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Legislation

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I

(Legislative acts)

DIRECTIVES

DIRECTIVE (EU) 2015/1513 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 9 September 2015****amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources****(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof, and Article 114 thereof in relation to Article 1(3) to (13) and Article 2(5) to (7) of this Directive,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Pursuant to Article 3(4) of Directive 2009/28/EC of the European Parliament and of the Council, ⁽³⁾ each Member State is to ensure that the share of energy from renewable sources in all forms of transport in 2020 is at least 10 % of the final consumption of energy in transport in that Member State. The blending of biofuels is one of the methods available for Member States to meet this target, and is expected to be the main contributor. Directive 2009/28/EC also stresses the need for energy efficiency in the transport sector which is imperative because a mandatory percentage target for energy from renewable sources is likely to become increasingly difficult to achieve sustainably if overall demand for energy for transport continues to rise. Therefore, and due to the importance of energy efficiency also for greenhouse gas emission reduction, Member States and the Commission are encouraged to include more detailed information on energy efficiency measures in the transport sector in their reports to be submitted in accordance with Annex IV to Directive 2012/27/EU of the European Parliament and of the Council ⁽⁴⁾ and other Union legislation with relevance for the promotion of energy efficiency in the transport sector.

⁽¹⁾ OJ C 198, 10.7.2013, p. 56.

⁽²⁾ Position of the European Parliament of 11 September 2013 (not yet published in the Official Journal) and Position of the Council at first reading of 9 December 2014 (OJ C 50, 12.2.2015, p. 1). Position of the European Parliament of 28 April 2015 (not yet published in the Official Journal) and decision of the Council of 13 July 2015.

⁽³⁾ Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable energy sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (OJ L 140, 5.6.2009, p. 16).

⁽⁴⁾ Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).

- (2) In view of the Union's objective to further reduce greenhouse gas emissions and the significant contribution that road transport fuels make to those emissions, Member States are, pursuant to Article 7a(2) of Directive 98/70/EC of the European Parliament and of the Council ⁽¹⁾, to require suppliers of fuel or energy to reduce by at least 6 % by 31 December 2020 the life cycle greenhouse gas emissions per unit of energy of fuels used in the Union by road vehicles, non-road mobile machinery, agricultural and forestry tractors and recreational craft when not at sea. The blending of biofuels is one of the methods available for fossil fuel suppliers to reduce the greenhouse gas intensity of the fossil fuels supplied.
- (3) Directive 2009/28/EC sets out sustainability criteria with which biofuels and bioliquids need to comply in order to be counted towards the targets in that Directive and to qualify for inclusion in public support schemes. The criteria include requirements on the minimum greenhouse gas emission savings that biofuels and bioliquids need to achieve compared to fossil fuels. Identical sustainability criteria for biofuels are set out in Directive 98/70/EC.
- (4) Where pasture or agricultural land previously destined for food and feed markets is diverted to biofuel production, the non-fuel demand will still need to be satisfied either through intensification of current production or by bringing non-agricultural land into production elsewhere. The latter case constitutes indirect land-use change and when it involves the conversion of land with high carbon stock it can lead to significant greenhouse gas emissions. Directives 98/70/EC and 2009/28/EC should therefore be amended to include provisions to address the impact of indirect land-use change given that current biofuels are mainly produced from crops grown on existing agricultural land. Those provisions should take due account of the need to protect investments already made.
- (5) Based on forecasts of biofuel demand provided by the Member States and estimates of indirect land-use change emissions for different biofuel feedstocks, it is likely that greenhouse gas emissions linked to indirect land-use change are significant, and could negate some or all of the greenhouse gas emission savings of individual biofuels. This is because almost the entire biofuel production in 2020 is expected to come from crops grown on land that could be used to satisfy food and feed markets. In order to reduce such emissions, it is appropriate to distinguish between crop groups such as oil crops, sugars and cereals and other starch-rich crops accordingly. Furthermore, it is necessary to encourage research in, and development of, new advanced biofuels that are not in competition with food crops, and to further study the impact of different crop groups on both direct and indirect land-use change.
- (6) With a view to avoiding the incentivisation of the deliberate increase in production of processing residues at the expense of the main product, the definition of processing residue should exclude residues resulting from a production process which has been deliberately modified for that purpose.
- (7) Liquid renewable fuels are likely to be required by the transport sector in order to reduce its greenhouse gas emissions. Advanced biofuels, such as those made from wastes and algae, provide high greenhouse gas emission savings with a low risk of causing indirect land-use change, and do not compete directly for agricultural land for the food and feed markets. It is appropriate, therefore, to encourage greater research in, and development and production of, such advanced biofuels as they are currently not commercially available in large quantities, in part due to competition for public subsidies with established food crop-based biofuel technologies.
- (8) It would be desirable to reach already by 2020 a significantly higher level of consumption of advanced biofuels in the Union compared to the current trajectories. Each Member State should promote the consumption of advanced biofuels and seek to attain a minimum level of consumption on their territory of advanced biofuels through setting a non-legally binding national target which it endeavours to achieve within the obligation of ensuring that the share of energy from renewable sources in all forms of transport in 2020 is at least 10 % of the final consumption of energy in transport in that Member State. Where available, Member States' plans for achieving their national targets should be published to increase transparency and predictability for the market.

⁽¹⁾ Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (OJ L 350, 28.12.1998, p. 58).

- (9) It is also appropriate for Member States to report to the Commission on the levels of consumption on their territory of advanced biofuels when setting their national targets and on their achievements towards such national targets in 2020, a synthesis report of which should be published, in order to assess the effectiveness of the measures introduced by this Directive in reducing the risk of indirect land-use change greenhouse gas emissions through the promotion of advanced biofuels. Advanced biofuels with low indirect land-use change impacts and high overall greenhouse gas emission savings and their promotion are expected to continue to play an important role in the decarbonisation of transport and the development of low-carbon transport technologies beyond 2020.
- (10) In its conclusions of 23 and 24 October 2014, the European Council underlined the importance of reducing greenhouse gas emissions and risks related to fossil fuel dependency in the transport sector within the 2030 climate and energy framework, and invited the Commission to further examine instruments and measures for a comprehensive and technology-neutral approach for the promotion of emissions reduction and energy efficiency in transport, for electric transportation and for renewable energy sources in transport also beyond 2020.
- (11) It is also important that the Renewable Energy Roadmap for the post-2020 period, to be presented by the Commission in 2018 in accordance with Article 23(9) of Directive 2009/28/EC, including for the transport sector, be developed as part of a broader Union energy and climate-related technology and innovation strategy that is to be developed in line with the European Council conclusions of 20 March 2015. Therefore, it is appropriate to review the effectiveness of the incentives for development and deployment of advanced biofuel technologies in due time to ensure that the conclusions of that review are fully taken into account in developing the post-2020 Roadmap.
- (12) Distinctions in estimated indirect land-use change emissions arise from the different data inputs and key assumptions on agricultural developments such as trends in agricultural yields and productivity, co-product allocation and observed global land-use change and deforestation rates, which are not under the control of biofuel producers. While most biofuel feedstocks are produced in the Union, the estimated indirect land-use change emissions are mostly expected to take place outside the Union, in areas where the additional production is likely to be realised at the lowest cost. In particular, assumptions with regard to the conversion of tropical forests and peat land drainage outside the Union strongly influence the estimated indirect land-use change emissions associated with biodiesel production from oil crops, and as such it is most important to ensure that such data and assumptions are reviewed in line with the latest available information on land conversion and deforestation, including capturing any progress made in those areas through ongoing international programmes. The Commission should therefore submit a report to the European Parliament and to the Council in which it reviews, based on the best available scientific evidence, the effectiveness of the measures introduced by this Directive in limiting indirect land-use change greenhouse gas emissions associated with the production of biofuels and bioliquids, and reviews the possibilities for introducing adjusted estimated indirect land-use change emissions factors into the appropriate sustainability criteria.
- (13) In order to ensure the long-term competitiveness of bio-based industrial sectors, and in line with the Commission Communication of 13 February 2012 entitled 'Innovating for Sustainable growth: A Bioeconomy for Europe' and the Commission Communication of 20 September 2011 entitled 'Roadmap to a Resource Efficient Europe', promoting integrated and diversified biorefineries across Europe, enhanced incentives under Directive 2009/28/EC should be set in a way that gives preference to the use of biomass feedstocks that do not have a high economic value for uses other than biofuels.
- (14) A greater use of electricity from renewable sources is a means of addressing many of the challenges in the transport sector as well as in other energy sectors. It is therefore appropriate to provide additional incentives to stimulate the use of electricity from renewable sources in the transport sector and to increase the multiplication factors for the calculation of the contribution from electricity from renewable sources consumed by electrified rail transport and electric road vehicles so as to enhance their deployment and market penetration. Furthermore, it is appropriate to consider further measures to encourage energy efficiency and energy savings in the transport sector.

- (15) Directive 2008/98/EC of the European Parliament and of the Council ⁽¹⁾ helps move the Union closer to becoming a 'recycling society', by seeking to avoid waste generation and to use waste as a resource. The waste hierarchy generally lays down a priority order of what constitutes the best overall environmental option in relation to waste legislation and policy. Member States should support the use of recyclates in line with the waste hierarchy and with the aim of becoming a recycling society, and whenever possible not support the landfilling or incineration of such recyclates. Some of the feedstocks that pose low indirect land-use change risks can be considered to be wastes. However, they may still be used for other purposes that would represent a higher priority than energy recovery in the waste hierarchy as established in Article 4 of Directive 2008/98/EC. It is therefore appropriate for Member States to have due regard to the waste hierarchy principle in any incentive measures for the promotion of low indirect land-use change risk biofuels or any measures to minimise incentives for fraud in relation to the production of such biofuels, so that incentives to use such biofuel feedstocks do not counter efforts to reduce waste or increase recycling and the efficient and sustainable use of available resources. Member States may include measures they are taking in that respect in their reporting under Directive 2009/28/EC.
- (16) The minimum greenhouse gas emission savings threshold for biofuels and bioliquids produced in new installations should be increased in order to improve their overall greenhouse gas balance as well as to discourage further investments in installations with a low greenhouse gas emission savings performance. This increase provides investment safeguards for biofuels and bioliquids production capacities in conformity with the second subparagraph of Article 19(6) of Directive 2009/28/EC.
- (17) To prepare for the transition towards advanced biofuels and minimise the overall indirect land-use change impacts, it is appropriate to limit the amount of biofuels and bioliquids produced from cereal and other starch-rich crops, sugars and oil crops and from crops grown as main crops primarily for energy purposes on agricultural land that can be counted towards targets set out in Directive 2009/28/EC, without restricting the overall use of such biofuels and bioliquids. In accordance with Article 193 of the Treaty on the Functioning of the European Union (TFEU), the establishment of a limit at Union level is without prejudice to the possibility for Member States to provide for lower limits on the amount of biofuels and bioliquids produced from cereal and other starch-rich crops, sugars and oil crops and from crops grown as main crops primarily for energy purposes on agricultural land that can be counted at national level towards targets set out in Directive 2009/28/EC.
- (18) Member States should have the possibility of choosing to apply this limit on the amount of biofuels produced from cereal and other starch-rich crops, sugars and oil crops and from crops grown as main crops primarily for energy purposes on agricultural land that can be counted towards achieving the target set out in Article 7a of Directive 98/70/EC.
- (19) In line with the need to limit the amount of biofuels and bioliquids produced from cereal and other starch-rich crops, sugars and oil crops and from crops grown as main crops primarily for energy purposes on agricultural land, Member States should aim to phase out support for consumption of such biofuels and bioliquids at levels which exceed that limit.
- (20) Limiting the amount of biofuels and bioliquids produced from cereal and other starch-rich crops, sugars and oil crops and from crops grown as main crops primarily for energy purposes on agricultural land that can be counted towards targets set out in Directive 2009/28/EC does not affect the Member States' freedom to arrange their own trajectory as to compliance with the prescribed share of conventional biofuels within the overall 10 % target. As a consequence, the access to the market of the biofuels produced by the installations in operation before the end of 2013 remains fully open. Therefore this Directive does not affect the legitimate expectations of the operators of such installations.
- (21) The provisional mean values of estimated indirect land-use change emissions should be included in the reporting by fuel suppliers and the Commission of greenhouse gas emissions from biofuels under Directive 98/70/EC, as well as in the reporting by the Commission of greenhouse gas emissions from biofuels and bioliquids under

⁽¹⁾ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Directive 2009/28/EC. Biofuels made from feedstocks that do not lead to additional demand for land, such as those from waste feedstocks, should be assigned a zero emissions factor.

- (22) Indirect land-use change risks can occur if dedicated non-food crops, grown primarily for energy purposes, are grown on existing agricultural land which is used for the production of food and feed. Nonetheless, compared to food and feed crops, such dedicated crops grown primarily for energy purposes can have higher yields and the potential to contribute to the restoration of severely degraded and heavily contaminated land. However, information on the production of biofuels and bioliquids from such dedicated crops and their actual land-use change impact is limited. Therefore, the Commission should also monitor and regularly report on the state of production and consumption in the Union of biofuels and bioliquids produced from such dedicated crops as well as monitor and report on the associated impacts. Existing projects in the Union should be identified and used for improvement of the information basis for a more in-depth analysis of both risks and benefits related to environmental sustainability.
- (23) Yield increases in agricultural sectors through intensified research, technological development and knowledge transfer beyond levels which would have prevailed in the absence of productivity-promoting schemes for food and feed crop-based biofuels, as well as the cultivation of a second annual crop on areas which were previously not used for growing a second annual crop, can contribute to mitigating indirect land-use change. To the extent that the resulting indirect land-use change mitigation effect at national or project level can be quantified, measures introduced by this Directive could reflect such productivity improvements both in terms of reduced estimated indirect land-use change emission values and the contribution of food and feed crop-based biofuels towards the share of energy from renewable sources in transport to be achieved in 2020.
- (24) Voluntary schemes play an increasingly important role in providing evidence of compliance with the sustainability requirements laid down in Directives 98/70/EC and 2009/28/EC. It is therefore appropriate to mandate the Commission to require voluntary schemes, including those already recognised by the Commission in accordance with Article 7c(6) of Directive 98/70/EC and Article 18(6) of Directive 2009/28/EC, to report regularly on their activity. Such reports should be made public in order to increase transparency and to improve oversight by the Commission. Furthermore, such reporting would provide the necessary information for the Commission to report on the operation of the voluntary schemes with a view to identifying best practice and submitting, if appropriate, a proposal to further promote such best practice.
- (25) In order to facilitate the smooth functioning of the internal market, it is appropriate to clarify the conditions under which the mutual recognition principle applies as between all schemes for verification of compliance with the sustainability criteria for biofuels and bioliquids established in accordance with Directives 98/70/EC and 2009/28/EC.
- (26) Good governance and a rights-based approach, encompassing all human rights, in addressing food and nutrition security, at all levels, are essential, and coherence between different policies should be pursued in cases of negative effects on food and nutrition security. In this context, the governance and security of land tenure and land-use rights are of particular importance. Therefore, Member States should respect the Principles for Responsible Investment in Agriculture and Food Systems, approved by the Food and Agricultural Organisation Committee on World Food Security (CFS) in October 2014. Member States are also encouraged to support the implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, adopted by the CFS in October 2013.
- (27) Although food and feed crop-based biofuels are generally associated with indirect land-use change risks, there are also exceptions. Member States and the Commission should encourage the development and use of schemes which can reliably prove that a given amount of biofuel feedstock produced in a given project did not displace production for other purposes. This may be the case, for example, where the biofuel production equals the amount of additional production achieved through investments in improved productivity above levels which would have otherwise been achieved, in the absence of such productivity-promoting schemes, or where biofuel production takes place on land where direct land-use change occurred without significant negative impacts on pre-existing ecosystem services delivered by that land, including protection of carbon stocks and biodiversity. Member States and the Commission should explore the possibility of setting out criteria for the identification and

certification of such schemes which can reliably prove that a given amount of biofuel feedstock produced in a given project did not displace production for purposes other than for making biofuels and that such biofuel feedstock was produced in accordance with the Union sustainability criteria for biofuels. Only the amount of feedstock which corresponds to the actual reduction in displacement achieved through the scheme may be considered.

- (28) It is appropriate to align the rules for using default values to ensure equal treatment for producers regardless of where the production takes place. While third countries are allowed to use default values, Union producers are required to use actual values where they are higher than the default values, or a report has not been submitted by the Member State, thereby increasing their administrative burden. Therefore, current rules should be simplified so that the use of default values is not limited to areas within the Union included in the lists referred to in Article 19(2) of Directive 2009/28/EC and Article 7d(2) of Directive 98/70/EC.
- (29) As a consequence of the entry into force of the TFEU, the powers conferred under Directives 2009/28/EC and 98/70/EC upon the Commission need to be aligned to Articles 290 and 291 TFEU.
- (30) In order to ensure uniform conditions for the implementation of Directives 98/70/EC and 2009/28/EC, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹⁾.
- (31) In order to permit adaptation to the technical and scientific progress of Directive 98/70/EC, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the addition of estimated typical and default values for biofuel pathways and the adaptation of the permitted analytical methods, relating to the fuel specifications, and of the vapour pressure waiver permitted for petrol containing bioethanol, as well as the establishment of greenhouse gas emission default values, as regards renewable liquid and gaseous transport fuels of non-biological origin and carbon capture and utilisation for transport purposes.
- (32) In order to permit adaptation to the technical and scientific progress of Directive 2009/28/EC, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of possible additions to the list of biofuel feedstocks and fuels, the contribution of which towards the target in Article 3(4) of that Directive should be considered to be twice their energy content, and also in respect of the addition of estimated typical and default values for biofuel and bioliquid pathways, as well as the adaptation of the energy content of transport fuels, as set out in Annex III to Directive 2009/28/EC, to scientific and technical progress.
- (33) It is of particular importance that the Commission in the application of Directives 98/70/EC and 2009/28/EC carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (34) The Commission should review the effectiveness of the measures introduced by this Directive, based on the best and latest available scientific evidence, in limiting the impact of indirect land-use change greenhouse gas emissions and addressing ways to further minimise that impact.
- (35) It is important that the Commission present without delay a comprehensive proposal for a cost-effective and technology-neutral post-2020 policy, in order to create a long-term perspective for investment in sustainable biofuels with a low risk of causing indirect land-use change and in other means of decarbonising the transport sector.

⁽¹⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (36) In accordance with the Joint Political Declaration of Member States and the Commission on explanatory documents of 28 September 2011 ⁽¹⁾, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.
- (37) Since the objectives of this Directive, namely to ensure a single market for fuel for road transport and non-road mobile machinery and ensure respect for minimum levels of environmental protection in the use of that fuel, cannot be sufficiently achieved by the Member States but can rather, by reason of their scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (38) Directives 98/70/EC and 2009/28/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 98/70/EC

Directive 98/70/EC is amended as follows:

(1) In Article 2, the following points are added:

- ‘10. “renewable liquid and gaseous transport fuels of non-biological origin” means liquid or gaseous fuels other than biofuels whose energy content comes from renewable energy sources other than biomass, and which are used in transport;
11. “starch-rich crops” means crops comprising mainly cereals (regardless of whether only the grains are used or the whole plant, such as in the case of green maize, is used), tubers and root crops (such as potatoes, Jerusalem artichokes, sweet potatoes, cassava and yams), and corm crops (such as taro and cocoyam);
12. “low indirect land-use change-risk biofuels” means biofuels, the feedstocks of which were produced within schemes which reduce the displacement of production for purposes other than for making biofuels and which were produced in accordance with the sustainability criteria for biofuels set out in Article 7b;
13. “processing residue” means a substance that is not the end product(s) that a production process directly seeks to produce; it is not a primary aim of the production process and the process has not been deliberately modified to produce it;
14. “agricultural, aquaculture, fisheries and forestry residues” means residues that are directly generated by agriculture, aquaculture, fisheries and forestry; they do not include residues from related industries or processing.’

(2) Article 7a is amended as follows:

(a) in paragraph 1, the following subparagraph is inserted after the first subparagraph:

‘In the case of suppliers of biofuels for use in aviation, Member States may permit such suppliers to choose to become contributors to the reduction obligation laid down in paragraph 2 of this Article provided that those biofuels comply with the sustainability criteria set out in Article 7b.’;

⁽¹⁾ OJ C 369, 17.12.2011, p. 14.

(b) in paragraph 2, the following subparagraph is added:

'Member States may provide that the maximum contribution of biofuels produced from cereal and other starch-rich crops, sugars and oil crops and from crops grown as main crops primarily for energy purposes on agricultural land for the purpose of compliance with the target referred to in the first subparagraph of this paragraph shall not exceed the maximum contribution established in point (d) of the second subparagraph of Article 3(4) of Directive 2009/28/EC.');

(c) paragraph 5 is replaced by the following:

'5. The Commission shall adopt implementing acts in accordance with the examination procedure referred to in Article 11(3) to set out detailed rules for the uniform implementation, by Member States, of paragraph 4 of this Article.');

(d) the following paragraphs are added:

'6. The Commission shall be empowered to adopt no later than 31 December 2017 delegated acts in order to establish greenhouse gas emission default values, where such values have not already been established prior to 5 October 2015, as regards:

(a) renewable liquid and gaseous transport fuels of non-biological origin;

(b) carbon capture and utilisation for transport purposes.

7. As part of the reporting under paragraph 1, Member States shall ensure that fuel suppliers report annually to the authority designated by the Member State, on the biofuel production pathways, volumes of biofuels derived from the feedstocks as categorised in Part A of Annex V, and the life cycle greenhouse gas emissions per unit of energy, including the provisional mean values of the estimated indirect land-use change emissions from biofuels. Member States shall report those data to the Commission.'

(3) Article 7b is amended as follows:

(a) paragraph 2 is replaced by the following:

'2. The greenhouse gas emission saving from the use of biofuels taken into account for the purposes referred to in paragraph 1 shall be at least 60 % for biofuels produced in installations starting operation after 5 October 2015. An installation shall be considered to be in operation if the physical production of biofuels has taken place.

In the case of installations that were in operation on or before 5 October 2015, for the purposes referred to in paragraph 1, biofuels shall achieve a greenhouse gas emission saving of at least 35 % until 31 December 2017 and at least 50 % from 1 January 2018.

The greenhouse gas emission saving from the use of biofuels shall be calculated in accordance with Article 7d(1).';

(b) in paragraph 3, the second subparagraph is deleted.

(4) Article 7c is amended as follows:

(a) in paragraph 3, the third subparagraph is replaced by the following:

'The Commission shall adopt implementing acts in accordance with the examination procedure referred to in Article 11(3), to establish the list of appropriate and relevant information referred to in the first two subparagraphs of this paragraph. The Commission shall ensure, in particular, that the provision of that information does not represent an excessive administrative burden for operators in general or for smallholder farmers, producer organisations and cooperatives in particular.');

(b) in paragraph 5, the following subparagraphs are added:

'The voluntary schemes referred to in paragraph 4 ("the voluntary schemes") shall regularly, and at least once per year, publish a list of their certification bodies used for independent auditing, indicating for each certification body by which entity or national public authority it was recognised and which entity or national public authority is monitoring it.

In order in particular to prevent fraud, the Commission may, on the basis of a risk analysis or the reports referred to in the second subparagraph of paragraph 6 of this Article, specify the standards of independent auditing and require all voluntary schemes to apply those standards. This shall be done by means of implementing acts adopted in accordance with the examination procedure referred to in Article 11(3). Such acts shall set a time frame by which voluntary schemes need to implement the standards. The Commission may repeal decisions recognising voluntary schemes in the event that those schemes fail to implement such standards in the time frame provided for.;

(c) paragraph 6 is replaced by the following:

'6. Decisions under paragraph 4 of this Article shall be adopted in accordance with the examination procedure referred to in Article 11(3). Such decisions shall be valid for a period of no more than five years.

The Commission shall require that each voluntary scheme, on which a decision has been adopted under paragraph 4, submit by 6 October 2016 and annually thereafter by 30 April, a report to the Commission covering each of the points set out in the third subparagraph of this paragraph. Generally, the report shall cover the preceding calendar year. The first report shall cover at least six months from 9 September 2015. The requirement to submit a report shall apply only to voluntary schemes that have operated for at least 12 months.

By 6 April 2017, the Commission shall submit a report to the European Parliament and to the Council analysing the reports referred to in the second subparagraph of this paragraph, reviewing the operation of the agreements referred to in paragraph 4 or voluntary schemes in respect of which a decision has been adopted in accordance with this Article, and identifying best practices. The report shall be based on the best information available, including following consultations with stakeholders, and on practical experience in the application of the agreements or schemes concerned. The report shall analyse the following:

in general:

- (a) the independence, modality and frequency of audits, both in relation to what is stated on those aspects in the scheme documentation, at the time the scheme concerned was approved by the Commission, and in relation to industry best practice;
- (b) the availability of, and experience and transparency in the application of, methods for identifying and dealing with non-compliance, with particular regard to dealing with situations or allegations of serious wrongdoing on the part of members of the scheme;
- (c) transparency, particularly in relation to the accessibility of the scheme, the availability of translations in the applicable languages of the countries and regions from which raw materials originate, the accessibility of a list of certified operators and relevant certificates, and the accessibility of auditor reports;
- (d) stakeholder involvement, particularly as regards the consultation of indigenous and local communities prior to decision making during the drafting and reviewing of the scheme as well as during audits and the response given to their contributions;
- (e) the overall robustness of the scheme, particularly in light of rules on the accreditation, qualification and independence of auditors and relevant scheme bodies;
- (f) market updates of the scheme, the amount of feedstocks and biofuels certified, by country of origin and type, the number of participants;

- (g) the ease and effectiveness of implementing a system that tracks the proofs of conformity with the sustainability criteria that the scheme gives to its member(s), such a system intended to serve as a means of preventing fraudulent activity with a view, in particular, to the detection, treatment and follow-up of suspected fraud and other irregularities and where appropriate, the number of cases of fraud or irregularities detected;

and in particular:

- (h) options for entities to be authorised to recognise and monitor certification bodies;
- (i) criteria for the recognition or accreditation of certification bodies;
- (j) rules on how the monitoring of the certification bodies is to be conducted;
- (k) ways to facilitate or improve the promotion of best practice.

A Member State may notify its national scheme to the Commission. The Commission shall give priority to the assessment of such a scheme. A decision on the compliance of such a notified national scheme with the conditions set out in this Directive shall be adopted in accordance with the examination procedure referred to in Article 11(3), in order to facilitate mutual bilateral and multilateral recognition of schemes for verification of compliance with the sustainability criteria for biofuels. Where the decision is positive, schemes established in accordance with this Article shall not refuse mutual recognition with that Member State's scheme as regards the verification of compliance with the sustainability criteria set out in Article 7b(2) to (5).;

- (d) paragraph 8 is replaced by the following:

'8. At the request of a Member State or on its own initiative, the Commission shall examine the application of Article 7b in relation to a source of biofuel and, within six months of receipt of a request decide, in accordance with the examination procedure referred to in Article 11(3), whether the Member State concerned may take biofuel from that source into account for the purposes of Article 7a.'

- (5) Article 7d is amended as follows:

- (a) paragraphs 3, 4 and 5 are replaced by the following:

'3. The typical greenhouse gas emissions from cultivation of agricultural raw materials included in the reports referred to in paragraph 2 in the case of Member States, and, in the case of territories outside the Union, in reports equivalent to those referred to in paragraph 2 and drawn up by competent bodies, may be reported to the Commission.

4. The Commission may decide, by means of an implementing act adopted in accordance with the examination procedure referred to in Article 11(3), that the reports referred to in paragraph 3 of this Article contain accurate data for the purposes of measuring the greenhouse gas emissions associated with the cultivation of biofuel feedstocks typically produced in those areas for the purposes of Article 7b(2).

5. By 31 December 2012 at the latest and every two years thereafter, the Commission shall draw up and publish a report on the estimated typical and default values in Parts B and E of Annex IV, paying special attention to greenhouse gas emissions from transport and processing.

In the event that the reports referred to in the first subparagraph indicate that the estimated typical and default values in Parts B and E of Annex IV might need to be adjusted on the basis of the latest scientific evidence, the Commission shall, as appropriate, submit a legislative proposal to the European Parliament and to the Council.;

- (b) paragraph 6 is deleted;

(c) in paragraph 7, the first, second and third subparagraphs are replaced by the following:

'7. The Commission shall keep Annex IV under review, with a view, where justified, to the addition of values for further biofuel production pathways for the same or for other raw materials. That review shall also consider the modification of the methodology laid down in Part C of Annex IV, particularly with regard to:

- the method of accounting for wastes and residues;
- the method of accounting for co-products;
- the method of accounting for cogeneration; and
- the status given to agricultural crop residues as co-products.

The default values for waste vegetable or animal oil biodiesel shall be reviewed as soon as possible. In the event that the Commission's review concludes that additions to Annex IV should be made, the Commission shall be empowered to adopt delegated acts pursuant to Article 10a to add, but not to remove or amend, estimated typical and default values in Parts A, B, D and E of Annex IV for biofuel pathways for which specific values are not yet included in that Annex.;

(d) paragraph 8 is replaced by the following:

'8. Where necessary in order to ensure the uniform application of point 9 of Part C of Annex IV, the Commission may adopt implementing acts setting out detailed technical specifications and definitions. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(3).'

(6) In Article 7e, paragraph 2 is replaced by the following:

'2. The reports by the Commission to the European Parliament and to the Council referred to in Article 7b(7), Article 7c(2), Article 7c(9) and Article 7d(4) and (5), as well as the reports and information submitted pursuant to the first and fifth subparagraphs of Article 7c(3) and Article 7d(2), shall be prepared and transmitted for the purposes of both Directive 2009/28/EC and this Directive.'

(7) Article 8 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Member States shall monitor compliance with the requirements of Articles 3 and 4, in respect of petrol and diesel fuels, on the basis of the analytical methods referred to in Annexes I and II respectively.;

(b) paragraph 3 is replaced by the following:

'3. Each year by 31 August, the Member States shall submit a report on national fuel quality data for the preceding calendar year. The Commission shall establish a common format for the submission of a summary of national fuel quality data by means of an implementing act adopted in accordance with the examination procedure referred to in Article 11(3). The first report shall be submitted by 30 June 2002. From 1 January 2004, the format for this report shall be consistent with that described in the relevant European standard. In addition, Member States shall report the total volumes of petrol and diesel fuels marketed in their territories and the volumes of unleaded petrol and diesel fuels marketed with a maximum sulphur content of 10 mg/kg. Furthermore, Member States shall report annually on the availability, on an appropriately balanced geographical basis, of petrol and diesel fuels with a maximum sulphur content of 10 mg/kg that are marketed within their territory.'

(8) In Article 8a, paragraph 3 is replaced by the following:

‘3. In light of the assessment carried out using the test methodology referred to in paragraph 1, the European Parliament and the Council may revise the limit for the MMT content of fuel specified in paragraph 2, on the basis of a legislative proposal from the Commission.’

(9) In Article 9(1), the following point is added:

‘(k) the production pathways, volumes and the life cycle greenhouse gas emissions per unit of energy, including the provisional mean values of the estimated indirect land-use change emissions and the associated range derived from the sensitivity analysis as set out in Annex V, of the biofuels consumed in the Union. The Commission shall make data on the provisional mean values of the estimated indirect land-use change emissions and the associated range derived from the sensitivity analysis publicly available.’

