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I

(Resolutions, recommendations and opinions)

RECOMMENDATIONS

COUNCIL

COUNCIL RECOMMENDATION

of 16 November 2021

concerning the sequencing of the fulfilment of the more binding commitments undertaken in the framework of permanent structured cooperation (PESCO) and specifying more precise objectives, and repealing the Recommendation of 15 October 2018

(2021/C 464/01)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 46(6) thereof,

Having regard to Protocol No 10 on permanent structured cooperation established by Article 42 of the Treaty on European Union, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union,

Having regard to Council Decision (CFSP) 2017/2315 of 11 December 2017 establishing permanent structured cooperation (PESCO) and determining the list of participating Member States ⁽¹⁾,

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

Whereas:

- (1) Article 4(2), point (b), of Decision (CFSP) 2017/2315 provides that the Council is to adopt decisions and recommendations on sequencing the fulfilment of the more binding commitments set out in the Annex to that Decision in the course of the two consecutive initial phases (the years 2018–2020 and 2021–2025) and specifying at the beginning of each phase the more precise objectives for the fulfilment of the more binding commitments.
- (2) On 15 October 2018, the Council adopted a Recommendation (the ‘Recommendation of 15 October 2018’) concerning the sequencing of the fulfilment of the more binding commitments undertaken in the framework of PESCO and specifying more precise objectives ⁽²⁾ for the phases 2018–2020 and 2021–2025.

In accordance with paragraphs 4 and 27 of the Recommendation of 15 October 2018, the Council should adopt a second set of more precise objectives for the phase 2021–2025. As specified in the Council Conclusions of 20 November 2020 on the PESCO Strategic Review (PSR) 2020, the Council should review that Recommendation at the beginning of the next phase in 2021 with a view to setting the objectives and concrete deliverables for the next PESCO phase 2021–2025 in line with the PSR.

⁽¹⁾ OJ L 331, 14.12.2017, p. 57.

⁽²⁾ OJ C 374, 16.10.2018, p. 1.

- (3) In the light of the Conclusions of 20 November 2020, the Coordinated Annual Review on Defence (CARD) findings and recommendations should be used to inform the objectives and concrete deliverables for the next PESCO phase (2021-2025).
- (4) In accordance with Council Decision (CFSP) 2020/1639 ⁽³⁾, a third State may exceptionally be invited to participate in a PESCO project, and provide a substantial added value to the project and contribute to the strengthening of PESCO and the Common Security and Defence Policy (CSDP) and meeting more binding commitments.
- (5) The Council should therefore adopt another recommendation and repeal the Recommendation of 15 October 2018,

HAS ADOPTED THIS RECOMMENDATION:

I. Objective and scope

1. In the light of the Council Conclusions of 20 November 2020 on the PSR, the overall aim for the second initial phase until 2025 will be to fulfil the more binding commitments which participating Member States made to one another, including by working towards a coherent full-spectrum force package, in line with the PESCO notification ⁽⁴⁾, that contributes to the fulfilment of the EU Level of Ambition. Such a coherent full-spectrum force package should be further elaborated by Member States in the context of the Strategic Compass. ⁽⁵⁾
2. The objective of this Recommendation is to ensure a common approach and to enable the participating Member States to fulfil the more binding commitments set out in the Annex to Decision (CFSP) 2017/2315. It is to facilitate the annual assessment process set out in Article 6 of that Decision, based on a complete set of relevant data including roadmaps. In order to assist participating Member States in planning to fulfil the more binding commitments and facilitating the assessment of the progress of PESCO in the report of the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative'), this Recommendation includes intermediate objectives, milestones, with related progress indicators, including for operational commitments in order to provide a fair share to the respective force generation for CSDP missions and operations, within Member States' means and capabilities. Those data should be provided annually by the participating Member States in their national implementation plans (NIPs), reviewed and updated, as appropriate, in accordance with Article 3(2) of that Decision. The security rules set out in Council Decision 2013/488/EU ⁽⁶⁾ should also be applied to the NIPs and other relevant documents based on the information contained therein. The participating Member States should, supported by the PESCO secretariat, ensure transparency among all participating Member States and further develop coherence and consistency in relation to the information required and provided in the context of PESCO and other defence-related initiatives, including CARD. Coherence between various defence-related initiatives should be further developed and strengthened, including as regards Member States' reporting, in order to alleviate the administrative burden and improve the quality of the NIPs. That work should take into account the lessons identified at the end of the first PESCO initial phase (2018–2020), in particular through the related strategic review process.
3. In accordance with the commitments set out in the Annex to Decision (CFSP) 2017/2315, and without altering them or introducing new commitments, this Recommendation provides guidance on the sequencing of the fulfilment of those commitments for the phase 2021–2025, and specifies more precise objectives for each commitment, highlighting that participating Member States should implement those commitments as soon as possible, in particular those which were to be fulfilled by 2020.
4. The more precise objectives referred to in Section II, which also include progress indicators, where applicable, for specific commitments, will enable participating Member States to plan for the fulfilment of the more binding commitments in a structured and transparent manner and to provide detailed and assessable information on progress achieved on the fulfilment of each commitment in their NIPs. Regular exchanges between participating Member States in the relevant Council preparatory bodies, as referred to in the PSR, should be ensured, in particular on the areas in which efforts have to be maintained or enhanced.

⁽³⁾ Council Decision (CFSP) 2020/1639 of 5 November 2020 establishing the general conditions under which third States could exceptionally be invited to participate in individual PESCO projects (OJ L 371, 6.11.2020, p. 3).

⁽⁴⁾ In particular, Annex I-Principles of PESCO.

⁽⁵⁾ As stated in the Council Conclusions on Security and Defence of 17th June 2020, 'building on the threat analysis and other possible thematic input, the Strategic Compass will define policy orientations and specific goals and objectives'.

⁽⁶⁾ Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

5. The aim is to adapt the existing more precise objectives based on the experience gained from the first initial phase in order to help participating Member States to better achieve concrete deliverables and to facilitate implementation with regard to the fulfilment of the more binding commitments as soon as possible, and by the end of 2025. Particular attention should be given to the areas where improvements are needed, including at project level in line with the Conclusions on the PSR and to ensure continuous progress beyond the two consecutive initial phases (the years 2018-2020 and 2021-2025). At the end of the two consecutive initial phases in 2025, the Council will conduct a strategic review process assessing the fulfilment of the PESCO more binding commitments set out in Decision (CFSP) 2017/2315 by each participating Member State and will update, and enhance if necessary, those commitments in light of achievements made through PESCO, in order to reflect the Union's evolving security environment, its operational needs, as well as Member States' and the Union's capability development priorities. In that context, at the beginning of 2026, following the strategic review process outlined above, the Council should adopt a third set of more precise objectives, updated, and enhanced if necessary, taking into account Article 4(2), point (c) of Decision (CFSP) 2017/2315.

