, users and their representative associations, trade unions and representative consumer organisations are invited to provide the Commission with information on the Union interest. In order to participate in the investigation, the representative consumer organisations have to demonstrate that there is an objective link between their activities and the product under investigation.

Information concerning the assessment of Union interest must be provided within 37 days of the date of publication of this Notice unless otherwise specified. This information may be provided either in a free format or by completing a questionnaire prepared by the Commission. A copy of the questionnaires, including the questionnaire for users of the product under investigation, is available in the file for inspection by interested parties and on DG Trade's website https://trade.ec.europa.eu/tdi/case_details.cfm?id=2516 The information submitted pursuant to Article 21 will only be taken into account if supported by factual evidence at the time of submission.

5.6. *Interested parties*

In order to participate in the investigation interested parties, such as exporting producers, Union producers, importers and their representative associations, users and their representative associations, trade unions and representative consumer organisations first have to demonstrate that there is an objective link between their activities and the product under investigation.

Exporting producers, Union producers, importers and representative associations who made information available in accordance to the procedures described in Sections 5.3.1, 5.3.2 and 5.4 above will be considered as interested parties if there is an objective link between their activities and the product under investigation.

Other parties will only be able to participate in the investigation as interested party from the moment they make themselves known, and provided that there is an objective link between their activities and the product under investigation. Being considered as an interested party is without prejudice to the application of Article 18 of the basic Regulation.

Access to the file available for inspection for interested parties is made via Tron.tdi at the following address: https://tron.trade.ec.europa.eu/tron/TDI Please follow the instructions on that page to get access ([10]).

5.7. *Possibility to be heard by the Commission investigation services*

All interested parties may request to be heard by the Commission's investigation services.

([10]) In case of technical problems please contact the Trade Service Desk by email trade-service-desk@ec.europa.eu or by telephone +32 22979797.

Any request to be heard must be made in writing and must specify the reasons for the request as well as a summary of what the interested party wishes to discuss during the hearing. The hearing will be limited to the issues set out by the interested parties in writing beforehand.

The timeframe for hearings is as follows:

— For any hearings to take place before the deadline for the imposition of provisional measures, a request should be made within 15 days from the date of publication of this Notice and the hearing will normally take place within 60 days of the date of publication of this Notice.

— After the stage of provisional findings, a request should be made within 5 days from the date of the disclosure of the provisional findings or of the information document, and the hearing will normally take place within 15 days from the date of notification of the disclosure or the date of the information document.

— At the stage of definitive findings, a request should be made within 3 days from the date of the final disclosure, and the hearing will normally take place within the period granted to comment on the final disclosure. If there is an additional final disclosure, a request should be made immediately upon receipt of this additional final disclosure, and the hearing will normally take place within the deadline to provide comments on this disclosure.

The outlined timeframe is without prejudice to the right of the Commission services to accept hearings outside the timeframe in duly justified cases and to the right of the Commission to deny hearings in duly justified cases. Where the Commission services refuse a hearing request, the party concerned will be informed of the reasons for such refusal.

In principle, hearings will not be used to present factual information which is not yet on file. Nevertheless, in the interest of good administration and to enable Commission services to progress with the investigation, interested parties may be directed to provide new factual information after a hearing.

5.8. *Instructions for making written submissions and sending completed questionnaires and correspondence*

Information submitted to the Commission for the purpose of trade defence investigations shall be free from copyrights. Interested parties, before submitting to the Commission information and/or data which is subject to third party copyrights, must request specific permission to the copyright holder explicitly allowing the Commission (a) to use the information and data for the purpose of this trade defence proceeding; and (b) to provide the information and/or data to interested parties to this investigation in a form that allows them to exercise their rights of defence.

All written submissions, including the information requested in this Notice, completed questionnaires and correspondence provided by interested parties for which confidential treatment is requested shall be labelled 'Sensitive' ([11]). Parties submitting information in the course of this investigation are invited to reason their request for confidential treatment.

Parties providing 'Sensitive' information are required to furnish non-confidential summaries of it pursuant to Article 19(2) of the basic Regulation, which will be labelled 'For inspection by interested parties'. Those summaries should be sufficiently detailed to permit a reasonable understanding of the substance of the information submitted in confidence.

If a party providing confidential information fails to show good cause for a confidential treatment request or does not furnish a non-confidential summary of it in the requested format and quality, the Commission may disregard such information unless it can be satisfactorily demonstrated from appropriate sources that the information is correct.