(10) Article 10 is amended as follows:

(a) the title is replaced by the following:

‘Procedure for adaptation of permitted analytical methods and permitted vapour pressure waivers’;

(b) paragraph 1 is replaced by the following:

‘1. The Commission shall be empowered to adopt delegated acts pursuant to Article 10a to the extent necessary to adapt the permitted analytical methods in order to ensure consistency with any revision of the European standards referred to in Annex I or II. The Commission shall also be empowered to adopt delegated acts in accordance with Article 10a to adapt the permitted vapour pressure waivers in kPa for the ethanol content of petrol set out in Annex III within the limit set in the first subparagraph of Article 3(4). Such delegated acts shall be without prejudice to waivers granted pursuant to Article 3(4).’

(11) The following Article is inserted:

‘Article 10a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Articles 7a(6), 7d(7) and 10(1) shall be conferred on the Commission for a period of five years from 5 October 2015.

3. The delegation of power referred to in Articles 7a(6), 7d(7) and 10(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles 7a(6), 7d(7) and 10(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.’

(12) Article 11 is replaced by the following:

Article 11

Committee procedure

1. Except in the cases referred to in paragraph 2, the Commission shall be assisted by the Committee on Fuel Quality. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council (*).
2. For matters relating to the sustainability of biofuels under Articles 7b, 7c and 7d, the Commission shall be assisted by the Committee on the Sustainability of Biofuels and Bioliquids referred to in Article 25(2) of Directive 2009/28/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the Committees deliver no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

(*) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13):.

(13) Annex IV is amended and Annex V is added in accordance with Annex I to this Directive.

Article 2

Amendments to Directive 2009/28/EC

Directive 2009/28/EC is amended as follows:

(1) In Article 2, the following points are added to the second paragraph:

- (p) "waste" shall be defined as in Article 3(1) of Directive 2008/98/EC of the European Parliament and of the Council (*); substances that have been intentionally modified or contaminated to meet that definition are not covered by this definition;
- (q) "starch-rich crops" means crops comprising mainly cereals (regardless of whether only the grains are used, or the whole plant, such as in the case of green maize, is used), tubers and root crops (such as potatoes, Jerusalem artichokes, sweet potatoes, cassava and yams), and corm crops (such as taro and cocoyam);
- (r) "ligno-cellulosic material" means material composed of lignin, cellulose and hemicellulose such as biomass sourced from forests, woody energy crops and forest-based industries' residues and wastes;
- (s) "non-food cellulosic material" means feedstocks mainly composed of cellulose and hemicellulose, and having a lower lignin content than ligno-cellulosic material; it includes food and feed crop residues (such as straw, stover, husks and shells), grassy energy crops with a low starch content (such as ryegrass, switchgrass, miscanthus, giant cane and cover crops before and after main crops), industrial residues (including from food and feed crops after vegetal oils, sugars, starches and protein have been extracted), and material from biowaste;
- (t) "processing residue" means a substance that is not the end product(s) that a production process directly seeks to produce; it is not a primary aim of the production process and the process has not been deliberately modified to produce it;
- (u) "renewable liquid and gaseous transport fuels of non-biological origin" means liquid or gaseous fuels other than biofuels whose energy content comes from renewable energy sources other than biomass, and which are used in transport;

- (v) “agricultural, aquaculture, fisheries and forestry residues” means residues that are directly generated by agriculture, aquaculture, fisheries and forestry; they do not include residues from related industries or processing;
- (w) “low indirect land-use change-risk biofuels and bioliquids” means biofuels and bioliquids, the feedstocks of which were produced within schemes which reduce the displacement of production for purposes other than for making biofuels and bioliquids and which were produced in accordance with the sustainability criteria for biofuels and bioliquids set out in Article 17.

(*) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).’.

(2) Article 3 is amended as follows:

(a) in paragraph 1, the following subparagraph is added:

‘For the purpose of compliance with the targets referred to in the first subparagraph of this paragraph, the maximum joint contribution from biofuels and bioliquids produced from cereal and other starch-rich crops, sugars and oil crops and from crops grown as main crops primarily for energy purposes on agricultural land shall be no more than the energy quantity corresponding to the maximum contribution as set out in paragraph 4(d).’;

(b) in paragraph 4, the second subparagraph is amended as follows:

(i) point (a) is replaced by the following:

‘(a) for the calculation of the denominator, that is the total amount of energy consumed in transport for the purposes of the first subparagraph, only petrol, diesel, biofuels consumed in road and rail transport, and electricity, including electricity used for the production of renewable liquid and gaseous transport fuels of non-biological origin, shall be taken into account;’

(ii) in point (b), the following sentence is added:

‘This point shall be without prejudice to point (d) of this paragraph and Article 17(1)(a);’

(iii) point (c) is replaced by the following:

‘(c) for the calculation of the contribution from electricity produced from renewable sources and consumed in all types of electric vehicles and for the production of renewable liquid and gaseous transport fuels of non-biological origin for the purpose of points (a) and (b), Member States may choose to use either the average share of electricity from renewable energy sources in the Union or the share of electricity from renewable energy sources in their own country as measured two years before the year in question. Furthermore, for the calculation of the electricity from renewable energy sources consumed by electrified rail transport, that consumption shall be considered to be 2,5 times the energy content of the input of electricity from renewable energy sources. For the calculation of the electricity from renewable energy sources consumed by electric road vehicles in point (b), that consumption shall be considered to be five times the energy content of the input of electricity from renewable energy sources.’

(iv) the following points are added:

‘(d) for the calculation of biofuels in the numerator, the share of energy from biofuels produced from cereal and other starch-rich crops, sugars and oil crops and from crops grown as main crops primarily for energy purposes on agricultural land shall be no more than 7 % of the final consumption of energy in transport in the Member States in 2020.

Biofuels produced from feedstocks listed in Annex IX shall not count towards the limit set out in the first subparagraph of this point.

Member States may decide that the share of energy from biofuels produced from crops grown as main crops primarily for energy purposes on agricultural land, other than cereal and other starch-rich crops, sugars and oil crops, does not count towards the limit set out in the first subparagraph of this point, provided that:

- (i) verification of compliance with the sustainability criteria set out in Article 17(2) to (5) was carried out in accordance with Article 18; and
 - (ii) those crops were grown on land that falls under point 8 of part C of Annex V and the corresponding bonus “ e_b ” set out in point 7 of part C of Annex V was included in the calculation of greenhouse gas emissions, for the purposes of showing compliance with Article 17(2).
- (e) each Member State shall seek to achieve the objective of there being a minimum level of consumption on their territory of biofuels produced from feedstocks and of other fuels, listed in part A of Annex IX. To that effect, by 6 April 2017, each Member State shall set a national target, which it shall endeavour to achieve. A reference value for this target is 0,5 percentage points in energy content of the share of energy from renewable sources in all forms of transport in 2020 referred to in the first subparagraph, to be met with biofuels produced from feedstocks and with other fuels, listed in part A of Annex IX. In addition, biofuels made from feedstocks not listed in Annex IX that were determined to be wastes, residues, non-food cellulosic material or ligno-cellulosic material by the competent national authorities and are used in existing installations prior to the adoption of Directive (EU) 2015/1513 of the European Parliament and of the Council (*), may be counted towards the national target.

Member States may set a national target lower than the reference value of 0,5 percentage points, based on one or more of the following grounds:

- (i) objective factors such as the limited potential for the sustainable production of biofuels produced from feedstocks and of other fuels, listed in part A of Annex IX, or the limited availability of such biofuels at cost-efficient prices on the market;
- (ii) the specific technical or climatic characteristics of the national market for transport fuels, such as the composition and condition of the road vehicle fleet; or
- (iii) national policies allocating commensurate financial resources to incentivising energy efficiency and the use of electricity from renewable energy sources in transport.

When setting their national targets, Member States shall provide available information on the quantities of biofuels consumed from feedstocks and other fuels, listed in part A of Annex IX.

When setting policies for the promotion of the production of fuels from feedstocks listed in Annex IX, Member States shall have due regard to the waste hierarchy as established in Article 4 of Directive 2008/98/EC, including its provisions regarding life-cycle thinking on the overall impacts of the generation and management of different waste streams.

The Commission shall publish in accordance with Article 24 of this Directive:

- the national targets of the Member States,
- where available, the Member States' plans for achieving the national targets,
- where applicable, the grounds for differentiation of the national targets of the Member States as compared to the reference value, notified in accordance with Article 4(2) of Directive (EU) 2015/1513; and
- a synthesis report on Member States' achievements towards their national targets;

- (f) biofuels produced from feedstocks listed in Annex IX shall be considered to be twice their energy content for the purpose of complying with the target set out in the first subparagraph.

(*) Directive (EU) 2015/1513 of the European Parliament and of the Council of 9 September 2015 amending Directive 98/70/EC relating to the quality of petrol and diesel fuels and amending Directive 2009/28/EC on the promotion of the use of energy from renewable sources (OJ L 239, 15.9.2015, p. 1).;

- (c) in paragraph 4, the third subparagraph is replaced by the following:

'By 31 December 2017, the Commission shall present, if appropriate, a proposal permitting, subject to certain conditions, the whole amount of the electricity originating from renewable sources used to power all types of electric vehicles, and for the production of renewable liquid and gaseous transport fuels of non-biological origin to be considered.';

- (d) the following paragraph is added:

'5. With a view to minimising the risk of single consignments being claimed more than once in the Union, Member States and the Commission shall endeavour to strengthen cooperation among national systems and between national systems and voluntary schemes established pursuant to Article 18, including where appropriate the exchange of data. To prevent materials from being intentionally modified or discarded in order to fall under Annex IX, Member States shall encourage the development and use of systems which track and trace feedstocks and the resulting biofuels over the whole value chain. Member States shall ensure that when fraud is detected, appropriate action is taken. Member States shall by 31 December 2017, and every two years thereafter, report on the measures they have taken if they have not provided equivalent information on reliability and protection against fraud in their reports on progress in the promotion and use of energy from renewable sources drawn up in accordance with Article 22(1)(d).

The Commission shall be empowered to adopt delegated acts in accordance with Article 25a to amend the list of feedstocks in part A of Annex IX in order to add feedstocks, but not to remove them. The Commission shall adopt a separate delegated act in respect of each feedstock to be added to the list in part A of Annex IX. Each delegated act shall be based on an analysis of the latest scientific and technical progress, taking due account of the principles of the waste hierarchy established in Directive 2008/98/EC, and supporting the conclusion that the feedstock in question does not create an additional demand for land or cause significant distortive effects on markets for (by-)products, wastes or residues, that it delivers substantial greenhouse gas emission savings compared to fossil fuels, and that it does not risk creating negative impacts on the environment and biodiversity.'.

- (3) In Article 5, paragraph 5 is replaced by the following:

'5. The Commission shall be empowered to adopt delegated acts in accordance with Article 25a concerning the adaptation of the energy content of transport fuels, as set out in Annex III, to scientific and technical progress.'.

- (4) In Article 6, paragraphs 1 and 2 are replaced by the following:

'1. Member States may agree on and may make arrangements for the statistical transfer of a specified amount of energy from renewable sources from one Member State to another Member State. The transferred quantity shall be:

- (a) deducted from the amount of energy from renewable sources that is taken into account in measuring compliance by the Member State making the transfer with the requirements of Article 3(1), (2) and (4); and
- (b) added to the amount of energy from renewable sources that is taken into account in measuring compliance by another Member State accepting the transfer with the requirements of Article 3(1), (2) and (4).

2. The arrangements referred to in paragraph 1 of this Article in respect of Article 3(1), (2) and (4) may have a duration of one or more years. They shall be notified to the Commission not later than three months after the end of each year in which they have effect. The information sent to the Commission shall include the quantity and price of the energy involved.’.

(5) Article 17 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. The greenhouse gas emission saving from the use of biofuels and bioliquids taken into account for the purposes referred to in paragraph 1 shall be at least 60 % for biofuels and bioliquids produced in installations starting operation after 5 October 2015. An installation shall be considered to be in operation if the physical production of biofuels or bioliquids has taken place.

In the case of installations that were in operation on or before 5 October 2015, for the purposes referred to in paragraph 1, biofuels and bioliquids shall achieve a greenhouse gas emission saving of at least 35 % until 31 December 2017 and at least 50 % from 1 January 2018.

The greenhouse gas emission saving from the use of biofuels and bioliquids shall be calculated in accordance with Article 19(1).’;

(b) in paragraph 3, the second subparagraph is deleted.

(6) Article 18 is amended as follows:

(a) in paragraph 3, the third subparagraph is replaced by the following:

‘The Commission shall adopt implementing acts in accordance with the examination procedure referred to in Article 25(3), to establish the list of appropriate and relevant information referred to in the first two subparagraphs of this paragraph. The Commission shall ensure, in particular, that the provision of that information does not represent an excessive administrative burden for operators in general or for smallholder farmers, producer organisations and cooperatives in particular.’;

(b) in paragraph 4, the second subparagraph is replaced by the following:

‘The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 17(2), and/or demonstrate that consignments of biofuel or bioliquid comply with the sustainability criteria set out in Article 17(3), (4) and (5), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. The Commission may decide that those schemes contain accurate data for the purposes of information on measures taken for the conservation of areas that provide, in critical situations, basic ecosystem services (such as watershed protection and erosion control), for soil, water and air protection, the restoration of degraded land, the avoidance of excessive water consumption in areas where water is scarce and on the issues referred to in the second subparagraph of Article 17(7). The Commission may also recognise areas for the protection of rare, threatened or endangered ecosystems or species recognised by international agreements or included in lists drawn up by intergovernmental organisations or the International Union for the Conservation of Nature for the purposes of Article 17(3)(b)(ii).’;

(c) in paragraph 5, the following subparagraphs are added:

‘The voluntary schemes referred to in paragraph 4 (“the voluntary schemes”) shall regularly, and at least once per year, publish a list of their certification bodies used for independent auditing, indicating for each certification body by which entity or national public authority it was recognised and which entity or national public authority is monitoring it.

In order in particular to prevent fraud, the Commission may, on the basis of a risk analysis or the reports referred to in the second subparagraph of paragraph 6 of this Article, specify the standards of independent auditing and require all voluntary schemes to apply those standards. This shall be done by means of implementing acts adopted in accordance with the examination procedure referred to in Article 25(3). Such acts shall set a time frame by which voluntary schemes need to implement the standards. The Commission may repeal decisions recognising voluntary schemes in the event that those schemes fail to implement such standards in the time frame provided for.;

(d) paragraph 6 is replaced by the following:

‘6. Decisions under paragraph 4 of this Article shall be adopted in accordance with the examination procedure referred to in Article 25(3). Such decisions shall be valid for a period of no more than five years.

The Commission shall require that each voluntary scheme on which a decision has been adopted under paragraph 4 submit by 6 October 2016 and annually thereafter by 30 April, a report to the Commission covering each of the points set out in the third subparagraph of this paragraph. Generally, the report shall cover the preceding calendar year. The first report shall cover at least six months from 9 September 2015. The requirement to submit a report shall apply only to voluntary schemes that have operated for at least 12 months.

By 6 April 2017, and thereafter within its reports in accordance with Article 23(3), the Commission shall submit a report to the European Parliament and to the Council analysing the reports referred to in the second subparagraph of this paragraph, reviewing the operation of the agreements referred to in paragraph 4 or voluntary schemes in respect of which a decision has been adopted in accordance with this Article, and identifying best practices. The report shall be based on the best information available, including following consultations with stakeholders, and on practical experience in the application of the agreements or schemes concerned. The report shall analyse the following:

in general:

- (a) the independence, modality and frequency of audits, both in relation to what is stated on those aspects in the scheme documentation, at the time the scheme concerned was approved by the Commission, and in relation to industry best practice;
- (b) the availability of, and experience and transparency in the application of, methods for identifying and dealing with non-compliance, with particular regard to dealing with situations or allegations of serious wrongdoing on the part of members of the scheme;
- (c) transparency, particularly in relation to the accessibility of the scheme, the availability of translations in the applicable languages of the countries and regions from which raw materials originate, the accessibility of a list of certified operators and relevant certificates, and the accessibility of auditor reports;
- (d) stakeholder involvement, particularly as regards the consultation of indigenous and local communities prior to decision making during the drafting and reviewing of the scheme as well as during audits and the response to their contributions;
- (e) the overall robustness of the scheme, particularly in light of rules on the accreditation, qualification and independence of auditors and relevant scheme bodies;
- (f) market updates of the scheme, the amount of feedstocks and biofuels certified, by country of origin and type, the number of participants;
- (g) the ease and effectiveness of implementing a system that tracks the proofs of conformity with the sustainability criteria that the scheme gives to its member(s), such a system intended to serve as a means of preventing fraudulent activity with a view, in particular, to the detection, treatment and follow-up of suspected fraud and other irregularities and where appropriate, number of cases of fraud or irregularities detected;

and in particular:

- (h) options for entities to be authorised to recognise and monitor certification bodies;
- (i) criteria for the recognition or accreditation of certification bodies;
- (j) rules on how the monitoring of the certification bodies is to be conducted;
- (k) ways to facilitate or improve the promotion of best practice.

The Commission shall make the reports drawn up by the voluntary schemes available, in an aggregated form or in full if appropriate, on the transparency platform referred to in Article 24.

A Member State may notify its national scheme to the Commission. The Commission shall give priority to the assessment of such a scheme. A decision on the compliance of such a notified national scheme with the conditions set out in this Directive shall be adopted in accordance with the examination procedure referred to in Article 25(3), in order to facilitate mutual bilateral and multilateral recognition of schemes for verification of compliance with the sustainability criteria for biofuels and bioliquids. Where the decision is positive, schemes established in accordance with this Article shall not refuse mutual recognition with that Member State's scheme, as regards the verification of compliance with the sustainability criteria set out in Article 17(2) to (5).';

- (e) paragraph 8 is replaced by the following:

'8. At the request of a Member State or on its own initiative, the Commission shall examine the application of Article 17 in relation to a source of biofuel and, within six months of receipt of a request decide, in accordance with the examination procedure referred to in Article 25(3), whether the Member State concerned may take biofuel from that source into account for the purposes of Article 17(1).';

- (7) Article 19 is amended as follows:

- (a) paragraphs 3, 4 and 5 are replaced by the following:

'3. The typical greenhouse gas emissions from cultivation of agricultural raw materials included in the reports referred to in paragraph 2 in the case of Member States, and, in the case of territories outside the Union, in reports equivalent to those referred to in paragraph 2 and drawn up by competent bodies, may be reported to the Commission.

4. The Commission may decide, by means of an implementing act adopted in accordance with the examination procedure referred to in Article 25(3), that the reports referred to in paragraph 3 of this Article contain accurate data for the purposes of measuring the greenhouse gas emissions associated with the cultivation of biofuel and bioliquid feedstocks typically produced in those areas for the purposes of Article 17(2).

5. By 31 December 2012 at the latest and every two years thereafter, the Commission shall draw up and publish a report on the estimated typical and default values in parts B and E of Annex V, paying special attention to greenhouse gas emissions from transport and processing.

In the event that the reports referred to in the first subparagraph indicate that the estimated typical and default values in parts B and E of Annex V might need to be adjusted on the basis of the latest scientific evidence, the Commission shall, as appropriate, submit a legislative proposal to the European Parliament and to the Council.';

- (b) paragraph 6 is deleted;

(c) in paragraph 7, the first, second and third subparagraphs are replaced by the following:

'7. The Commission shall keep Annex V under review, with a view, where justified, to the addition of values for further biofuel production pathways for the same or for other raw materials. That review shall also consider the modification of the methodology laid down in part C of Annex V, particularly with regard to:

- the method of accounting for wastes and residues;
- the method of accounting for co-products;
- the method of accounting for cogeneration; and
- the status given to agricultural crop residues as co-products.

The default values for waste vegetable or animal oil biodiesel shall be reviewed as soon as possible. In the event that the Commission's review concludes that additions to Annex V should be made, the Commission shall be empowered to adopt delegated acts pursuant to Article 25a to add, but not to remove or amend, estimated typical and default values in parts A, B, D and E of Annex V for biofuel and bioliquid pathways for which specific values are not yet included in that Annex.;

(d) paragraph 8 is replaced by the following:

'8. Where necessary in order to ensure the uniform application of point 9 of Part C of Annex V, the Commission may adopt implementing acts setting out detailed technical specifications and definitions. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(3).'

(8) Article 21 is deleted.

(9) In Article 22(1), the second subparagraph is amended as follows:

(a) point (i) is replaced by the following:

'(i) the development and share of biofuels made from feedstocks listed in Annex IX including a resource assessment focusing on the sustainability aspects relating to the effect of the replacement of food and feed products for biofuel production, taking due account of the principles of the waste hierarchy established in Directive 2008/98/EC and the biomass cascading principle, taking into consideration the regional and local economic and technological circumstances, the maintenance of the necessary carbon stock in the soil and the quality of the soil and the ecosystems;';

(b) the following point is added:

'(o) the amounts of biofuels and bioliquids in energy units corresponding to each category of feedstock group listed in part A of Annex VIII taken into account by that Member State for the purpose of complying with the targets set out in Article 3(1) and (2), and in the first subparagraph of Article 3(4).'

(10) Article 23 is amended as follows:

(a) the last sentence in paragraph 1 is deleted;

(b) paragraph 4 is replaced by the following:

'4. In reporting on greenhouse gas emission savings from the use of biofuels and bioliquids, the Commission shall use the amounts reported by Member States in accordance with point (o) of Article 22(1),

including the provisional mean values of the estimated indirect land-use change emissions and the associated range derived from the sensitivity analysis as set out in Annex VIII. The Commission shall make data on the provisional mean values of the estimated indirect land-use change emissions and the associated range derived from the sensitivity analysis publicly available. In addition, the Commission shall evaluate whether and how the estimate for direct emission savings would change if co-products were accounted for using the substitution approach.;

(c) in paragraph 5, points (e) and (f) are replaced by the following:

- '(e) the availability and sustainability of biofuels made from feedstocks listed in Annex IX, including an assessment of the effect of the replacement of food and feed products for biofuel production, taking due account of the principles of the waste hierarchy established in Directive 2008/98/EC and the biomass cascading principle, taking into consideration the regional and local economic and technological circumstances, the maintenance of the necessary carbon stock in the soil and the quality of soil and ecosystems;
- (f) information on, and analysis of, the available scientific research results regarding indirect land-use change in relation to all production pathways, accompanied by an assessment of whether the range of uncertainty identified in the analysis underlying the estimations of indirect land-use change emissions can be narrowed and the possible impact of Union policies, such as environment, climate and agricultural policies, can be factored in; and
- (g) technological developments and availability of data on the use, economic and environmental impacts of biofuels and bioliquids produced in the Union from dedicated non-food crops grown primarily for energy purposes.;

(d) in paragraph 8, point (b) of the first subparagraph is replaced by the following:

'(b) with respect to the targets referred to in Article 3(4), a review of:

- (i) the cost-efficiency of the measures to be implemented to achieve the targets;
- (ii) an assessment of the feasibility of reaching the targets whilst ensuring the sustainability of biofuels production in the Union and in third countries, and considering economic, environmental and social impacts, including indirect effects and impacts on biodiversity, as well as the commercial availability of second-generation biofuels;
- (iii) the impact of the implementation of the targets on the availability of foodstuffs at affordable prices;
- (iv) the commercial availability of electric, hybrid and hydrogen-powered vehicles, as well as the methodology chosen to calculate the share of energy from renewable sources consumed in the transport sector;
- (v) the evaluation of specific market conditions, considering, in particular, markets in which transport fuels represent more than half of the final energy consumption, and markets which are fully dependent on imported biofuels.;

(11) Article 25 is replaced by the following:

'Article 25

Committee procedure

1. Except in the cases referred to in paragraph 2, the Commission shall be assisted by the Committee on Renewable Energy Sources. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council (*).

2. For matters relating to the sustainability of biofuels and bioliquids, the Commission shall be assisted by the Committee on the Sustainability of Biofuels and Bioliquids. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the Committees deliver no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

(*) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

(12) The following Article is inserted:

'Article 25a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Articles 3(5), 5(5) and 19(7) shall be conferred on the Commission for a period of five years from 5 October 2015.

3. The delegation of power referred to in Articles 3(5), 5(5) and 19(7) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles 3(5), 5(5) and 19(7) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.'

(13) Annex V is amended and Annexes VIII and IX are added in accordance with Annex II to this Directive.

Article 3

Review

1. The Commission shall at the latest by 31 December 2016, submit a report to the European Parliament and to the Council including an assessment of the availability of the necessary quantities of cost-efficient biofuels on the Union market from non-land using feedstocks and non-food crops by 2020 and of their environmental, economic and social impacts, including the need for additional criteria to ensure their sustainability, and of the best available scientific evidence on indirect land-use change greenhouse gas emissions associated with the production of biofuels and bioliquids. The report shall, if appropriate, be accompanied by proposals for further measures, taking into account economic, social and environmental considerations.

2. The Commission shall, by 31 December 2017, submit a report to the European Parliament and to the Council reviewing, on the basis of the best latest available scientific evidence:

- (a) the effectiveness of the measures introduced by this Directive in limiting indirect land-use change greenhouse gas emissions associated with the production of biofuels and bioliquids. In this respect, the report shall also include the latest available information with regard to the key assumptions influencing the results from the modelling of the indirect land-use change greenhouse gas emissions associated with the production of biofuels and bioliquids, including measured trends in agricultural yields and productivity, co-product allocation and observed global land-use change and deforestation rates, and the possible impact of Union policies, such as environment, climate and agricultural policies, involving stakeholders in such review process;
- (b) the effectiveness of the incentives provided for biofuels from non-land-using feedstocks and non-food crops under Article 3(4) of Directive 2009/28/EC including whether the Union as a whole is expected to use 0,5 percentage points in energy content of the share of energy from renewable sources in all forms of transport in 2020 from biofuels produced from feedstocks and from other fuels listed in part A of Annex IX;
- (c) the impact of increased demand for biomass on biomass-using sectors;
- (d) the possibility of setting out criteria for the identification and certification of low indirect land-use change-risk biofuels and bioliquids that are produced in accordance with the sustainability criteria set out in Directives 98/70/EC and 2009/28/EC, with a view to updating Annex V to Directive 98/70/EC and Annex VIII to Directive 2009/28/EC, if appropriate;
- (e) the potential economic and environmental benefits and risks of increased production and use of dedicated non-food crops grown primarily for energy purposes, also by using data related to existing projects;
- (f) the relative share of bioethanol and biodiesel on the Union market and the share of energy from renewable sources in petrol. The Commission shall also assess the drivers that affect the share of energy from renewable sources in petrol, as well as any barriers to deployment. The assessment shall include costs, fuel standards, infrastructure and climatic conditions. If appropriate, the Commission may make recommendations on how to overcome any barriers identified; and
- (g) determining which Member States have chosen to apply the limit on the amount of biofuels produced from cereal and other starch-rich crops, sugars and oil crops and from crops grown as main crops primarily for energy purposes on agricultural land towards achieving the target set out in Article 7a of Directive 98/70/EC, and whether issues with implementation or achievement of the target set out in Article 7a of Directive 98/70/EC have arisen. The Commission shall also assess the extent to which biofuels produced from cereal and other starch-rich crops, sugars and oil crops and from crops grown as main crops primarily for energy purposes on agricultural land are being supplied to meet the target set out in Article 7a of Directive 98/70/EC above the levels that can contribute to the targets in Directive 2009/28/EC. The assessment shall include an evaluation of the indirect land-use change impact and of the cost-effectiveness of the approach taken by the Member States.

The report shall, if appropriate, also provide information on availability of financing and other measures to support progress towards achieving the share of 0,5 percentage points in energy content of biofuels produced from feedstocks and of other fuels listed in part A of Annex IX, in the share of energy from renewable sources in all forms of transport in the Union as soon as possible, if technically feasible and economically viable.

The report referred to in the first subparagraph shall, if appropriate, be accompanied by legislative proposals, based on the best available scientific evidence, for:

- (a) introducing adjusted estimated indirect land-use change emissions factors into the appropriate sustainability criteria set out in Directives 98/70/EC and 2009/28/EC;

- (b) introducing further measures taken to prevent and fight fraud, including additional measures to be taken at Union level;
- (c) promoting sustainable biofuels after 2020 in a technology-neutral manner, in the context of the 2030 framework for climate and energy policies.

3. The Commission shall, if appropriate in light of the reports by the voluntary schemes in accordance with the second subparagraph of Article 7c(6) of Directive 98/70/EC and the second subparagraph of Article 18(6) of Directive 2009/28/EC, submit a proposal to the European Parliament and to the Council for amending the provisions of those Directives relating to voluntary schemes with a view to promoting best practice.

Article 4

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 10 September 2017. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive. On that occasion, Member States shall inform the Commission of their national targets set in accordance with point (e) of Article 3(4) of Directive 2009/28/EC and, where appropriate, of a differentiation of their national target as compared to the reference value referred to therein, and the grounds therefor.

In 2020, Member States shall report to the Commission on their respective achievements towards their national targets set in accordance with point (e) of Article 3(4) of Directive 2009/28/EC, specifying the reasons for any shortfall.

Article 5

Entry into force

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

Article 6

Addressees

This Directive is addressed to the Member States.

Done at Strasbourg, 9 September 2015.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

N. SCHMIT

ANNEX I

The Annexes to Directive 98/70/EC are amended as follows:

(1) Point 7 of Part C of Annex IV, is replaced by the following:

‘7. Annualised emissions from carbon stock changes caused by land-use change, e_l , shall be calculated by dividing total emissions equally over 20 years. For the calculation of those emissions, the following rule shall be applied:

$$e_l = (CS_R - CS_A) \times 3,664 \times 1/20 \times 1/P - e_B, (*)$$

where

e_l = annualised greenhouse gas emissions from carbon stock change due to land-use change (measured as mass (grams) of CO₂-equivalent per unit biofuel energy (megajoules)). “Cropland” (**) and “perennial cropland” (***) shall be regarded as one land use;

CS_R = the carbon stock per unit area associated with the reference land-use (measured as mass (tonnes) of carbon per unit area, including both soil and vegetation). The reference land-use shall be the land-use in January 2008 or 20 years before the raw material was obtained, whichever was the later;

CS_A = the carbon stock per unit area associated with the actual land-use (measured as mass (tonnes) of carbon per unit area, including both soil and vegetation). In cases where the carbon stock accumulates over more than one year, the value attributed to CS_A shall be the estimated stock per unit area after 20 years or when the crop reaches maturity, whichever is the earlier;

P = the productivity of the crop (measured as biofuel energy per unit area per year) and

e_B = bonus of 29 gCO_{2eq}/MJ biofuel if biomass is obtained from restored degraded land under the conditions provided for in point 8.

(*) The quotient obtained by dividing the molecular weight of CO₂ (44,010 g/mol) by the molecular weight of carbon (12,011 g/mol) is equal to 3,664.

(**) Cropland as defined by IPCC.

(***) Perennial crops are defined as multi-annual crops, the stem of which is usually not annually harvested such as short rotation coppice and oil palm.’

(2) The following Annex is added:

‘ANNEX V

Part A. Provisional estimated indirect land-use change emissions from biofuels (gCO_{2eq}/MJ) (†)

Feedstock group	Mean (*)	Interpercentile range derived from the sensitivity analysis (**)
Cereals and other starch-rich crops	12	8 to 16
Sugars	13	4 to 17
Oil crops	55	33 to 66

(*) The mean values included here represent a weighted average of the individually modelled feedstock values.

(**) The range included here reflects 90 % of the results using the fifth and ninety-fifth percentile values resulting from the analysis. The fifth percentile suggests a value below which 5 % of the observations were found (i.e. 5 % of total data used showed results below 8, 4, and 33 gCO_{2eq}/MJ). The ninety-fifth percentile suggests a value below which 95 % of the observations were found (i.e. 5 % of total data used showed results above 16, 17, and 66 gCO_{2eq}/MJ).