II. Sequencing of the fulfilment of the commitments by specifying more precise objectives

Commitments 1 to 5

6. Commitment 1: Participating Member States should provide in their NIPs precise financial data on the evolution of total defence expenditure compared to the previous year in real terms ⁽⁷⁾, including in absolute figures, demonstrating a plan for a regular increase in spending. In this regard, participating Member States should also provide in their NIPs their nationally agreed spending projections for the coming years. Those participating Member States which are also members of NATO and are spending at or above the relevant NATO guideline on defence expenditure, should provide an indication of their plans to maintain or change that level of defence spending. Within the context of their NIPs, working towards, maintaining or exceeding the current relevant NATO guideline for defence expenditure ⁽⁸⁾ will be considered as demonstrating a positive trend in fulfilling this more binding commitment. On the basis of the information provided in the NIPs, the annual report of the High Representative will also provide a detailed overview of the evolution of the defence spending by participating Member States, in accordance with Article 6(3) of Decision (CFSP) 2017/2315.
7. Commitment 2: Participating Member States should each provide precise financial data in their NIPs on how they intend to contribute to the collective 20 % benchmark ⁽⁹⁾ on defence investment. That information should provide the forecast of increase compared to the previous year in real terms, as a percentage of the total defence budget. The figures provided should comprise investments for defence procurement and research and development (R&D). Those participating Member States which are already spending at or above the level of the (collective) benchmark should provide an indication of their plans to maintain or change that level of spending.
8. Commitment 3: Participating Member States should provide detailed information in their NIPs on how and by which means they seek to increase the number, size and impact of joint and collaborative strategic defence capability projects, also mentioning budgetary figures and the specific projects which benefit or have benefited from Union financial assistance. In this regard, the participating Member States should each provide precise financial data on how they plan to contribute to achieving in real terms the European collaborative equipment procurement collective benchmark – 35 % of total equipment spending – and the European collaborative defence research and technology (R&T) collective benchmark – 20 % of total defence R&T spending. Those participating Member States which are already spending at those levels should provide an indication of their plans to maintain or change those levels of spending.
9. Commitment 4: In order to assist the monitoring of actual year-to-year progress, participating Member States should each clearly provide in their NIPs precise financial data on how they will contribute, with a view to nearing the 2 % of total defence spending (collective benchmark) as a share of total defence expenditure for defence R&T, including expenditure forecasts.

⁽⁷⁾ In accordance with the European Defence Agency (EDA) list of definitions of defence data (EDA201807105).

⁽⁸⁾ The 2 % of GDP, according to the current relevant NATO guideline on defence expenditure, applies solely to those participating Member States which are also members of NATO, and it does not constitute an agreed PESCO objective.

⁽⁹⁾ In November 2007, the EDA Ministerial Steering Board approved four collective benchmarks for investment: 20 % of total defence spending for equipment procurement (including R&D/R&T); 35 % of total equipment spending for European collaborative equipment procurement; 2 % of total defence spending for defence Research and Technology (R&T); 20 % of total defence R&T spending for European collaborative defence R&T.

10. Commitment 5: Participating Member States are encouraged to use their NIPs every year to share their experience in terms of planning and contributing to the fulfilment of the commitments 1 to 4 in light of the more precise objectives set out above. At the end of 2025, a review of those commitments will be conducted, based on the spending data provided in the NIPs, with a view to adapting the indicators and objectives for those commitments as necessary, for endorsement by the Council.

Commitments 6 to 11

11. Commitment 6: By 2025, participating Member States will have progressed in systematically considering and making the best use of the Union's capability development tools and initiatives, such as the Capability Development Plan (CDP) and the CARD, to inform and make their national decision-making, priority-setting and defence planning more coherent, which ensure coherence of output with respective NATO processes, where requirements overlap, while recognising the different nature of the two organisations and their respective responsibilities and memberships. That would entail for the Member States to highlight their substantial role in capability development within the Union including by indicating the preferred areas for the development of collaborative defence capability activities within the Union with a reference to the CARD findings and recommendations. To that effect, participating Member States should indicate in their NIPs how they implement the Union's Capability Development Priorities derived from the CDP, including through national priority-setting, and outline their plans and objectives on the respective priorities to be achieved in the coming years.
12. Commitment 7: Annually, each participating Member State should indicate in their NIPs how they have made the best use of the Union's available tools and processes and how they plan to proceed in this endeavour. This comprises support for the CARD process, including through providing all relevant information requested, conducting CARD bilateral dialogues and sharing the outcomes of the national defence reviews, whenever possible. The participating Member States should include in their NIPs information on how they have implemented and/or plan to use the actionable recommendations provided in the agreed CARD Reports.
13. Commitment 8: On an annual basis, participating Member States will make the best possible use of the European Defence Fund in support of their collaborative capability development projects. In their NIPs, participating Member States should indicate for which EU Capability Development Priorities agreed under the CDP and CARD Focus Areas EU financial assistance has been received, or could be sought in the future and, to the extent possible, the share of national defence investment they have committed or plan to commit to those collaborative projects. In their NIPs, participating Member States should indicate the usability and added value of the EU funding to the national defence capability development efforts. Also, by the end of 2025, participating Member States should indicate their intention to ensure follow-up to the results of both the Preparatory Action on Defence Research (2017–2019), the European Defence Industrial Development Programme (EDIDP) (2019–2020) and the European Defence Fund for collaborative projects with an identified EU added value.
14. Commitment 9: Participating Member States should list the relevant ongoing collaborative capability development projects in line with the CDP in PESCO, as well as in other frameworks, and indicate the planned start and completion of the harmonisation of requirements. The foreseen start of harmonising capability requirements should also be indicated for the planned and intended projects. That should be done for the coming years, in particular focusing on closing capability gaps identified through the CDP and taking CARD into account.
15. Commitment 10: Participating Member States should map in their NIPs those capabilities and facilities that they have planned to make available and provide for joint use by other participating Member States, with specific examples such as training and education, exercises, military bases and logistic support, indicating those which are also available in the case of operations. Participating Member States could also map in their NIPs which capabilities, including infrastructure offered by other participating Member States, could provide a basis for cooperation. The NIPs should indicate how such cooperation could optimise available resources and improve their overall effectiveness, including by providing, when available, information on potential savings. The participating Member States should use the Collaborative Database (CODABA), in particular to support them in sharing information on their relevant defence plans and interests in this respect. Participating Member States should provide regular inputs to it and report accordingly in their NIPs on having done so.

16. Commitment 11: Participating Member States should indicate in their NIPs how they are going to increase cooperation on cyber defence, including through existing initiatives or new collaborative activities. In their NIPs, they should indicate how they plan to maintain or further increase, by 2025, the level of their participation in multinational cyber exercises and their cooperation, including in the framework of EDA and the European Security and Defence College (ESDC). Also, by 2025, participating Member States should indicate how they intend to establish regular cooperation with other participating Member States on cyber defence and related activities, such as information sharing, training and operational support, but also capability development. Information from the NIPs on the cooperation on cyber defence of participating Member States and their contribution to cyber defence and related activities, including capability development, will be included in the High Representative's Annual Report on the Status of PESCO Implementation as an annex.

Commitments 12 to 14

17. Commitment 12: By 2025, participating Member States should:

(a) sub-commitment 12.1:

- contribute to the EU Force Catalogue with all deployable national capabilities that correspond with the requirements of the latest EU Requirements Catalogue towards a coherent EU full-spectrum force package (EU FSFP) in line with the PESCO notification ⁽¹⁰⁾, building on the EU Force Package defined in the Progress Catalogue ⁽¹¹⁾. In accordance with the single set of forces principle, participating Member States' inputs should be in line with the Headline Goal Process (HLGP) instructions and should include all deployable assets (including headquarters and capabilities usable in support of missions and operations). Participating Member States should report these inputs in their NIPs;
- focus on the future availability of capabilities needed for the fulfilment of the High Impact Capability Goals (HICGs), optimising the planned contributions to the EU Force Catalogue for the short and medium term. Emphasis should be given to the fulfilment of all short-term HICGs. Their planning efforts will be measured through the HLGP. Participating Member States should report these planning efforts in their NIPs;