Interested parties are invited to make all submissions and requests via TRON.tdi (https://tron.trade.ec.europa.eu/tron/TDI) including scanned powers of attorney and certification sheets. By using TRON.tdi or e-mail, interested parties express their agreement with the rules applicable to electronic submissions contained in the document 'CORRESPONDENCE WITH THE EUROPEAN COMMISSION IN TRADE DEFENCE CASES' published on the website of the Directorate-General for Trade: http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148003.pdf The interested parties must indicate their name, address, telephone and a valid email address and they should ensure that the provided email address is a functioning official business email which is checked on a daily basis. Once contact details are provided, the Commission will

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

communicate with interested parties by TRON.tdi or email only, unless they explicitly request to receive all documents from the Commission by another means of communication or unless the nature of the document to be sent requires the use of a registered mail. For further rules and information concerning correspondence with the Commission including principles that apply to submissions via TRON.tdi and by email, interested parties should consult the communication instructions with interested parties referred to above.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate G
Office: CHAR 04/039
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
Email:
TRADE-AD681-SAP-Dumping@ec.europa.eu
TRADE-AD681-SAP-Injury@ec.europa.eu

6. Schedule of the investigation

The investigation will be concluded, pursuant to Article 6(9) of the basic Regulation within normally 13, but not more than 14 months of the date of the publication of this Notice. In accordance with Article 7(1) of the basic Regulation, provisional measures may be imposed normally not later than 7 months, but in any event not later than 8 months from the publication of this Notice.

In accordance with Article 19a of the basic Regulation, the Commission will provide information on the planned imposition of provisional duties 4 weeks before the imposition of provisional measures. Interested parties will be given 3 working days to comment in writing on the accuracy of the calculations.

In cases where the Commission intends not to impose provisional duties but to continue the investigation, interested parties will be informed, by means of an information document, of the non-imposition of duties 4 weeks before the expiry of the deadline under Article 7(1) of the basic Regulation.

Interested parties will be given 15 days to comment in writing on the provisional findings or on the information document, and 10 days to comment in writing on the definitive findings, unless otherwise specified. Where applicable, additional final disclosures will specify the deadline for interested parties to comment in writing.

7. Submission of information

As a rule, interested parties may only submit information in the timeframes specified in Sections 5 and 6 of this Notice. The submission of any other information not covered by those sections, should respect the following timetable:

— Any information for the stage of provisional findings should be submitted within 70 days from the date of publication of this Notice, unless otherwise specified.

— Unless otherwise specified, interested parties should not submit new factual information after the deadline to comment on the disclosure of the provisional findings or the information document at the stage of provisional findings. After this deadline, interested parties may only submit new factual information if they can demonstrate that such new factual information is necessary to rebut factual allegations made by other interested parties and provided that such new factual information can be verified within the time available to complete the investigation in a timely manner.

— In order to complete the investigation within the mandatory deadlines, the Commission will not accept submissions from interested parties after the deadline to provide comments on the final disclosure or, if applicable, after the deadline to provide comments on the additional final disclosure.

8. **Possibility to comment on other parties' submissions**

In order to guarantee the rights of defence, interested parties should have the possibility to comment on information submitted by other interested parties. When doing so, interested parties may only address issues raised in the other interested parties' submissions and may not raise new issues.

Such comments should be made according to the following timeframe:

— Any comment on information submitted by other interested parties before the deadline of imposition of provisional measures should be made at the latest on day 75 from the date of publication of this Notice, unless otherwise specified.

— Comments on the information provided by other interested parties in reaction to the disclosure of the provisional findings or of the information document should be submitted within 7 days from the deadline to comment on the provisional findings or on the information document, unless otherwise specified.

— Comments on the information provided by other interested parties in reaction to the final disclosure should be submitted within 3 days from the deadline to comment on the final disclosure, unless otherwise specified. If there is an additional final disclosure, comments on the information provided by other interested parties in reaction to this disclosure should be made within 1 day from the deadline to comment on this disclosure, unless otherwise specified.

The outlined timeframe is without prejudice to the Commission's right to request additional information from interested parties in duly justified cases.

9. **Extension to time limits specified in this Notice**

Any extension to the time limits provided for in this Notice should only be requested in exceptional circumstances and will only be granted if duly justified upon good cause being shown.

In any event, any extension to the deadline to reply to questionnaires will be limited normally to 3 days, and as a rule will not exceed 7 days.

Regarding time limits for the submission of other information specified in the Notice of Initiation, extensions will be limited to 3 days unless exceptional circumstances are demonstrated.

10. **Non-cooperation**

In cases where any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made on the basis of facts available, in accordance with Article 18 of the basic Regulation.

Where it is found that any interested party has supplied false or misleading information, the information may be disregarded and use may be made of facts available.