Part B. Biofuels for which the estimated indirect land-use change emissions are considered to be zero

Biofuels produced from the following feedstock categories will be considered to have estimated indirect land-use change emissions of zero:

- (1) feedstocks which are not listed under Part A of this Annex.
- (2) feedstocks, the production of which has led to direct land-use change, i.e. a change from one of the following IPCC land cover categories; forest land, grassland, wetlands, settlements, or other land, to cropland or perennial cropland (**). In such a case a direct land-use change emission value (e_i) should have been calculated in accordance with paragraph 7 of Part C of Annex IV.

(*) The mean values reported here represent a weighted average of the individually modelled feedstock values. The magnitude of the values in the Annex is sensitive to the range of assumptions (such as treatment of co-products, yield developments, carbon stocks and displacement of other commodities) used in the economic models developed for their estimation. Although it is therefore not possible to fully characterise the uncertainty range associated with such estimates, a sensitivity analysis conducted on the results based on a random variation of key parameters, a so-called Monte Carlo analysis, was conducted.

(**) Perennial crops are defined as multi-annual crops, the stem of which is usually not annually harvested such as short rotation coppice and oil palm.

ANNEX II

The Annexes to Directive 2009/28/EC are amended as follows:

(1) Point 7 of part C of Annex V, is replaced by the following:

‘7. Annualised emissions from carbon stock changes caused by land-use change, e_l , shall be calculated by dividing total emissions equally over 20 years. For the calculation of those emissions, the following rule shall be applied:

$$e_l = (CS_R - CS_A) \times 3,664 \times 1/20 \times 1/P - e_B, (*)$$

where

e_l = annualised greenhouse gas emissions from carbon stock change due to land-use change (measured as mass (grams) of CO₂-equivalent per unit of biofuel or bioliqoid energy (megajoules)). “Cropland” (**) and “perennial cropland” (***) shall be regarded as one land use;

CS_R = the carbon stock per unit area associated with the reference land-use (measured as mass (tonnes) of carbon per unit area, including both soil and vegetation). The reference land-use shall be the land-use in January 2008 or 20 years before the raw material was obtained, whichever was the later;

CS_A = the carbon stock per unit area associated with the actual land-use (measured as mass (tonnes) of carbon per unit area, including both soil and vegetation). In cases where the carbon stock accumulates over more than one year, the value attributed to CS_A shall be the estimated stock per unit area after 20 years or when the crop reaches maturity, whichever the earlier;

P = the productivity of the crop (measured as biofuel or bioliqoid energy per unit area per year) and

e_B = bonus of 29 gCO_{2eq}/MJ biofuel or bioliqoid if biomass is obtained from restored degraded land under the conditions provided for in point 8.

(*) The quotient obtained by dividing the molecular weight of CO₂ (44,010 g/mol) by the molecular weight of carbon (12,011 g/mol) is equal to 3,664.

(**) Cropland as defined by IPCC.

(***) Perennial crops are defined as multi-annual crops, the stem of which is usually not annually harvested such as short rotation coppice and oil palm.’

(2) The following Annex is added:

‘ANNEX VIII

Part A. Provisional estimated indirect land-use change emissions from biofuel and bioliqoid feedstocks (gCO_{2eq}/MJ) (†)

Feedstock group	Mean (*)	Interpercentile range derived from the sensitivity analysis (**)
Cereals and other starch-rich crops	12	8 to 16
Sugars	13	4 to 17
Oil crops	55	33 to 66

(*) The mean values included here represent a weighted average of the individually modelled feedstock values.

(**) The range included here reflects 90 % of the results using the fifth and ninety-fifth percentile values resulting from the analysis. The fifth percentile suggests a value below which 5 % of the observations were found (i.e. 5 % of total data used showed results below 8, 4, and 33 gCO_{2eq}/MJ). The ninety-fifth percentile suggests a value below which 95 % of the observations were found (i.e. 5 % of total data used showed results above 16, 17, and 66 gCO_{2eq}/MJ).

Part B. Biofuels and bioliquids for which the estimated indirect land-use change emissions are considered to be zero

Biofuels and bioliquids produced from the following feedstock categories will be considered to have estimated indirect land-use change emissions of zero:

- (1) feedstocks which are not listed under part A of this Annex.
- (2) feedstocks, the production of which has led to direct land-use change, i.e. a change from one of the following IPCC land cover categories: forest land, grassland, wetlands, settlements, or other land, to cropland or perennial cropland (**). In such a case a direct land-use change emission value (e) should have been calculated in accordance with point 7 of part C of Annex V.

(*) The mean values reported here represent a weighted average of the individually modelled feedstock values. The magnitude of the values in the Annex is sensitive to the range of assumptions (such as treatment of co-products, yield developments, carbon stocks and displacement of other commodities) used in the economic models developed for their estimation. Although it is therefore not possible to fully characterise the uncertainty range associated with such estimates, a sensitivity analysis conducted on the results based on a random variation of key parameters, a so-called Monte Carlo analysis, was conducted.

(**) Perennial crops are defined as multi-annual crops, the stem of which is usually not annually harvested such as short rotation coppice and oil palm.

- (3) The following Annex is added:

‘ANNEX IX

Part A. Feedstocks and fuels, the contribution of which towards the target referred to in the first subparagraph of Article 3(4) shall be considered to be twice their energy content:

- (a) Algae if cultivated on land in ponds or photobioreactors.
- (b) Biomass fraction of mixed municipal waste, but not separated household waste subject to recycling targets under point (a) of Article 11(2) of Directive 2008/98/EC.
- (c) Bio-waste as defined in Article 3(4) of Directive 2008/98/EC from private households subject to separate collection as defined in Article 3(11) of that Directive.
- (d) Biomass fraction of industrial waste not fit for use in the food or feed chain, including material from retail and wholesale and the agro-food and fish and aquaculture industry, and excluding feedstocks listed in part B of this Annex.
- (e) Straw.
- (f) Animal manure and sewage sludge.
- (g) Palm oil mill effluent and empty palm fruit bunches.
- (h) Tall oil pitch.
- (i) Crude glycerine.
- (j) Bagasse.
- (k) Grape marcs and wine lees.
- (l) Nut shells.
- (m) Husks.
- (n) Cobs cleaned of kernels of corn.

- (o) Biomass fraction of wastes and residues from forestry and forest-based industries, i.e. bark, branches, pre-commercial thinnings, leaves, needles, tree tops, saw dust, cutter shavings, black liquor, brown liquor, fibre sludge, lignin and tall oil.
- (p) Other non-food cellulosic material as defined in point (s) of the second paragraph of Article 2.
- (q) Other ligno-cellulosic material as defined in point (r) of the second paragraph of Article 2 except saw logs and veneer logs.
- (r) Renewable liquid and gaseous transport fuels of non-biological origin.
- (s) Carbon capture and utilisation for transport purposes, if the energy source is renewable in accordance with point (a) of the second paragraph of Article 2.
- (t) Bacteria, if the energy source is renewable in accordance with point (a) of the second paragraph of Article 2.

Part B. Feedstocks, the contribution of which towards the target referred to in the first subparagraph of Article 3(4) shall be considered to be twice their energy content:

- (a) Used cooking oil.
- (b) Animal fats classified as categories 1 and 2 in accordance with Regulation (EC) No 1069/2009 of the European Parliament and of the Council (*)

(*) Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1).

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2015/1514

of 14 September 2015

implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine ⁽¹⁾, and in particular Article 14(1) and (3) thereof,

Whereas:

- (1) On 17 March 2014, the Council adopted Regulation (EU) No 269/2014.
- (2) On the basis of a review by the Council, the entries in the Annex should be amended and the entry for one deceased person should be deleted.
- (3) Annex I to Regulation (EU) No 269/2014 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 269/2014 is amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 14 September 2015.

For the Council
The President
J. ASSELBORN

⁽¹⁾ OJ L 78, 17.3.2014, p. 6.

ANNEX

I. The following person is deleted from the list set out in Annex I to Regulation (EU) No 269/2014:

Persons

72.	Oleksiy Borisovych MOZGOVY
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II. The entries for the following persons and for one entity set out in Annex I to Regulation (EU) No 269/2014 are replaced by the following:

Persons

	Name	Identifying information	Reasons	Date of listing
1.	Sergey Valeryevich AKSYONOV, Sergei Valerievich AKSENOV (Сер Валерьевич АКСеНОВ), Serhiy Valeriyovych AKSYONOV (Сергій Валерійович Аксьонов)	DOB: 26.11.1972. POB: Beltsy (Bălți), now Republic of Moldova	Aksyonov was elected 'Prime Minister of Crimea' in the Crimean Verkhovna Rada on 27 February 2014 in the presence of pro-Russian gunmen. His 'election' was decreed unconstitutional by Oleksandr Turchynov on 1 March 2014. He actively lobbied for the 'referendum' of 16 March 2014. As of 9 October 2014, the 'Head' of the so-called 'Republic of Crimea'. Member of the Presidium of the Russia State Council.	17.3.2014
2.	Vladimir Andreevich Konstantinov (Владимир Андреевич Константинов)	DOB: 19.11.1956 POB: Vladimirovka (a.k.a Vladimirovca), Slobozia Region, Moldavian SSR (now Republic of Moldova) or Bogomol, Moldavian SSR	As speaker of the Supreme Council of the Autonomous Republic of Crimea, Konstantinov played a relevant role in the decisions taken by the Verkhovna Rada concerning the 'referendum' against territorial integrity of Ukraine and called on voters to cast their votes in favour of Crimean Independence.	17.3.2014
3.	Rustam Ilmirovich Temirgaliev (Рустам Ильмирович Темиргалиев)	DOB: 15.8.1976 POB: Ulan-Ude, Buryat ASSR (Russian SFSR)	As former Deputy Chairman of the Council of Ministers of Crimea, Temirgaliev played a relevant role in the decisions taken by the Verkhovna Rada concerning the 'referendum' against territorial integrity of Ukraine. He lobbied actively for the integration of Crimea into the Russian Federation.	17.3.2014
4.	Denis Valentinovich Berezovskiy (Денис Валентинович Березовский)	DOB: 15.7.1974 POB: Kharkiv, Ukrainian SSR	Berezovskiy was appointed commander of the Ukrainian Navy on 1 March 2014 but thereafter swore an oath to the Crimean armed forces, thereby breaking his oath to the Ukrainian Navy. He was then appointed Deputy Commander of the Black Sea Fleet of the Russian Federation.	17.3.2014

	Name	Identifying information	Reasons	Date of listing
5.	Aleksei Mikhailovich Chaliy (Алексей Михайлович Чалый)	DOB: 13.6.1961 POB: Moscow or Sevastopol	Chaliy became 'Mayor of Sevastopol' by popular acclamation on 23 February 2014 and accepted this 'vote'. He actively campaigned for Sevastopol to become a separate entity of the Russian Federation following a referendum on 16 March 2014. He signed the Treaty on the adoption of the Republic of Crimea by Russia. Chairman of the Legislative Assembly of the City of Sevastopol.	17.3.2014
6.	Puotr Anatoliyovych Zima (Пётр Анатольевич Зима)	DOB: 29.3.1965	Zima was appointed as the new head of the Crimean Security Service (SBU) on 3 March 2014 by 'Prime Minister' Aksyonov and accepted this appointment. He has given relevant information including a database to the Russian Intelligence Service (SBU). This included information on Euro-Maidan activists and human rights defenders of Crimea. He played a relevant role in preventing Ukraine's authorities from controlling the territory of Crimea. On 11 March 2014 the formation of an independent Security Service of Crimea was proclaimed by former SBU officers of Crimea.	17.3.2014
7.	Yuriy Gennadyevich Zherebtsov (Юрий Геннадиевич Жеребцов)	DOB: 19.11.1969 POB: Izmail, Odessa Region, Ukrainian SSR or Odessa	Counsellor of the Speaker of the Verkhovna Rada of Crimea, one of the leading organisers of the 16 March 2014 'referendum' against Ukraine's territorial integrity. Member of the Civic Chamber of the so-called 'Republic of Crimea'.	17.3.2014
8.	Sergey Pavlovych Tsekov (Сергей Павлович Цеков)	DOB: 29.9.1953 or 23.9.1953, POB: Simferopol	Vice Speaker of the Verkhovna Rada; Tsekov initiated, together with Sergey Aksyonov, the unlawful dismissal of the government of the Autonomous Republic of Crimea (ARC). He drew Vladimir Konstantinov into this endeavour, threatening him with dismissal. He publicly recognized that the MPs from Crimea were the initiators of inviting Russian soldiers to take over the Verkhovna Rada of Crimea. He was one of the first Crimean Leaders to ask in public for the annexation of Crimea to Russia. Member of the Federation Council of the Russian Federation from the so-called 'Republic of Crimea'.	17.3.2014

	Name	Identifying information	Reasons	Date of listing
9.	Ozerov, Viktor Alekseevich (Виктор Алексеевич Озеров)	DOB: 5.1.1958 POB: Abakan, Khakassia	Chairman of the Security and Defense Committee of the Federation Council of the Russian Federation. On 1 March 2014 Ozerov, on behalf of the Security and Defense Committee of the Federation Council, publicly supported, in the Federation Council, the deployment of Russian forces in Ukraine.	17.3.2014
10.	Dzhabarov, Vladimir Michailovich (Владимир Михайлович Джабаров)	DOB: 29.9.1952	First Deputy-Chairman of the International Affairs Committee of the Federation Council of the Russian Federation. On 1 March 2014 Dzhabarov, on behalf of the International Affairs Committee of the Federation Council, publicly supported, in the Federation Council, the deployment of Russian forces in Ukraine.	17.3.2014
11.	Klishas, Andrei Aleksandrovich (Андрей Александрович Клишас)	DOB: 9.11.1972 POB: Sverdlovsk	Chairman of the Committee on Constitutional Law of the Federation Council of the Russian Federation. On 1 March 2014 Klishas publicly supported, in the Federation Council, the deployment of Russian forces in Ukraine. In public statements Klishas sought to justify a Russian military intervention in Ukraine by claiming that 'the Ukrainian President supports the appeal of the Crimean authorities to the President of the Russian Federation on landing an all-encompassing assistance in defense of the citizens of Crimea'.	17.3.2014
12.	Ryzhkov, Nikolai Ivanovich (Николай Иванович Рыжков)	DOB: 28.9.1929 POB: Dyleevka, Donetsk region, Ukrainian SSR	Member of the Committee for federal issues, regional politics and the North of the Federation Council of the Russian Federation. On 1 March 2014 Ryzhkov publicly supported, in the Federation Council, the deployment of Russian forces in Ukraine.	17.3.2014
13.	Bushmin, Evgeni Viktorovich (Евгений Викторович Бушмин)	DOB: 4.10.1958 POB: Lopatino, Sergachiisky region, RSFSR	Deputy Speaker of the Federation Council of the Russian Federation. On 1 March 2014 Bushmin publicly supported in the Federation Council the deployment of Russian forces in Ukraine.	17.3.2014

	Name	Identifying information	Reasons	Date of listing
14.	Totoonov, Aleksandr Borisovich (Александр Борисович Тотоонов)	DOB: 3.4.1957 POB: Ordzhonikidze, North Ossetia	Member of the Committee on culture, science, and information of the Federation Council of the Russian Federation. On 1 March 2014 Totoonov publicly supported, in the Federation Council, the deployment of Russian forces in Ukraine.	17.3.2014
15.	Panteleev, Oleg Evgenevich (Олег Евгеньевич Пантелеев)	DOB: 21.7.1952 POB: Zhitnikovskoe, Kurgan region	Former First Deputy Chairman of the Committee on Parliamentary Issues of the Federation Council. On 1 March 2014 Panteleev publicly supported, in the Federation Council, the deployment of Russian forces in Ukraine.	17.3.2014
16.	Mironov, Sergei Mikhailovich (Сергей Михайлович Миронов)	DOB: 14.2.1953 POB: Pushkin, Leningrad region	Member of the Council of the State Duma; Leader of Fair Russia faction in the Duma of the Russian Federation. Initiator of the bill allowing Russian Federation to admit in its composition, under the pretext of protection of Russian citizens, territories of a foreign country without the consent of that country or an international treaty.	17.3.2014
17.	Zheleznyak, Sergei Vladimirovich (Сергей Владимирович Железняк)	DOB: 30.7.1970 POB: St. Petersburg (former Leningrad)	Deputy Speaker of the State Duma of the Russian Federation. Actively supporting use of Russian Armed Forces in Ukraine and annexation of Crimea. He led personally the demonstration in support of the use of Russian Armed Forces in Ukraine.	17.3.2014
18.	Slutski, Leonid Eduardovich (Леонид Эдуардович Слуцкий)	DOB: 4.1.1968 POB: Moscow	Chairman of the Commonwealth of Independent States (CIS) Committee of the State Duma of the Russian Federation (member of the LDPR). Actively supporting use of Russian Armed Forces in Ukraine and the annexation of Crimea.	17.3.2014
19.	Vitko, Aleksandr Viktorovich (Александр Викторович Витко)	DOB: 13.9.1961 POB: Vitebsk (Belarusian SSR)	Commander of the Black Sea Fleet, Vice-Admiral. Responsible for commanding Russian forces that have occupied Ukrainian sovereign territory.	17.3.2014

	Name	Identifying information	Reasons	Date of listing
20.	Sidorov, Anatoliy Alekseevich (Анатолий Алексеевич Сидоров)	DOB: 2.7.1958 POB: Siva, Perm region, USSR	Commander, Russia's Western Military District, units of which are deployed in Crimea. He is responsible for part of the Russian military presence in Crimea which is undermining the sovereignty of the Ukraine and assisted the Crimean authorities in preventing public demonstrations against moves towards a referendum and incorporation into Russia.	17.3.2014
21.	Galkin, Viktorovich Aleksandr (Александр Викторович Галкин)	DOB: 22.3.1958 POB: Ordzhonikidze, North Ossetian ASSR	Russia's Southern Military District, forces of which are in Crimea; the Black Sea Fleet comes under Galkin's command; much of the force movement into Crimea has come through the Southern Military District. Commander of Russia's Southern Military District ('SMD'). SMD forces are deployed in Crimea. He is responsible for part of the Russian military presence in Crimea which is undermining the sovereignty of the Ukraine and assisted the Crimean authorities in preventing public demonstrations against moves towards a referendum and incorporation into Russia. Additionally the Black Sea Fleet falls within the District's control.	17.3.2014
22.	Rogozin, Dmitry Olegovich (Дмитрий Олегович Рогозин)	DOB: 21.12.1963 POB: Moscow	Deputy Prime Minister of the Russian Federation. Publicly called for the annexation of Crimea.	21.3.2014
23.	Glazuev, Yurievich Sergey (Сергей Юрьевич Глазьев)	DOB: 1.1.1961 POB: Zaporozhye, (Ukrainian SSR)	Adviser to the President of the Russian Federation. Publicly called for the annexation of Crimea.	21.3.2014
24.	Matviyenko, Valentina Ivanova (born Tyutina) (Валентина Ивановна Матвиенко (born Тютина))	DOB: 7.4.1949, POB: Shepetovka, Khmelnytsky (Kamenets-Podolsky) region (Ukrainian SSR)	Speaker of the Federation Council. On 1 March 2014, publicly supported, in the Federation Council, the deployment of Russian forces in Ukraine.	21.3.2014
25.	Naryshkin, Sergei Evgenevich (Сергей Евгеньевич Нарышкин)	DOB: 27.10.1954 POB: St Petersburg (former Leningrad)	Speaker of the State Duma. Publicly supported the deployment of Russian forces in Ukraine. Publicly supported the Russia-Crimea reunification treaty and the related federal constitutional law.	21.3.2014

	Name	Identifying information	Reasons	Date of listing
26.	Dmitry Konstantinovich KISELYOV, Dmitrii Konstantinovich KISELEV (Дмитрий Константинович Киселёв)	DOB: 26.4.1954 POB: Moscow	Appointed by Presidential Decree on 9 December 2013 Head of the Russian Federal State news agency 'Rossiya Segodnya'. Central figure of the government propaganda supporting the deployment of Russian forces in Ukraine.	21.3.2014
27.	Nosatov, Alexander Mihailovich (Александр Михайлович Носатов)	DOB: 27.3.1963 POB: Sevastopol, (Ukrainian SSR)	Deputy-Commander of the Black Sea Fleet, Rear-Admiral. Responsible for commanding Russian forces that have occupied Ukrainian sovereign territory.	21.3.2014
28.	Kulikov, Valery Vladimirovich (Валерий Владимирович Куликов)	DOB: 1.9.1956 POB: Zaporozhye, (Ukrainian SSR)	Deputy-Commander of the Black Sea Fleet, Rear Admiral. Responsible for commanding Russian forces that have occupied Ukrainian sovereign territory.	21.3.2014
29.	Surkov, Vladislav Yurievich (Владислав Юрьевич Сурков)	DOB: 21.9.1964, POB: Solntsevo, Lipetsk region	Aide to the President of the Russian Federation. He was an organiser of the process in Crimea by which local Crimean communities were mobilised to stage actions undermining the Ukrainian authorities in Crimea.	21.3.2014
30.	Mikhail Grigorievich Malyshev (Михаил Григорьевич Малышев)	DOB: 10.10.1955 POB: Simferopol, Crimea	Chair of the Crimea Electoral Commission. Responsible for administering the Crimean referendum. Responsible under the Russian system for signing referendum results.	21.3.2014
31.	Valery Kirillovich Medvedev (Валерий Кириллович Медведев)	DOB: 21.8.1946 POB: Shmakovka, Primorsky region	Chair of Sevastopol Electoral Commission. Responsible for administering the Crimean referendum. Responsible under the Russian system for signing referendum results.	21.3.2014
32.	LTL. Gen. Igor Nikolaevich (Mykolayovich) Turchenyuk (Игорь Николаевич Турченко)	DOB: 5.12.1959 POB: Osh, Kyrgyz SSR	The de facto Commander of Russian troops deployed on the ground in Crimea (whom Russia continues to refer to officially as 'local self-defence militias'). Deputy Commander of the Southern Military District.	21.3.2014

	Name	Identifying information	Reasons	Date of listing
33.	Elena Borisovna Mizulina (born Dmitriyeva) (Елена Борисовна Мизулина (born Дмитриева))	DOB: 9.12.1954 POB: Bui, Kostroma region	Deputy in the State Duma. Originator and co-sponsor of recent legislative proposals in Russia that would have allowed regions of other countries to join Russia without their central authorities' prior agreement.	21.3.2014
34.	Dmitry Nikolayevich Kozak (Дмитрий Николаевич Козак)	DOB: 7.11.1958 POB: Bandurovo, Kirovograd region, Ukrainian SSR	Deputy Prime Minister. Responsible for overseeing the integration of the annexed Autonomous Republic of Crimea into the Russian Federation.	29.4.2014
35.	Oleg Yevgenyevich Belaventsev (Олег Евгеньевич Белавенцев)	DOB: 15.9.1949 POB: Moscow	Plenipotentiary Representative of the President of the Russian Federation into the so-called 'Crimean Federal District', Non-permanent member of the Russian Security Council. Responsible for the implementation of the constitutional prerogatives of the Russian Head of State on the territory of the annexed Autonomous Republic of Crimea.	29.4.2014
36.	Oleg Genrikhovich Savelyev (Олег Генрихович Савельев)	DOB: 27.10.1965 POB: Leningrad	Minister for Crimean Affairs. Responsible for the integration of the annexed Autonomous Republic of Crimea into the Russian Federation.	29.4.2014
37.	Sergei Ivanovich Menyailo (Сергей Иванович Меняйло)	DOB: 22.8.1960 POB: Alagir, North-Ossetian Autonomous SSR, RSFSR	Governor of the Ukrainian annexed city of Sevastopol.	29.4.2014
38.	Olga Fedorovna Kovitidi (Ольга Фёдоровна Ковитиди)	DOB: 7.5.1962 POB: Simferopol, Ukrainian SSR	Member of the Russian Federation Council from the annexed Autonomous Republic of Crimea.	29.4.2014
40.	Sergei Ivanovich Neverov (Сергей Иванович Неверов)	DOB: 21.12.1961 POB: Tashtagol, USSR	Deputy Chairman of State Duma, United Russia. Responsible for initiating legislation to integrate the annexed Autonomous Republic of Crimea into the Russian Federation.	29.4.2014
41.	Igor Dmitrievich SERGUN (Игорь Дмитриевич Сергун)	DOB: 28.3.1957 POB: Podolsk, Moscow Oblast	Director of GRU (Main Intelligence Directorate), Deputy Chief of the General Staff of the Armed Forces of the Russian Federation, Lieutenant-General. Responsible for the activity of GRU officers in Eastern Ukraine.	29.4.2014

	Name	Identifying information	Reasons	Date of listing
42.	Valery Vasilevich Gerasimov (Валерий Васильевич Герасимов)	DOB: 8.9.1955 POB: Kazan	Chief of the General Staff of the Armed Forces of the Russian Federation, First Deputy Minister of Defence of the Russian Federation, General of the Army. Responsible for the massive deployment of Russian troops along the border with Ukraine and lack of de-escalation of the situation.	29.4.2014
43.	German Prokopiv		Active leader of the 'Lugansk Guard'. Took part in the seizure of the building of the Lugansk regional office of the Security Service. Close links with the 'Army of the South-East'.	29.4.2014
44.	Valeriy Dmitrievich Bolotov (Валерий Дмитриевич Болотов)	DOB: 13.2.1970 POB: Luhansk	One of the leaders of the separatist group 'Army of the South-East' which occupied the building of the Security Service in the Lugansk region. Retired officer. Before seizing the building he and other accomplices possessed arms apparently supplied illegally from Russia and from local criminal groups.	29.4.2014
45.	Andriy Yevgenovych PURGIN (Андрій Євгенович Пургін), Andrei Evgenevich PURGIN (Андрей Евгеньевич Пургин)	DOB: 26.1.1972 POB: Donetsk	Former Head of the 'Donetsk People's Republic', active participant and organiser of separatist actions, coordinator of actions of the 'Russian tourists' in Donetsk. Co-founder of a 'Civic Initiative of Donbass for the Eurasian Union'. So-called 'Chairman' of the 'People's Council of the Donetsk People's Republic'.	29.4.2014
46.	Denys Volodymyrovych PUSHYLIN (Денис Володимирович Пушилін), Denis Vladimirovich PUSHILIN (Денис Владимирович Пушилин)	DOB: 9.5.1981 or 9.5.1982 POB: Makiivka (Donetsk oblast)	One of the leaders of the 'Donetsk People's Republic'. Participated in the seizure and occupation of the regional administration. Active spokesperson for the separatists. So-called Deputy Chairman of the 'People's Council' of the so-called 'Donetsk People's Republic'.	29.4.2014
47.	Tsyplakov Sergey Gennadevich	DOB: 1.5.1983 POB: Khartsyzsk, Donetsk Oblast	One of the leaders of ideologically radical organization People's Militia of Donbas. He took active part in the seizure of a number of state buildings in Donetsk region.	29.4.2014

	Name	Identifying information	Reasons	Date of listing
48.	Igor Vsevolodovich Girkin (Игорь Всеволодович Гиркин) a.k.a. Igor Strelkov (Ihor Strielkov)	DOB: 17.12.1970 POB: Moscow	Identified as staff of Main Intelligence Directorate of the General Staff of the Armed Forces of the Russian Federation (GRU). He was involved in incidents in Sloviansk. He is an assistant on security issues to Sergey Aksionov, self-proclaimed prime minister of Crimea. Head of 'Novorossia' public movement.	29.4.2014
49.	Vyacheslav Viktorovich Volodin (Вячеслав Викторович Володин)	DOB: 4.2.1964 POB: Alekseevka, Saratov region.	First Deputy Chief of Staff of the Presidential Administration of Russia. Responsible for overseeing the political integration of the annexed Ukrainian region of Crimea into the Russian Federation.	12.5.2014
50.	Vladimir Anatolievich Shamanov (Владимир Анатольевич Шаманов)	DOB: 15.2.1957 POB: Barnaul.	Commander of the Russian Airborne Troops, Colonel-General. In his senior position, holds responsibility for the deployment of Russian airborne forces in Crimea.	12.5.2014
51.	Vladimir Nikolaevich Pligin (Владимир Николаевич Плигин)	DOB: 19.5.1960 POB: Ignatovo, Vologodsk Oblast, USSR.	Chair of the Duma Constitutional Law Committee. Responsible for facilitating the adoption of legislation on the annexation of Crimea and Sevastopol into the Russian Federation.	12.5.2014
52.	Petr Grigorievich JAROSH (Петр Григорьевич Ярош)	DOB: 30.1.1971 or 16.3.1966 POB: Skvortsovo village, Simferopol region, Crimea	Head of the Federal Migration Service office for Crimea. Responsible for the systematic and expedited issuance of Russian passports for the residents of Crimea.	12.5.2014
53.	Oleg Grigorievich Kozyura (Олег Григорьевич Козюра)	DOB: 19.12.1962 POB: Zaporozhye	Head of the Federal Migration Service office for Sevastopol. Responsible for the systematic and expedited issuance of Russian passports for the residents of Sevastopol.	12.5.2014

	Name	Identifying information	Reasons	Date of listing
54.	Viacheslav PONOMARIOV, Vyacheslav Volodymyrovich PONOMARYOV (В'ячеслав Володимирович Пономар'юв), Viacheslav Vladimirovich PONOMAREV (Вячеслав Владимирович Пономарёв)	DOB: 2.5.1965 POB: Sloviansk (Donetsk oblast)	Former self-declared mayor of Sloviansk. Ponomariov called on Vladimir Putin to send in Russian troops to protect the city and later asked him to supply weapons. Ponomariov's men are involved in kidnappings (they captured Irma Krat and Simon Ostrovsky, a reporter for Vice News, both were later released, they detained military observers under the OSCE Vienna Document). Remains active in supporting separatist actions and policies.	12.5.2014
55.	Igor Nikolaevich Bezler (Игорь Николаевич Безлер) a.k.a. Bes (devil)	DOB: 30.12.1965 POB: Simferopol, Crimea	One of the leaders of the self-proclaimed militia of Horlivka. He took control of the Security Service of Ukraine's Office in Donetsk region building and afterwards seized the Ministry of Internal Affairs' district station in the town of Horlivka. He has links to Ihor Strielkov under whose command he was involved in the murder of the Peoples' Deputy of the Horlivka's Municipal Council Volodymyr Rybak according to the SBU.	12.5.2014
57.	Oleg TSARIOV, Oleh Anatoliyovych TSAROV (Олег Анатоліович Цар'юв), Oleg Anatolevich TSAREV (Олег Анатольевич Царёв)	DOB: 2.6.1970 POB: Dnepropetrovsk	Former Member of the Rada, as such publicly called for the creation of the so-called 'Federal Republic of Novorossiya', composed of south-eastern Ukrainian regions. Remains active in supporting separatist actions or policies.	12.5.2014
58.	Roman Viktorovich Lyagin (Роман Вікторович Лягин)	DOB: 30.5.1980, POB: Donetsk, Ukraine	Head of the 'Donetsk People's Republic' Central Electoral Commission. Actively organised the referendum on 11 May 2014 on the self-determination of the 'Donetsk People's Republic'. Former 'Minister of Labour and Social Policy'.	12.5.2014
59.	Aleksandr Sergeevich MALYKHIN, Alexander Sergeevich MALYHIN (Александр Сергеевич Малыхин)	DOB: 12.1.1981	Head of the 'Lugansk People's Republic' Central Electoral Commission. Actively organised the referendum on 11 May 2014 on the self-determination of the 'Lugansk People's Republic'.	12.5.2014