- (b) sub-commitment 12.2: in accordance with the EU Military Rapid Response Concept, complete the Rapid Response Database (RRDB), to enable it to be a useful military planning tool to contribute to the fulfilment of the EU level of ambition. In contributing to the RRDB, and without prejudice to any constitutional requirements with regard to deployment decisions, participating Member States will signal their potential contribution of rapidly deployable formations, capabilities and relevant supporting infrastructure which could be rapidly deployed or utilised in a military CSDP mission or operation in support of the EU level of ambition. To that end, each participating Member State should update in the RRDB the list of its available military formations and capabilities ahead of the annual Military Rapid Response Coordination Conference. That comprises updating or completing the land, maritime and air databases, and includes an indication of the level of readiness for capabilities and forces, where applicable. Without prejudice to classification requirements, that part of the RRDB should be accessible to participating Member States so as to support the ability to make an initial assessment regarding the possibility to launch a military CSDP mission or operation. In this regard, a projection of formations and capabilities based on a requirements analysis which is derived from the illustrative scenarios would allow the participating Member States to contribute to the RRDB in a more accurate way. Participating Member States should reflect their contributions to this database in their NIPs;

- (c) sub-commitment 12.3: have assessed the feasibility of a fast-tracked political commitment at national level, whilst respecting their constitutional requirements, including through a possible review, if not already done, of their national decision-making procedure, with a view to making improvements. If applicable, the exercising of decision-making procedures in rapid-response scenarios through POLEX-type exercises, and relevant findings, should also be reflected in the NIPs;

⁽¹⁰⁾ In particular Annex I - Principles of PESCO.

⁽¹¹⁾ The purpose of the HLGP, and in particular of the Force Catalogue, is to gain a complete understanding of the forces potentially available for CSDP missions and operations and their related capabilities, without any prejudice to or link to force generation processes serving CSDP missions and operations.

(d) sub-commitment 12.4:

- have provided substantial support within their means and capabilities to CSDP military missions and operations aiming at filling the statements of requirement (SORs) and thus complying with the agreed level of ambition for the CSDP missions and operations. To this end, participating Member States are to provide a fair share to force generation, the parameters of which should be defined by them as soon as possible and by the summer of 2022 at the latest;
- these contributions to the CSDP military missions and operations, portrayed in a table, will be included in the High Representative's annual report on PESCO implementation as an annex and should be positively highlighted. Participating Member States should report annually in their NIPs their contributions to fulfilling the SORs for the CSDP military operations and missions, aiming at maintaining or increasing these contributions, thus providing a fair share to the force generation for CSDP missions and operations;
- in this process, participating Member States could refer to their national and international engagements that contribute to European and international peace and security;
- these elements should increase the transparency of participating Member States' efforts, with a view to recognising substantial contributions. They should also be used to encourage and support Member States to increase their contributions, within their means and capabilities, to CSDP missions and operations. For this purpose, recommendations would be provided and the implementation of these recommendations would be regularly reviewed, including at the political level.

(e) sub-commitment 12.5: confirm their substantial and recurring contributions to the EU Battlegroups (EU BGs), in principle at least four years in advance, and prepare and train their contributing forces and capabilities in accordance with the EU BG Concept and the EU BG Preparation Guide. To this end, participating Member States should contribute as soon as possible to filling the EU BG Roster and reflecting their contributions in their NIPs. The contributions of each participating Member State to the EU BG Roster covering a five-year period will be included in the High Representative's annual report on PESCO implementation as an annex;

(f) sub-commitment 12.6: have made a tangible contribution towards the implementation of the EU Action Plan on military mobility and the PESCO projects in that area, subject to national sovereignty, decision-making, laws and regulations, including by taking forward the four measures at national level as agreed in the Council conclusions of 25 June 2018 on security and defence. To this end, as stated in paragraph 18 of those conclusions, participating Member States should develop national plans on military mobility implementation; granting the Cross Border Movement Permission (CBMP) and the Diplomatic Clearance (DIC) within five working days and considering bringing this period down further for rapid reaction units; establish a strong interconnected network of NPOCs including their Terms of Reference (ToRs); and practice military mobility in national and/or multinational exercises, as soon as possible, but no later than 2024. Those participating Member States that have not yet developed national plans for military mobility implementation should do so immediately and provide those national contributions via the common workspace and further reflect them in the NIPs. Participating Member States' efforts in this regard should be included in the High Representative's Annual Report on PESCO implementation as an annex.

18. Commitment 13. In the area of interoperability of forces, participating Member States should:

(a) sub-commitment 13.1:

- use the EU BG Preparation Guide, including the common evaluation and validation criteria for the EU BG force package, which are aligned with NATO standards, while maintaining national certification. In their NIPs, participating Member States should state how they train and certify their forces, for example, by developing an EU BG exercise programme for the preparation phase and by executing a final live exercise (LIVEX) as part of the BG certification package;
- specify in their NIPs how they intend to implement common technical and operational standards to be utilised by forces of all the participating Member States, while acknowledging the need to ensure interoperability and coherence between the Union and NATO and ensuring that appropriate prerequisites for maximum interoperability need to be in place to enable all participating Member States to fulfil their commitments;

- (b) sub-commitment 13.2: indicate in their NIPs their current participation or their efforts to participate, and the intention to enhance, where possible, their participation in and contribution to the European multinational structures, in particular those available to the Union. Contributions of participating Member States to the European multinational structures will be included in the High Representative's annual report on PESCO implementation as an annex.

19. Commitment 14:

- in line with Article 75(1) on the review of Council Decision (CFSP) 2021/509 ⁽¹²⁾ establishing a European Peace Facility,, participating Member States should engage to consider, identify and are encouraged to propose, options and possibilities for the development of an ambitious approach to common funding of military CSDP operations and missions, beyond what is defined as common cost in accordance with Decision (CFSP) 2021/509. In this regard, participating Member States are invited to take stock of the costs for which special funding eligibility has been requested during the year on an ad-hoc basis, and/or costs that could be proposed from a national point of view, as also potentially eligible for common funding. In line with the review clause provided for in Decision (CFSP) 2021/509, whether in the context of the planned triennial reviews of that Decision, or at the request of a Member State, participating Member States are invited to jointly and duly consider these proposals within the EPF Committee to inform the subsequent discussion in the Council on the possible changes to the list of common costs;
- furthermore, participating Member States are also invited to include in their proposals potential additional ways of contributing to the financing of the costs of the CSDP military operations and missions. Participating Member States are encouraged to include in their NIPs their findings regarding both aspects;
- in addition, a more systematic use of the existing financial incentives (e.g. the VAT exemption for ad hoc projects in the EDA) in support of defence cooperation, including for CSDP military missions and operations could be explored.

Commitments 15 to 17

20. Commitment 15: By 2025, participating Member States should have increased the number and volume of their capability development projects, and should also have progressed on their implementation, which contributes to filling those capability gaps identified in the CDP (including in HICGs) and described in the Union's Capability Development Priorities, including in the related Strategic Context Cases (SCC) and by using CARD findings and recommendations, including the collaborative opportunities identified, in particular the Focus Areas. In this context, further attention is required from participating Member States on collaboration in the following areas: countering hybrid threats, climate change, energy security, maritime security, space-related aspects, and emerging and disruptive technologies, including artificial intelligence. Participating Member States should provide their plans for the coming years by describing the number and estimated volume of their collaborative projects in financial terms, and provide information about their national projects which help to overcome capability shortcomings identified under the CDP. Participating Member States should also share their assessment of the importance of those projects for an improved strategic autonomy of the Union and a more integrated, sustainable, innovative and competitive European Defence Technological and Industrial Base (EDTIB), which remains open for cooperation. For those activities which have an industrial or technology dimension, participating Member States should state which type of European industrial sector or technology they plan to strengthen.
21. Commitment 16: Participating Member States should reflect in their NIPs appropriate decisions and steps taken at the national level in order to further consider as a priority a European collaborative approach for future projects to close capability gaps identified at national level. Active use of CODABA, as well as collaborative opportunities identified by CARD and in particular the Focus Areas, could facilitate the fulfilment of that commitment. Participating Member States should list in their NIPs collaborative projects and multinational activities which they envisage will close shortcomings identified at national level, and share plans on how they intend to increase the use of the collaborative approaches in this respect.
22. Commitment 17: As all participating Member States are contributing to one or more PESCO projects, the NIPs should provide information on their overall contribution in resources and expertise over time to PESCO projects and how those projects strategically impact the Union and the participating Member States' defence capability landscape. This could also reflect the roles that participating Member States intend to assume in capability development in a European context.