If an interested party does not cooperate or cooperates only partially and findings are therefore based on facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

Failure to give a computerised response shall not be deemed to constitute non-cooperation, provided that the interested party shows that presenting the response as requested would result in an unreasonable extra burden or unreasonable additional cost. The interested party should immediately contact the Commission.

11. **Hearing Officer**

Interested parties may request the intervention of the Hearing Officer for trade proceedings. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and any other request concerning the rights of defence of interested parties and third parties as may arise during the proceeding.

The Hearing Officer may organise hearings and mediate between the interested party/-ies and Commissions services to ensure that the interested parties' rights of defence are being fully exercised. A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. The Hearing Officer will examine the reasons for the requests. These hearings should only take place if the issues have not been settled with the Commission services in due course.

Any request must be submitted in good time and expeditiously so as not to jeopardise the orderly conduct of proceedings. To that effect, interested parties should request the intervention of the Hearing Officer at the earliest possible time following the occurrence of the event justifying such intervention. In principle, the timeframes set out in Section 5.7 to request hearings with the Commission services apply *mutatis mutandis* to requests for hearings with the Hearing Officer. Where hearing requests are submitted outside the relevant timeframes, the Hearing Officer will also examine the reasons for such late requests, the nature of the issues raised and the impact of those issues on the rights of defence, having due regard to the interests of good administration and the timely completion of the investigation.

For further information and contact details interested parties may consult the Hearing Officer's web pages on DG Trade's website: http://ec.europa.eu/trade/trade-policy-and-you/contacts/hearing-officer/

12. **Processing of personal data**

Any personal data collected in this investigation will be treated in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council ([12]).

A data protection notice that informs all individuals of the processing of personal data in the framework of Commission's trade defence activities is available on DG TRADE's website: http://ec.europa.eu/trade/policy/accessing-markets/trade-defence/

([12]) 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).

ANNEX

☐	'Sensitive' version
☐	Version 'For inspection by interested parties'
(tick the appropriate box)	

ANTI-DUMPING PROCEEDING CONCERNING IMPORTS OF SUPERABSORBENT POLYMERS ORIGINATING IN THE REPUBLIC OF KOREA

INFORMATION FOR THE SELECTION OF THE SAMPLE OF UNRELATED IMPORTERS

This form is designed to assist unrelated importers in responding to the request for sampling information made in point 5.3.2 of the notice of initiation.

Both the 'Sensitive' version and the version 'For inspection by interested parties' should be returned to the Commission as set out in the notice of initiation.

1. **IDENTITY AND CONTACT DETAILS**

Supply the following details about your company:

Company name	
Address	
Contact person	
Email address	
Telephone	

2. **TURNOVER AND SALES VOLUME**

Indicate the total turnover in euros (EUR) of the company, and the value in euros (EUR) and volume in tonnes for imports into the Union and resales on the Union market after importation from the Republic of Korea, during the investigation period, of the product under investigation as defined in the notice of initiation.

	Volume in tonnes	Value in euros (EUR)
Total turnover of your company in euros (EUR)		
Imports of the product under investigation originating in the Republic of Korea into the Union		
Imports of the product under investigation into the Union (all origins)		
Resales on the Union market after importation from the Republic of Korea of the product under investigation		

3. **ACTIVITIES OF YOUR COMPANY AND RELATED COMPANIES** [1]

Give details of the precise activities of the company and all related companies (please list them and state the relationship to your company) involved in the production and/or selling (export and/or domestic) of the product under investigation. Such activities could include but are not limited to purchasing the product under investigation or producing it under sub-contracting arrangements, or processing or trading the product under investigation.

Company name and location	Activities	Relationship

4. **OTHER INFORMATION**

Please provide any other relevant information which the company considers useful to assist the Commission in the selection of the sample.

5. **CERTIFICATION**

By providing the above information, the company agrees to its possible inclusion in the sample. If the company is selected to be part of the sample, this will involve completing a questionnaire and accepting a visit at its premises in order to verify its response. If the company indicates that it does not agree to its possible inclusion in the sample, it will be deemed not to have cooperated in the investigation. The Commission's findings for non-cooperating importers are based on the facts available and the result may be less favourable to that company than if it had cooperated.

Signature of authorised official:

Name and title of authorised official:

Date:

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[1] In accordance with Article 127 of Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, two persons shall be deemed to be related if: (a) they are officers or directors of the other person's business; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) a third party directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they control a third person directly or indirectly; or (h) they are members of the same family (OJ L 343, 29.12.2015, p. 558). Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. In accordance with Article 5(4) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code, 'person' means a natural person, a legal person, and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts (OJ L 269, 10.10.2013, p. 1).