	Name	Identifying information	Reasons	Date of listing
60.	Natalia Vladimirovna Poklonskaia (Наталья Владимировна Поклонская)	DOB: 18.3.1980 POB: Mikhailovka, Voroshilovgrad region, Ukrainian SSR or Yevpatoria, Ukrainian SSR	Prosecutor of Crimea. Actively implementing Russia's annexation of Crimea.	12.5.2014
61.	Igor Sergeievich Shevchenko (Игорь Сергеевич Шевченко)	POB: Sevastopol, Crimea	Prosecutor of Sevastopol. Actively implementing Russia's annexation of Sevastopol.	12.5.2014
62.	Aleksandr Yurevich BORODAI (Александр Юрьевич Бородай)	DOB: 25.7.1972 POB: Moscow	Former so-called 'Prime Minister of the Donetsk People's Republic', as such responsible for the separatist 'governmental' activities of the so-called 'government of the Donetsk People's Republic' (e.g. on 8 July 2014 stated 'our military is conducting a special operation against the Ukrainian "fascists"'), signatory of the Memorandum of Understanding on 'Novorossiya union'. Remains active in supporting separatist actions or policies.	12.7.2014
63.	Alexander KHODAKOVSKY, Oleksandr Serhiyovych KHODAKOVSKIY (Олександр Сергійович Ходаковський), Aleksandr Sergeevich KHODAKOVSKIY (Александр Сергеевич Ходаковский)	DOB: 18.12.1972 POB: Donetsk	Former so-called 'Minister of Security of the Donetsk People's Republic', as such responsible for the separatist security activities of the so-called 'government of the Donetsk People's Republic'. Remains active in supporting separatist actions or policies.	12.7.2014
64.	Alexandr Aleksandrovich KALYUSSKY, (Александр Александрович Калюсский)	DOB: 9.10.1975	So-called 'de facto Deputy Prime Minister for Social Affairs of the Donetsk People's Republic'. Responsible for the separatist 'governmental' activities of the so-called 'government of the Donetsk People's Republic'.	12.7.2014

	Name	Identifying information	Reasons	Date of listing
65.	Alexander KHRYAKOV, Aleksandr Vitalievich KHRYAKOV (Александр Витальевич Хряков), Oleksandr Vitaliyovych KHRYAKOV (Олександр Віталійович Хряков)	DOB: 6.11.1958 POB: Donetsk	Former so-called 'Information and Mass Communications Minister of the Donetsk People's Republic'. Responsible for the pro-separatist propaganda activities of the so-called 'government of the Donetsk People's Republic'.	12.7.2014
66.	Marat Faatovich BASHIROV (Марат Фаатович Баширов)	DOB: 20.1.1964 POB: Izhevsk, Russian Federation	Former so-called 'Prime Minister of the Council of Ministers of the Lugansk People's Republic', confirmed on 8 July 2014. Responsible for the separatist 'governmental' activities of the so-called 'government of the Lugansk People's Republic'.	12.7.2014
67.	Vasyl NIKITIN, Vasilii Aleksandrovich NIKITIN (Василий Александрович Никитин)	DOB: 25.11.1971 POB: Shargun (Uzbekistan)	So-called 'Vice Prime Minister of the Council of Ministers of the Lugansk People's Republic', (used to be the so-called 'Prime Minister of the Lugansk People's Republic', and former spokesman of the 'Army of the Southeast'). Responsible for the separatist 'governmental' activities of the so-called 'government of the Lugansk People's Republic'. Responsible for the statement of the Army of the Southeast that the Ukrainian presidential elections in the 'Lugansk People's Republic' cannot take place due to the 'new' status of the region.	12.7.2014
68.	Aleksey Vyacheslavovich KARYAKIN (Алексей Вячеславович Карякин)	DOB: 7.4.1980 or 7.4.1979 POB: Stakhanov (Lugansk oblast)	So-called 'Supreme Council Chair of the Lugansk People's Republic'. Responsible for the separatist 'governmental' activities of the 'Supreme Council', responsible for asking the Russian Federation to recognize the independence of the 'Lugansk People's Republic'. Signatory of the Memorandum of Understanding on the 'Novorossiya union'.	12.7.2014

	Name	Identifying information	Reasons	Date of listing
69.	Yuriy Volodymyrovych IVAKIN (Юрій Володимирович Івакін), Iurii Vladimirovich IVAKIN (Юрій Владимирович Ивакин)	DOB: 13.8.1954 POB: Perevalsk (Lugansk oblast)	Former so-called 'Minister of Internal Affairs of the Lugansk People's Re- public', as such responsible for the se- paratist 'governmental' activities of the so-called 'government of the Lu- gansk People's Republic'.	12.7.2014
70.	Igor PLOTNITSKY, Igor Venediktovich PLOTNITSKIИ (Игорь Венедиктович Плотницкий)	DOB: 24.6.1964 or 25.6.1964 or 26.6.1964 POB: Lugansk (possibly in Kelmentsi, Chernivtsi oblast)	Former so-called 'Defence Minister' and currently so-called 'Head' of the 'Lugansk People's Republic'. Responsible for the separatist 'govern- mental' activities of the so-called 'gov- ernment of the Lugansk People's Re- public'.	12.7.2014
71.	Nikolay KOZITSYN	DOB: 20.6.1956 POB: Donetsk region	Commander of Cossack forces. Responsible for commanding separa- tists in Eastern Ukraine fighting against the Ukrainian government forces.	12.7.2014
73.	Mikhail Efimovich FRADKOV (Михаил Ефимович Фрадков)	DOB: 1.9.1950 POB: Kurumoch, Kuibyshev region	Permanent member of the Security Council of the Russian Federation; Di- rector of the Foreign Intelligence Ser- vice of the Russian Federation. As a member of the Security Council, which provides advice on and coordi- nates national security affairs, he was involved in shaping the policy of the Russian Government threatening the territorial integrity, sovereignty and independence of Ukraine.	25.7.2014
74.	Nikolai Platonovich PATRUSHEV (Николай Платонович Патрушев)	DOB 11.7.1951 POB: Leningrad (St Petersburg)	Permanent member and Secretary of the Security Council of the Russian Federation. As a member of the Se- curity Council, which provides advice on and coordinates national security affairs, he was involved in shaping the policy of the Russian Government threatening the territorial integrity, so- vereignty and independence of Uk- raine.	25.7.2014

	Name	Identifying information	Reasons	Date of listing
75.	Aleksandr Vasilievich BORTNIKOV (Александр Васильевич Бортников)	DOB: 15.11.1951 POB: Perm	Permanent member of the Security Council of the Russian Federation; Director of the Federal Security Service (FSB). As a member of the Security Council, which provides advice on and coordinates national security affairs, he was involved in shaping the policy of the Russian Government threatening the territorial integrity, sovereignty and independence of Ukraine.	25.7.2014
76.	Rashid Gumarovich NURGALIEV (Рашид Гумарович Нурғалиев)	DOB: 8.10.1956 POB: Zhetikara, Kazakh Soviet Socialist Republic	Permanent member and Deputy Secretary of the Security Council of the Russian Federation. As a member of the Security Council, which provides advice on and coordinates national security affairs, he was involved in shaping the policy of the Russian Government threatening the territorial integrity, sovereignty and independence of Ukraine.	25.7.2014
77.	Boris Vyacheslavovich GRYZLOV (Борис Вячеславович Грызлов)	DOB 15.12.1950 POB: Vladivostok	Permanent member of the Security Council of the Russian Federation. As a member of the Security Council, which provides advice on and coordinates national security affairs, he was involved in shaping the policy of the Russian Government threatening the territorial integrity, sovereignty and independence of Ukraine.	25.7.2014
78.	Sergei Orestovoch BESEDA (Сергей Орестович Беседа)	DOB: 17.5.1954	Commander of the Fifth Service of the FSB, Federal Security Service of the Russian Federation. As a senior FSB officer, he heads a service responsible for overseeing intelligence operations and international activity.	25.7.2014
79.	Mikhail Vladimirovich DEGTYAREV (Михаил Владимирович Дегтярёв)	DOB 10.7.1981 POB: Kuibyshev (Samara)	Member of the State Duma. On 23.5.2014 he announced the inauguration of the 'de facto embassy' of the unrecognized, so-called 'Donetsk People's Republic' in Moscow, he contributes to undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.	25.7.2014

	Name	Identifying information	Reasons	Date of listing
80.	Ramzan Akhmadovitch KADYROV (Рамзан Ахматович Кадиров)	DOB: 5.10.1976 POB: Tsentaroy.	President of the Republic of Chechnya. Kadyrov made statements in support of the illegal annexation of Crimea and in support of the armed insurgency in Ukraine. He stated, inter alia, on 14 June 2014 that he 'will do anything to help revive Crimea'. In that context, he was awarded the medal for 'the liberation of Crimea' by the Acting Head of the Autonomous Republic of Crimea for the support he provided to the unlawful annexation of Crimea. In addition, on 1 June 2014 he expressed his readiness to send 74 000 Chechen volunteers to Ukraine if requested to do so.	25.7.2014
81.	Alexander Nikolayevich TKACHYOV (Александр Николаевич Ткачѐв)	DOB: 23.12.1960 POB: Vyselki, Krasnodar region	Former Governor of the Krasnodar Krai. He was awarded the medal 'for the liberation of Crimea' by the Acting head of the Autonomous Republic of Crimea for the support he provided to the unlawful annexation of Crimea. On that occasion, the Acting Head of the Autonomous Republic of Crimea said that Tkachyov was one of the first to express his support to the new 'leadership' of Crimea.	25.7.2014
82.	Pavel GUBAREV (Павел Юрьевич Губарев)	DOB: 10.2.1983 POB: Sievierodonetsk	One of the self-described leaders of the so-called 'people' Republic of Donetsk'. He requested Russian intervention in eastern Ukraine, including through the deployment of Russian peacekeeping forces. He is associated with Igor Strelkov/Girkin who is responsible for actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine. Gubarev is responsible for recruiting people for armed forces of separatists. Responsible for taking over the regional government building in Donetsk with pro-Russian forces and proclaimed himself the 'people's governor'. Despite being arrested for threatening the territorial integrity of Ukraine, and subsequently released, he has continued to play a prominent role in separatist activities, thus undermining the territorial integrity, sovereignty and independence of Ukraine.	25.7.2014

	Name	Identifying information	Reasons	Date of listing
83.	Ekaterina Iurievna GUBAREVA (Екатерина Юрьевна Губарева), Katerina Yuriyovna GUBARIEVA (Катерина Юрійовна Губарева)	DOB: 5.7.1983 POB: Kakhovka (Kherson oblast)	In her capacity of former so-called 'Minister of Foreign Affairs' she was responsible for defending the so-called 'Donetsk People's Republic', thus undermining the territorial integrity, sovereignty and independence of Ukraine. In addition, her bank account is used to finance illegal separatist groups. In taking on and acting in this capacity she has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine. Remains active in supporting separatist actions and policies.	25.7.2014
84.	Fedor Dmitrievich BEREZIN (Фёдор Дмитриевич Березин), Fedir Dmytrovych BEREZIN (Федір Дмитрович Березін)	DOB: 7.2.1960 POB: Donetsk	Former so-called 'deputy defence minister' of the so-called 'Donetsk People's Republic'. He is associated with Igor Strelkov/Girkin, who is responsible for actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine. In taking on and acting in this capacity Berezin has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine. Remains active in supporting separatist actions and policies.	25.7.2014
85.	Valery Vladimirovich KAUROV Валерий Владимирович Кауров	DOB: 2.4.1956 POB: Odessa	The self-described 'president' of the so-called 'Republic of Novorossiya' who has called on Russia to deploy troops to Ukraine. In taking on and acting in this capacity he has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine.	25.7.2014
86.	Serhii Anatoliyovych ZDRILIUK Сергей Анатольевич Здрілюк	DOB: 23.6.1972 POB: Vinnytsia region	Senior aid to Igor Strelkov/Girkin who is responsible for actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine. In taking on and acting in this capacity, Zdriliuk has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine.	25.7.2014

	Name	Identifying information	Reasons	Date of listing
87.	Vladimir ANTYUFEEV Владимир Антюфеев (aka Vladimir SHEVTSOV, Vladimir Iurievici ANTIUFEEV, Vladimir Gheorghievici ALEXANDROV, Vadim Gheorghievici SHEVTSOV)	DOB: 19.2. 1951 POB: Novosibirsk	Former 'Minister of State Security' in the separatist region of Transnistria. Former vice-prime minister of Donetsk People's Republic, responsible for security and law enforcement. In his capacity, he is responsible for the separatist 'governmental' activities of the so-called 'government' of the Donetsk People's Republic.	25.7.2014
88.	Alexey Alexeyevich GROMOV (Алексей Алексеевич Громов)	DOB: 31.5.1960 POB: Zagorsk (Sergiev Posad)	As first Deputy Chief of Staff of the Presidential Administration, he is responsible for instructing Russian media outlets to take a line favourable with the separatists in Ukraine and the annexation of Crimea, therefore supporting the destabilisation of Eastern Ukraine and the annexation of Crimea.	30.7.2014
90.	Boris Alekseevich LITVINOV (Борис Алексеевич Литвинов)	DOB: 13.1.1954 POB: Dzerzhynsk (Donetsk oblast)	Member of the so-called 'People's Council' and former chairman of the so-called 'Supreme Council' of the so-called 'Donetsk People's Republic' who was at the source of policies and the organisation of the illegal 'referendum' leading to the proclamation of the so-called 'Donetsk People's Republic', which constituted a breach of the territorial integrity, sovereignty and unity of Ukraine.	30.7.2014
91.	Sergey Vadimovich ABISOV (Сергей Вадимович Абисов)	DOB 27.11.1967 POB: Simferopol, Crimea	By accepting his appointment as so-called 'Minister of Interior of the Republic of Crimea' by the President of Russia (decree No 301) on 5 May 2014 and by his actions as so-called 'Minister of Interior' he has undermined the territorial integrity, sovereignty and unity of Ukraine	30.7.2014
92.	Arkady Romanovich ROTENBERG, Arkadii Romanovich ROTENBERG (Аркадий Романович Ротенберг)	DOB: 15.12.1951 POB: Leningrad (Saint Petersburg).	Mr Rotenberg is a long-time acquaintance of President Putin and his former judo sparring partner. He developed his fortune during President Putin's tenure. His level of economic success is attributable to the influence of key decision makers favouring him, notably in the award of public contracts.	30.7.2014

	Name	Identifying information	Reasons	Date of listing
			<p>He has benefited from his close personal relationship with Russian decision-makers as he was awarded important contracts by the Russian State or by State-owned enterprises. His companies were, notably awarded several highly lucrative contracts for the preparations for the Sochi Olympic Games.</p> <p>He is also the owner of the company Stroygazmontazh which has been awarded a State contract for the construction of a bridge from Russia to the illegally annexed Autonomous Republic of Crimea, therefore consolidating its integration into the Russian Federation which in turn further undermines the territorial integrity of Ukraine.</p> <p>He is the chairman of the board of directors of publishing house Prosvetscheniye, which has notably implemented the project 'To the Children of Russia: Address — Crimea', a public relations campaign that was designed to persuade Crimean children that they are now Russian citizens living in Russia and thereby supporting the Russian Government's policy to integrate Crimea into Russia.</p>	
93.	Konstantin Valerevich MALOFEEV (Константин Валерьевич Малофеев)	DOB: 3.7.1974 POB: Puschino	<p>Mr Malofeev is closely linked to Ukrainian separatists in Eastern Ukraine and Crimea. He is a former employer of Mr Borodai, so-called Prime Minister of the so-called 'Donetsk People's Republic' and met with Mr Aksyonov, so-called Prime Minister of the so-called 'Republic of Crimea', during the period of the Crimean annexation process. The Ukrainian Government has opened a criminal investigation into his alleged material and financial support to separatists. In addition, he gave a number of public statements supporting the annexation of Crimea and the incorporation of Ukraine into Russia and notably stated in June 2014 that 'You can't incorporate the whole of Ukraine into Russia. The East (of Ukraine) maybe'.</p> <p>Therefore Mr Malofeev is acting in support of the destabilisation of Eastern Ukraine.</p>	30.7.2014

	Name	Identifying information	Reasons	Date of listing
94.	Yuriy Valentinovich KOVALCHUK (Юрий Валентинович Ковальчук)	DOB 25.7.1951 POB: Leningrad (St Petersburg)	<p>Mr Kovalchuk is a long-time acquaintance of President Putin. He is a co-founder of the so-called Ozero Dacha, a cooperative society bringing together an influential group of individuals around President Putin.</p> <p>He is benefiting from his links with Russian decision-makers. He is the chairman and largest shareholder of Bank Rossiya, of which he owned around 38 % in 2013, and which is considered the personal bank of Senior Officials of the Russian Federation. Since the illegal annexation of Crimea, Bank Rossiya has opened branches across Crimea and Sevastopol, thereby consolidating their integration into the Russian Federation.</p> <p>Furthermore, Bank Rossiya has important stakes in the National Media Group which in turn controls television stations which actively support the Russian government's policies of destabilisation of Ukraine.</p>	30.7.2014
95.	Nikolay Terentievich SHAMALOV (Николай Терентьевич Шамалов)	DOB: 24.1.1950 POB: Belarus	<p>Mr Shamalov is a long-time acquaintance of President Putin. He is a co-founder of the so-called Ozero Dacha, a cooperative society bringing together an influential group of individuals around President Putin.</p> <p>He benefits from his links with Russian decision-makers. He is the second largest shareholder of Bank Rossiya, of which he owned around 10 % in 2013, and which is considered the personal bank of Senior Officials of the Russian Federation. Since the illegal annexation of Crimea, Bank Rossiya has opened branches across Crimea and Sevastopol, thereby consolidating their integration into the Russian Federation.</p> <p>Furthermore, Bank Rossiya has important stakes in the National Media Group which, in turn, controls television stations which actively support the Russian government's policies of destabilisation of Ukraine.</p>	30.7.2014

	Name	Identifying information	Reasons	Date of listing
96.	Alexander Vladimirovich ZAKHARCHENKO (Александр Владимирович Захарченко)	DOB: 26.6.1976 POB: Donetsk	As of 7 August 2014, he replaced Alexander Borodai as the so-called 'Prime minister' of the so-called 'Donetsk People's Republic'. In taking on and acting in this capacity, Zakharchenko has supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine.	12.9.2014
97.	Vladimir KONONOV/aka 'Tsar' (Владимир Петровнч Кононов)	DOB: 14.10.1974 POB: Gorsky	As of 14 August, he replaced Igor Strelkov/Girkin, as the so-called 'Defence minister' of the so-called 'Donetsk People's Republic'. He has reportedly commanded a division of separatist fighters in Donetsk since April and has promised to solve the strategic task of repelling Ukraine's military aggression. Konokov has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine.	12.9.2014
98.	Miroslav Vladimirovich RUDENKO (Мирослав Владимирович Руденко)	DOB: 21.1.1983 POB: Debalcevo	Associated with the 'Donbass People's Militia'. He has, inter alia, stated that they will continue their fighting in the rest of the country. Rudenko has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine. So-called 'People's Deputy' in the so-called 'Parliament of the Donetsk People's Republic'.	12.9.2014
99.	Gennadiy Nikolaiovych TSYPKALOV, Gennadii Nikolaevich TSYPKALOV (Геннадий Николаевич Цыплаков)	DOB: 21.6.1973 POB: Rostov oblast (Russia)	Replaced Marat Bashirov as so-called 'Prime Minister' of the so-called 'Lugansk People's Republic'. Previously active in the militia Army of the Southeast. Tsyplakov has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine.	12.9.2014
101.	Oleg Vladimirovich BEREZA (Олег Владимирович Берёза)	DOB: 1.3.1977	'Internal affairs minister' of the so-called 'Donetsk People's Republic'. Associated with Vladimir Antyufeyev, who is responsible for the separatist 'governmental' activities of the so-called 'Government of the Donetsk People's Republic'. He has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine.	12.9.2014

	Name	Identifying information	Reasons	Date of listing
102.	Andrei Nikolaevich RODKIN (Андрей Николаевич Родкин)	DOB: 23.9.1976 POB: Moscow	Moscow Representative of the so-called 'Donetsk People's Republic'. In his statements he has, inter alia, talked about the militias' readiness to conduct a guerrilla war and their seizure of weapon systems from the Ukrainian armed forces. He has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine.	12.9.2014
103.	Aleksandr Akimovich KARAMAN (Александр Акимович Караман), Alexandru CARAMAN	DOB: 26.7.1956 or 26.6.1956 POB Cioburciu, Slobozia district, now Republic of Moldova	'Deputy Prime Minister for Social Issues' of the so-called 'Donetsk People's Republic'. Associated with Vladimir Antyufeyev, who is responsible for the separatist 'governmental' activities of the so-called 'Government of the Donetsk People's Republic'. He has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine. Protégé of Russia's Deputy Prime Minister Dmitry Rogozin. Head of the Administration of the Council of Ministers of the so-called 'Donetsk Peoples Republic'.	12.9.2014
104.	Georgiy L'vovich MURADOV (Георгий Львович Мурадов)	DOB: 19.11.1954 POB: Kochmes, Komi ASSR	So-called 'Deputy Prime Minister' of Crimea and Plenipotentiary Representative of Crimea to President Putin. Muradov has played an important role in consolidating Russian institutional control over Crimea since the illegal annexation. He has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine.	12.9.2014
105.	Mikhail Sergeyevich SHEREMET (Михаил Сергеевич Шеремет)	DOB 23.5.1971 POB: Dzhankoy	So-called 'First Deputy Prime Minister' of Crimea. Sheremet played a key role in the organization and implementation of the 16 March referendum in Crimea on unification with Russia. At the time of the referendum, Sheremet reportedly commanded the pro-Moscow 'self-defense forces' in Crimea. He has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine.	12.9.2014

	Name	Identifying information	Reasons	Date of listing
106.	Yuri Leonidovich VOROBIOV (Юрий Леонидович Воробьев)	DOB: 2.2.1948 POB: Krasnoyarsk	Deputy Speaker of the Federation Council of the Russian Federation. On 1 March 2014 Vorobiov publicly supported in the Federation Council the deployment of Russian forces in Ukraine. He subsequently voted in favour of the related decree.	12.9.2014
107.	Vladimir Volfovich ZHIRINOVSKY (Владимир Вольфович Жириновски)	DOB: 25.4.1946 POB: Alma-Ata, Kazakh SSR	Member of the Council of the State Duma; leader of the LDPR party. He actively supported the use of Russian Armed Forces in Ukraine and annexation of Crimea. He has actively called for the split of Ukraine. He signed, on behalf of the LDPR party he chairs, an agreement with the so-called, 'Donetsk People's Republic'.	12.9.2014
108.	Vladimir Abdualiyevich VASILYEV (Васильев Владимир Абдуалиевич)	DOB: 11.8.1949 POB: Klin	Deputy Speaker of the State Duma. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.	12.9.2014
109.	Viktor Petrovich VODOLATSKY (Виктор Петрович Водолацкий)	DOB: 19.8.1957 POB: Stefanidin Dar, Rostov region	Chairman ('ataman') of the Union of the Russian and Foreign Cossack Forces, and deputy of the State Duma. He supported the annexation of Crimea and admitted that Russian Cossacks were actively engaged in the Ukrainian conflict on the side of the Moscow-backed separatists. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.	12.9.2014
110.	Leonid Ivanovich KALASHNIKOV (Леонид Иванович Калашников)	DOB: 6.8.1960 POB: Stepnoy Dvorets	First deputy Chairman of the Committee on Foreign Affairs of the State Duma. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.	12.9.2014

	Name	Identifying information	Reasons	Date of listing
111.	Vladimir Stepanovich NIKITIN (Владимир Степанович Никитин)	DOB: 5.4.1948 POB: Opochka	Former First Deputy Chairman of the Committee on Relations with CIS Countries, Eurasian Integration and Links with Compatriots of the State Duma. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.	12.9.2014
112.	Oleg Vladimirovich LEBEDEV (Олег Владимирович Лебедев)	DOB: 21.3.1964 POB: Rudny, Kostanai region, Kazakh SSR	First Deputy Chairman of the Committee on Relations with CIS Countries, Eurasian Integration and Links with Compatriots of the State Duma. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.	12.9.2014
113.	Ivan Ivanovich MELNIKOV (Иван Иванович Мельников)	DOB: 7.8.1950 POB: Bogoroditsk	First Deputy Speaker, State Duma. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.	12.9.2014
114.	Igor Vladimirovich LEBEDEV (Игорь Владимирович Лебедев)	DOB: 27.9.1972 POB: Moscow	Deputy Speaker, State Duma. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.	12.9.2014
115.	Nikolai Vladimirovich LEVICHEV (Николай Владимирович Левичев)	DOB: 28.5.1953 POB: Pushkin	Deputy Speaker, State Duma. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.	12.9.2014

	Name	Identifying information	Reasons	Date of listing
116.	Svetlana Sergeevna ZHUROVA (Светлана Сергеевна Журова)	DOB 7.1.1972 POB: Pavlov-on-the-Neva	First Deputy Chairman of the Committee on Foreign Affairs, State Duma. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.	12.9.2014
117.	Aleksey Vasilevich NAUMETS (Алексей Васильевич Наумец)	DOB: 11.2.1968	Major-general of the Russian Army. He is the commander of the 76th airborne division which has been involved in the Russian military presence on the territory of Ukraine, notably during the illegal annexation of Crimea.	12.9.2014
118.	Sergey Viktorovich SHEMEZOV (Сергей Викторович Чемезов)	DOB: 20.8.1952 POB: Cheremkhovo	Sergei Chemezov is one of President Putin's known close associates, both were KGB officers posted in Dresden and he is a member of the Supreme Council of 'United Russia'. He is benefiting from his links with the Russian President by being promoted to senior positions in State-controlled firms. He chairs the Rostec conglomerate, the leading Russian state-controlled defence and industrial manufacturing corporation. Further to a decision of the Russian government, Technopromexport, a subsidiary of Rostec, is planning to build energy plants in Crimea thereby supporting its integration into the Russian Federation. Furthermore, Rosoboronexport, a subsidiary of Rostec, has supported the integration of Crimean defence companies into Russia's defence industry, thereby consolidating the illegal annexation of Crimea into the Russian Federation.	12.9.2014
119.	Alexander Mikhailovich BABAКOV (Александр Михайлович Бабаков)	DOB: 8.2.1963 POB: Chisinau	State Duma Deputy, Chair of the State Duma Commission on Legislative Provisions for Development of the Military-Industrial Complex of the Russian Federation. He is a prominent member of 'United Russia' and a businessman with heavy investments in Ukraine and in Crimea.	12.9.2014

	Name	Identifying information	Reasons	Date of listing
			On the 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the Republic of Crimea and the city of federal status of Sevastopol'.	
120.	Serhiy KOZYAKOV (aka Sergey Kozyakov) Сергей Козьяков	DOB: 29.9.1982	In his capacity as 'Head of the Luhansk Central Election Commission' he is responsible for organising the so-called 'elections' of 2 November 2014 in the so-called 'Luhansk People's Republic'. These 'elections' are in breach of Ukrainian law and therefore illegal. In taking on and acting in this capacity, and in organising the illegal 'elections', he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	29.11.2014
121.	Oleg Konstantinovich AKIMOV a.k.a. Oleh AKIMOV (Олег Константинович Акимов)	DOB: 15.9.1981 POB: Lugansk	Deputy of the 'Lugansk Economic Union' in the 'National Council' of the 'Lugansk People's Republic'. Stood as a candidate in the so-called 'elections', of 2 November 2014 to the post of 'Head' of the so-called 'Lugansk People's Republic'. These 'elections' are in breach of Ukrainian law and therefore illegal. In taking on and acting in this capacity, and in participating formally as a candidate in the illegal 'elections', he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	29.11.2014
122.	Larisa Leonidovna AIRAPETYAN a.k.a. Larysa AYRAPETYAN, Larisa AIRAPETYAN or Larysa AIRAPETYAN (Лариса Леонидовна Айрапетян)	DOB: 21.2.1970	'Health Minister' of the so-called 'Lugansk People's Republic'. Stood as a candidate in the so-called 'elections' of 2 November 2014 to the post of the 'Head' of the so-called 'Lugansk People's Republic'.	29.11.2014

	Name	Identifying information	Reasons	Date of listing
			<p>These 'elections' are in breach of Ukrainian law and therefore illegal.</p> <p>In taking on and acting in this capacity, and in participating formally as a candidate in the illegal 'elections', she has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.</p>	
123.	<p>Yuriy Viktorovich SIVOKONENKO a.k.a. Yuriy SIVOKONENKO, Yury SIVOKONENKO, Yury SYVOKONENKO</p> <p>(Юрий Викторович Сивоконенко)</p>	<p>DOB: 7.8.1957</p> <p>POB: Donetsk</p>	<p>Member of the 'Parliament' of the so-called 'Donetsk People's Republic' and works in the Union of veterans of the Donbass Berkut. Stood as a candidate in the so-called 'elections' of 2 November 2014 to the post of the Head of the so-called 'Donetsk People's Republic'. These elections are in breach of Ukrainian law and therefore illegal.</p> <p>In taking on and acting in this capacity, and in participating formally as a candidate in the illegal 'elections', he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.</p>	29.11.2014
124.	<p>Aleksandr Igorevich KOFMAN a.k.a. Oleksandr KOFMAN</p> <p>(Александр Игоревич Кофман)</p>	<p>DOB: 30.8.1977</p> <p>POB: Makiivka (Donetsk oblast)</p>	<p>So-called 'Foreign Minister' and so-called 'First deputy speaker' of the 'Parliament' of the so-called 'Donetsk People's Republic'. Stood as a candidate in the so-called illegal 'elections' of 2 November 2014 to the post of Head of the so-called 'Donetsk People's Republic'. These elections are in breach of Ukrainian law and therefore illegal.</p> <p>In taking part and acting in this capacity, and in participating formally as a candidate in the illegal 'elections', he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.</p>	29.11.2014
125.	<p>Ravil Zakariyevich KHALIKOV</p> <p>(Равиль Закариевич Халиков)</p>	<p>DOB: 23.2.1969</p> <p>POB: Belozere village, Romodanovskiy rayon, USSR</p>	<p>'First Deputy Prime Minister' and previous 'Prosecutor-General' of the so-called 'Donetsk People's Republic'.</p>	29.11.2014

	Name	Identifying information	Reasons	Date of listing
			In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	
126.	Dmitry Aleksandrovich SEMYONOV, Dmitrii Aleksandrovich SEMENOV (Дмитрий Александрович Семенов)	DOB: 3.2.1963 POB: Moscow	'Deputy Prime Minister for Finances' of the so-called 'Lugansk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	29.11.2014
127.	Oleg BUGROV (Олег Бугров)	DOB: 29.8.1969	Former 'Defense Minister' of the so-called 'Lugansk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	29.11.2014
128.	Lesya LAPTEVA (Леся Лаптева)		Former 'Minister of Education, Science, Culture and Religion' of the so-called 'Luhansk People's Republic'. In taking on and acting in this capacity, she has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	29.11.2014
129.	Yevgeniy Eduardovich MIKHAYLOV (aka Yevhen Eduardovych Mychaylov) (Евгений Эдуардович Михайлов)	DOB: 17.3.1963 POB: Arkhangelsk	'Head of the administration for governmental affairs' of the so-called 'Donetsk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	29.11.2014