⁽¹²⁾ Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528 (OJ L 102, 24.3.2021, p. 14).

Commitments 18 to 20:

23. Commitment 18: Throughout the PESCO phase 2021-2025, participating Member States should ensure they make the best use of the EDA as the European forum for joint capability development. To that end, the participating Member States should indicate in their NIPs in which projects they participate, and indicate the associated financial volume channelled through the EDA, taking the figures of 2020 as a baseline, keeping a three-year outlook as a minimum standard for every NIP update, and listing the intended activities for the following years, including the capability domains and type of activity planned in accordance with national legislation. Participating Member States are invited to indicate in their NIPs how and in what situations they consider the Organisation for Joint Armament Cooperation (OCCAR) to be the preferred collaborative programme managing organisation, and to provide information on the decisions taken for the selection of another multinational programme managing organisation if appropriate, while having considered OCCAR as an option. This does not prejudice the application of Directive 2009/81/EC of the European Parliament and of the Council ⁽¹³⁾.
24. Commitment 19: Throughout the PESCO phase 2021-2025, participating Member States should demonstrate that their collaborative capability projects, including PESCO projects, contribute to fostering the competitiveness, efficiency and innovation of the defence industry throughout the Union, by supporting and enabling cross border cooperation, including for SMEs, as well as strengthening and improving the security of supply for defence products and technologies. Participating Member States, in line with the Statement of the Members of the European Council of 26 February 2021, would also aim at boosting research, technology development and innovation and reducing European strategic dependencies in critical technologies and value chains, without prejudice to national decision-making procedures.
- (a) The NIPs should specify how an appropriate industrial policy, if in place, guides the development of collaborative capability development projects to avoid unnecessary overlap, with indications on the industrial areas strengthened and those areas in which overlaps were prevented.
- (b) Participating Member States will report on their cooperative programmes benefitting from Union co-funding under the EDIDP and/or EDF in accordance with commitments 3 and 8.
25. Commitment 20:
- (a) Throughout the PESCO phase 2021-2025, participating Member States should demonstrate that their cooperation programmes benefit entities which provide added value on Union territory (e.g. aspects related to generated results and intellectual property rights, technological improvements, and the creation of market opportunities). In accordance with Article 7(5) of Decision (CFSP) 2020/1639, the NIPs should provide indications, as appropriate, of the relevant entities benefitting from cooperative programmes and the related impact on the EDTIB.
- (b) Participating Member States, will, in line with Directive 2009/81/EC, demonstrate that the acquisition strategies they have implemented from 2021 to 2025 have a positive impact on the EDTIB. This could be indicated by listing the absolute volume of the defence investment and the relative share which is allocated to solutions developed and produced within the Union. In particular, NIPs should provide information on capability and technology areas as agreed in the CDP, and acquisition strategy in relation to capability projects that have an industrial dimension.

III. Way forward

26. Following the adoption of this Recommendation, participating Member States will review and update their NIPs accordingly and communicate them to the PESCO secretariat by 10 March 2022, and annually thereafter by the same date in accordance with Article 3(2) of Decision (CFSP) 2017/2315, in view of the assessment process set out in Article 6(3) of that Decision. Every other year, the NIPs should be accompanied by a high-level political statement in which participating Member States could outline main achievements and state specific national priorities and share their experience in terms of planning and contributions to the fulfilment of all more binding commitments. Regular high-level political discussions between the participating Member States and the High Representative should continue to ensure political momentum.

⁽¹³⁾ Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC (OJ L 216, 20.8.2009, p. 76).

27. Bearing in mind the PESCO notification, which also recalls the specific character of the security and defence policy of certain Member States, and taking into account the outcome of the Strategic Compass, participating Member States, in the context of the strategic review process to be conducted by the end of 2025 at the latest, will assess the fulfilment of all PESCO commitments, discuss and decide on new commitments, with a view to embarking on a new stage towards European security and defence integration. In line with the outcome of the strategic review process, in the beginning of 2026, the Council should adopt a third set of more precise objectives, updated, and enhanced if necessary, taking into account Article 4(2) point (c) of Decision (CFSP) 2017/2315.
28. The High Representative should take this Recommendation into account in the annual report on PESCO from 2022 onwards, which will support the assessment of the fulfilment of the more binding commitments by each participating Member State.
29. The Recommendation of 15 October 2018 is hereby repealed.

Done at Brussels, 16 November 2021.

For the Council
The President
J. BORRELL FONTELLES

COUNCIL RECOMMENDATION**of 16 November 2021****assessing the progress made by the participating Member States to fulfil commitments undertaken in the framework of permanent structured cooperation (PESCO)**

(2021/C 464/02)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 46(6) thereof,

Having regard to Protocol No 10 on permanent structured cooperation established by Article 42 of the Treaty on European Union, attached to the Treaty on European Union and to the Treaty on the Functioning of the European Union,

Having regard to Council Decision (CFSP) 2017/2315 of 11 December 2017 establishing permanent structured cooperation (PESCO) and determining the list of participating Member States ⁽¹⁾,

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

Whereas:

- (1) Article 4(2)(d) of Decision (CFSP) 2017/2315 provides that the Council is to adopt decisions and recommendations assessing the contributions of participating Member States (pMS) to fulfil the agreed commitments, in accordance with the mechanism described in Article 6 of that Decision.
- (2) Article 6(3) of Decision (CFSP) 2017/2315 provides that, on the basis of the annual report on PESCO presented by the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative'), the Council is to review once a year whether the pMS continue to fulfil the more binding commitments referred to in Article 3 of that Decision.
- (3) Appendix 1 to the Annex to the Council Conclusions of 20 November 2020 on the PESCO Strategic Review 2020 provides that the High Representative is to present the annual report on PESCO implementation by July of each year, with a view to the Council adopting its recommendation assessing the progress made by the pMS to fulfil the commitments undertaken in the framework of PESCO by November of that year. Paragraph 16 of the Council Recommendation of 6 March 2018 concerning a roadmap for the implementation of PESCO ⁽²⁾ provides that the Military Committee of the European Union should provide the Political and Security Committee with military advice and recommendations to enable it to prepare the Council's review on whether the pMS continue to fulfil the more binding commitments.
- (4) Paragraph 26 of the Council Recommendation of 15 October 2018 concerning the sequencing of the fulfilment of the more binding commitments undertaken in the framework of permanent structured cooperation (PESCO) and specifying more precise objectives ⁽³⁾ provides that the High Representative should take that Recommendation into account in the annual report on PESCO, which will support the assessment of the fulfilment of the more binding commitments by each pMS.
- (5) On 7 July 2021, the High Representative provided the Council with his Annual Report on the status of PESCO implementation (the 'Annual Report'), including on the fulfilment, by each pMS, of its commitments, in accordance with its updated and reviewed national implementation plan (NIP).
- (6) On that basis, the Council should therefore adopt a Recommendation assessing the progress made by the pMS to fulfil commitments undertaken in the framework of PESCO,

⁽¹⁾ OJ L 331, 14.12.2017, p. 57.⁽²⁾ OJ C 88, 8.3.2018, p. 1.⁽³⁾ OJ C 374, 16.10.2018, p. 1.