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Prior notification of a concentration

(Case M.10178 — Eni/Aldro EyS/Instalaciones MD)

Candidate case for simplified procedure

(Text with EEA relevance)

(2021/C 58/17)

1. On 11 February 2021, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ([1]).

This notification concerns the following undertakings:

— Eni gas e luce S.p.A. ('Eni G&L', Italy), a wholly owned subsidiary of Eni S.p.A. ('Eni', Italy)

— Aldro Energia y Soluciones, S.L.U. ('Aldro EyS', Spain) and Instalaciones Martinez Diez, S.L.U. ('Instalaciones MD', Spain), both of them wholly owned subsidiaries of Aldro Energy, S.L.U. ('Aldro Energy', Spain).

Eni acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Aldro EyS and Instalaciones MD.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— for Eni: a global oil and gas group, active in exploration, production, refining and selling operations, electricity and chemistry. Its wholly owned subsidiary Eni G&L is active in the supply of electricity and natural gas, as well as energy solutions across the EU.

— for Aldro EyS: the supply of electricity and natural gas in Spain and Portugal.

— for Instalaciones MD: the provision of back office and customer care services to Aldro EyS.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under the Council Regulation (EC) No 139/2004 ([2]) it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.10178 — Eni/Aldro EyS/Instalaciones MD

([1]) OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').
([2]) OJ C 366, 14.12.2013, p. 5.

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below.

Email: COMP-MERGER-REGISTRY@ec.europa.eu

Fax +32 22964301

Postal address:

European Commission
Directorate-General for Competition
Merger Registry
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

OTHER ACTS

EUROPEAN COMMISSION

Publication of the single document referred to in Article 94(1)(d) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council and of the reference to the publication of the product specification for a name in the wine sector

(2021/C 58/18)

This publication confers the right to oppose the application pursuant to Article 98 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council [1] within 2 months from the date of this publication.

SINGLE DOCUMENT

'Willamette Valley'

PGI-US-02439

Date of application: 17.10.2018

1. **Name to be registered**

Willamette Valley

2. **Geographical indication type**

PGI

3. **Categories of grapevine products**

1. Wine

5. Quality sparkling wine

4. **Description of the wine(s)**

The protected geographical indication 'Willamette Valley' is reserved for still wines (red, rose and white); and, quality sparkling wines.

Willamette Valley wines are characterized and identified by the type of grape variety. Willamette Valley red wines, predominately Pinot noir, and Willamette Valley white wines, predominately Chardonnay, Pinot gris and Riesling, with Pinot noir/Chardonnay sparkling blends, constitute most of the production in the Willamette Valley.

As cool climate medium-bodied wines which generally show marked acidity and project bright, fresh ripe fruit and mineral driven tannins, Willamette Valley wines exhibit the following characteristics by variety:

Still Wines

Red Wines:

Willamette Valley reds are brilliant, moderate red-to-garnet in colour, sometimes approaching a deep purple-to-black based on site and vintage; they exhibit fresh rather than cooked red and black fruits, from pomegranate, strawberry, raspberry and cherry to blackberry and plum in both aromatics and directly translated to flavours; in addition, aromatics show red and purple floral aspects, earthiness from hummus to tea leaf, iodine and ferric iron notes, baking spices of sassafras, cola, mineral and, with age, more complex savoury characters of ham, mushroom, leather and

[1] OJ L 347, 20.12.2013, p. 671.

herbal spices. Flavours and mouth textures are complex and layered with fine grained tannins of tea leaf and cherry tobacco and a round velvet mid-palate giving an elegant structure and richness, reflecting both fruits and deep savoury food elements as seen on the nose; palate structure can show a range of tannins, from tea leaf to wood, with bright acidity lifting the palate and maintaining assertive flavours over a great length, while contributing tension to protect and provide for age worthiness.

Rosé wines:

Rosés in the Willamette Valley range in colour from a very light grey-pink to pale garnet, all vibrant and beautiful, carrying aromas of white to red flowers (jasmine to rose) and fresh fruit from blood orange to wild strawberries and raspberries, both on nose and on palate; the palate flavours can be saline and mineral as well, with a creamy palate and sometimes left with a touch of residual sugar. The hallmark vibrant acidity in Willamette Valley rosé provides the ability to bottle age a few years.

White wines:

White Willamette Valley wines are uniformly brilliant, bracing in acidity, in colour are platinum to pale lemon and, with late harvest or oaked whites, cream-to-golden. Carrying the same, or even more, brightness of fruit as Pinot noir, but reflecting different types of fruit, white aromatics range from citrus, stone fruit (peach, pear, etc.) and floral elements of white blossom and orchard florals; all have pronounced minerality and salinity (from pH, acidity and lean bright fruit) on the palate, with a core of fresh pure fruit flavours driven by high acidity, giving length and promising longevity. With age the wines exhibit dried flowers, marmalade citrus notes and elements of honey and developed mineral notes.