	Name	Identifying information	Reasons	Date of listing
132.	Vladyslav Nykolayevych DEYNEGO a.k.a. Vladislav Nykolayevich DEYNEGO (Владислав Николаевич Дейнего)	DOB: 12.3.1964	'Deputy Head' of the 'People's Council' of the so-called 'Lugansk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	29.11.2014
133.	Pavel DREMOV a.k.a. Batura (Павел Леонидович ДРЁМОВ), Pavlo Leonidovych DRYOMOV (Павло Леоншович Дрьомов)	DOB: 22.11.1976 POB: Stakhanov	Commander of the 'First Cossack Regiment', an armed separatist group involved in the fighting in eastern Ukraine. In this capacity, he has actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
134.	Alexey MILCHAKOV aka Fritz, Serbian (Алексей МИЛЬЧАКОВ)	DOB: 30.4. 1991 or on 30.1.1991 POB: St. Petersburg	Commander of the 'Rusich' unit, an armed separatist group involved in the fighting in eastern Ukraine. In this capacity, he has actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
135.	Arseny PAVLOV aka Motorola АрсєНий Сергєевич ПАВЛОВ (ака Моторола)	DOB: 2.2.1983 POB: Ukhta, Komi	Commander of the 'Sparta Battalion', an armed separatist group involved in the fighting in eastern Ukraine. In this capacity, he has actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
136.	Mikhail Sergeevich TOLSTYKH a.k.a. Givi (Михаил Сергєевич Толстых)	DOB: 19.7.1980 POB: Ilovaisk	Commander of the 'Somali' battalion, an armed separatist group involved in the fighting in eastern Ukraine. In this capacity, he has actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015

	Name	Identifying information	Reasons	Date of listing
137.	Eduard Aleksandrovich BASURIN (Здуард Александрович Басурин)	DOB: 27.6.1966 or 21.6.1966 POB: Donetsk	So-called 'Deputy Commander' of the Ministry of Defense of the so-called 'Donetsk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
138.	Alexandr SHUBIN Александр Васильевич ШУБИН	DOB: 20.5.1972 or 30.5.1972 POB: Luhansk	So-called 'Minister of Justice', of the illegal so-called 'Luhansk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised the country.	16.2.2015
139.	Sergey Anatolievich LITVIN (Сергей Анатольевич Литвин)	DOB: 2.7.1973	So-called 'Deputy Chairman' of the Council of Ministers of the so-called 'Luhansk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
141.	Ekaterina FILIPPOVA Екатерина Владимировна ФИЛИППОВА	DOB: 20.11.1988 POB: Krasnoarmëisk	So-called 'Minister of Justice' of the so-called 'Donetsk People's Republic'. In taking on and acting in this capacity, she has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
142.	Aleksandr TIMOFEEV Александр ТИМОФЕЕВ	DOB: 27.1.1974	So-called 'Minister of Budget' of the so-called 'Donetsk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised the country.	16.2.2015

	Name	Identifying information	Reasons	Date of listing
143.	Evgeny Vladimirovich MANUILOV (Евгений Владимирович Мануйлов)	DOB: 5.1.1967	So-called 'Minister of Budget' of the so-called 'Lugansk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
144.	Viktor YATSENKO (Виктор ЯЦЕНКО)	DOB: 22.4.1985 POB: Kherson	So-called 'Minister of Communications' of the so-called 'Donetsk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
146.	Zaur ISMAILOV (Заур Исмаилов Рауфович)	DOB: 25.7.1978 (or 23.3.1975) POB: Krasny Luch, Voroshilovgrad Lugansk	So-called 'General Prosecutor' of the so-called 'Lugansk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
147.	Anatoly Ivanovich ANTONOV (Анатолий Иванович Антонов)	DOB 15.5.1955 POB: Omsk	Deputy Minister of Defence and, in that capacity, involved in supporting the deployment of Russian troops in Ukraine. According to the present Russian Ministry of Defence structure, in that capacity he participates in shaping and implementing the policy of the Russian Government. These policies threaten the territorial integrity, sovereignty and independence of Ukraine.	16.2.2015
148.	Arkady Viktorovich BAKHIN (Аркадий Викторович Бахин)	DOB: 8.5.1956 POB: Kaunas, Lithuania	First Deputy Minister of Defence and, in that capacity, involved in supporting the deployment of Russian troops in Ukraine. According to the present Russian Ministry of Defence structure, in that capacity he participates in shaping and implementing the policy of the Russian Government. These policies threaten the territorial integrity, sovereignty and independence of Ukraine.	16.2.2015

	Name	Identifying information	Reasons	Date of listing
149.	Andrei Valeryevich KARTAPOLOV (Андрей Валерьевич Картаполов)	DOB: 9.11.1963 POB: GDR (DDR)	<p>Director of the Main Operations Department and deputy chief of the General Staff of the Armed Forces of the Russian Federation. In both capacities he is actively involved in shaping and implementing the military campaign of the Russian forces in Ukraine.</p> <p>According to the stated activities of the general staff, by exercising operational control over the armed forces, he is actively involved in shaping and implementing the Russian government policy threatening the territorial integrity, sovereignty and independence of Ukraine.</p>	16.2.2015
150.	Iosif (Joseph) Davydovich KOBZON (Иосиф Давыдович Кобзон)	DOB: 11.9.1937 POB: Tchassov Yar, Ukraine	<p>Member of the State Duma.</p> <p>He visited the so-called Donetsk People's Republic and during his visit made statements supporting separatists. He was also appointed Honorary Consul of the so-called 'Donetsk People's Republic' in the Russian Federation.</p> <p>On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.</p>	16.2.2015
151.	Valery Fedorovich RASHKIN (Валерий Фёдорович Рашкин)	DOB: 14.3.1955 POB: Zhilino, Kaliningrad region	<p>First Deputy Chairman of the State Duma Committee on Ethnicity issues.</p> <p>He is the founder of the civil movement 'Krassnaya Moskva — Red Moscow — Patriotic Front Aid' which organised public demonstrations supporting separatists, thereby supporting policies which undermine the territorial integrity, sovereignty and independence of Ukraine. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.</p>	16.2.2015

Entities:

33.	Prizrak brigade (‘Бригада ‘Призрак’)	Armed separatist which has actively supported actions which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
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COMMISSION DELEGATED REGULATION (EU) 2015/1515**of 5 June 2015****amending Regulation (EU) No 648/2012 of the European Parliament and of the Council as regards the extension of the transitional periods related to pension scheme arrangements****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories ⁽¹⁾ and in particular Article 85(2) thereof,

Whereas:

- (1) CCPs interpose themselves between counterparties to the contracts traded on one or more financial markets. The credit risk of those counterparties is mitigated through the posting of collateral which is calculated to cover any potential losses upon a default. CCPs accept only highly liquid assets, generally cash, as collateral to meet variation margin (VM) calls in order to allow for a rapid liquidation in the event of a default.
- (2) Pension Scheme Arrangements (PSAs) in many Member States are active participants in the OTC derivatives markets. However, PSAs generally minimise their cash positions, instead holding higher yielding investments such as securities in order to ensure strong returns for pensioners. Entities operating pension scheme arrangements, the primary purpose of which is to provide benefits upon retirement, usually in the form of payments for life, but also as payments made for a temporary period or as a lump sum, typically minimise their allocation to cash in order to maximise the efficiency and the return for their policy holders. Hence, requiring such entities to clear OTC derivative contracts centrally would lead to divesting a significant proportion of their assets for cash in order for them to meet the ongoing margin requirements of CCPs.
- (3) Article 89(1) of Regulation (EU) No 648/2012 therefore provides that, for three years after the entry into force of that Regulation, the clearing obligation set out in Article 4 does not apply to OTC derivative contracts that are objectively measurable as reducing investment risks directly relating to the financial solvency of PSAs. The transitional period also applies to entities established for the purpose of providing compensation to members of PSAs in case of a default.
- (4) In order to evaluate the current situation fully, the Commission prepared a report in accordance with Article 85(2) of Regulation (EU) No 648/2012 assessing whether necessary efforts have been made by CCPs to develop appropriate technical solutions for the transfer of non-cash collateral as VM by PSAs. In order to carry out this assessment, the Commission ordered a baseline study on solutions for the posting of non-cash collateral to central counterparties by pension scheme arrangements, as well as on the impact of removing the exemption in the absence of a solution in terms of the reduction in retirement income for the pensioner beneficiaries of the affected PSAs.
- (5) In accordance with the findings of its report, the Commission considers that the necessary effort to develop appropriate technical solutions has not been made by CCPs at this point in time and that the adverse effect of centrally clearing OTC derivative contracts on the retirement benefits of future pensioners remains unchanged.
- (6) The three-year transitional period referred to in Article 89(1) of Regulation (EU) No 648/2012 should therefore be extended by two years.
- (7) This Regulation should enter into force as soon as possible to allow the extension of the existing transitional periods to occur prior to or as soon after expiry as possible. A later entry into force could lead to legal uncertainty for pension scheme arrangements as to whether they need to begin preparing for upcoming clearing obligations.

⁽¹⁾ OJ L 201, 27.7.2012, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

The first subparagraph of Article 89(1) of Regulation (EU) No 648/2012 is replaced by the following:

'Until 16 August 2017, the clearing obligation set out in Article 4 shall not apply to OTC derivative contracts that are objectively measurable as reducing investment risks directly relating to the financial solvency of pension scheme arrangements as defined in Article 2(10). The transitional period shall also apply to entities established for the purpose of providing compensation to members of pension scheme arrangements in case of a default.'

Article 2

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

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

Done at Brussels, 5 June 2015.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION DELEGATED REGULATION (EU) 2015/1516**of 10 June 2015****establishing, pursuant to Regulation (EU) No 1303/2013 of the European Parliament and of the Council, a flat rate for operations funded by the European Structural and Investment Funds in the Research, Development and Innovation sector**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 ⁽¹⁾, and in particular the third subparagraph of Article 61(3) thereof,

Whereas:

- (1) In accordance with Article 61 of Regulation (EU) No 1303/2013 revenues generated by operations are to be taken into account when the public contribution is calculated.
- (2) Regulation (EU) No 1303/2013 provides for the application of flat-rate revenue percentages to operations in the sector of research, development and innovation without calculating the discounted net revenue.
- (3) Based on historical data flat rate for net revenues generated in the sector of research, development and innovation should be set at 20 % in order to avoid over-financing and market distortion,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation sets out a flat rate applicable to operations in the sector of Research Development and Innovation for the purpose of determining in advance the potential net revenues of such operations and allowing for the establishment of the eligible expenditure of operations in accordance with Article 61(2) of Regulation (EU) No 1303/2013.

Article 2

For the purpose of the application of the flat rate net revenue percentage referred to in Article 61(3)(a) of Regulation (EU) No 1303/2013, a flat rate of 20 % is established for operations in the sector of research, development and innovation.

Article 3

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 320.

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

Done at Brussels, 10 June 2015.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1517**of 11 September 2015****amending for the 236th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaeda network**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaeda network ⁽¹⁾, and in particular Article 7(1)(a) and Article 7a(1) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 3 September 2015 the Sanctions Committee of the United Nations Security Council (UNSC) approved the addition of one person to the Al-Qaida Sanctions Committee's list of persons, groups and entities to whom the freezing of funds and economic resources should apply.
- (3) Annex I to Regulation (EC) No 881/2002 should therefore be updated accordingly.
- (4) In order to ensure that the measures provided for in this Regulation are effective, it should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is amended in accordance with the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 11 September 2015.

*For the Commission,
On behalf of the President,
Head of the Service for Foreign Policy Instruments*

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

ANNEX

The following entry shall be added to Annex I to Regulation (EC) No 881/2002 under the heading 'Natural persons':

'Sofiane **Ben Goumo** (*alias* (a) Sufyan bin Qumu (b) Abou Fares al Libi). Date of birth 26.6.1959. Place of birth: Derna, Libya. Nationality: Libyan. Address: Libya. Other information: (a) Leader of Ansar al Charia Derna. Date of designation referred to in Article 2a(4)(b): 3.9.2015.'

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1518**of 14 September 2015****imposing a definitive anti-dumping duty on imports of biodiesel originating in the United States of America following an expiry review pursuant to Article 11(2) of Council Regulation (EC) No 1225/2009**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation'), and in particular Article 11(2) thereof,

After consulting the Member States,

Whereas:

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

- (1) By Regulation (EC) No 599/2009 ⁽²⁾, the Council imposed a definitive anti-dumping duty ranging from EUR 0 to EUR 198,0 per tonne on imports of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as 'biodiesel', in pure form or in a blend containing by weight more than 20 % of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, at that time falling within CN codes ex 1516 20 98 (TARIC code 1516 20 98 20), ex 1518 00 91 (TARIC code 1518 00 91 20), ex 1518 00 99 (TARIC code 1518 00 99 20), ex 2710 19 41 (TARIC code 2710 19 41 20), 3824 90 91, ex 3824 90 97 (TARIC code 3824 90 97 87), and originating in the United States of America ('USA' or 'the country concerned'). The anti-dumping duty imposed by that regulation is hereafter referred to as 'the existing measures'.
- (2) By Implementing Regulation (EU) No 444/2011 ⁽³⁾, following an anti-circumvention investigation, the Council extended the definitive anti-dumping duty imposed by Regulation (EC) No 599/2009 to imports into the Union of biodiesel consigned from Canada, whether declared as originating in Canada or not, with the exception of those produced by the companies BIOX Corporation, Oakville and Rothsay Biodiesel, Guelph, Ontario, Canada. By the same Regulation the Council also extended the definitive anti-dumping duty imposed by Regulation (EC) No 599/2009 to imports of biodiesel in a blend containing by weight 20 % or less of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, originating in the United States of America.

1.2. Measures in force in respect of other third countries

- (3) Outside the scope of this proceeding, anti-dumping measures on biodiesel are currently in force on imports from Argentina and Indonesia ⁽⁴⁾.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ Council Regulation (EC) No 599/2009 of 7 July 2009 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in the United States of America (OJ L 179, 10.7.2009, p. 26).

⁽³⁾ Council Implementing Regulation (EU) No 444/2011 of 5 May 2011 extending the definitive anti-dumping duty imposed by Regulation (EC) No 599/2009 on imports of biodiesel originating in the United States of America to imports of biodiesel consigned from Canada, whether declared as originating in Canada or not, and extending the definitive anti-dumping duty imposed by Regulation (EC) No 599/2009 to imports of biodiesel in a blend containing by weight 20 % or less of biodiesel originating in the United States of America, and terminating the investigation in respect of imports consigned from Singapore (OJ L 122, 11.5.2011, p. 12).

⁽⁴⁾ Council Implementing Regulation (EU) No 1194/2013 of 19 November 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in Argentina and Indonesia (OJ L 315, 26.11.2013, p. 2).

1.3. Request for an expiry review

- (4) Following the publication of a notice of impending expiry ⁽¹⁾ of the anti-dumping measures in force on the imports of biodiesel originating in the USA, the European Commission (‘the Commission’) received a request for review pursuant to Article 11(2) of the basic Regulation.
- (5) The request was lodged on 9 April 2014 by the European Biodiesel Board (‘the applicant’ or ‘EBB’) on behalf of producers representing more than 25 % of the total Union production of biodiesel. The request was based on the grounds that the expiry of the measures would be likely to result in recurrence of dumping and recurrence of injury to the Union industry.

1.4. Initiation of an expiry review

- (6) Having determined, after consulting the Committee established by Article 15(1) of the basic Regulation, that sufficient evidence exists to justify the initiation of an expiry review, the Commission announced on 10 July 2014, by a Notice of Initiation in the *Official Journal of the European Union* ⁽²⁾ (‘the Notice of Initiation’), the initiation of an expiry review under Article 11(2) of the basic Regulation.
- (7) On the same day, the Commission initiated an expiry review of the countervailing measures in force on the imports of biodiesel originating in the USA. This is a parallel but distinct proceeding which is dealt with by means of a separate Regulation.

1.5. Review investigation period and period considered

- (8) The investigation of likelihood of continuation or recurrence of dumping and injury covered the period from 1 July 2013 to 30 June 2014 (‘the review investigation period’ or ‘RIP’). The examination of the trends relevant for the assessment of the likelihood of continuation or recurrence of injury covered the period from 1 January 2011 to the end of the review investigation period (‘the period considered’).

1.6. Interested parties

- (9) In the Notice of Initiation, the Commission invited interested parties to contact it in order to participate in the investigation. In addition, the Commission specifically informed the applicant, other known Union producers, the known exporting producers in the USA and the USA authorities, the known importers, suppliers and users, traders, as well as associations known to be concerned about the initiation of the investigation and invited them to participate.
- (10) Interested parties had an opportunity to comment on the initiation of the investigation and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.

1.7. Sampling

- (11) In the Notice of Initiation, the Commission stated that it might sample the interested parties in accordance with Article 17 of the basic Regulation.
 - (a) Sampling of Union producers
- (12) In the Notice of Initiation, the Commission stated that it had provisionally selected a sample of Union producers. The Commission selected the sample on the basis of the highest representative production and sales volumes whilst ensuring a geographical spread. This provisional sample consisted of seven Union producers located in seven different Member States which accounted for almost 30 % of Union production of biodiesel. The Commission invited interested parties to comment on the provisional sample.

⁽¹⁾ Notice of the impending expiry of certain anti-dumping measures (OJ C 289, 4.10.2013, p. 12).

⁽²⁾ Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of biodiesel originating in the United States of America (OJ C 217, 10.7.2014, p. 14).

- (13) One company located in Italy requested to be included in the sample. However, this company only started its activities by the end of 2013 after having acquired a biodiesel plant from another Italian biodiesel producer, which was included in the provisional sample. In the absence of historical data necessary for assessing relevant trends during the period considered and the fact that another Italian company was already included in the provisional sample it was decided not to include this company in the sample.
- (14) The US National Biodiesel Board ('NBB') commented that the provisionally selected sample was different from the sample selected in the previous investigations concerning biodiesel and referred to two companies with sizeable production and sales volumes which were now not included. However, the two companies identified by NBB were either related to another company with higher sales volumes already included in the sample, or had lower sales volume than a provisionally selected company in the same Member State. Therefore, the inclusion of either of those two companies would not have changed the representativeness of the provisionally selected sample. The provisionally selected sample was therefore confirmed as a representative sample of the Union industry.
- (15) Following disclosure, the US Government claimed that a sample representing 30 % of the Union industry could not be considered representative of the Union biodiesel industry as a whole and that the microindicators should have been analysed on a broader basis. The US Government refers to the WTO Appellate Body finding in the case EC — *Fasteners* in which a sample of 27 % was considered low in proportion to the total and would only constitute a major proportion in the case of fragmented industries.
- (16) The Commission, contrary to the *Fasteners* investigation, defined for the purpose of this investigation, the Union industry as the entire industry and not only the sampled companies (recital (93) below). Furthermore, all macroindicators were assessed on the basis of the entire industry whilst only some microindicators were analysed at the level of the sampled companies. However, the overall analysis of the situation of the Union industry was based on an assessment of both micro- and macroindicators. In any event, the Union industry is considered to be a fragmented industry since it is composed of over 200 producers located across the Union of which most are small and medium enterprises. Therefore, the Commission concludes that the sample, representing 30 % of the Union industry, is representative and the claim is accordingly rejected.

(b) Sampling of importers

- (17) To decide whether sampling would be necessary and, if so, to select a sample, the Commission asked unrelated importers to provide the information specified in the Notice of Initiation.
- (18) Only few unrelated importers provided the requested information and agreed to be included in the sample. In view of the low number, the Commission decided that sampling was not necessary.

(c) Sampling of exporting producers in the USA

- (19) To decide whether sampling would be necessary and, if so, to select a sample, the Commission asked all exporting producers in the USA to provide the information specified in the Notice of Initiation. In addition, the Commission asked the mission of the USA to the European Union to identify and/or contact other exporting producers, if any, that could be interested in participating in the investigation.
- (20) 27 producers in the USA replied to the Commission but only 9 provided export and/or domestic sales data requested in Annex I to the Notice of Initiation for the purpose of sampling. None of them was exporting to the Union during the RIP. The Commission selected a sample of three exporting producers with the highest volume of domestic and export sales. In accordance with Article 17(2) of the basic Regulation, all known exporting producers concerned, and the authorities of the USA, were consulted on the selection of the sample. No comments were made.
- (21) None of the sampled producers provided any questionnaire reply within the deadline. On 7 October 2014 the Commission informed the three sampled exporting producers about this lack of reply.

- (22) On 10 October 2014, one sampled exporting producer informed the Commission that it had chosen not to respond to the questionnaire. The other two sampled exporting producers requested various extensions to the deadline, which were granted, but no full replies were submitted.
- (23) On 10 November 2014 the Commission sent a letter informing the three sampled companies about the intention to apply Article 18 of the basic Regulation and base the findings of the investigation on facts available. The USA authorities were also informed about this intention. The deadline for providing comments to the letter was 21 November 2014.
- (24) By 21 November 2014, two of the sampled companies did not react at all and the other sampled company explained that the time limit was not sufficient for them to submit their answer.
- (25) The Commission therefore concluded that none of the sampled exporting producers in the USA cooperated in the expiry review investigation. As a consequence, the Commission decided to apply the provisions of Article 18 of the basic Regulation and, accordingly, that findings, affirmative or negative, may be made on the basis of the facts available.
- (26) The company Cargill Inc. noted that Regulation (EC) No 599/2009 had established a *de minimis* dumping margin and thus had imposed a 0 % definitive anti-dumping duty rate on US origin biodiesel produced and exported by them. They further noted that in line with the WTO Appellate Body findings in the report 'Mexico Rice' ⁽¹⁾ an exporting producer not found to be dumping in an original investigation cannot be made subject to the expiry review of the anti-dumping measures.
- (27) The company Cargill Inc. therefore requested to continue to be exempted from anti-dumping duties irrespective of the outcome of the expiry review. This request was accepted.

1.8. Questionnaire replies and verification visits

- (28) The Commission sent questionnaires to the sampled Union producers and to the unrelated importers, traders and users that had made themselves known within the time limits set out in the Notice of Initiation.
- (29) The Commission sought and verified all the information deemed necessary for a determination of dumping, resulting injury and Union interest. Verification visits pursuant to Article 16 of the basic Regulation were carried out at the premises of the following companies:

Union producers

- Bio-Oils Huelva S.L., Huelva, Spain,
- Biopetrol Rotterdam BV, Rotterdam, the Netherlands,
- Diester industrie SAS, Rouen, France,
- Novaol S.R.L., Milan, Italy,
- Preol a.s., Lovosice, Czech Republic,
- Rafineria Trzebinia SA, Trzebinia, Poland,
- Verbio Vereinigte BioEnergie AG, Leipzig, Germany.

1.9. Disclosure

- (30) On 3 June 2015, the Commission disclosed to all interested parties the essential facts and considerations on the basis of which it intended to maintain the anti-dumping measures in force and invited all interested parties to comment. The comments made by the interested parties were considered by the Commission and taken into account, where appropriate.

⁽¹⁾ Mexico — Definitive Anti-Dumping Measures on Beef and Rice, WT/DS 295/AB/R, 29 November 2005.

- (31) Following final disclosure NBB requested and was granted a hearing with the Hearing Officer in trade proceedings.

2. PRODUCT UNDER REVIEW AND LIKE PRODUCT

2.1. Product under review

- (32) The product under review is the same as in the investigation leading to the imposition of the existing measures ('the original investigation'), i.e. fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as 'biodiesel', in pure form or in a blend containing by weight more than 20 % of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, originating in the USA, currently falling within CN codes ex 1516 20 98, ex 1518 00 91, ex 1518 00 99, ex 2710 19 43, ex 2710 19 46, ex 2710 19 47, ex 2710 20 11, ex 2710 20 15, ex 2710 20 17, ex 3824 90 92, ex 3826 00 10 and ex 3826 00 90 ('the product under review').
- (33) Biodiesel is a renewable fuel used in the transport sector for diesel engines. However, conventional engines cannot function with pure biodiesel but a blend of mineral diesel and a limited content of biodiesel.
- (34) Biodiesel produced in the USA is predominantly 'fatty acid methyl ester' (FAME) derived from a wide range of vegetable oils (soybean oil, palm oil, rapeseed oil) and used frying oils, animal fats or biomass, which serve as a biodiesel feedstock. The term 'ester' refers to the trans-esterification of vegetable oils, namely, the mingling of the oil with alcohol. The term 'methyl' refers to methanol; the most commonly used alcohol in the process, although ethanol can also be used in the production process, resulting in 'fatty acid ethyl esters'.
- (35) All types of biodiesel and the biodiesel in the blends, despite possible differences in terms of raw material used for the production, or variances in the production process, have the same or very similar basic physical, chemical and technical characteristics and are used for the same purposes. The possible variations in the product under investigation do not alter its basic definition, its characteristics or the perception that various parties have of it. In particular, from the perspective of the end-user of diesel fuel, it makes no difference if the blend available at the pump is made of one particular biodiesel feedstock.

2.2. Like product

- (36) As in the original investigation, the biodiesel sold on the domestic market in the USA and the US biodiesel sold for export have the same basic physical and technical characteristics and uses. Similarly, the biodiesel produced and sold in the Union by the Union industry has the same basic physical and technical characteristics and uses as the product exported from the USA to the Union. Therefore, they are like products for the purposes of the present investigation within the meaning of Article 1(4) of the basic Regulation.

2.3. Claims regarding product scope

- (37) The US Government (USG) claimed that diesel produced from biomass ⁽¹⁾ is a category of products broader than the product under review. However, as set out in the Regulation imposing provisional countervailing duties in the original investigation ⁽²⁾, all types of biodiesel and biodiesel blends, including diesel produced from biomass, are considered to be biodiesel fuels and are part of a legislative package concerning energy efficiency and renewable energy and alternative fuels. The reason is that biodiesel produced from biomass has the same or very similar basic physical and technical characteristics and uses as biodiesel produced from other sources. The finding in the original investigation was not challenged by any interested party and remains valid in this expiry review. Consequently, the Commission rejects this claim by the USG.

⁽¹⁾ Under US legislation, 26 US Code, Section 45K(c)(3), the term 'biomass' means any organic material other than: (A) oil and natural gas (or any product thereof); and (B) coal (including lignite) or any product thereof.

⁽²⁾ Commission Regulation (EC) No 194/2009 of 11 March 2009 imposing provisional countervailing duty on imports of biodiesel originating in the United States of America (OJ L 67, 12.3.2009, p. 50), recital 20.

3. LIKELIHOOD OF A CONTINUATION OR RECURRENCE OF DUMPING

- (38) In accordance with Article 11(2) of the basic Regulation, the Commission examined whether the expiry of the existing measures would be likely to lead to a continuation or recurrence of dumping.

3.1. Preliminary remarks

- (39) Due to lack of cooperation from the selected sampled producers mentioned in recital (25) above, it was not possible to carry out an analysis based on verified data supplied by US producers. The Commission therefore made use of the following sources of information: the data provided by some US biodiesel producers at initiation stage in reply to the questionnaires for the purpose of the sampling, Eurostat, the request for an expiry review, subsequent submissions from the applicant, the US National Biodiesel Board, the websites of the US Energy Information Administration and the US Department of Energy, and the US International Trade Commission.

3.2. Dumping of imports during the RIP

- (40) Following the imposition of measures in 2009, imports of biodiesel from the USA to the Union dropped to almost zero, with only a very small quantity exported in 2013 and during the RIP. In these circumstances, it was not considered relevant to assess the level of dumping in the RIP. It can therefore be concluded that there was no continuation of dumping during the RIP.

3.3. Evidence of likelihood of recurrence of dumping

- (41) The Commission analysed whether there was evidence of likelihood of recurrence of dumping should the measure lapse. In particular, the following elements were analysed: the relationship between prices of the product produced and sold in the Union and in the USA, the relationship between export prices to third countries and prices in the USA, the relationship between export prices to third countries and the price level in the Union, the unused capacities and circumvention and absorption practices.

3.3.1. Relationship between prices of the product produced and sold in the Union and in the USA

- (42) In the absence of cooperation from the US biodiesel producers, the Commission services made use of three sources of information for establishing the domestic sales price of biodiesel in the US during the RIP: (i) the replies to the questionnaire sent out at initiation stage for the purpose of sampling, submitted by a number of US biodiesel producers at initiation stage; (ii) information provided by the NBB based on information gathered by a market surveyor named 'Jacobsen'; and (iii) information provided by the applicant based on information gathered by the Oil Price Information Service (OPIS).
- (43) The data from these three sources include different levels of trade prices and incoterm conditions. However, the values are very close to each other. The average of the values from these three sources is USD 1 196,93 per metric tonne. At the euro/dollar average exchange rate during the RIP (1 EUR = 1,356 USD), this amount corresponds to a US domestic sales price of EUR 883 per metric tonne⁽¹⁾.
- (44) The average ex-works price of biodiesel sold in the Union by Union producers during the RIP, as shown in Table 8 below, was EUR 905 per metric tonne (USD 1 227,18).
- (45) In order to re-enter the Union market, the US producers would need to sell at a lower price than EUR 905 per metric tonne. Their final price should also cover the ocean freight and insurance costs and the existing customs duty (6,5 %) applicable to biodiesel. According to data obtained during the investigation, this would amount to approximately EUR 100 per metric tonne. The Commission based this amount on the amount for customs duties, transport and freight, as calculated by the NBB (around EUR 94) and rounded it up to EUR 100 to cover also some additional post-importation expenses.

⁽¹⁾ Due to a typographical error, the Disclosure Document indicated incorrectly an amount of EUR 884.

- (46) As a consequence, should the US producers resume exports to the EU, they would need to do so at an ex-works price (less than EUR 805 per metric tonne) which would be lower than their domestic sales price in the US, thus at a dumped price. On the basis of the circumstances described in more detail in recitals (63) and (71) concerning respectively the export prices to third countries and the spare capacity, it is likely that the US producers would resume exports to the Union if the measures in force were allowed to lapse, as this would allow them reducing the unit costs of production, as explained in more detail in recital (72) below.
- (47) Following final disclosure, the NBB questioned the accuracy of the average domestic sales price established by the Commission and reminded that in one of its earlier submissions a lower value (EUR 789,36 per metric tonne) was indicated, based on the prices made available by the US Department of Energy.
- (48) The Commission rejects this claim for the following reasons:
- (49) As regards the average price indicated by the NBB, it cannot be regarded as an accurate basis, because it was a retail price and not an ex-factory price. More specifically, the NBB provided an average monthly retail price (at the pump) for biodiesel in the USA in July 2014, measured in gasoline gallons equivalent (GGE) and using the exchange rate of only one point in time, i.e. 19 September 2014.
- (50) As regards the average price calculated by the Commission, it is a reasonable value taking into account that it was calculated making use of the best fact available in the absence of cooperation from the US producers. It is an average of the prices declared by some US producers at initiation stage, the prices collected by the surveyor 'Jacobsen' as provided by the NBB itself and the prices collected by OPIS as provided by the EBB. It was a simple average in the absence of information on quantities which would allow calculating a weighted average. The three values were very similar though. The incoterm conditions and level of trade were not known and could not be taken into account. However, the OPIS prices were adjusted to take into account reasonable transport costs within the USA. In the light of the significant difference between domestic and export price, any adjustment for incoterm conditions and level of trade would have not changed the conclusion that if US producers want to resume sales to the Union, they would have to sell at dumped prices.
- (51) The NBB also challenged the amount of EUR 100 per metric tonne used to calculate a reliable average export price starting from the average Union price of biodiesel and suggested using EUR 110,49 instead. As mentioned in recital (45) above, the Commission used the amounts suggested by the NBB for customs duties, transport and freight. The Commission only used a lower amount for the additional post importation costs than the EUR 16,69 as claimed by the NBB, because the NBB did not demonstrate that the amount for post importation should be 2 % of the CIF frontier value. In any event, the difference between the Commission's estimation and the one from the NBB is marginal and does not change the conclusion on the likelihood of dumping, also taking into account that no precise dumping calculations were required in this respect.
- (52) The NBB claimed that, like in the original investigation, an adjustment for physical difference should have been granted to take into account that the main feedstock used to produce biodiesel in the US is soya beans whereas in the Union the main feedstock used is rapeseed which has a higher quality and demands a price premium.
- (53) This claim must be rejected. In the original investigation the adjustment was granted on the basis of a comparison of verified data from US producers and Union producers. In the absence of cooperation from the US producers in the present expiry review, the Commission could firstly not establish that an adjustment should be granted. Secondly if any adjustment were to be granted, the Commission could not establish the level of such an adjustment. The circumstances prevailing at the time of the original investigation have changed, in particular the mix of the feedstock used both in the EU and in the USA to produce biodiesel is no longer the same. Also, the NBB claimed an adjustment of 10 %, but has not substantiated this level of the adjustment.
- (54) The NBB and the US Government claimed that since the US domestic price is higher than the likely export price to the Union, US producers would increase their domestic sales rather than exporting to the Union, in particular in view of the increased consumption in the US.