HAS ADOPTED THIS RECOMMENDATION:

I. Objective and scope

1. The objective of this Recommendation is to assess the contributions made by the pMS to fulfil the more binding commitments undertaken in the framework of PESCO, based on the Annual Report and in accordance with the NIPs presented by the pMS in 2021.

II. Findings and assessment

2. The Annual Report provides a solid basis to assess the status of PESCO implementation, including the fulfilment by each pMS of its commitments, in accordance with its NIP.
3. By addressing Europe's current and future security and defence needs, in particular by means of their current and future efforts to fulfil their more binding commitments, the pMS contribute to enhancing the Union's capacity to act as a security provider and its strategic autonomy, and strengthen its ability to cooperate with partners and to protect its citizens.
4. Acknowledging the need for the pMS to substantially improve the fulfilment of all the more binding commitments by 2025, the Council further underlines that the pMS:
 - (a) continued to increase their defence expenditure throughout the first PESCO initial phase (2018-2020), and indicated plans for further increases in the 2021-2025 period despite the economic downturn caused by the COVID-19 crisis. With a view to strengthening the capabilities of the pMS and thus making the Union more able to act, that positive trend should be maintained in the future, including by dedicating resources to collaborative defence capability development projects, with a specific effort needed in the area of research and technology, in order to achieve the objectives set for the second PESCO initial phase, and to increase the overall coherence of the European capability landscape;
 - (b) have made modest progress in the use of Union capability planning and development tools and processes in the national setting, and are encouraged to step up their efforts towards a more systematic and active use thereof in order to overcome the capability shortcomings in a collaborative manner. In this respect, fully implementing the agreed 2020 Coordinated Annual Review on Defence (CARD) recommendations on defence spending, defence planning and defence cooperation will be crucial to preparing jointly new planning horizons beyond the mid-2020s for increased cooperation in capability development;
 - (c) should continue their efforts towards the development of a coherent Union full spectrum force package by 2025, in line with the PESCO notification, that contributes to the fulfilment of the Union's level of ambition;
 - (d) should significantly enhance their efforts to fulfil the operational commitments and in particular commitment 12, which is considered instrumental in improving the relevance and impact of the Union's external action, in particular with regard to its operational dimension. Fulfilment of commitment 12 strengthens the Union's ability to act as a security provider, with partners wherever possible and alone when necessary. Major shortfalls, as reflected in the high impact capability goals (HICGs), continue to affect the availability, deployability and interoperability of pMS forces that are necessary for the implementation of the Union's level of ambition. Moreover, there is scope for the pMS to step up their contributions, not only to the ongoing common security and defence policy (CSDP) missions and operations but also the EU Battlegroup roster and Rapid Response Databases. In this context, in line with Council Recommendation of 15 November 2021 concerning the sequencing of the fulfilment of the more binding commitments undertaken in the framework of permanent structured cooperation (PESCO) and specifying more precise objectives, and repealing the Recommendation of 15 October 2018 ⁽⁴⁾, progress indicators should be further discussed and defined by pMS in order to provide a fair share to the respective force generation for CSDP missions and operations, within pMS' means and capabilities, and to increase transparency among them. In accordance with the single set of forces principle ⁽⁵⁾, pMS inputs to the Force Catalogue should be in line with the Headline Goal Process instructions and should include all deployable assets (including headquarters and capabilities usable in support of missions and operations);

⁽⁴⁾ OJ C 463, 16.11.2021, p. 1.

⁽⁵⁾ Those forces can be used by participating Member States within the EU framework, for national needs, as well as in different contexts, such as the UN and NATO.

- (e) demonstrated progress in fulfilling their commitment to helping overcome capability shortcomings identified under the Capability Development Plan (CDP) and CARD, including an assessment of the implementation of the HICGs, but in the majority pMS continue not to provide indications on whether and how they consider as a priority the use of the European collaborative approach to close national capability gaps. In the same vein, there is still no common understanding among pMS on the impact of capability projects to increase Europe's strategic autonomy and to strengthen the European Defence Technological and Industrial Base (EDTIB). The efforts undertaken to implement the 2020 CARD recommendations and to take forward the identified opportunities for cooperation, in particular to develop implementation roadmaps for the proposed six focus areas, should contribute to improving that understanding. The Council recalled that coherence of output between the CDP and CARD, on the one hand, and respective NATO processes such as the NATO Defence Planning Process, on the other hand, has been and will continue to be ensured where requirements overlap, while recognising the different nature of the two organisations and their respective responsibilities and memberships;
 - (f) still need to further improve the provision of information as regards the more binding commitments and the relevant more precise objectives that relate to their industrial policies and procurement strategies. They should enhance efforts to go beyond the current level of addressing the commitments, by providing plans with clear indications that their projects derived from their industrial policies and acquisition strategies contribute to making the European defence industry more competitive and have a positive impact on the EDTIB, including by promoting the cross-border participation of small and medium-sized enterprises and Mid-Caps throughout the Union.
5. As regards the individual NIPs, each pMS is encouraged to take into account the findings and recommendations presented in the Annual Report in further implementing PESCO, and to review accordingly its contribution to the fulfilment of the more binding commitments during the second PESCO initial phase.

III. National Implementation Plans

6. Overall, the pMS have improved the quality of the information provided in their annual NIP updates since the end of 2020. Despite this positive trend, it is recommended that the pMS provide for all commitment areas more substantiated indications and meaningful statements, with particular emphasis on developing dedicated forward-looking plans on how they envisage contributing to the fulfilment of more binding commitments and more precise objectives, including by benefiting from the 2020 CARD findings and recommendations. That forward-looking perspective will enable pMS to better coordinate their efforts and look for cooperation opportunities.
7. The pMS are also encouraged to continue to engage in bilateral dialogues with the PESCO secretariat that aim to achieve, maintain or even further improve a positive trajectory in their attainment of the more binding commitments. The PESCO secretariat will produce a revised NIP supporting information document based on the upcoming new set of more precise objectives for the second initial PESCO phase, which could include a timeframe for pMS to reach the agreed benchmarks.
8. The pMS are encouraged to use the digital platform developed by the European Defence Agency (EDA) for PESCO for the submission of their NIPs, which will allow them to use the data they have already provided, for example in the context of PESCO, CARD and other relevant Union defence initiatives, and will therefore alleviate an administrative burden for pMS.
9. The pMS are encouraged to go beyond the current level of addressing the commitments related to the industrial dimension of the defence sector, by providing plans with clear indications that their projects derived from their industrial policies and acquisition strategies contribute to making the European defence industry more competitive and having a positive impact on the EDTIB.
10. The pMS are strongly encouraged to increase, within their means and capabilities, their contributions to the operational aspects of PESCO where gaps are identified, with a particular focus on the availability of the strategically deployable forces for the realisation of the Union's level of ambition, on the Statement of Requirements of the CSDP missions and operations, on the Rapid Response Databases and on the EU Battlegroup roster.

11. As the successful fulfilment of the PESCO more binding commitments requires a collective and an individual effort by all pMS, and with a view to ensuring the necessary political momentum, the pMS should in 2022, as well as in every other year thereafter, accompany their NIP with a high-level political statement outlining main achievements and stating specific national priorities (in particular supporting the implementation of the EU Capability Development Priorities and CARD findings and recommendations) and contributions to the fulfilment of the more binding commitments.