General analytical characteristics	
Maximum total alcoholic strength (in % volume)	16 %
Minimum actual alcoholic strength (in % volume)	7 %
Minimum total acidity	4 g/L tartaric pH=4 max
Maximum volatile acidity (in milliequivalents per litre)	23,31 mEq/L (red wines) 19,98 mEq/L (white and rosé wines)
Maximum total sulphur dioxide (in milligrams per litre)	150 mg/L 40 mg/L Unbound Sulphur dioxide

Quality Sparkling Wines

Willamette Valley quality sparkling wines are produced as white and rosé wines, made from Pinot noir, Chardonnay, and in some instances including Pinot meunier. They exhibit fine-to-medium mousse, with finesse, pearly threads of bubbles, and expressive, clean, acid-edged fruit flavours of barely ripened stone fruit and racy citrus. White quality sparkling wines are platinum in colour and brilliantly clear, with aromas of apple or pear and flavours similarly of lime, stone fruit or mineral. Rosés exhibit lifted notes of wild strawberry, nervy high acidities, and multi-layered bright red fruit flavours (apple/plum). Extended time of more than 10 years in bottle are normal. Rosés visually range from clear cherry red to a 'hint' of pink colours. Aromatically rosés exhibit rose petal floral to red skinned apple to a light plum-strawberry depending on the blend and the maturity of the fruit at harvest. A characteristic 'spice' component is not unusual as well. Typical aromatic and flavour descriptions can include wild strawberry and other summer berries, citrus as in blood orange/tangerine, apples/crab apple, spices as in dried herbs and ginger. Nervy high acidities promise extended time of more than 10 years in bottle.

The aromatics of Brut Sparkling wines made with Chardonnay, Pinot noir, and Pinot meunier can range from white flowers to ocean shore-oyster shell to apple/pear to citrus white grapefruit. Flavours vary by the percentages of grape variety used and location the fruit was grown. Flowers range from delicate white to rose, spices from vanilla to ginger to dried herbs, fruits including green, yellow, red skinned apples, crab apple, tart berries, and Anjou-like pear, citrus white grapefruit, starfruit, and tangerine are possible. Acidity is bright, and vibrant, while the finish can be quite long on ripe fruit expression.

General analytical characteristics	
Maximum total alcoholic strength (in % volume)	14 %
Minimum actual alcoholic strength (in % volume)	7 %
Minimum total acidity	5 g/L tartaric pH=4 max
Maximum volatile acidity (in milliequivalents per litre)	<=23,31 mEq/L
Maximum total sulphur dioxide (in milligrams per litre)	150 mg/L 30 mg/L Unbound Sulphur dioxide

5. **Wine making practices**

a. *Essential oenological practices*

none

b. *Maximum yields*

Pinot noir and other Red wines: 7 850 kg/ha (45 hl/ha);

Chardonnay: 10 100 kg/ha (60 hl/ha);

Other Whites: 12 330 kg/ha (70 hl/ha);

Quality sparkling wines: 15 700 kg/ha (90 hl/ha).

6. **Demarcated geographical area**

Willamette Valley as an American Viticultural Area is described specifically as approved and registered in the United State Tax and Trade Bureau regulations, with this summary:

'§9.90 Willamette Valley.

Boundaries. The Willamette Valley viticultural area is located in the north-western part of Oregon and is bordered on the north by the Columbia River, on the west by the Coast Range Mountains, on the south by the Calapooya Mountains, and on the east by the Cascade Mountains, encompassing approximately 5,200 square miles (3.3 million acres).

The exact boundaries of the viticultural area, based on landmarks and points of reference found on the approved maps, are as follows: From the beginning point at the intersection of the Columbia/Multnomah County line and the Oregon/Washington State line;

West along the Columbia/Multnomah County line 8.5 miles to its intersection with the Washington/Multnomah County line;

South along the Washington County line 5 miles to its intersection with the 1,000 foot contour line;

Northwest (15 miles due northwest) along the 1,000 foot contour line to its intersection with State Highway 47, .5 mile north of "Tophill";

Then, due west from State Highway 47 one-quarter mile to the 1,000 foot contour line, continuing south and then southwest along the 1,000 foot contour line to its intersection with the Siuslaw National Forest (a point approximately 43 miles south and 26 miles west of "Tophill"), one mile north of State Highway 22;