- (55) This claim is unfounded and should be rejected. The consumption in the USA increased in the past years, mainly due to Government policies such as incentives and mandatory targets set out in the Renewable Fuels Programme and subsidy schemes to promote the production and blending of biodiesel. However, based on the data provided by the NBB itself, the biodiesel consumption in the USA in 2014 decreased compared to 2013. There is no evidence that consumption will increase in 2015 and 2016. On the contrary, publicly available information ⁽¹⁾ suggests that the targets for mandatory use of renewable fuels in the USA will remain stable in the years to come. As a consequence, the current consumption level in the USA is more likely to remain stable than to increase. As there is an excess capacity in the USA (see recitals (69) and following below), US producers would still have an incentive to export to the Union even if they sell at a lower price than the domestic price but still cover their variable costs.
- (56) The NBB claimed that the Commission should have explained how an increased production volume would decrease the costs of production of the US producers. In this respect, it should from the outset be stated that due to the lack of cooperation, the Commission could not make a precise calculation regarding the impact of higher production volumes on the costs of US producers. However, it is clear from an economic point of view that if fixed costs are apportioned to a larger production volume, the unit cost of production decreases. This holds true even if in the production of biodiesel the main part of the costs are variable and depend on the raw materials used, as alleged by NBB. The fixed costs still need to be allocated to the total production volume. Indeed, information obtained from the Union industry showed that the cost of feedstock is a major part of the cost of production, but the exact percentage depends on the feedstock used, to what extent a company is vertically integrated and the SG&A cost of a company. In these circumstances, the Commission could reasonably assume that an increased production would decrease the cost of production of the US producers. This would only be different in case the export price would be so low that it would not even cover the price of feedstock used, but the NBB did not provide any comments that would support such scenario.

3.3.2. Relationship between export prices to third countries and prices in the USA

- (57) Another element that justifies the conclusion that dumping is likely to recur is based on the analysis of the pattern of US biodiesel exports to third countries during the RIP. The Commission consulted the database of the United States International Trade Commission and extracted the quantities and values of the export of biodiesel under the HTS code 382600 for the RIP. The export quantities (in metric tonnes) to all countries (EU included) amount to 567 018 tonnes. The average value per metric tonne during the RIP was 753,34 EUR free alongside ship. The Commission calculated an average sales price in US dollars per metric tonne and compared it with the average domestic price in the USA (established as explained in recital (42) above). The findings are summarised below:

Table 1

US export volumes and export prices during the RIP

Countries of destination	Export quantities (in metric tonnes)	Percentage of exports to all countries	Average value (USD) per metric tonne	Average value (EUR) per metric tonne	Dumping as a percentage of the export price
Total Gibraltar ⁽¹⁾	76 266	13	753,19	555,45	59
Total Canada	247 959	44	1 167,33	860,86	3
Total Australia	4 267	1	1 019,77	752,04	17
Total Malaysia	103 773	18	891,44	657,41	34

⁽¹⁾ Gibraltar is not part of the Customs Unions and imports of products into Gibraltar are not considered as release of products in free circulation in the Union.

⁽¹⁾ See for example: <http://biodiesel.org/news/news-display/2014/05/14/biodiesel-producers-hit-hard-by-policy-uncertainty>, accessed on 6 July 2015.

- (58) The table shows that US producers appear to be currently selling to third countries at dumped prices, with export prices lower than domestic prices in the range from 3 % to 59 %. Therefore the Commission concluded that since US producers are currently selling to third countries at dumped prices, it is likely that they would export to the EU, by diverting some of their current exports to other markets, also at dumped prices.
- (59) Following final disclosure, the NBB questioned the accuracy of export data as the HTS code used for assessing the volume of exports (38 26 00) includes other products and therefore the export price cannot be compared to the domestic price of biodiesel.
- (60) The Commission used this code because the US Government itself stated in its second supplementary questionnaire response dated 19 December 2014 that that code had been used from 2012 onwards in order to provide accurate statistical information on exports of US biodiesel. Although this code overstates the value of the product concerned exported, it does so to a far lesser degree than the codes used in the past. The US authorities concluded that that code provided a relatively accurate representation of the export value.
- (61) The NBB claimed that the domestic prices calculated by the Commission cannot be compared with the export prices indicated in the ITC database and accordingly the dumping margins calculated by the Commission cannot be used.
- (62) In an expiry review, no new dumping margins need to be calculated. In the present case, following the imposition of measures, dumped exports came to a halt, so the analysis focused on the likelihood that dumped exports will resume. In the absence of cooperation from US producers, the Commission made use of facts available. In this scenario, the export prices to third countries are relevant and can be used as an indicator to assess what will happen once measures lapse. More specifically, the comparison between domestic prices and export prices to third countries does not aim to calculate exact dumping margins but give an indication of the likelihood of recurrence of dumping should existing measures be allowed to lapse.

3.3.3. Relationship between export prices to third countries and the price level in the Union

- (63) The EU market is an attractive market of US exports of biodiesel. Based on the database of the United States International Trade Commission referred to in recital (57) above, during the RIP the average export price to all destinations was USD 1 021,52 (EUR 753,34) per metric tonne. The highest average export price was to Canada (USD 1 167,33 or EUR 860,86 per metric tonne) and the lowest average export price was to Gibraltar (USD 753,19 or EUR 555,45 per metric tonne).
- (64) This average export price is lower than the average price of biodiesel sold in the Union by Union producers during the RIP (EUR 905 per metric tonne). Even if US producers would have to sell at a price below EUR 905 per tonne to penetrate the Union market, they would still have an incentive to redirect some of the current exports to third countries towards the Union market, as it is more attractive than some other third countries' markets.
- (65) The NBB and the US Government claimed that the current US export sales to third countries would not be diverted to the Union because the single largest export market is Canada where prices are higher than the ex-works price to the Union.
- (66) The Commission referred however to 'some of the current export sales' and not all of them. The Commission did not claim that US producers would stop exporting to Canada and re-route those sales to the Union. Indeed, Canada could also be regarded as an attractive market for US producers, however it has a limited size compared to the Union market ⁽¹⁾, which remains the biggest biodiesel market in the world.
- (67) The NBB claimed also that current exports to Malaysia would not be diverted to the Union because consumption is growing there and there are no customs duties to be paid on imports of biodiesel.

⁽¹⁾ Consumption of biodiesel in Canada is to reach slightly above 300 000 tonnes in 2015. See example: http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Biofuels%20Annual_Ottawa_Canada_11-24-2014.pdf, accessed on 6 July 2015.

- (68) However, based on the US average exports prices to Malaysia as they appear in the ITC database, it appears that selling to the Union would be more profitable for the US producers than selling to Malaysia, even if adding up ordinary customs duties. As shown in Table 1 above, during the RIP export prices to Malaysia were significantly lower than prices in the Union. Also, consumption in Malaysia might be growing, but so might production in Malaysia, which is in particular based on palm oil. In addition, it can reasonably be expected that the neighbouring country of Indonesia, which has a significant biodiesel production, will increase export to Malaysia in case consumption will grow. Therefore this claim should be rejected.

3.3.4. *Unused capacities*

- (69) The significant spare capacity of the US producers presents an incentive to increase production and sell biodiesel at dumped prices to the EU market. Due to the lack of US producers' cooperation, the Commission established the US production capacity on the basis of the available information on the websites of the US Environmental Protection Agency (EPA) and of the US Energy Information Administration (EIA).
- (70) US biodiesel producers must report to these two authorities (respectively on a yearly and a monthly basis) their existing and planned production capacity, as well as their production, input, stocks and sales of biodiesel.
- (71) On the basis of EIA's data, the US biodiesel producers' capacity during the RIP was 7 128 000 tonnes. This volume is very close to the volume provided by the NBB based on the information submitted by its members to the EPA, that is 6 963 000 tonnes.
- (72) The US actual production of biodiesel during the RIP was 4 450 000 tonnes (EIA's data), which corresponds to a capacity utilisation of 62,4 % and a spare capacity of 37,6 %, that is 2 678 000 tonnes. This spare capacity is likely to be used to supply the Union market should measures be allowed to lapse. Indeed, the US producers can easily increase their production and export it to the EU with the economic benefit of the increase in capacity utilisation ratio and reduction of unit cost of production. The release in the Union market of the US spare capacity would have a significant impact as it amounts to nearly 22 % of the Union consumption during the RIP.
- (73) In this respect, the NBB submitted a number of comments. First, the NBB pointed out that the US real production capacity would be lower than that considered by the Commission. Indeed, according to the NBB, a number of plants in the US, albeit registered, are actually inactive and therefore the real production capacity is 5 409 000 tonnes. The NBB also reported a higher production of biodiesel during the RIP, amounting to 5 084 000 tonnes. As a consequence, the NBB claimed that the capacity utilisation is around 94 % and that there is little spare capacity to be used to export to the EU if measures were repealed.
- (74) This claim was rejected. The data provided by the NBB could not be reconciled with officially available data. Biodiesel producers in the USA are obliged to submit to EIA on a monthly basis a form (EIA-22M 'Monthly Biodiesel Production Survey') indicating, among other data, the annual production capacity and their operating statuses, such as active, temporarily inactive or permanently ceased operations. Since January 2013, the registered capacity varied slightly from one month to another but was overall rather stable.
- (75) In addition, biodiesel producers in the USA are obliged to submit to EPA on an annual basis, among other information, the type, or types, of renewable fuel expected to be produced or imported and the existing and planned production capacity.
- (76) The registered capacity that US biodiesel producers have declared is thus updated regularly and is therefore considered as an accurate source. Even if the registered capacity is currently unused or idle, it must be taken into account for the calculation of the spare capacity which is available to increase production and exports.
- (77) Moreover, the production capacity values provided by the NBB already excluded the permanent shuttered capacity, as acknowledged in their submission. Plants which are not permanently shuttered can by definition start production again if future market conditions change (such as the opening up of the Union market). The 'likelihood-of-recurrence' test in an expiry review requires a forward looking approach about what could happen in the future if measures were allowed to lapse, and not a simple stock-taking of the situation during the RIP.

- (78) The Commission considers therefore that the current registered capacity constitutes an accurate basis for calculating the total US production capacity and spare capacity and rejects the NBB claim.
- (79) Following final disclosure, the NBB maintained that the production capacity should not take into account idle capacity even if this capacity was not notified to the US authorities as dismantled or permanently shuttered.
- (80) However, following the EIA instructions quoted by NBB, the '*annual production capacity [is] the quantity of biodiesel that a plant can produce in a calendar year, assuming normal downtime for maintenance. It includes the capacity of idle plant until the plant is dismantled or abandoned*'. It is evident from the above that EIA takes into account all possible plants which potentially can become active again. Consequently, contrary to what NBB argues, plants which are not dismantled or permanently shuttered can by definition start production again, if future conditions change.
- (81) The Commission considered therefore that the current registered capacity constituted an accurate basis for calculating the total US production capacity and spare capacity.
- (82) The NBB also claimed that the US biodiesel industry is not designed to operate as an exporting industry, as most US biodiesel facilities produce less than 15 000 000 gallons (55 000 metric tonnes) per year. Allegedly, it would not be economically feasible to stock several weeks of biodiesel of production for a single export shipment.
- (83) This claim was rejected as well. The US biodiesel industry can export and before imposition of the measures in force, the US producers were exporting significant quantities of biodiesel to the Union market, up to 1 137 000 tonnes during the investigation period of the initial investigation (1 April 2007 to 31 March 2008). This shows that there are US producers with sufficient production capacity to be able to export. The US producers without sufficient individual production capacity for a shipment to the Union will continue serving the domestic market and traders can put together the output of several plants and export it.
- (84) In conclusion, the US biodiesel industry has a significant spare capacity and has therefore a strong incentive to resume exports to the EU market should the existing measures be allowed to lapse.

3.3.5. Circumvention and absorption practices

- (85) As mentioned in recital (2), the anti-dumping measures imposed in 2009 were found to be circumvented by means of transshipments via Canada and by a change in the composition of the blend. The existence of such practices shows the interest of some US producers to enter the Union market, even after the imposition of measures, and is therefore considered as an indication of the likelihood of future dumping practices.
- (86) Following final disclosure, the NBB claimed that those events occurred four years before the RIP and cannot be used to draw any conclusion in the present case.
- (87) The Commission maintained that the existence of past practice put in place by the same market operators is not decisive as such, but could still be considered as an indication of the strong interest that US producers have in penetrating the Union market.

3.3.6. Other elements

- (88) In the RIP, the US production of biodiesel (4 450 000 tonnes) was lower than the consumption (4 896 000 tonnes). As a consequence, the USA was importing more biodiesel than it was exporting. The reason for that could be found in the uncertainty linked to the targets for mandatory biodiesel production under the Renewable Fuel Standard Programme (1,28 billion gallons, corresponding to 4 238 000 tonnes in 2014, unchanged compared to 2013) and the possibility for imported biodiesel to participate in the Renewable Fuel

Standard Programme and to claim the US biodiesel tax credit when it is in effect. During the RIP the total imports amounted to 1 072 000 tonnes, and the total exports to 567 000 tonnes. However, if the available production capacity was not used to satisfy the domestic demand during the period considered it is unlikely that such available production capacity would be used in the future for the same purpose. It has been established that in the RIP the US production capacity (7 128 000 tonnes) was significantly higher than the domestic consumption. This means that if export market opportunities open up, the US producers will have an incentive and are likely to use their spare capacity. If they could have used the spare capacity to satisfy the domestic consumption, they would have already done so.

- (89) In this context, it should be noted that the Union market is very attractive as it is the biggest in the world and there are significant Union and national incentives for biodiesel consumption. Thus, it would be convenient for US producers to utilise their spare capacity to the full extent and also to divert some of their export sales to other less profitable third countries into the Union market.
- (90) Following final disclosure, the NBB argued that the fact that during the RIP US consumption of biodiesel was higher than production shows that the US producers do not have spare capacity which could be used to penetrate the Union market, should measures be allowed to lapse.
- (91) The Commission considered that the established spare capacity in the USA, which could be used to satisfy the entire US consumption but at the moment it is not used for that purpose, would in all likelihood be used to satisfy other markets where demand exists and in particular the Union market where US exporting producers are currently not present. The Commission stressed that the production capacity is significantly higher than consumption in the USA and, accordingly, unused capacity is available for exports to the Union if the measures in force were allowed to lapse.

3.3.7. Conclusion on the likelihood of a recurrence of dumping

- (92) In light of the significant spare capacity of the US industry, combined with the attractiveness of the Union market in terms of size and sales price, in particular with regard to the price level of US exports to third countries, and the records of past circumvention practices, the Commission concluded that dumped imports from the USA are likely to recur if the measures in force were allowed to lapse.

4. INJURY

4.1. Definition of the Union industry and Union production

- (93) The like product was manufactured by around 200 producers in the Union during the review investigation period. They constitute the 'Union industry' within the meaning of Article 4(1) of the basic Regulation.
- (94) The total Union production during the review investigation period was established at almost 11 600 000 tonnes. The Commission established the figure on the basis of all the available information concerning the Union industry, such as information provided in the complaint and data collected from Union producers during the investigation. As indicated in recitals (12)-(13) above, seven Union producers were selected in the sample representing almost 30 % of the total Union production of the like product.

4.2. Union consumption

- (95) The Commission established the Union consumption on the basis of the volume of the total Union production minus exports, plus imports from third countries. Import and export volumes were extracted from Eurostat data.

- (96) Union consumption developed as follows:

Table 2

Union consumption

	2011	2012	2013	RIP
Total Union consumption (metric tonnes)	11 130 119	11 856 626	11 382 324	12 324 479
<i>Index</i>	100	107	102	111

Source: Data from Union industry, Eurostat

- (97) Based on the above, the Union consumption of biodiesel increased by 11 % over the period considered.

4.3. Imports of the product under review from the country concerned*4.3.1. Volume and market share of the imports from the country concerned*

- (98) As mentioned above (recital (40)) imports of biodiesel from the USA to the Union have, according to Eurostat data, dropped to almost zero since the imposition of measures in 2009.
- (99) Imports into the Union from the country concerned and market share have developed as follows:

Table 3

Import volume and market share of the USA

	2011	2012	2013	RIP
USA (metric tonnes)	2 442	803	7	13
<i>Index</i>	100	33	0	1
Market share	0	0	0	0

Source: Eurostat

4.3.2. Prices and price undercutting

- (100) During the review investigation period the imports of biodiesel to the Union from the USA were negligible and could not provide a meaningful basis for calculating undercutting.
- (101) An analysis was therefore made between the average price of biodiesel produced and sold in the Union by the Union industry and the average export price of biodiesel to third countries from the USA in the review investigation period based on statistical data from the United States International Trade Commission. As mentioned above (recital (63)), the average export price to all countries was around EUR 753 per metric tonne FAS (free alongside ship). In order to calculate a likely and reasonable Union export price it would be necessary to add costs for transport and insurance as well a customs duty of 6,5 % and post-importation costs to this average export price, which are estimated to around EUR 100 per metric tonne (see recital (45)) above. It follows that an estimated export price to the Union would be undercutting the Union prices, which were EUR 905 during the review investigation period.

- (102) The NBB claimed that the Commission failed to explain why it used the average US export prices to third countries when establishing a likely Union export price rather than using the higher export price to Canada. It also contends that the Commission failed to explain the basis for the EUR 100 adjustment to the estimated export price to the Union and did not take into account post-importation costs as well as alleged price differences due to different feedstock. As a result the undercutting analysis would be flawed.
- (103) The investigation demonstrated, as described in recital (57) above, that US export prices vary significantly depending on destination. Therefore, in the absence of cooperation from US producers, in order to establish a reasonable and likely export price to the Union, the Commission established that price on the basis of an average to all export destinations. To simply use the highest export price, as claimed by NBB, would not have been an appropriate method in the same way as using the lowest export price would have been inappropriate. With regard to the components and source of the EUR 100 adjustment, including post-importation costs and price differences due to feedstock, the NBB put forward essentially identical claims with regard to the calculations relevant for dumping. For the reasons mentioned above in recitals (51) and (53) these claims are rejected also with respect to the undercutting analysis.

4.3.3. Imports from other third countries

- (104) The volume of imports from other third countries developed over the period considered as follows:

Table 4

Imports from third countries

	2011	2012	2013	RIP
Malaysia (metric tonnes)	16 622	36 543	211 430	314 494
Indonesia (metric tonnes)	1 087 517	1 133 946	394 578	204 086
Argentina (metric tonnes)	1 422 142	1 475 824	425 239	153 607
Others (metric tonnes)	139 580	153 529	177 889	206 592
Total (metric tonnes)	2 665 861	2 799 842	1 209 136	878 779
<i>Index</i>	100	105	45	33
Market share	24,0 %	23,6 %	10,6 %	7,1 %
<i>Index</i>	100	99	44	30
Average price EUR/tonne)	927	932	779	786
<i>Index</i>	100	100	84	85

Source: Eurostat

- (105) The volume of imports of biodiesel from third countries other than the USA has decreased significantly over the period considered which is reflected in a similar decrease in market share. The decrease in import volumes from 2013 coincides with the imposition of anti-dumping measures on imports of biodiesel from Indonesia and Argentina. The average price has also decreased by 15 % during the same period. The price trend is similar to

the trend for the Union industry prices on the Union market (Table 8 below) and can mainly be attributed to a decrease in feed stock prices. Albeit the price levels are approximately 13 % below the average Union price, the market share of these imports is low and does not have any significant impact on the Union industry.

4.4. Economic situation of the Union industry

4.4.1. General remarks

- (106) In accordance with Article 3(5) of the basic Regulation, an examination of all relevant economic indicators having a bearing on the state of the Union industry during the period considered was carried out.
- (107) For the injury determination, the Commission distinguished between macroeconomic and microeconomic injury indicators. The Commission evaluated the macroeconomic indicators on the basis of data related to all Union producers and the microeconomic indicators on the basis of verified data from the sampled Union producers. Both sets of data were found to be representative of the economic situation of the Union industry.
- (108) The macroeconomic indicators are: production, production capacity, capacity utilisation, sales volume, market share, growth, employment, productivity, magnitude of the dumping margin, and recovery from past dumping.
- (109) The microeconomic indicators are: average unit prices, unit cost, labour costs, inventories, profitability, cash flow, investments, return on investments, and ability to raise capital.

4.4.2. Macroeconomic indicators

4.4.2.1. Production, production capacity and capacity utilisation

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

Table 5

Production, production capacity and capacity utilisation

	2011	2012	2013	RIP
Production volume (metric tonnes)	8 547 884	9 138 558	10 528 886	11 596 824
<i>Index</i>	100	107	123	136
Production capacity (metric tonnes)	16 072 000	16 190 288	16 997 288	16 746 869
<i>Index</i>	100	101	106	104
Capacity utilisation	53 %	56 %	62 %	69 %
<i>Index</i>	100	106	116	130

Source: Data provided by EBB (the applicant)

- (111) Whilst the production capacity remained relatively stable during the period considered (+ 4 %), the production volumes increased significantly as from 2012 until the end of the review investigation period. This increase in production volumes is partly explained by the increase in Union consumption for the same period but also coincides with the imposition of anti-dumping measures on imports of biodiesel from Indonesia and Argentina, which clearly had a positive effect on the Union industry production volumes.

- (112) As a result of the stable production capacity and increased production volumes, the capacity utilisation increased over the period considered by 30 % and was at 69 % by the end of the review investigation period.
- (113) NBB claims that the non-confidential questionnaire responses from some of the sampled companies show high capacity utilisation rates ranging from 78 % to at least 93 %. It is claimed therefore that the lower average capacity utilisation rate of the whole industry is due to structural factors rather than imports. In these circumstances, the capacity utilisation should allegedly not be taken into account as an indicator showing that the Union biodiesel industry is still in a process of recovering from past dumping.
- (114) This claim cannot be accepted. Capacity utilisation is only one of many macroindicators that the Commission considers when analysing the overall situation of the Union industry. The fact that some companies in the sample may have higher utilisation rates is normal since macroindicators are based on the weighted average of the entire Union industry. That some biodiesel producers in the Union have recovered faster, or to a higher degree, than others, particularly in a highly fragmented industry, does not render this indicator superfluous for the overall assessment of the situation of the Union industry.

4.4.2.2. Sales volume and market share

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

Table 6

Sales volume and market share

	2011	2012	2013	RIP
Sales volume on the Union market (metric tonnes)	8 497 073	8 863 191	9 741 548	10 966 576
<i>Index</i>	100	104	115	129
Market share	76,3 %	74,8 %	85,6 %	89,0 %
<i>Index</i>	100	98	112	117

Source: Data provided by EBB (the applicant)

- (116) Union industry sales volumes have increased significantly and in line with its increased production during the period considered. As a result also its market share on the Union market has increased from 76 % at the start of the period considered to 89 % at the end of the review investigation period. The positive evolution of sales volumes and market share shows that current anti-dumping and anti-subsidy measures have had a positive effect for the Union industry.

4.4.2.3. Growth

- (117) Union consumption increased by 11 % over the period considered whilst both production volumes and sales increased by around 30 %. Also capacity utilisation increased by some 30 % while the capacity remained relatively stable with only a small increase. At the same time employment has increased (Table 7 below) whilst the level of investment has decreased (Table 11 below) during the period considered. Overall, it can be concluded that the Union industry is in a period of growth.

4.4.2.4. Employment and productivity

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

Table 7

Employment and productivity

	2011	2012	2013	RIP
Number of employees	2 123	2 125	2 351	2 326
<i>Index</i>	100	100	111	110
Productivity (metric tonne/employee)	4 021	4 301	4 479	4 986
<i>Index</i>	100	107	111	124

Source: Data provided by EBB (the applicant)

- (119) The number of employees in the Union biodiesel industry remained stable in the beginning of the period considered but increased thereafter by 10 % from 2012 to the end of the review investigation period. This trend is fully in line with the trends for other injury indicators, such as production volumes and sales, and is an indication of the on-going recovery from past dumping and subsidisation that the Union industry is currently experiencing.
- (120) Since the increase in employment is proportionally smaller than the increased production of biodiesel, the productivity per employee has improved accordingly, by almost 25 % during the period considered, indicating that the Union industry is becoming a more efficient industry.

4.4.2.5. Magnitude of the dumping margin and recovery from past dumping

- (121) As mentioned above in recital (40) imports of biodiesel from the USA virtually ceased after the imposition of measures in 2009 and there was no dumping during the review investigation period. Therefore, the magnitude of dumping cannot be assessed. However, the analysis of the injury indicators shows that the measures in place against the USA and the subsequent measures imposed against imports from Argentina and Indonesia have had a positive impact on the Union industry which is deemed to be on a recovering curve from past dumping.

4.4.3. Microeconomic indicators

4.4.3.1. Prices and factors affecting prices

- (122) The weighted average unit sales prices (ex-works) of the sampled Union producers to unrelated customers in the Union developed over the period considered as follows:

Table 8

Sales prices in the Union

	2011	2012	2013	RIP
Average unit sales price in the Union (EUR/metric tonne)	1 105	1 079	964	905
<i>Index</i>	100	98	87	82

	2011	2012	2013	RIP
Unit cost of production (EUR/metric tonne)	1 107	1 153	969	868
<i>Index</i>	100	104	88	78

Source: Verified data from sampled Union producers

- (123) The average sales price in the Union has decreased steadily over the period considered whilst the unit cost of production has followed a similar trend. Since biodiesel is traded as a commodity, the Union industry has not been able to maintain a higher sales price but rather to decrease the price in line with reduced costs of production. Therefore, the Union industry has not been able to fully reap the benefits of lower raw material costs. On the other hand, the cost of production per unit has decreased slightly more than the average unit price which indicates an improved efficiency by the Union industry.

4.4.3.2. Labour costs

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

Table 9

Average labour cost per employee

	2011	2012	2013	RIP
Average labour costs per employee (EUR)	60 866	59 081	60 802	61 807
<i>Index</i>	100	97	100	102

Source: Verified data from sampled Union producers

- (125) The average labour cost per employee has remained stable throughout the period considered.

4.4.3.3. Inventories

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

Table 10

Inventories

	2011	2012	2013	RIP
Closing stocks (metric tonnes)	84 734	118 256	92 825	91 202
<i>Index</i>	100	140	110	108
Closing stocks as a percentage of production	4	5	4	3
<i>Index</i>	100	125	100	75

Source: Verified data from sampled Union producers

- (127) Stocks have remained relatively stable at a normal level during the period considered.

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

- (128) Profitability, cash flow, investments and return on investments of the sampled Union producers developed over the period considered as follows:

Table 11

Profitability, cash flow, investments and return on investments

	2011	2012	2013	RIP
Profitability of sales in the Union to unrelated customers (% of sales turnover)	2,0	- 1,4	1,1	3,8
<i>Index</i>	100	- 70	55	190
Cash flow (EUR)	67 930 517	1 004 296	135 656 898	66 832 681
<i>Index</i>	100	1	200	98
Investments (EUR)	12 122 366	9 859 293	9 133 725	8 314 180
<i>Index</i>	100	81	75	69
Return on investments (% on net sales)	14,0	- 14,2	12,5	44,2
<i>Index</i>	100	- 101	89	315

Source: Verified data from sampled Union producers

- (129) The Commission established the profitability of the sampled Union producers by expressing the pre-tax net profit of the sales of the like product to unrelated customers in the Union as a percentage of the turnover of those sales. The profitability has increased from 2,0 % in 2011 to 3,8 % by the end of the review investigation period. The profitability dropped however in 2012 to a loss (- 1,4 %) which was most likely due to the effect of significant amounts of dumped imports from Indonesia and Argentina, which replaced the imports that had previously been originating in the USA.
- (130) The net cash flow is the ability of the Union producers to self-finance their activities. Whilst no clear trend can be established during the period considered, the sampled companies maintained over the period a positive cash flow.
- (131) During the period considered investments have decreased. However, in view of the positive cash-flow and the significant increase on the return of investments, as shown in the table above, there are no indications that Union industry would have encountered difficulties in raising capital or make further investments, should such investments have been required during the period considered.
- (132) NBB claims that a profitability of 3,8 % is inconsistent with their own calculations, which were based on data from the non-confidential versions of the questionnaire replies of the sampled EU producers and indicated a profit margin of 8,5 %.

- (133) The Commission analysed this claim and found that NBB reached a different figure on the basis of a methodology/calculation which was flawed for several reasons. First, their calculations of the profitability for the RIP was not based on questionnaire replies as alleged but on sampling data which, however, does not contain information relating to the RIP but to a different period. Second, the cost of production that NBB used to calculate the profitability was based on a cost of production for a different sample of companies used in another investigation and cannot therefore simply be transposed to this investigation. Finally, the Commission established the average profit margin of the sampled companies on the basis of reliable and verified data of those companies. Therefore, NBB's claim is rejected.

4.4.4. Conclusion on injury

- (134) The analysis of the economic indicators shows that production and sales volumes have increased during the period considered whilst the Union consumption has only increased to a lesser extent. As a result the Union industry has increased its market share on the Union market. At the same time both sales prices and the cost of production have decreased at similar levels. This has prevented the Union industry from fully benefitting from the increased sales volumes despite a significant reduction of imports from third countries.
- (135) On the other hand, profitability has remained low during the period considered and the Union industry even suffered losses in 2012. Even the profits that were achieved during the review investigation period, just under 4 %, are significantly below the profit that the Union industry should reasonably achieve under normal market conditions. Also, the Commission recalls that in the original investigation leading to the imposition of the existing measures the Council established the (target) profit that the Union industry should reasonably obtain in the absence of dumping at 15 % ⁽¹⁾. In a subsequent investigation concerning imports of biodiesel originating in Argentina and Indonesia, the profit level that the Union industry should reasonably expect to achieve in the absence of dumping were, however, slightly revised downwards mainly due to increased competition on the Union market and the maturity of the biodiesel industry in the Union and was established at 11 % ⁽²⁾.
- (136) Several of the economic indicators relevant for the analysis of the current state of the Union industry show a positive trend and hence indicate that the anti-dumping measures in place have had a positive effect on the Union industry. However, the profit level of the Union industry is still very low and significantly below the target profit as established in previous investigations. Moreover, the level of investment is low and also decreased during the period considered by 30 % and the capacity utilisation, albeit increasing, is still below 70 % compared to an utilisation rate around 90 % when dumped imports were absent from the Union market (2004-2006) and the Union industry was considered to be in a healthy situation ⁽³⁾.
- (137) Based on an overall analysis of all economic indicators, the Commission has concluded that Union industry has not yet fully recovered from the effects of past dumping. It is still in an economically and financially fragile situation and the current positive trend could easily be reverted should dumped imports from the USA recur in significant volumes.