IV. PESCO projects

12. The 46 PESCO projects contribute to the fulfilment of the 20 more binding commitments. 32 of those projects can be linked to the collaborative opportunities, including the focus areas, identified by CARD. In addition, 24 of them directly address the HICGs mitigating CSDP missions and operations critical shortfalls, while 18 of them do so indirectly.
13. While a significant number of the PESCO projects are expected to deliver concrete results by the end of 2025, in line with the Council Conclusions of 20 November 2020 on the PESCO Strategic Review 2020, the PESCO projects' progress report to the Council of 2 June 2021 indicated that some of them may encounter some difficulty in achieving the expected outcomes by that time. The successful implementation of all ongoing PESCO projects and the timely delivery of tangible results and required capabilities will determine the visibility and credibility of PESCO.
14. The Council highlights, therefore, that pMS should undertake efforts to deliver tangible results as planned, especially for those projects from the first and second wave that are still in an ideation phase and those that are facing deep constraints related to the further refinement of their objectives, scope and deliverables. That is an indication that those projects need close scrutiny as regards how they should be further pursued or whether some of them should be clustered or merged in order to increase their impact and efficiency, save resources, increase synergies and prevent unnecessary duplication. Where project members identify that projects cannot provide the expected outputs, such projects should either be revived or closed in order to ensure the relevance, effectiveness and credibility of all PESCO projects.
15. The Council recommends that the project coordinators inform the PESCO secretariat and the other pMS more frequently on the state of play of their PESCO projects, in order to increase transparency and the ability of the PESCO secretariat to play a stronger role in advising the pMS. In that context, the resources of the PESCO secretariat should be further enhanced.
16. The Council calls upon pMS to consider as a priority a European collaborative approach in order to fill capability shortcomings and make best use of EDA as the European forum for joint capability development in line with the agreed commitment in PESCO, including EDA's assistance in maturing PESCO project proposals and possible support to the implementation of PESCO projects.
17. The PESCO secretariat could be invited by the pMS to suggest ideas for potential new PESCO projects that have not so far been taken up by them in the framework of PESCO, taking into account the CARD findings and recommendations as well as the EU Capability Development Priorities derived from the CDP, including the HICGs.
18. With a view to identifying and generating future PESCO project proposals, the Council invites the pMS to strengthen the use of the Union's planning and capability development tools as well as CARD findings and recommendations as a pathfinder to further refining project proposals, in particular with regards to focus areas and identified collaborative opportunities, including in the operational domain. The Council encourages the pMS to continue submitting PESCO project proposals, and in particular those with a more operational focus and short-term impact based on already existing capabilities as well as those contributing to filling the strategic capability gaps and needs identified under the CDP and CARD.

V. Way forward

19. The Council Recommendation specifying the more precise objectives for each of the more binding commitments for the second initial PESCO phase (2021-2025) should be adopted as soon as possible.
20. Following the approval of that Recommendation, the PESCO secretariat will provide a revised NIP supporting information document based on the new set of more precise objectives for the second initial PESCO phase, which could include a timeframe for pMS to reach the agreed benchmarks.
21. pMS are invited to review their NIPs with a view to updating them as appropriate and to present their updated NIPs to the PESCO secretariat (including by means of the EDA digital platform) by 10 March 2022. The next NIP update should be accompanied by a high-level political statement in which pMS should outline their main achievements and state specific national priorities and contributions.
22. The Council recalled that, in line with the PESCO Strategic Review 2020, the PESCO secretariat, as well as the pMS, should continue working on incentives to improve the fulfilment of the commitments, in particular where progress was assessed by the High Representative and highlighted by the Council as not sufficient, namely on operational commitments and on those related to the European collaborative approach. Regular high-level political discussions between the pMS and the High Representative should continue to ensure political momentum and enhanced political ownership.
23. The pMS are encouraged to continue engaging with the PESCO secretariat in bilateral dialogues that aim to achieve, maintain or even further improve a positive trajectory in their attainment of the more binding commitments. The PESCO secretariat should provide recommendations tailored to each pMS to be discussed during those dialogues. In this regard, the PESCO secretariat should be further enhanced.
24. The Council recalls that, taking into account the outcome of the Strategic Compass, pMS, in the context of the PESCO Strategic Review process to be conducted before the end of the second PESCO initial phase in 2025, and as stated in the PESCO notification which also recalls the specific character of the security and defence policy of certain Member States, will assess the fulfilment of all PESCO commitments, and discuss and decide on new commitments, with a view to embarking on a new stage towards European security and defence integration.

Done at Brussels, 16 November 2021.

For the Council

The President

J. BORRELL FONTELLES

II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES
AND AGENCIES

EUROPEAN COMMISSION

Non-opposition to a notified concentration**(Case M.10460 – DMK / NIESKY / UELZENA / MILCHTROCKNUNG SÜDHANNOVER)****(Text with EEA relevance)**

(2021/C 464/03)

On 4 November 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 German language 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 policy’ 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 32021M10460. EUR-Lex is the online point of access to European Union 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⁾

16 November 2021

(2021/C 464/04)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,1368	CAD	Canadian dollar	1,4248
JPY	Japanese yen	129,89	HKD	Hong Kong dollar	8,8544
DKK	Danish krone	7,4367	NZD	New Zealand dollar	1,6186
GBP	Pound sterling	0,84533	SGD	Singapore dollar	1,5393
SEK	Swedish krona	10,0293	KRW	South Korean won	1 343,00
CHF	Swiss franc	1,0528	ZAR	South African rand	17,3177
ISK	Iceland króna	150,40	CNY	Chinese yuan renminbi	7,2627
NOK	Norwegian krone	9,8863	HRK	Croatian kuna	7,5099
BGN	Bulgarian lev	1,9558	IDR	Indonesian rupiah	16 182,27
CZK	Czech koruna	25,227	MYR	Malaysian ringgit	4,7359
HUF	Hungarian forint	366,35	PHP	Philippine peso	57,225
PLN	Polish zloty	4,6545	RUB	Russian rouble	83,1933
RON	Romanian leu	4,9493	THB	Thai baht	37,153
TRY	Turkish lira	11,6020	BRL	Brazilian real	6,1838
AUD	Australian dollar	1,5490	MXN	Mexican peso	23,4423
			INR	Indian rupee	84,5404

⁽¹⁾ Source: reference exchange rate published by the ECB.

V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN COMMISSION

Call for proposals 2022 - EAC/A10/2021**European Solidarity Corps**

(2021/C 464/05)

1. Introduction and objectives

This call for proposals is based on the Regulation (EU) 2021/888 of the European Parliament and of the Council of 20 May 2021 establishing the European Solidarity Corps Programme, as well as on the 2022 Annual Work Programme of the European Solidarity Corps (C(2021)7860). The European Solidarity Corps Programme covers the period 2021 to 2027. The general and specific objectives of European Solidarity Corps Programme are listed in Article 3 of the Regulation.

2. Actions

This call for proposals covers the following actions of the European Solidarity Corps programme:

- Volunteering Projects
- Volunteering Teams in High Priority Areas
- Solidarity Projects
- Quality Label for solidarity volunteering activities
- Quality Label for humanitarian aid volunteering
- Volunteering under the European Voluntary Humanitarian Aid Corps.

3. Eligibility

Any public or private entity whether non-profit or profit making, local, regional, national or international may apply for funding under the European Solidarity Corps. In addition, groups of young people registered in the European Solidarity Corps Portal, may apply for funding for Solidarity Projects.

The following countries ⁽¹⁾ can fully take part in all European Solidarity Corps actions:

- the 27 Member States of the European Union and Overseas Countries and Territories,
- third countries associated to the Programme:
 - the EFTA/EEA countries: Iceland and Liechtenstein,
 - EU candidate countries ⁽²⁾: the Republic of Turkey, the Republic of North Macedonia.

⁽¹⁾ Legally established entities and people legally residing in these countries.

⁽²⁾ Subject to the signature of the bilateral Association Agreements.

In addition, certain actions are open to entities legally established in third countries not associated to the Programme. Please refer to the 2022 European Solidarity Corps Guide for further details on the modalities of participation.