Due south 6.5 miles to the 1,000 foot contour line on the Lincoln/Polk County line;

Continue along the 1,000 foot contour line (approximately 23 miles) east, south, and then west, to a point where the Polk County line is intersected by the Lincoln/Benton County line;

South along Lincoln/Benton County line, 11 miles to its intersection with the Siuslaw National Forest line;

East along the Siuslaw National Forest line six miles, and then south along the Siuslaw National Forest line six miles to State Highway 34 and the 1,000 foot contour line;

South along the 1,000 foot contour line to its intersection with Township line T17S/T18S (31 miles southwest, and one mile west of State Highway 126);

East along T17S/T18S 4.5 miles to Range line R6W/R7W, south along this range line 2.5 miles to the 1,000 foot contour line;

Northeast, then southeast along the 1,000 foot contour line approximately 12 miles to its intersection with the R5W/R6W range line;

South along the R5W/R6W range line approximately 0.25 mile to the intersection with the 1,000 foot contour line;

Generally southeast along the meandering 1,000 foot contour line, crossing onto the Letz Creek map, to a point on the 1,000 foot contour line located due north of the intersection of Siuslaw River Road and Fire Road;

South in a straight line approximately 0.55 mile, crossing over the Siuslaw River and the intersection of Siuslaw River Road and Fire Road, to the 1,000 foot contour line;

Generally southeast along the meandering 1,000 foot contour line, crossing onto the Roseburg, Oregon map, to the intersection of the 1,000 foot contour line with the Lane/Douglas County line;

East along the Lane/Douglas County line approximately 3.8 miles to the intersection with the 1,000 foot contour line just east of the South Fork of the Siuslaw River;

Generally north, then northeast along the 1,000 foot contour line around Spencer Butte, and then generally south to a point along the Lane/Douglas County line 0.5 mile north of State Highway 99;

South along the Lane/Douglas County line 1.25 miles to the 1,000 foot contour line;

Following the 1,000 foot contour line around the valleys of Little River, Mosby Creek, Sharps Creek and Lost Creek to the intersection of R1W/R1E and State Highway 58);

North along R1W/R1E, six miles, until it intersects the 1,000 foot contour line just north of Little Fall Creek;

Continuing along the 1,000 foot contour line around Hills Creek, up the southern slope of McKenzie River Valley to Ben and Kay Dorris State Park, crossing over and down the northern slope around Camp Creek, Mohawk River and its tributaries, Calapooia River (three miles southeast of the town of Dollar) to a point where Wiley Creek intersects R1E/R1W approximately one mile south of T14S/T13S;

North along R1E/R1W 7.5 miles to T12S/T13S at Cedar Creek;

West along T12S/T13S four miles to the 1,000 foot contour line;

Continuing in a general northerly direction along the 1,000 foot contour line around Crabtree Creek, Thomas Creek, North Santiam River (to its intersection with Sevenmile Creek), and Little North Santiam River to the intersection of the 1,000 foot contour line with R1E/R2E (approximately one mile north of State Highway 22);

North along R1E/R2E (through a small portion of Silver Falls State Park) 14 miles to T6S/T7S;

East along T6S/T7S six miles to R2E/R3E;

North along R2E/R3E six miles to T5S/T6S;

Due northeast 8.5 miles to the intersection of T4S/T5S and R4E/R3E;

East along T4S/T5S six miles to R4E/R5E;

North along R4E/R5E six miles to T3S/T4S;

East along T3S/T4S six miles to R5E/R6E;

North along R5E/R6E 10.5 miles to a point where it intersects the Mount Hood National Forest boundary (approximately three miles north of U.S. Highway 26);

West four miles and north one mile along the forest boundary to the 1,000 foot contour line (just north of Bull Run River);

North along the 1,000 foot contour line, into Multnomah County, to its intersection with R4E/R5E;

Due north approximately three miles to the Oregon/Washington State line; and

West and then north, 34 miles, along the Oregon/Washington State line to the beginning point.'

7. **Main wine grapes variety(ies)**

Willamette Valley still wines and quality sparkling wines use the following wine grapes: Pinot noir, Pinot gris, Chardonnay, Riesling, Pinot blanc, Syrah, Cabernet sauvignon, Gamay noir, Pinot meunier.

Other wine grapes are used to a lesser degree: Arneis, Albarino, Auxerrois, Cabernet Franc, Chenin blanc, Dolcetto, Gewurztraminer, Gruner veltliner, Merlot, Muller-Thurgau, Sangiovese, Sauvignon blanc, Tempranillo, Viognier, Zinfandel.