5. LIKELIHOOD OF RECURRENCE OF INJURY

- (138) To assess the likelihood of recurrence of injury to the Union industry should the existing measures be allowed to lapse, the Commission analysed the likely impact of imports from the USA on the Union market and on the Union industry pursuant to Article 11(2) of the basic Regulation. In particular, the Commission analysed the likelihood of recurrence of dumped imports, the volumes and the likely price levels thereof, spare capacity, the attractiveness of the union market and pricing behaviour of US producers.
- (139) As concluded above (recital (92)), it is likely that dumped imports from the USA would recur should the existing measures be allowed to lapse. The Commission has established that producers of biodiesel in the USA are currently dumping at other third country markets at price levels that are below the Union prices. Since the Union prices are slightly higher than those in other third country markets it is likely that at least some of those exports may be redirected to the Union should the existing measures lapse.

⁽¹⁾ Regulation (EC) No 599/2009, recitals 181-183.

⁽²⁾ Implementing Regulation (EU) No 1194/2013, recitals 202-208.

⁽³⁾ Commission Regulation (EC) No 193/2009 of 11 March 2009 imposing a provisional anti-dumping duty on imports of biodiesel originating in the United States of America (OJ L 67, 12.3.2009, p. 22).

- (140) The Commission has established that US producers have a large spare capacity amounting to around 2 678 000 tonnes equivalent to around 22 % of the total Union consumption.
- (141) The spare capacity available in the USA is not likely to be absorbed by its domestic market. Already today, despite sufficient capacity, US producers are not supplying the full demand on the US market. It is also unlikely that the existing spare capacity would be used to increase exports to third countries other than the Union. Currently, as described in detail in recitals (42)-(63) above, the US export prices to third countries are on average 15 % below the average domestic price on the US market and also below the average Union price even where transportation costs from the USA to the Union are taken into account. It is therefore likely that US producers would seek another outlet for their spare capacity.
- (142) Given that the Union market is the biggest market for biodiesel worldwide and with biodiesel prices that are in parity or slightly above the price level on the US domestic market, the Union market would be very attractive for US producers of biodiesel.
- (143) It is therefore very likely that US producers would use a large part of their spare capacity to re-enter the Union market should the existing measures be allowed to lapse. As established above (recital (46)), it is likely that the US producers will export biodiesel to the Union at dumped price levels in order to compete with Union producers on the Union market. Given their current pricing behaviour on other export markets (recitals (57)-(58) above) and the large spare capacity available it is very likely that significant volumes of US biodiesel would re-enter the Union market at dumped prices equal to, or below the Union prices.
- (144) Such imports would exercise a significant pressure and even downwards price pressure on Union industry, which at current price levels, is only making a very small profit, which is significantly below its target profit. This would most likely result in a decrease of production and sales volumes, less profitability and loss of market share.
- (145) Given the fragile economic situation of the Union industry, such likely scenario would have a significant adverse effect on the ongoing recovery of the Union industry and would in all likelihood cause recurrence of material injury.

5.1. Conclusion

- (146) On the basis of the above, the Commission has concluded that material injury to the Union industry would most likely recur should the existing measures against imports of biodiesel from USA be allowed to lapse.

6. UNION INTEREST

- (147) In accordance with Article 21 of the basic Regulation, the Commission examined whether it would be against the Union interest to maintain the measures in place despite the findings above on the likely recurrence of injurious dumping. The determination of the Union interest was based on an appreciation of all the various interests involved, including those of the Union industry and importers as well as users of biodiesel.

6.1. Interest of the Union industry

- (148) The existing measures have contributed to an almost total reduction of dumped imports of biodiesel from the USA and offered relief to the Union industry. While the Union industry has shown positive signs of recovery from past dumping, such as increased production and sales volume, biodiesel prices on the Union market have decreased significantly and the profitability has remained very low, thus leaving the industry in a fragile and vulnerable economic situation.
- (149) If the existing measures were allowed to lapse, the Union industry would most certainly be faced with increased unfair competition in the form of significant volumes of dumped imports of biodiesel from the USA. This would put a halt to the on-going recovery which the Union biodiesel industry is currently experiencing and most likely result in the recurrence of material injury. Terminating the measures is therefore not in the interest of the Union industry.

6.2. Interest of unrelated importers and traders

- (150) Only three importers/traders came forward and made their views known. Whilst one company claimed that the level of current duties is disproportionate and that extension would distort and limit the market resulting in higher prices, the other two companies claimed that the existing measures had not affected their activities and were neutral as to a possible extension of the existing anti-dumping measures.
- (151) The findings of this investigation do not support the argument that a continuation of the existing measures would limit the market and result in higher prices. On the contrary, during the period considered, Union prices have decreased despite the existence of measures. In addition, the Union industry has today sufficient capacity to supply Union demand for biodiesel and also spare capacity to satisfy a future increase in demand. Therefore, the arguments put forward do not provide evidence that the continuation of existing measures would be against the interest of importers and/or traders.

6.3. Interest of users

- (152) Only one user, an oil company which purchases biodiesel to blend with mineral oils, came forward and made its view known to the Commission. It was strongly in favour of maintaining the existing measures and claimed that their removal could have devastating effects on the Union biodiesel market leading to an influx of significant volumes of dumped biodiesel which would result in a recurrence of severe injury do the Union biodiesel industry.
- (153) There are no indications that the existing measures have negatively affected the Union users of biodiesel, and notably, there is no evidence that the existing measures have had an adverse effect on their profitability or business. In any event, due to the stable or only slightly increase in Union consumption of biodiesel in the Union, the Union industry has enough capacity to satisfy current and future demand should the demand further increase. Maintaining the measures would not lead to a lack of supply.
- (154) It can therefore be concluded that maintaining the measures would not be against the interest of users.

6.4. Conclusion on Union interest

- (155) On the basis of the above, the Commission concluded that there were no compelling reasons that it was not in the Union interest to maintain the existing measures on imports of biodiesel originating in the USA.

7. ANTI-DUMPING MEASURES

- (156) In view of the conclusions reached with regard to the likelihood of continuation or recurrence of dumping and injury, it follows that, in accordance with Article 11(2) of the basic Regulation, the anti-dumping measures applicable to imports of biodiesel originating in the USA, imposed by Regulation (EC) No 599/2009, as amended by Implementing Regulation (EU) No 444/2011, should be maintained for an additional period of five years.
- (157) As outlined in recital (2) above, the anti-dumping duties in force on imports of biodiesel from the USA were extended to cover also imports of the same product consigned from Canada, whether declared as originating in Canada or not, and to imports into the Union of biodiesel in a blend containing by weight 20 % or less of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, originating in the United States of America.
- (158) The anti-dumping duties to be maintained shall continue to be extended to imports of biodiesel consigned from Canada, whether declared as originating in Canada or not as well as to biodiesel in a blend containing by weight 20 % or less of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, originating in the United States of America.

(159) The exporting producers from Canada that were exempted from the measures, as extended by Implementing Regulation (EU) No 444/2011, shall also be exempted from the measures imposed by this Regulation.

(160) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EC) No 1225/2009,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is imposed on imports of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as 'biodiesel', in pure form or in a blend containing by weight more than 20 % of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, originating in the USA, currently falling within CN codes ex 1516 20 98 (TARIC code 1516 20 98 29), ex 1518 00 91 (TARIC code 1518 00 91 29), ex 1518 00 99 (TARIC code 1518 00 99 29), ex 2710 19 43 (TARIC code 2710 19 43 29), ex 2710 19 46 (TARIC code 2710 19 46 29), ex 2710 19 47 (TARIC code 2710 19 47 29), ex 2710 20 11 (TARIC code 2710 20 11 29), ex 2710 20 15 (TARIC code 2710 20 15 29), ex 2710 20 17 (TARIC code 2710 20 17 29), ex 3824 90 92 (TARIC code 3824 90 92 12), ex 3826 00 10 (TARIC codes 3826 00 10 29, 3826 00 10 39, 3826 00 10 49, 3826 00 10 99), and ex 3826 00 90 (TARIC code 3826 00 90 19).

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

Company	AD duty rate EUR per tonne net	TARIC additional code
Archer Daniels Midland Company, Decatur	68,6	A933
Cargill Inc., Wayzata	0	A934
Green Earth Fuels of Houston LLC, Houston	70,6	A935
Imperium Renewables Inc., Seattle	76,5	A936
Peter Cremer North America LP, Cincinnati	198,0	A937
World Energy Alternatives LLC, Boston	82,7	A939
Companies listed in Annex I	115,6	See Annex I
All other companies	172,2	A999

The anti-dumping duty on blends shall be applicable in proportion in the blend, by weight, of the total content of fatty-acid mono-alkyl esters and of paraffinic gasoils obtained from synthesis and/or hydro-treatment, of non-fossil origin (biodiesel content).

3. In cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is adjusted by the seller for the benefit of the buyer, occurring the conditions laid down in Article 145, paragraphs 2 and 3, of Commission Regulation (EEC) No 2454/93⁽¹⁾, the amount of anti-dumping duty laid down in paragraph 2 shall be reduced by a percentage which represents the apportioning of the adjustment to the price actually paid or payable.

⁽¹⁾ Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

4. The application of the individual duty rate specified for the companies listed in paragraph 2 shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in Annex II. If no such invoice is presented, the duty rate applicable to 'all other companies' shall apply.
5. Unless otherwise specified, the relevant provisions in force concerning customs duties shall apply.

Article 2

1. The definitive anti-dumping duty applicable to 'all other companies' as set out in Article 1, paragraph 2, is hereby extended to imports into the Union of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as 'biodiesel', in pure form or in a blend containing by weight more than 20 % of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, consigned from Canada, whether declared as originating in Canada or not, currently falling within CN codes ex 1516 20 98 (TARIC code 1516 20 98 21), ex 1518 00 91 (TARIC code 1518 00 91 21), ex 1518 00 99 (TARIC code 1518 00 99 21), ex 2710 19 43 (TARIC code 2710 19 43 21), ex 2710 19 46 (TARIC code 2710 19 46 21), ex 2710 19 47 (TARIC code 2710 19 47 21), ex 2710 20 11 (TARIC code 2710 20 11 21), ex 2710 20 15 (TARIC code 2710 20 15 21), ex 2710 20 17 (TARIC code 2710 20 17 21), ex 3824 90 92 (TARIC code 3824 90 92 10), ex 3826 00 10 (TARIC codes 3826 00 10 20, 3826 00 10 30, 3826 00 10 40, 3826 00 10 89) and ex 3826 00 90 (TARIC code 3826 00 90 11), with the exception of those produced by the companies listed below:

Country	Company	TARIC additional code
Canada	BIOX Corporation, Oakville, Ontario, Canada	B107
Canada	Rothsay Biodiesel, Guelph, Ontario, Canada	B108

The duty to be extended shall be the one established for 'all other companies' in Article 1, paragraph 2, which is a definitive anti-dumping duty of EUR 172,2 per tonne net.

The anti-dumping duty on blends shall be applicable in proportion in the blend, by weight, of the total content of fatty-acid mono-alkyl esters and of paraffinic gasoils obtained from synthesis and/or hydro-treatment, of non-fossil origin (biodiesel content).

2. In cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is adjusted by the seller for the benefit of the buyer, occurring the conditions laid down in Article 145, paragraphs 2 and 3 of Regulation (EEC) No 2454/93, the amount of anti-dumping duty laid down in Article 1, paragraph 2 shall be reduced by a percentage which represents the apportioning of the adjustment to the price actually paid or payable.
3. The application of the exemptions granted to companies listed in paragraph 1 shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in Annex II. If no such invoice is presented, the duty rate as imposed by Article 1, paragraph 1 to 'all other companies' shall apply.
4. Unless otherwise specified, the relevant provisions in force concerning customs duties shall apply.

Article 3

1. The definitive anti-dumping duty as set out in Article 1, paragraph 2, is hereby extended to imports into the Union of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as 'biodiesel', in a blend containing by weight 20 % or less of fatty-acid mono-alkyl

esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, originating in the United States of America, and currently falling within CN codes ex 1516 20 98 (TARIC code 1516 20 98 30), ex 1518 00 91 (TARIC code 1518 00 91 30), ex 1518 00 99 (TARIC code 1518 00 99 30), ex 2710 19 43 (TARIC code 2710 19 43 30), ex 2710 19 46 (TARIC code 2710 19 46 30), ex 2710 19 47 (TARIC code 2710 19 47 30), ex 2710 20 11 (TARIC code 2710 20 11 30), ex 2710 20 15 (TARIC code 2710 20 15 30), ex 2710 20 17 (TARIC code 2710 20 17 30),, ex 3824 90 92 (TARIC code 3824 90 92 20), and ex 3826 00 90 (TARIC code 3826 00 90 30)..

The anti-dumping duty on blends shall be applicable in proportion in the blend, by weight, of the total content of fatty-acid mono-alkyl esters and of paraffinic gasoils obtained from synthesis and/or hydro-treatment, of non-fossil origin (biodiesel content).

2. In cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is adjusted by the seller for the benefit of the buyer, occurring the conditions laid down in Article 145, paragraphs 2 and 3, of Regulation (EEC) No 2454/93, the amount of anti-dumping duty laid down in Article 1, paragraph 2 shall be reduced by a percentage which represents the apportioning of the adjustment to the price actually paid or payable.

3. The application of the individual duty rate specified for the companies listed in Article 1, paragraph 2, shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in Annex III. If no such invoice is presented, the duty rate applicable to 'all other companies' shall apply.

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

Article 4

1. Requests for exemption from the duty extended by Article 2(1) and Article 3(1) shall be made in writing in one of the official languages of the European Union and must be signed by a person authorised to represent the entity requesting the exemption. The request must be sent to the following address:

European Commission
Directorate-General for Trade
Directorate H
Rue de la Loi 170, CHAR 04/034
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
Email: TRADE-TDI-INFORMATION@ec.europa.eu

2. In accordance with Article 13(4) of Regulation (EC) No 1225/2009, the Commission, after consulting the Advisory Committee, may authorise, by decision, the exemption of imports from companies which do not circumvent the anti-dumping measures imposed by Regulation (EC) No 599/2009, from the duty extended by Article 2(1) and Article 3(1).

Article 5

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 14 September 2015.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX I

Company Name	City	TARIC additional code
American Made Fuels, Inc.	Canton	A940
AG Processing Inc.	Omaha	A942
Alabama Clean Fuels Coalition Inc.	Birmingham	A940
Arkansas SoyEnergy Group	DeWitt	A940
Arlington Energy, LLC	Mansfield	A940
Athens Biodiesel, LLC	Athens	A940
Beacon Energy	Cleburne	A940
Biodiesel of Texas, Inc.	Denton	A940
BioDiesel One Ltd	Southington	A940
Buffalo Biodiesel, Inc	Tonawanda	A940
BullDog BioDiesel	Ellenwood	A940
Carbon Neutral Solutions, LLC	Mauldin	A940
Central Iowa Energy, LLC	Newton	A940
Chesapeake Custom Chemical Corp.	Ridgeway	A940
Community Fuels	Stockton	A940
Delta BioFuels, Inc.	Natchez	A940
Diamond Biofuels	Mazon	A940
Direct Fuels	Euless	A940
Eagle Creek Fuel Services, LLC	Baltimore	A940
Earl Fisher Bio Fuels	Chester	A940
East Fork Biodiesel, LLC	Algona	A940
ECO Solutions, LLC	Chatsworth	A940
Ecogy Biofuels, LLC	Tulsa	A940
ED & F Man Biofuels Inc.	New Orleans	A940
Freedom Biofuels, Inc.	Madison	A940
Fuel & Lube, LLC	Richmond	A940
Fuel Bio	Elizabeth	A940
FUMPA Bio Fuels	Redwood Falls	A940
Galveston Bay Biodiesel, LP (BioSelect Fuels)	Houston	A940

Company Name	City	TARIC additional code
Geo Green Fuels, LLC	Houston	A940
Georgia Biofuels Corp.	Loganville	A940
Green River Biodiesel, Inc.	Moundville	A940
Griffin Industries, Inc.	Cold Spring	A940
High Plains Bioenergy	Guymon	A940
Huish Detergents, Inc.	Salt Lake City	A940
Incobrasa Industries, Ltd.	Gilman	A940
Independence Renewable Energy Corp.	Perdue Hill	A940
Indiana Flex Fuels	LaPorte	A940
Innovation Fuels, Inc.	Newark	A940
Iowa Renewable Energy, LLC	Washington	A940
Johann Haltermann Ltd.	Houston	A940
Lake Erie Biofuels, LLC	Erie	A940
Leland Organic Corporation	Leland	A940
Louis Dreyfus Agricultural Industries, LLC	Wilton	A940
Louis Dreyfus Claypool Holdings LLC	Claypool	A940
Memphis Biofuels, LLC	Memphis	A942
Middle Georgia Biofuels	East Dublin	A940
Middletown Biofuels, LLC	Blairsville	A940
Musket Corporation	Oklahoma City	A940
New Fuel Company	Dallas	A940
North Mississippi Biodiesel	New Albany	A940
Northern Biodiesel, Inc.	Ontario	A940
Northwest Missouri Biofuels, LLC	St. Joseph	A940
Nova Biofuels Clinton County, LLC	Clinton	A940
Nova Biosource	Senaca	A940
Organic Fuels, Ltd	Houston	A940
Owensboro Grain Company LLC	Owensboro	A940
Paseo Cargill Energy, LLC	Kansas City	A940
Peach State Labs, Inc.	Rome	A940

Company Name	City	TARIC additional code
Perihelion Global, Inc.	Opp	A940
Philadelphia Fry-O-Diesel Inc.	Philadelphia	A940
Pinnacle Biofuels, Inc.	Crossett	A940
PK Biodiesel	Woodstock	A940
Pleasant Valley Biofuels, LLC	American Falls	A940
RBF Port Neches LLC	Houston	A940
Red Birch Energy, Inc.	Bassett	A940
Red River Biodiesel Ltd.	New Boston	A940
REG Ralston, LLC	Ralston	A940
Renewable Energy Products, LLC	Santa Fe Springs	A940
Riksch BioFuels LLC	Crawfordsville	A940
Safe Renewable Corp.	Conroe	A940
Sanimax Energy Inc.	DeForest	A940
Scott Petroleum	Itta Bena	A942
Seminole Biodiesel	Bainbridge	A940
Soy Solutions	Milford	A940
SoyMor Biodiesel, LLC	Albert Lea	A940
Sunshine BioFuels, LLC	Camilla	A940
TPA Inc.	Warren	A940
Trafigura AG	Stamford	A940
U.S. Biofuels, Inc.	Rome	A940
United Oil Company	Pittsburgh	A940
Valco Bioenergy	Harlingen	A940
Vanguard Synfuels, LLC	Pollock	A940
Vinmar Overseas, Ltd	Houston	A938
Vitol Inc.	Houston	A940
Walsh Bio Diesel, LLC	Mauston	A940
Western Dubque Biodiesel, LLC	Farley	A940
Western Iowa Energy, LLC	Wall Lake	A940
Western Petroleum Company	Eden Prairie	A940

ANNEX II

A declaration signed by an official of the entity issuing the commercial invoice, in the following format, must appear on the valid commercial invoice referred to in Article 1(4) and Article 2(3):

- the name and function of the official of the entity issuing the commercial invoice,
- the following declaration:

'I, the undersigned, certify that the (volume) of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as "biodiesel", in pure form or in a blend containing by weight more than 20 % of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin sold for export to the European Union covered by this invoice was manufactured by [company name and address] [TARIC additional code] in [country]ies concerned. I declare that the information provided in this invoice is complete and correct.'

ANNEX III

A declaration signed by an official of the entity issuing the commercial invoice, in the following format, must appear on the valid commercial invoice referred to in Article 3(3):

- the name and function of the official of the entity issuing the commercial invoice.
- the following declaration:

'I, the undersigned, certify that the (volume) of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as "biodiesel", in pure form or in a blend containing by weight 20 % or less of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin sold for export to the European Union covered by this invoice was manufactured by [company name and address] [TARIC additional code] in the United States of America. I declare that the information provided in this invoice is complete and correct.'

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1519**of 14 September 2015****imposing definitive countervailing duties on imports of biodiesel originating in the United States of America following an expiry review pursuant to Article 18 of Council Regulation (EC) No 597/2009**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation'), and in particular Article 18(1) thereof,

Whereas:

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

- (1) By Regulation (EC) No 598/2009 ⁽²⁾, the Council imposed a definitive countervailing duty, ranging from EUR 211,2 to EUR 237 per tonne net, on imports of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as 'biodiesel', in pure form or in a blend containing by weight more than 20 % of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, at that time falling within CN codes ex 1516 20 98 (TARIC code 1516 20 98 20), ex 1518 00 91 (TARIC code 1518 00 91 20), ex 1518 00 99 (TARIC code 1518 00 99 20), ex 2710 19 41 (TARIC code 2710 19 41 20), 3824 90 91, ex 3824 90 97 (TARIC code 3824 90 97 87), and originating in the United States of America ('USA' or 'the country concerned'). The countervailing duty imposed by this regulation is hereafter referred to as 'the existing measures'.
- (2) By Implementing Regulation (EU) No 443/2011 ⁽³⁾, following an anti-circumvention investigation, the Council extended the definitive anti-countervailing imposed by Regulation (EC) No 598/2009 to imports into the Union of biodiesel consigned from Canada, whether declared as originating in Canada or not, with the exception of those produced by the companies BIOX Corporation, Oakville and Rothsay Biodiesel, Guelph, Ontario, Canada. By the same Regulation the Council also extended the definitive countervailing duty imposed by Regulation (EC) No 598/2009 to imports of biodiesel in a blend containing by weight 20 % or less of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, originating in the United States of America.

1.2. Measures in force in respect of other third countries

- (3) Outside the scope of this proceeding, anti-dumping measures on biodiesel are currently in force on exports from Argentina and Indonesia ⁽⁴⁾.

⁽¹⁾ OJ L 188, 18.7.2009, p. 93.

⁽²⁾ Council Regulation (EC) No 598/2009 of 7 July 2009 imposing a definitive countervailing duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in the United States of America (OJ L 179, 10.7.2009, p. 1).

⁽³⁾ Council Implementing Regulation (EU) No 443/2011 of 5 May 2011 extending the definitive countervailing duty imposed by Regulation (EC) No 598/2009 on imports of biodiesel originating in the United States of America to imports of biodiesel consigned from Canada, whether declared as originating in Canada or not, and extending the definitive countervailing duty imposed by Regulation (EC) No 598/2009 to imports of biodiesel in a blend containing by weight 20 % or less of biodiesel originating in the United States of America, and terminating the investigation in respect of imports consigned from Singapore (OJ L 122, 11.5.2011, p. 1).

⁽⁴⁾ Council Implementing Regulation (EU) No 1194/2013 of 19 November 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of biodiesel originating in Argentina and Indonesia (OJ L 315, 26.11.2013, p. 2).

1.3. Request for a review

- (4) Following the publication of a notice of impending expiry ⁽⁵⁾ of the countervailing measures in force on the imports of biodiesel originating in the United States of America, the European Commission ('the Commission') has received a request for review pursuant to Article 18 of the basic Regulation.
- (5) The request was lodged on 9 April 2014 by the European Biodiesel Board ('the applicant') on behalf of Union producers representing more than 25 % of the total Union production of biodiesel. The request was based on the grounds that the expiry of the measures would be likely to result in recurrence of subsidisation and recurrence of injury to the Union industry.

1.4. Initiation of an expiry review

- (6) Having determined, after consulting the Committee established by Article 15(1) of the Council Regulation (EC) No 1225/2009 ⁽⁶⁾, that sufficient evidence existed to justify the initiation of an expiry review, the Commission announced, on 10 July 2014, by a notice published in the *Official Journal of the European Union* (Notice of Initiation) ⁽⁷⁾ the initiation of an expiry review under Article 18 of the basic Regulation. On the same day, the Commission initiated an expiry review of the anti-dumping measures in force on the imports of biodiesel originating in USA ⁽⁸⁾. This is a parallel but distinct proceeding which is dealt with by means of a separate Regulation.
- (7) Prior to the initiation of the expiry review, and in accordance with Articles 22(1) and 10(7) of the basic Regulation, the Commission notified the Government of the United States of America ('USG') that it had received a properly documented review request and invited the USG for consultations with the aim of clarifying the situation as regards the content of the review request and arriving at a mutually agreed solution. The USG accepted the offer for consultations and consultations were subsequently held on 3 July 2014. During the consultations, no mutually agreed solution could be reached. However, due note was taken of the comments submitted by the authorities of the USG.

1.5. Review investigation period and period considered

- (8) The investigation of the likelihood of a continuation and recurrence of subsidy covered the period from 1 July 2013 to 30 June 2014 ('the review investigation period' or 'RIP'). The examination of the trends relevant for the assessment of the likelihood of a recurrence of injury covered the period from 1 January 2011 to 30 June 2014 ('the period considered').

1.6. Interested parties

- (9) In the Notice of Initiation, the Commission invited interested parties to contact it in order to participate in the investigation. In addition, the Commission specifically informed the applicant, other known Union producers, the known exporting producers in the USA and the USA authorities, the known importers, suppliers and users, traders, as well as associations known to be concerned about the initiation of the investigation and invited them to participate.
- (10) Interested parties had an opportunity to comment on the initiation of the investigation and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.

1.7. Sampling

- (11) In the Notice of Initiation, the Commission stated that it might sample the interested parties in accordance with Article 27 of the basic Regulation.

⁽⁵⁾ Notice of the impending expiry of certain countervailing measures (OJ C 289, 4.10.2013, p. 11).

⁽⁶⁾ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ L 343, 22.12.2009, p. 51).

⁽⁷⁾ OJ C 217, 10.7.2014, p. 25.

⁽⁸⁾ Notice of initiation of an expiry review of the anti-dumping measures applicable to imports of biodiesel originating in the United States of America (OJ C 217, 10.7.2014, p. 14).

(a) Sampling of Union producers

- (12) In the Notice of Initiation, the Commission stated that it had provisionally selected a sample of Union producers. The Commission selected the sample on the basis of the highest representative production and sales volumes whilst ensuring a geographical spread. This provisional sample consisted of seven Union producers located in seven different Member States which accounted for almost 30 % of Union production of biodiesel. The Commission invited interested parties to comment on the provisional sample.
- (13) One company located in Italy requested to be included in the sample. However, this company only started its activities by the end of 2013 after having acquired a biodiesel plant from another Italian biodiesel producer, which was included in the provisional sample. In the absence of historical data necessary for assessing relevant trends during the period considered and the fact that another Italian company was already included in the provisional sample, it was decided not to include this company in the sample.
- (14) The US National Biodiesel Board ('NBB') commented that the provisionally selected sample was different from the sample selected in the previous investigations concerning biodiesel and referred to two companies in particular with sizeable production and sales volumes which were not included in the provisional sample. However, the two companies identified by NBB were either related to another company with higher sales volumes already included in the sample or had lower sales volume than a provisionally selected company in the same Member State. Therefore, the inclusion of either of those two companies would not have changed the representativeness of the provisionally selected sample. The provisionally selected sample was therefore confirmed as a representative sample of the Union industry.
- (15) Following final disclosure, the US Government claimed that a sample representing 30 % of the Union industry could not be considered representative of the Union biodiesel industry as a whole and that the microindicators should have been analysed on a broader basis. The US Government refers to the WTO Appellate Body finding in the case *EC — Fasteners* in which a sample of 27 % was considered low in proportion to the total and would only constitute a major proportion in the case of fragmented industries.
- (16) The Commission, contrary to the *Fasteners* investigation, defined for the purpose of this investigation, the Union industry as the entire industry and not only the sampled companies (recital (151) below). Furthermore, all macroindicators were assessed on the basis of the entire industry whilst only some microindicators were analysed at the level of the sampled companies. However, the overall analysis of the situation of the Union industry was based on an assessment of both micro-and macroindicators. In any event, the Union industry is considered to be a fragmented industry since it is composed of over 200 producers located across the Union of which most are small and medium enterprises. Therefore, the Commission concludes that the sample, representing 30 % of the Union industry, is representative and the claim is accordingly rejected.

(b) Sampling of importers

- (17) To decide whether sampling is necessary and, if so, to select a sample, the Commission asked unrelated importers to provide the information specified in the Notice of Initiation.
- (18) Only few unrelated importers provided the requested information and agreed to be included in the sample. In view of the low number, the Commission decided that sampling was not necessary.

(c) Sampling of exporting producers in the USA

- (19) To decide whether sampling is necessary and, if so, to select a sample, the Commission asked all exporting producers in the USA to provide the information specified in the Notice of Initiation. In addition, the Commission asked the mission of the USA to the European Union to identify and/or contact other exporting producers, if any, that could be interested in participating in the investigation.

- (20) 27 producers in the USA replied to the Commission but only 9 provided export and/or and domestic sales data requested in Annex I to the Notice of Initiation for the purpose of sampling. None of them was exporting to the Union during the RIP. The Commission selected a sample of three exporting producers with the highest volume of domestic and export sales. In accordance with Article 27(2) of the basic Regulation, all known exporting producers concerned, and the authorities of the USA, were consulted on the selection of the sample. No comments were made.
- (21) None of the sampled producers provided any questionnaire reply within the deadline. On 7 October 2014 the Commission informed the three sampled exporting producers about this lack of reply.
- (22) On 10 October 2014, one sampled exporting producer informed the Commission that it had chosen not to respond to the questionnaire. The other two sampled exporting producers requested various extensions to the deadline, which were granted, but no complete replies were submitted.
- (23) On 10 November 2014 the Commission sent a letter informing the three sampled companies about the intention to apply Article 28 of the basic Regulation. The USA authorities were also informed about the intention of the Commission to apply Article 28 of the basic Regulation. The deadline for providing comments to the letter was 21 November 2014.
- (24) By 21 November 2014, two of the sampled companies did not react at all and the other sampled company explained that the time-limit was not sufficient for them to submit their answer.
- (25) The Commission therefore concluded that none of the sampled exporting producers in the USA cooperated in the expiry review investigation. As a consequence, the Commission decided to apply the provisions of Article 28 of the basic Regulation and, accordingly, that findings, affirmative or negative, may be made on the basis of the facts available.

1.8. Questionnaire replies and verification visits

- (26) The Commission received questionnaire replies from the authorities of the USA, from the sampled Union producers and from four users/traders.
- (27) The Commission sought and verified all the information deemed necessary for a determination of subsidisation, resulting injury and Union interest.
- (28) Verification visits were carried out at the premises of the following authorities of the United States of America:

Federal authorities of the USA

- Department of Treasury (DOT)
- Department of Agriculture (USDA)

State authorities

- Florida State Authorities, Tallahassee
 - Iowa State Authorities, Des Moines
 - Kansas State Authorities, Topeka
 - Kentucky State Authorities, Frankfort
- (29) Verification visits were carried out at the premises of the following Union producers:
- Bio-Oils Huelva S.L., Huelva, Spain,
 - Biopetrol Rotterdam BV, Rotterdam, the Netherlands,

- Diester industrie SAS, Rouen, France,
- Novaol S.R.L., Milan, Italy,
- Preol a.s., Lovosice, Czech Republic,
- Rafineria Trzebinia S.A., Trzebinia, Poland
- Verbio Vereinigte BioEnergie AG, Leipzig, Germany

1.9. Disclosure

- (30) On 3 June 2015, the Commission disclosed to all interested parties the essential facts and considerations on the basis of which it intended to maintain the anti-subsidy measures in force and invited all interested parties to comment. The Commission considered the comments made by the interested parties and took them into account, where appropriate.
- (31) Following final disclosure NBB requested and was granted a hearing with the Hearing Officer in trade proceedings.