4. Budget and duration of projects

The total budget earmarked for this call for proposals is estimated at EUR 138 800 000.

The total budget earmarked for the call for proposals as well as its repartition is indicative subject to the adoption of the 2022 European Solidarity Corps Annual Work Programme, and may be modified subject to an amendment of the Annual Work Programme for the European Solidarity Corps. Potential applicants are invited to regularly consult the Annual Work Programmes for the European Solidarity Corps and their amendments, published on: <https://europa.eu/youth/solidarity/organisations/reference-documents-resources>

The grants awarded and the duration of projects vary depending on factors such as the type of project and the type of applicants eligible.

5. Deadline for the submission of applications

Deadlines for submission of applications specified below end at 12.00 (noon), Brussels time.

Volunteering Projects	23 February 2022
	(optional round) 4 October 2022
Solidarity Projects	23 February 2022
	(optional round) 4 May 2022
	4 October 2022

Deadlines for submission of applications specified below end at 17.00, Brussels time.

Volunteering Teams in High Priority Areas	6 April 2022
Volunteering under the Humanitarian Aid Corps	3 May 2022

Applications for the Quality Labels can be submitted on a continuous basis.

Please refer to the 2022 European Solidarity Corps Guide for detailed instructions for the submission of applications.

6. Full details

The detailed conditions of this call for proposals, including priorities, can be found in the 2022 European Solidarity Corps Guide at the following internet address: <https://europa.eu/youth/solidarity/organisations/calls-for-proposals>

The 2022 European Solidarity Corps Guide constitutes an integral part of this call for proposals and the conditions for participation and funding expressed therein apply in full to this call.

PROCEDURES RELATING TO THE IMPLEMENTATION OF THE COMMON
COMMERCIAL POLICY

EUROPEAN COMMISSION

Notice of initiation of an anti-dumping proceeding concerning imports of certain aluminium road wheels originating in Morocco

(2021/C 464/06)

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 certain aluminium road wheels, originating in Morocco, are being dumped and are thereby causing injury ⁽²⁾ to the Union industry.

1. Complaint

The complaint was lodged on 4 October 2021 by the Association of European Wheel Manufacturers ('the complainant'). The complaint was made on behalf of the Union industry of certain aluminium road wheels 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 aluminium road wheels of the motor vehicles of headings 8701 to 8705, whether or not with their accessories and whether or not fitted with tyres ('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 Morocco ('the country concerned'), currently classified under CN codes ex 8708 70 10 and ex 8708 70 50 (TARIC codes: 8708 70 10 15, 8708 70 10 50, 8708 70 50 15 and 8708 70 50 50). The CN and TARIC codes are given for information only. The scope of this investigation is subject to the definition of the product under investigation as contained in Section 2.

In the absence of reliable data on domestic prices for the country concerned, the allegation of dumping is based on a comparison of a constructed normal value (manufacturing costs, selling, general and administrative costs ('SG&A') and profit) with the export price (at ex-works level) of the product under investigation when sold for export to the Union.

The dumping margins calculated on the basis of this comparison are significant for the country concerned.

⁽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*.

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 at a significant rate indicating the likelihood of substantially increased imports.

Moreover, it is alleged that imports are entering the Union at prices that have already had, among other consequences, a negative impact on the level of the sales prices, quantities sold, market share and profits of the Union industry.

Furthermore, the complainant provides evidence that there is sufficient freely disposable capacity in Morocco indicating the likelihood of substantially increased imports.

It is also alleged that the flow of dumped imports is likely to further increase substantially due to the orders already lost to Morocco that will increasingly impact the economic indicators of the Union industry in 2021 and the years thereafter.

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 or threaten to cause injury to the Union industry.

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

The Commission also draws the attention of the parties to the published Notice ⁽⁴⁾ 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 October 2020 to 30 September 2021 ('the investigation period'). The examination of trends relevant for the assessment of injury will cover the period from 1 January 2018 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 ⁽⁵⁾ of the product under investigation from the country concerned are invited to participate in the Commission investigation.

⁽⁴⁾ On the consequences of the COVID-19 outbreak on anti-dumping and anti-subsidy investigations (OJ C 86, 16.3.2020, p. 6).

⁽⁵⁾ 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 exporting producers to be investigated in the country concerned

(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 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 ('TRON') at the following address: https://tron.trade.ec.europa.eu/tron/tdi/form/AD686_SAMPLING_FORM_FOR_EXPORTING_PRODUCER. 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 country concerned 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 country concerned and associations of exporting producers will be notified by the Commission, via the authorities of the country concerned 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=2563.

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

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. ⁽⁹⁾

(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=2563. 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.

⁽⁹⁾ 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.

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. *Investigating unrelated importers* (7) (8)

Unrelated importers of the product under investigation from the country concerned 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 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 from the 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=2563.

5.4. *Procedure for the determination of injury or threat 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 or threatened to be injured, Union producers of the product under investigation are invited to participate in the Commission investigation.

(7) 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).

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

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.

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 invited to comment on the provisional sample. In addition, other Union producers, or representatives acting on their behalf, who 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 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=2563.

5.5. ***Procedure for the assessment of Union interest***

Should the existence of dumping and injury caused 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 in 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 as to whether the imposition of measures is not in 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=2563. The information submitted pursuant to Article 21 of the basic Regulation 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 must 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, 5.4 and 5.5 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. ⁽⁹⁾

⁽⁹⁾ In case of technical problems please contact the Trade Service Desk by Email: trade-service-desk@ec.europa.eu or by Tel. +32 22979797.

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 for a hearing 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. 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. 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. 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. The hearing will then 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' ⁽¹⁰⁾. 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.

⁽¹⁰⁾ 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 DG 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: TRADE-AD686-ARW-DUMPING@ec.europa.eu

TRADE-AD686-ARW-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. In this case 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 or parties and the Commission 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.

Interested parties are invited to follow the timeframes set out in section 5.7 of this Notice also as regards interventions, including hearings, by the Hearing Officer. 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. The Hearing Officer will examine the reasons for requests for interventions, 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 ⁽¹⁾.

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/>.

⁽¹⁾ 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 CERTAIN ALUMINIUM ROAD
WHEELS ORIGINATING IN MOROCCO**

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

	Volume in pieces	Volume in tonnes	Value in euros (EUR)
Total turnover of your company in euros (EUR)			
Imports of the product under investigation originating in the Morocco into the Union			
Imports of the product under investigation into the Union (all origins)			
Resales on the Union market after importation from Morocco 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, producing it under sub-contracting arrangements, or processing or trading it.

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:

⁽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).

OTHER ACTS

EUROPEAN COMMISSION

Publication of an application pursuant to Article 17(6) of Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89

(2021/C 464/07)

This publication confers the right to oppose the application pursuant to Article 27 of Regulation (EU) 2019/787 of the European Parliament and of the Council ⁽¹⁾.

MAIN SPECIFICATIONS OF THE TECHNICAL FILE

‘HOMOKHÁTI ŐSZIBARACK PÁLINKA’

EU No: PGI-HU-02471 – 25 May 2018

1. **Name**

‘Homokháti őszibarack pálinka’

2. **Category of spirit drink**

Fruit spirit (category No 9 of Regulation (EC) No 110/2008)

3. **Description of the spirit drink**3.1. *Physical, chemical and/or organoleptic characteristics*

Chemico-physical characteristics

Hydrocyanic acid content	maximum 5 g/hl of 100 % vol. alcohol
Total volatile substance content	minimum 250 g/hl of 100 % vol. alcohol
Copper content	maximum 7 mg/kg of finished product

Organoleptic characteristics

Colour: clear, colourless.