8. **Description of the link(s)**

As in any successful endeavour that accrues a well-regarded reputation, the link to high quality is complex, not simple: although the natural factors associated with Willamette Valley's location are likely most important, with climatic, geological, geographical and vintage effects significantly influencing the final wine quality, credit necessarily has to also go to those human factors which systematize and make consistent grape growing, winemaking, and marketing processes, creating reliability, control and reputation for the wines of the region.

Soils and Geology: in the Willamette Valley, high quality wines typical of the terroir are produced from cool climate grapes specified above, grown in vineyards almost exclusively situated on hillsets of either volcanic and/or sedimentary soils pushed up from the valley floor by tectonic action, at elevations between 61 and 305 meters (200 and 1000 feet), with loess (blown silt) atop some of the hillsets. Hillside soils provide adequate root depth and water retention, provide vine nutrients without being too rich (thereby encouraging easy, verdant growth rather than necessary stressed fruiting priorities) and good soil and air drainage with friable soils and show reduced chance of frost and disease pressures (e.g., powdery mildew). The hillside soils are of three types (volcanic, sedimentary and loess glacial silt) and transmit unique and predictable aromas, flavours, minerality, and growth characteristics to the vines and resultant wines—for example, with Pinot noir, volcanic soils project bright, fresh red fruit aromatically and flavour wise (raspberry to bing cherry to black cherry) with moderate fine, supple tannin structure and moderate colour; sedimentary soils project darker, red-to-black fruit colour, aromatics and flavours (black cherry to blackberry to black currant or huckleberry) with highlights of mushroom, baking spices, coffee, and black jam, with moderate-to-high tannin; loess soils transmit lighter colour (strawberry to raspberry to pie cherry) and less structure, with low tannin and freshness. All retain moderate-to-high acid and are ageable.

Geography: the organoleptic characteristics seen as being unique for the Willamette Valley, with Pinot noir especially, include brightness and fresh fruit aspects, with the acidity provided by the protected cool climate; varying red-to-black fruit characters and varying levels of structural phenolics or tannin associated with soil types, elevations and geography; and a broad array of stylistic fingerprints from evolving winemaker views of Pinot Noir's personality.

The cool climate moderated by large bodies of water like the Pacific Ocean allows the diurnal temperature to swing from warm days to very cool nights, onshore ocean wind flow cooling the Willamette Valley by as much as 30-40F (16.5-22C) at night. This affects plant respiration, permits plant cooling, and preserves acidity that is characteristic of the Willamette Valley wines.

The gradient provided by 244 meters (800 feet) of elevation gain also gives a variety of ripening conditions for different grape variety needs as well as additional versatility adapting to climate change, with warmer sites lower and cooler sites at higher elevations, thus projecting riper and softer wine characters lower, brighter fresh fruit and higher acidity higher.

Further refinement is given by site aspect, facing south or east or west on these hills to address the sun, a real benefit in the early, cool history of the region, as vineyards sought perfect ripening facing due south.

As important as the hillside locations are to give ripening, water, flavours and acidity, the critical feature of Willamette Valley wines comes from the bowl-shaped nature of the valley, which contributes the general cool climate conditions of this protected valley – protected by Cascade and Coast ranges of mountains to the East and West respectively, preventing hot, dry, continental weather and cool, wet weather, respectively, from perturbing the growing season. Full ripeness is achieved in this protected bona fide cool climate region, while retaining acidity from cool growing and ripening seasons. High quality wines of finesse, verve and structural integrity require this acidity to make Willamette Valley wines excellent food wines, in the short-to-medium term, but also having long aging potential.

General Geographic Influences for still and quality sparkling wines: the Willamette Valley straddles the 45th parallel North. At this latitude, elevation changes noticeably influence the flora and fauna of the area. Changes in vineyard elevation of as little as 60 meters can delay ripening by as much as 10-14 days. Grapevine flowering occurs on average the third week of June (Summer Solstice) and has often happened in July (4 weeks after the Solstice). This latitude and proximity to a cold Pacific Ocean bring variability in growing season weather, including harvest weather. In fact, the weather experienced in the Willamette Valley is uniquely variable when compared to all other USA west coast wine grape growing regions. Additionally, daylight length and day-to-day changes are severe enough to bring a photoperiod-induced physiological response from deciduous plants, including grapevines. The heat summation and photoperiod of the Willamette Valley places limits on the areas where consistent ripening can occur. For example, few vineyards can be successful above 240 meters, or located where the annual average rainfall is above 1300mm, or with an aspect facing north. Additionally, successfully consistent quality vineyards are located on hillside slopes with aspects that encourage sunlight to fall on leaves of the vine, warming the soils in spring. This is a wine region where warm climate varieties like Cabernet sauvignon will not consistently ripen. And, indeed it is one of the very few cool climate winegrowing regions that was planted on hillside slopes first and NOT planted to the valley's colder, floor.

Human Factors and Stylistic Options: the Willamette Valley is at the northern extreme of where one can consistently ripen cool climate varieties important to still or quality sparkling wines (e.g. Pinot noir, Pinot meunier, and Chardonnay). It is this specificity of location that presents exciting, unique characteristics for still and quality sparkling wines, with key options for winemakers' stylistic crafting. With an average bloom date at the summer solstice, ripening of quality sparkling wine grapes tends to happen mid to late-September and for still wines late-September to mid-October. Hillside locations allow for warm temperature inversions in early evening allowing vines to respire before the chill of late night - early morning summer temperatures. Besides macro siting differences between vineyards, hillside locations also allow the winemaker to harvest at various aspects and elevations to further enhance diverse fruit flavour expressions, and to adjust to the characteristics of each unique growing season.

At this northern extreme, variations in flavour can occur from small changes in the vineyard made by clone, rootstock, spacing, aspect, elevation, and even the farmer's own work. Differences from vineyard block to neighbouring vineyard block can yield stylistic variety in quality sparkling and still wines.

For quality sparkling, wine grapes in the Willamette Valley mature with complex, ripe fruit flavours without losing high natural acidity. The fruit can be harvested at peak ripeness as one moves up in elevation. When vines are grown at the edge of consistent ripening, complex, delicious fruit flavours are produced. Sparkling wines from Pinot noir and Chardonnay have been made in the Willamette Valley since the early 1980's. Today there are more than 100 producers of traditional method sparkling wines and production continues to grow in both number of producers and volume.

Ripe fruit flavours, high natural acidity, and low alcohol wine grapes harvested in mid-September produce complex, quality, long-aging sparkling wines and still wines. The Willamette Valley by virtue of its high northern latitude, proximity to a cold ocean, rain shadowed sloped vineyards, dynamic photoperiod, and inability to successfully ripen warmer climate grape varietals presents a unique 'new' style of North American wine.

In Summary, although the primary justification for geographical indication rests on Natural Factors that create a unique and exceptional region, secondary attributes of the Willamette Valley that argue its distinction besides these physical characteristics are Human Factors–exceptional focus, collaboration, technical rigor and research, and organizational approaches that have brought world-wide interest and relationships, including whole industry collaboration such as the inaugural International Cool Climate Symposium in 1984 and the well-regarded International Pinot Noir Celebration of 34 years welcoming all Pinot noir makers worldwide. Strong collaborative work and consistently high quality products develop a following and contribute to overall regional Reputation.

Other varieties succeed here for similar reasons as Pinot noir, but Pinot noir is its pinnacle claim to notoriety. Press, academia, peers and consumers all know Willamette Valley wines based on Pinot noir, whether still or sparkling. Recognition comes broadly and internationally: e.g., World Wine Awards Platinum Best of Show wine from Decanter 2 years ago hailing from the Willamette Valley; Robert Parker, Jr. admitting 'Oregon is finally fulfilling its vast potential'; The New York Times' Isaac Asimov stating, 'The Willamette Valley is a place where the Pinot Noir ideals of finesse and grace can be consistently met.'

9. **Further conditions**

Virtually all wine from the Willamette Valley is varietally designated and must be a minimum of 90 % from that variety, per Oregon State Laws and Regulations (OAR 845 OLCC Regulations).

Wine origins must be accurate, with American Viticultural Areas (AVAs) claimed on labels requiring 95 % minimum in the bottle be from that AVA.

All Willamette Valley wines must be vinified and prepared for bottling in Oregon, a requirement to safeguard quality and grape origins, with the premise that careful treatment of these delicate wines and facilitation of collaborative activity in finishing the wine where the grapes were grown is important. If a wine label shows 'Willamette Valley AVA' as its appellation of origin, Federal labelling regulations [Code Federal Regulation, Title 27 CFR 4.25(e)(3)(iv)] require that the wine to be fully finished in Oregon. The U.S Alcohol and Tobacco Tax and Trade Bureau (TTB) has defined 'fully finished' wine in rulemaking materials as wine that is 'ready to be bottled, except that cellar treatment and blending that does not result in an alteration of class and type.'

Link to the product specification

https://assets.simpleviewinc.com/simpleview/image/upload/v1/clients/willametteor/2020_02_GUIDELINES_FOR_PROTECTED_GEOGRAPHICAL_INDICATION_Willamette_Valley_091718_add_092519_100819_030520_7d32ebb7-96f1-4049-b608-d3838347b797.pdf

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