Aroma: a fine, discreet aroma reminiscent of the fruitiness of ripe peach with subtly aromatic citrus notes, sometimes with a slight aroma of marzipan.

Taste: fresh citrus notes, with a distinctive, medium-bodied, robust structure, accompanied by a taste of ripe peach and discreet tartness, and a long, smooth yet distinctive finish.

3.2. *Specific characteristics (compared to spirit drinks of the same category)*

‘Homokháti őszibarack pálinka’ has a characteristic aroma and taste thanks to the peaches grown in the Homokhátság region: its aroma is subtly fragrant and citrusy, reminiscent of the fruitiness of ripe peach; citrus notes are also apparent in the taste, which is subtly sweet, with a smooth finish.

⁽¹⁾ OJ L 130, 17.5.2019, p. 1.

4. Geographical area concerned

'Homokháti őszibarack pálinka' is produced within the administrative boundaries of the following municipalities: Mórahalom, Ásotthalom, Domaszék, Zákányszék, Ruzsa, Öttömös, Pusztamérges, Üllés, Bordány, Forráskút, Zombó, Szatymaz, Kelebia and Balotaszállás.

'Homokháti őszibarack pálinka' may be mashed, fermented, pot-distilled and rested only in commercial pálinka distilleries located within this geographical area.

5. Method for obtaining the spirit drink

The main stages in the production of the pálinka are as follows:

- a) Selection and acceptance of the fruit
- b) Mashing and fermentation
- c) Distillation
- d) Resting
- e) Treatment and production of the pálinka

a) *Selection and acceptance of the fruit*

The basic ingredient of the pálinka is fully ripened fruit of good or excellent quality grown in the geographical area. Quantitative acceptance of the fruit is based on weight.

During acceptance, quality control is carried out on the basis of an organoleptic evaluation (ripeness – from ripe to overripe – healthy, clean, free from extraneous matter – soil, leaves, twigs, stones, metal or other material – and from mould or rot), by means of sampling.

b) *Mashing and fermentation*

The stone of the fruit must be removed using a de-stoner.

During fermentation, it is important to set the temperature precisely (at 16-23 °C), to achieve the optimum pH value (2,8-3,2) and to check the sugar and alcohol content.

The sugar content must be reduced to below 5 °Brix at the end of fermentation.

The pálinka should not be sweetened during the production process, not even to round off the final taste.

c) *Distillation*

'Homokháti őszibarack pálinka' can be produced through two-stage distillation, using a traditional, pot-still distillation system, which ensures the right quality. Pot-still distillation is a double fractional distillation technique using a pot with a maximum capacity of 1 000 litres.

d) *Resting*

'Homokháti őszibarack pálinka' must be rested until it becomes well-balanced.

If the outside temperature is above 25 °C, the air of the storage room must be cooled using air-conditioning, or humidified using a water spray at least once a week.

e) *Treatment and production of the pálinka*

In keeping with the very strict regulation on bottled products ($\pm 0,3$ % V/V), the alcoholic strength of the rested pálinka must be adjusted to the level suitable for consumption by adding good-quality drinking water. The water may be distilled, demineralised, permuted or softened.

The rested pálinka can be cooled and filtered. If necessary, further treatment may also be carried out using appropriate processing aids, in order to refine the product and remove any heavy metals. The pálinka can then be bottled.

Once the appropriate alcoholic strength has been achieved, the pálinka can be poured into washed bottles and closed using sealed aluminium screw-cap closures, or screw caps or corks that meet food packaging criteria. The bottles may be made of glass or ceramic.

6. Link with the geographical environment or origin

6.1. Details of the geographical area or origin relevant to the link

The details of the geographical area or origin relevant to the link are based on four pillars:

- a) The land and unique soil structure of the Homokhátság
- b) The distinct microclimate of the Homokhátság
- c) The peach varieties grown in the Homokhátság
- d) Human factors

a) *The land and unique soil structure of the Homokhátság*

The geographical area concerned consists of the non-chernozem lands of the South Great Plain sand ridge (Homokhátság), which lie within the flatlands between the Danube and Tisza rivers, spreading south-west from the city of Szeged in Csongrád County.

The sandy soil of the Homokhátság region is particularly well-suited to horticulture and fruit-growing, as it is well-drained and warms up quickly. The sandy humus soils are mainly composed of quartz crystals. The sandy soils typically have a low (max. 5 %) colloid content, which allows them to drain quickly. The sandy soils are also rich in mica, which provides the plants with nutrients (potassium, boron, iron, zinc).

b) *The distinct microclimate of the Homokhátság*

The climate of the Homokhátság region is extremely continental, with noticeably hot, dry, parched summers. Temperatures vary greatly over the course of the day during the ripening period. This region has the country's highest number of sunshine hours (over 2 600 hours).

c) *The peach varieties grown in the Homokhátság*

'Homokháti őszibarack pálinka' must be prepared using peach varieties originating from the geographical area defined in point 4. All these varieties can be traced back to the wild peach branch, where the wild peach seed is used as a sowing seed, which after planting becomes the seedling on which noble branches are grafted. The combination of these varieties ensures that the unique flavours of peaches grown in the Homokhát region are reflected in the organoleptic characteristics of pálinka made from those peaches – characteristics such as a citrusy freshness, subtle sweetness and smooth finish.

d) *Human factors*

'Homokháti őszibarack pálinka' is traditionally made in the geographical area by means of pot-still distillation. Knowledge of the traditional production technique is passed down from generation to generation. Pot-still distillation is a traditional process in which the taste and aroma notes emerge in a characteristic style expressed in the pálinka. As distillation is one of the cornerstones of the production of pálinka made from peaches, it is human know-how that gives the finished product – 'Homokháti őszibarack pálinka' – its unique property of the flavours of peaches grown in the geographical area. It takes particular expertise to prepare the pálinka, especially since pálinka is rarely made from peaches.

6.2. Specific characteristics of the spirit drink attributable to the geographical area

The link between 'Homokháti őszibarack pálinka' and the geographical area is based on the quality of the produce.

The high number of sunshine hours enables the peaches to fully ripen, and the wide variation in temperatures over the course of the day makes the peaches sweet and succulent. Thanks to the sandy, micaceous soil, the peaches are light and citrusy fresh, while the mica, which is rich in trace elements, accounts for the peaches' high dry matter content. As a result of these factors, the peaches grown in the Homokhátság have high content values, a rich taste and aroma, and a smooth finish.

The pot-still distillation technique typically brings out the aromas of ripe peach in 'Homokháti őszibarack pálinka': the pálinka is characterised by a robust, distinctive, slightly tart taste, but with a subtly fragrant, discreet aroma.

Thanks to the rich aroma notes of peaches originating in the Homokhátság and the distillation technique used, 'Homokháti őszibarack pálinka' has a high volatile substance content and a characteristic, medium-bodied taste. The rich aroma notes give the pálinka a long yet smooth finish.

7. **European Union or national/regional provisions**

- Act XI of 1997 on the protection of trademarks and geographical indications
- Act LXXIII of 2008 on pálinka, grape marc pálinka and the Pálinka National Council
- Government Decree No 158/2009 of 30 July 2009 laying down the detailed rules for protecting the geographical indications of agricultural products and foodstuffs and on verifying the products
- Government Decree No 22/2012 of 29 February 2012 on the National Food Chain Safety Office
- Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89
- Commission Implementing Regulation (EU) No 716/2013 of 25 July 2013 laying down rules for the application of Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks

8. **Applicant**

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9. **Supplement to the geographical indication**

-

10. **Specific labelling rules**

In addition to the elements specified in the legislation, the designation also contains the following:

- 'földrajzi árujelző' [geographical indication] (separate from the name)
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