2. PRODUCT UNDER REVIEW AND LIKE PRODUCT

2.1. Product under review

- (32) The product under review is the same as in the investigation leading to the imposition of the existing measures ('the original investigation'), i.e. fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as 'biodiesel', in pure form or in a blend containing by weight more than 20 % of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, originating in the United States of America ('the product under review'), currently falling within CN codes ex 1516 20 98, ex 1518 00 91, ex 1518 00 99, ex 2710 19 43, ex 2710 19 46, ex 2710 19 47, ex 2710 20 11, ex 2710 20 15, ex 2710 20 17, ex 3824 90 92, ex 3826 00 10 and ex 3826 00 90.
- (33) Biodiesel is a renewable fuel used in the transport sector for diesel engines. However conventional engines cannot function with pure biodiesel but a blend of mineral diesel and a limited content of biodiesel.
- (34) Biodiesel produced in the USA is predominantly 'Fatty Acid Methyl Ester' (FAME) derived from a wide range of vegetable oils (soybean oil, palm oil, rapeseed oil) and used frying oils, animal fats or biomass which serve as a biodiesel feedstock. The term 'ester' refers to the trans-esterification of vegetable oils, namely, the mingling of the oil with alcohol. The term 'methyl' refers to methanol; the most commonly used alcohol in the process, although ethanol can also be used in the production process, resulting in 'fatty acid ethyl esters'.
- (35) All types of biodiesel and the biodiesel in the blends, despite possible differences in terms of raw material used for the production, or variances in the production process, have the same or very similar basic physical, chemical and technical characteristics and are used for the same purposes. The possible variations in the product under investigation do not alter its basic definition, its characteristics or the perception that various parties have of it. In particular, from the perspective of the end-user of diesel fuel, it makes no difference if the blend available at the pump is made of one particular biodiesel feedstock.

2.2. Like product

- (36) As in the original investigation, the biodiesel sold on the domestic market in the USA and the US biodiesel sold for export has the same basic physical and technical characteristics and uses. Similarly, the biodiesel produced and sold in the Union by the Union industry has the same basic physical and technical characteristics and uses the product exported from the USA to the Union. Therefore, they are like products for the purposes of the present investigation within the meaning of Article 2(c) of the basic Regulation.

2.3. Claims regarding product scope

- (37) The US Government claimed that diesel produced from biomass ⁽⁹⁾ is a category of products broader than the product under review. However, as set out in the Regulation imposing provisional countervailing duties in the original investigation ⁽¹⁰⁾, all types of biodiesel and biodiesel blends, including diesel produced from biomass, are considered to be biodiesel fuels and are part of a legislative package concerning energy efficiency and renewable energy and alternative fuels. The reason is that biodiesel produced from biomass has the same or very similar basic physical and technical characteristics and uses as biodiesel produced from other sources. The finding in the original investigation was not challenged by any interested party and remains valid in this expiry review. Consequently, the Commission rejected this claim by the US Government.

3. LIKELIHOOD OF A CONTINUATION OR RECURRENCE OF SUBSIDIES

3.1. Preliminary remarks

- (38) In accordance with Article 18(1) of the basic Regulation, the Commission examined whether the expiry of the existing measures would be likely to lead to a continuation or recurrence of subsidisation. The notion of recurrence implies that a subsidy does not have to be in force at the time of initiation or when the decision to maintain the measures is taken. Consequently, the Commission also verified whether subsidies which have expired after the RIP are likely to recur.
- (39) The Commission analysed all subsidy schemes identified in the review request and asked the authorities of the USA to provide information on any other possible subsidy schemes. On the basis of the information contained in the reply to the Commission's questionnaire by the authorities of the USA, the Commission analysed the following schemes which were in force during the RIP:

Federal Schemes

- (a) Biodiesel mixture credit and biodiesel credit
- (b) Small agri-biodiesel producer income tax credit
- (c) Credit for production of cellulosic biofuel
- (d) USDA bioenergy programme for advanced biofuels

State Schemes

- (a) Florida: Florida Biofuels Investment Tax Credit
- (b) Iowa: Iowa Biodiesel Producer Tax Refund
- (c) Kansas: Kansas Qualified Biodiesel Fuel Producer Incentive
- (d) Kentucky: Kentucky Biodiesel Production Tax Credit

⁽⁹⁾ Under US legislation, 26 U.S. Code, section 45K(c)(3), the term 'biomass' means any organic material other than— (A) oil and natural gas (or any product thereof), and (B) coal (including lignite) or any product thereof.

⁽¹⁰⁾ Commission Regulation (EC) No 194/2009 of 11 March 2009 imposing provisional countervailing duty on imports of biodiesel originating in the United States of America, OJ L 67, 12.3.2009, p. 50, recital 20, footnote 5.

- (40) The following schemes will not be analysed hereinafter since, on the basis of the information provided by the authorities of the USA, they were either inactive, had expired before the RIP or did not provide any benefits to US biodiesel producers during the RIP:

Federal Scheme

Advanced biofuels loan guarantees

State Schemes

- (i) Alabama Biofuel Production Facility Tax Credit
- (ii) Arkansas Alternative Fuel Grants and Rebates
- (iii) Illinois Renewable Fuels Development Programme
- (iv) Indiana Biodiesel Production Tax Credit
- (v) Kentucky Alternative Fuel Production Tax Incentives
- (vi) Louisiana Biodiesel Equipment and Fuel Tax Exemption
- (vii) Maine Biofuels Production Tax Credit
- (viii) Maryland Biofuels Production Incentive
- (ix) Mississippi Biofuels Production Incentive
- (x) Missouri qualified biodiesel producer incentive fund
- (xi) Montana Alternative Fuel Production Property Tax Incentive
- (xii) Montana Biodiesel Production Facility Tax Credit
- (xiii) Nebraska Biodiesel Production Investment Tax Credit
- (xiv) New York Biofuel Production Tax Credit
- (xv) South Carolina Credit for Biodiesel Facilities
- (xvi) Texas fuel and biodiesel production incentive program
- (xvii) Virginia Biofuels Production Grants
- (xviii) Washington Alternative Fuel Loans and Grants
- (xix) Washington State biofuels production tax exemption

3.2. Subsidisation of imports during the RIP — Federal Schemes

3.2.1. Biodiesel mixture credit and biodiesel credit

3.2.1.1. Legal basis

- (41) Title 26, Section 40A and sections 6426 and 6427 of the US Code (U.S.C.) are the legal basis for a tax credit scheme for biodiesel blenders, retailers and end-users. They provide for the following biodiesel fuel credits:
- (i) the biodiesel mixture credit ('USD 1/gallon scheme');
 - (ii) the biodiesel credit;
 - (iii) the small agri-biodiesel producer credit.
- (42) The small agri-biodiesel producer income tax credit is a tax credit which applies only to small agri-biodiesel producers. This scheme is dealt with in recitals (59) to (63) below.

3.2.1.2. Eligibility

- (43) In order to be eligible for the biodiesel mixture credit referred to under (i) in recital (41) above, a company must create a mixture of biodiesel and diesel fuel, which mixture is sold as a fuel or for use as a fuel.
- (44) The person claiming the incentive must obtain a certification from the producer or importer of the biodiesel that identifies the product and the percentage of biodiesel and agri-biodiesel ⁽¹⁾ in the product. This credit takes the form of an excise tax credit or, if a company's excise tax liability is less than the total excise tax credit, the company may then claim the residual credit as a refundable income tax credit. A refundable income tax credit is a credit against the taxpayer's income taxes or a direct payment. It is refundable because the excess credit can be disbursed to the taxpayer as a direct cash payment if the credit is greater than the individual's tax liability.
- (45) The biodiesel credit referred to under (ii) in recital (41) above is a non-refundable income tax credit for retailers or end-users of neat (pure) biodiesel. The neat biodiesel credit is available only to the person who places the gallon of neat biodiesel into the fuel tank of a vehicle or uses it as fuel. It should be noted that also biodiesel producers, producing their own biodiesel, would be able to receive this credit. Thus to claim the credit, the biodiesel producer must be acting as either a retailer (putting the gallon of biodiesel into the end-user's gas tank) or an end-user (e.g. putting the biodiesel into his own vehicles).

3.2.1.3. Practical implementation

- (46) Biodiesel that is mixed with mineral diesel fuel is entitled to a biodiesel mixture excise tax or income tax credit. During the RIP, the credit prevailing was USD 1 per gallon for all types of biodiesel, i.e. including agri-biodiesel and diesel from biomass.
- (47) The final tax credit for the blended fuel depends on the proportion of biodiesel it contains. The minimum requirement, and what is the most common practice, is to add 0,1 % mineral diesel to 99,9 % biodiesel (this blended product is referred to as B99 in the USA), as this ensures that the maximum tax credit is obtained. The proportion of biodiesel in a blended product qualifies for the tax credit (e.g. 100 gallons of B99 will contain

⁽¹⁾ As defined by the USC, agri-biodiesel is biodiesel derived solely from virgin oils, including esters derived from virgin vegetable oils from corn, soybeans, sunflower seeds, cottonseeds, canola, cramble, rapeseeds, safflowers, flaxseeds, rice bran, and mustard seeds, and from animal fats.

99,9 gallons of biodiesel and be eligible for a tax credit of USD 99,90). The conversion of biodiesel from a pure product (B100) to a mixed product (B99) is a simple process. It implies the addition of 0,1 % of mineral diesel into pure biodiesel and does not entail a major transformation of the product concerned. It is the activity of blending that triggers the eligibility for the credit.

- (48) The producers of biodiesel can claim the incentive when they are themselves performing a blending activity. The producer must blend the neat biodiesel with mineral diesel fuel. In terms of entitlement to the incentive, there are no differences between blended biodiesel destined for domestic sale and sale for export.
- (49) Companies that do not produce but rather purchase pure biodiesel and blend it into a biodiesel mixture are also entitled to the tax credit. Such companies must obtain a certificate from the producer or the importer (and if applicable any intervening resellers) of the biodiesel in which the producer effectively certifies not to have claimed the tax credit. This certificate is transferable entitling the holder to a USD 1 per neat biodiesel gallon tax credit.
- (50) The incentive can be claimed either as a credit against excise or income tax liability or as a direct cash payment. The total amount of the incentive remains the same (USD 1 per gallon) whether the incentive is claimed as an excise tax credit, an income tax credit, a direct payment to the taxpayer, or any combination of the foregoing.
- (51) The U.S.C. provides that the biodiesel mixture credit will not be granted unless the company (blender) that makes the mixture of biodiesel and mineral diesel obtains a certificate ("Certificate for Biodiesel") from the producer of the biodiesel in which the producer certifies, inter alia, the quantity of biodiesel to which the certificate relates and whether the biodiesel is agri-biodiesel or biodiesel other than agri-biodiesel. If a company that produces biodiesel subsequently blends that biodiesel with mineral diesel and claims the tax credit, that company will provide the Certificate for Biodiesel with the required documentation to make a claim for credit. A person that receives a Certificate for Biodiesel, and subsequently sells the biodiesel without producing a biodiesel mixture, is to provide the Certificate for Biodiesel to the purchaser as well as providing a 'statement of biodiesel reseller'. In other words, the company that blends the mixture and claims the tax credit may obtain the Certificate for Biodiesel either directly from the producer of the biodiesel or indirectly from a biodiesel reseller. Thus, this certificate is transferable entitling the holder to a USD 1 per gallon tax credit for the number of gallons of biodiesel used by the claimant in producing any biodiesel mixture.
- (52) No new information during the review period became available that would question the conclusion from the initial investigation that all biodiesel is subsidized through this tax credit.
- (53) In regard to the biodiesel credit, by contrast to the previous investigation when the prevailing credit was USD 1 per gallon of unmixed (neat) agri-biodiesel, or USD 0,50 for each gallon of other unmixed biodiesel, the retailer (or a biodiesel producer acting as a retailer) or end user of unblended biodiesel can now claim USD 1,00 per gallon for unmixed (neat) agri-biodiesel or other types of biodiesel as well as diesel produced from biomass as a non-refundable general business income tax credit. A non-refundable general business credit is a credit against the business's income tax. It is non-refundable because, if the business's credits are greater than its tax liability, the excess credit cannot be disbursed to the business as a direct cash payment. However, according to the information provided by the US authorities, business income tax credit granted for one year can be carried back two years and carried forward for 20 years.
- (54) The US authorities acknowledged that some biodiesel producers must have benefited from this credit during the RIP acting as retailers or users, but were unable to quantify the exact benefits received by them during the RIP.

3.2.1.4. Conclusion

- (55) The biodiesel mixture credit as well as the biodiesel credit have to be regarded as a fiscal incentive whether or not they are given as a cash payment (only possible for biodiesel mixture credit) or has to be offset against tax liabilities (applicable to both tax credits).

- (56) The Commission considers the schemes to be a subsidy in the sense of Article 3(1)(a)(i) and Article 3(1)(a)(ii) of the basic Regulation as the scheme provides a financial contribution by the Government of the United States of America in the form of direct grants (cash payments, only possible for the biodiesel mixture credit) and revenue foregone which is otherwise due (tax offset) (applicable to both tax credits). The incentives confer a benefit on the companies receiving them.
- (57) The schemes are limited to companies that are involved in the biodiesel industry and are therefore considered to be specific under Article 4(2)(a) of the basic Regulation and therefore countervailable.
- (58) Finally, as the biodiesel mixture credit scheme provides for a subsidy of USD 1 per gallon for all types of biodiesel, the Commission considers that this scheme provided significant amount of subsidies to the US biodiesel exporting producers and thus remained by far the most important scheme during the RIP.

3.2.2. *Small agri-biodiesel producer income tax credit*

3.2.2.1. Legal basis

- (59) Title 26, U.S.C., Section 40A also provides for a small agri-biodiesel producer income tax credit.

3.2.2.2. Eligibility

- (60) This scheme is only available to small producers of neat agri-biodiesel. Any mixer, blender, or trader who purchases but does not produce biodiesel is not eligible for the credit. A small producer is any person whose production capacity is not more than 60 million gallons of agri-biodiesel per year. The small agri-biodiesel producer can claim a USD 0,10 non-refundable general business income tax credit for each gallon of agri-biodiesel produced. The qualified production of a producer may not exceed 15 million gallons in any taxable year. For the producer to claim the credit, the agri-biodiesel must be used as a fuel, sold for use as a fuel, or used to create a mixture of biodiesel and diesel fuel that is used as a fuel or sold for use as a fuel. Thus small agri-biodiesel producers can combine this scheme with the biodiesel mixture credit scheme and thus receive altogether USD 1,10 per gallon. By contrast, big agri-biodiesel producers are eligible only for the biodiesel mixture credit scheme.

3.2.2.3. Practical implementation

- (61) Claims for the non-refundable general business income tax credits are made annually when the claimant is making its income tax return. The credit for each gallon of biodiesel produced by the claimant during the relevant tax year, up to a maximum of 15 million gallons, is offset against the claimant's liability for corporate income tax. If the claimant's tax liability is less than the amount of credit claimed, the excess amount can be carried forward to subsequent tax years.

3.2.2.4. Conclusion

- (62) The Commission considers that this scheme is a subsidy in the sense of Article 3(1)(a)(ii) of the basic Regulation as the scheme provides a financial contribution by the Government of the United States of America in the form of revenue foregone which is otherwise due. The incentive confers a benefit on the companies receiving them.
- (63) The scheme is limited to companies that produce biodiesel and is therefore considered to be specific under Article 4(2)(a) of the basic Regulation and therefore countervailable.

3.2.3. Bioenergy programme for advanced biofuel (BPAB)

3.2.3.1. Legal basis

- (64) The US Department of Agriculture ('USDA') Bioenergy programme for advanced biofuel (BPAB) is governed by Title IX, Section 9005 of the Farm Security and Rural Investment Act of 2002 (the '2002 Farm Bill'). The programme was scheduled to expire in 2012, but was extended in 2013 and subsequently in 2014. The Agriculture Act of 2014 extended the programme for another 5 years, until the end of 2018.

3.2.3.2. Eligibility

- (65) This programme provides direct grants to producers of advanced biofuels, which are generally defined as 'fuel derived from biomass other than corn kernel starch'. The definition includes diesel produced from biomass ⁽¹²⁾. No more than five percent of the programme's funds may be distributed to eligible producers with a refining capacity exceeding 150 000 000 gallons of advanced biofuel per year. Blenders are not eligible for the programme.

3.2.3.3. Practical implementation

- (66) Participants receive direct payments from the government after having applied for the programme. Producers have to register first with the authority and sign a contract. The producers must submit payment applications for each quarter of the fiscal year in order to receive payment for that quarter's production of advanced biofuel. Payments are provided for both actual production and incremental production. Actual production payments are calculated quarterly for the amount of actual advanced biofuel produced each quarter.
- (67) Incremental production payments are made for the quantity of eligible advanced biofuel produced in a fiscal year that exceeded the quantity produced in the prior fiscal years (since 2009).
- (68) The funding is divided among all producers who come forward based on the Btu ⁽¹³⁾ value of the production. The funding is distributed evenly among all producers depending on Btu value.

3.2.3.4. Conclusion

- (69) The Commission considers that this scheme is a subsidy in the sense of Article 3(1)(a)(i) of the basic Regulation as the scheme provides a financial contribution by the Government of the United States of America in the form of a direct grant. The incentive confers a benefit on the companies receiving them.
- (70) The scheme is limited to companies that produce biodiesel and is therefore considered to be specific under Article 4(2)(a) of the basic Regulation and therefore countervailable.

3.2.4. Credit for Production of Cellulosic Biofuel

3.2.4.1. Legal basis

- (71) The programme exists since 1 January 2009 and was established by the Food, Conservation, and Energy Act of 2008. After 1 January 2011 the programme was extended in the same way as the other three schemes above (see details in Section 3.4.1 below). The law adopted on 19 December 2014 retroactively reinstated the scheme for the entire year of 2014 ⁽¹⁴⁾, but companies can carry forward up to 20 years the tax credit acquired from the scheme.

⁽¹²⁾ Section 428.102 'Definitions' of the implementing regulations: 'Diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat.' Potentially 'biofuel derived from waste material, including crop residue, other vegetative waste material, animal waste, food waste, and yard waste' could also include production of biodiesel.

⁽¹³⁾ The British thermal unit (BTU or Btu) is a unit of energy equal to about 1 055 joules.

⁽¹⁴⁾ By means of Tax Increase Prevention Act of 2014, signed by the President of the USA on 19 December 2014. Extension of Second Generation Biofuel Producer Credit thereof.

3.2.4.2. Eligibility

- (72) This scheme provides for USD 1,01 per gallon non-refundable general business income tax credit to second generation biofuel used as fuel or sold for use as fuel. Producers are eligible, including producers of biofuel derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, as well as algae-based fuels.

3.2.4.3. Practical implementation

- (73) The US authorities did not submit detailed figures about the benefits provided during the RIP. They claimed that they will only know the benefits for 2013 by October 2015 and for 2014 by 2016. However, it seems that the scheme has not provided benefits to producers of diesel qualifying as second generation fuel. This is due to the fact that so far such diesel does not seem to be produced on a commercial basis and the quantities produced and sold on the market are rather marginal.

3.2.4.4. Conclusion

- (74) In view of the above, the Commission does not consider that this scheme provided benefits to biodiesel producers during the RIP and did not analyse its impact on possible continuation and/or recurrence of subsidisation.

3.3. Subsidisation of imports during the RIP — State Schemes

3.3.1. *Florida Biofuels Investment Tax Credit*

3.3.1.1. Legal basis

- (75) The legal basis of this scheme operated by the Florida Department of Agriculture and Consumer Services is Section 220.192 of the Florida Statutes.

3.3.1.2. Eligibility

- (76) The Renewable Energy Technologies Investment Tax Credit programme provides an annual corporate tax credit to all eligible entities for all capital costs, operation and maintenance costs, and research and development costs incurred between 1 July 2012, and 30 June 2016, in connection with an investment in the production, storage, and distribution of biodiesel, ethanol, and other renewable fuel in the state of Florida.

3.3.1.3. Practical implementation

- (77) Applications for the tax credit must be received by the department on or before 1st November of each year and are reviewed on a first-come, first-served basis. Applications must include supporting documentation for all eligible costs. Applicants must also submit a summary describing how the materials are being used in connection with an investment in the production, storage, and distribution of biodiesel (B10-B100), ethanol (E10-E100) or other renewable fuels in Florida. In addition, applicants must submit with the completed application a description of the project's economic impact in Florida.
- (78) The scheme offers an annual corporate tax credit equal to 75 % (up to USD 1 million per taxpayer and USD 10 million total per state fiscal year) of all capital costs, operation and maintenance costs, and R & D costs in connection with an investment in the production, storage and distribution of, among others, biodiesel and other renewable fuel in the state. The credit is up to USD 1 million per taxpayer and the unused amount may be carried forward and used in tax years from 1 January 2013 until 31 December 2018, after which the credit carryover expires and may not be used.

3.3.1.4. Conclusion

- (79) The Commission considers that this scheme is a subsidy in the sense of Article 3(1)(a)(ii) of the basic Regulation as the scheme provides a financial contribution by the State of Florida in the form of revenue foregone which is otherwise due. The incentive confers a benefit on the companies receiving them.
- (80) The scheme is limited to companies that produce biodiesel and other types of fuel is therefore considered to be specific under Article 4(2)(a) of the basic Regulation and therefore countervailable.

3.3.2. *Iowa Biodiesel Producer Tax Refund*

3.3.2.1. Legal basis

- (81) The legal basis of this scheme operated by Iowa Department of Revenue is Section 423.4(9) of the Iowa Code.

3.3.2.2. Eligibility

- (82) The producer must be a manufacturer of biodiesel, registered by the United States Environmental Protection Agency, pursuant to 40 C.F.R. §79.4. The biodiesel must be for use in biodiesel blended fuel in accordance with Iowa Code section 214A.2. The biodiesel must be produced in Iowa.

3.3.2.3. Practical implementation

- (83) Eligible biodiesel producers need to introduce a refund claim providing data on the number of biodiesel gallons produced during the quarter. The Department of Revenue reviews the refund claim and, if approved, issues a refund check to each biodiesel producer.
- (84) The refund claims are filed in April, July, October and January of each year, and the refund checks are issued in May, August, November and February of each year.
- (85) The programme provides a refund of USD 0,03 per gallon of biodiesel produced in Iowa (USD 0,03 for 2012, USD 0,025 for 2013 and USD 0,02 for 2014-2017). The refund is limited to the first 25 million gallons produced at each facility.

3.3.2.4. Conclusion

- (86) The Commission considers that this scheme is a subsidy in the sense of Article 3(1)(a)(ii) of the basic Regulation as the scheme provides a financial contribution by the State of Iowa in the form of revenue foregone which is otherwise due. The incentive confers a benefit on the companies receiving them.
- (87) The scheme is limited to companies that produce biodiesel and other types of fuel is therefore considered to be specific under Article 4(2)(a) of the basic Regulation and therefore countervailable.

3.3.3. *Kansas Qualified Biodiesel Fuel Producer Incentive*

3.3.3.1. Legal basis

- (88) The legal basis of this scheme operated by the Kansas Department of Revenue is Kansas Statutes Annotated (K.S.A.) 79-34,155 through K.S.A. 79-34,159 and Kansas Administrative Regulations (K.A.R.) 92-27-1 through K.A.R. 92-27-5. The scheme will expire on 1 July 2016.

3.3.3.2. Eligibility

- (89) The Kansas Qualified Biodiesel Fuel Producer Incentive Fund provides a direct grant of USD 0,30 per gallon to biodiesel producers established in the state of Kansas. Incentive payments are contingent on funds available and are distributed on a pro rata basis, if required.
- (90) The scheme has been underfunded in recent years and at this stage no funding is planned up until 1 July 2015. The scheme did not receive funding after 1 July 2014 either. Nevertheless, the scheme did provide benefits to several US producers during the RIP. In addition, it cannot be excluded that part or the total amount of funding provided for in the statutory acts (USD 875 000 quarterly) could be allocated to the scheme after 1 July 2015.

3.3.3.3. Conclusion

- (91) The Commission considers that this scheme is a subsidy in the sense of Article 3(1)(a)(i) of the basic Regulation as the scheme provides a financial contribution by the State of Kansas in the form of a direct grant. The incentive confers a benefit on the companies receiving them.
- (92) The scheme is limited to companies that produce biodiesel and other types of fuel is therefore considered to be specific under Article 4(2)(a) of the basic Regulation and therefore countervailable.

3.3.4. *Kentucky Biodiesel Production Tax Credit*

3.3.4.1. Legal basis

- (93) The legal basis of this scheme operated by Kentucky Department of Revenue is Kentucky Revised Statutes (KRS) 154.27 and Kentucky Administrative Regulations (KAR) 307 KAR 1:040.

3.3.4.2. Eligibility

- (94) Any biodiesel producer, biodiesel blender, or renewable diesel producer physically located in Kentucky is entitled to the production tax credit.

3.3.4.3. Practical implementation

- (95) An eligible applicant must submit to the Department of Revenue an application on or before January 15 of the preceding calendar year. The applicant must provide evidence that the biodiesel produced meets certain specification requirements.
- (96) An applicant claiming the tax credit must attach the credit certificate issued by the department to its tax return on which the tax credit is claimed.
- (97) The credit rate is one dollar (USD 1) per biodiesel gallon produced by a biodiesel producer, one dollar (USD 1) per gallon of biodiesel used in the blending process by a biodiesel blender, and one dollar (USD 1) per gallon of renewable diesel (that is diesel from biomass) produced by a renewable diesel producer, unless the total amount of approved credit for all biodiesel producers, biodiesel blenders, and renewable diesel producers exceeds the annual biodiesel and renewable diesel tax credit cap.

- (98) The combined annual cap for biodiesel and renewable diesel tax credit for 2013 and 2014 was USD 10 million in accordance with KRS 141.422 (1)(c).
- (99) If the total amount of approved credit for all biodiesel producers, biodiesel blenders, and renewable diesel producers exceeds the annual biodiesel and renewable diesel tax credit cap, the department shall determine the amount of credit each biodiesel producer, biodiesel blender, and renewable diesel producer receives by multiplying the annual biodiesel and renewable diesel tax credit cap by a fraction, the numerator of which is the amount of approved credit for the biodiesel producer, biodiesel blender, and renewable diesel producer and the denominator of which is the total approved credit for all biodiesel producers, biodiesel blenders, and renewable diesel producers.

3.3.4.4. Conclusion

- (100) The Commission considers that this scheme is a subsidy in the sense of Article 3(1)(a)(ii) of the basic Regulation as the scheme provides a financial contribution by the State of Kentucky in the form of revenue foregone which is otherwise due. The incentive confers a benefit on the companies receiving them.
- (101) The scheme is limited to companies that produce biodiesel and other types of fuel is therefore considered to be specific under Article 4(2)(a) of the basic Regulation and therefore countervailable.

3.4. Likelihood of continuation or recurrence of subsidisation

- (102) The main scheme, as in the original investigation, continued to be the Biodiesel mixture credit scheme. This scheme was in force during the RIP but expired on 31 December 2014. Its legislative developments and its likelihood to be reintroduced are analysed below, together with the biodiesel credit and the small agri-biodiesel producer income tax credit.

3.4.1. Expirations and prolongations of the three federal schemes

- (103) The three federal schemes (Biodiesel mixture credit, Biodiesel credit and Small agri-biodiesel producer credit) were enacted by American Jobs Creation Act of 2004 ⁽¹⁵⁾ and first entered into force on 1 January 2005. They were due to expire on 31 December 2008. Since then, they had been due to expire and had been extended four times:
- (i) The first extension was until 31 December 2009 and was enacted by Public Law 110-343, signed on 3 October 2008 (the 'Emergency Economic Stabilization Act of 2008: Division B — Energy Improvement and Extension Act of 2008');
 - (ii) The second extension was until 31 December 2011 and was enacted by Public Law 111-312, signed on 17 December 2010 (The 'Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010');
 - (iii) The third extension was until 31 December 2013 (covering also retroactively 2012) and was enacted by Public Law 112-240, signed on 2 January, 2013 (the 'American Taxpayer Relief Act of 2012');
 - (iv) The fourth and so far last extension was until 31 December 2014 and was enacted by Tax Increase Prevention Act of 2014, signed by the President of the USA on 19 December 2014.

⁽¹⁵⁾ As extended by the Energy Policy Act of 2005, §1344 (P.L. 109-58) and amended by the Energy Improvement and Extension Act of 2008 (P.L. 110-343, Division B) §202-203.

- (104) Consequently, throughout their existence, the three federal schemes have not only been constantly reinstated but were on two occasions (in 2013 and in 2014) even reinstated retroactively 11 months after they had expired. Therefore, since the introduction of the schemes in 2005, until the end of 2014, whether by means of simple extensions of the schemes, or by extensions with retroactive effects, the three federal schemes have been constantly available to US biodiesel producers.
- (105) The funding for 2014 will only be disbursed to the beneficiaries in the second half of 2015 ⁽¹⁶⁾ since the deadline for applying for the retroactively introduced programme was extended until 8 August 2015.

3.4.2. Likelihood of recurrence of subsidisation of the three federal schemes

- (106) The Commission considers that there is a strong likelihood that the three federal schemes will be reinstated in the near future, including covering retroactively the period after 31 December 2014 for the following reasons:
- (107) First, the past four extensions described in section 3.4.1 above show an established pattern to reinstate the schemes.
- (108) After final disclosure, NBB claimed that there would be no established pattern to reinstate the schemes since the two last reinstatements of the scheme were for the past and not for the future. On this basis, NBB states that if there is a pattern which could be replicated in 2015, there could possibly be a reinstatement for 2015 but not for 2016. Allegedly, it would be not possible to predict with sufficient degree of probability that biodiesel produced in the US would benefit from the Biodiesel mixture credit when sold in 2016.
- (109) NBB's claim is factually incorrect and should therefore be rejected. Only the last reinstatement of the scheme covered exclusively the past (for 2014), while all previous reinstatements included also future periods. For example, the reinstatement on 2 January 2013 covered retroactively 2012, but also the full year 2013. Similarly, the extensions in 2008 and 2010 also covered 2009 and 2011 respectively. Thus, there is not only a pattern of retroactive reinstatement of the schemes, but also all past reinstatements, except for the one in 2014, covered also future periods of operation of the scheme. In any event, it is irrelevant whether the next reinstatement of the scheme would cover only 2015 or also 2016. So far, the result of the previous reinstatements was a continuing subsidisation, and nothing indicates that such pattern will stop. Therefore, it is likely that 2016 (and the following several years) would be retroactively covered by future reinstatement(s), taking into account the following elements:
- (i) the established pattern to reinstate the schemes;
 - (ii) the established fact in recitals (116)-(120) below that there has been no change in the prices of biodiesel in US domestic markets after the previous expiries of the schemes;
 - (iii) the continuation and non-abolition of the funding for the schemes in the past; and
 - (iv) the circumstance that, even if the schemes were to be abolished, they should have to be gradually reduced.
- (110) NBB also submitted a number of arguments in support of the view that the reinstatement of the three federal schemes would be a pure possibility, but not a probability. First, it quoted a declaration by the International Council on Clean Transportation (ICCT) allegedly stating that there would be no evidence that biodiesel still needs a tax credit.

⁽¹⁶⁾ The authority (Internal Revenue Service) has to pay within 60 days after the claim is received (the latest on 8 August 2015) or IRS has to pay compensation.

- (111) Second, NBB pointed out that a recent Biodiesel Tax Incentive Reform and Extension Act of 2014 (also known as Draft Bill 2021), proposing to extend the biodiesel income and excise tax credits through 31 December 2017, failed to pass the Congress. NBB claimed that the House of Representatives is allegedly also not expected to take up or pass legislation during 2015 that would continue the biodiesel (mixture) credit.
- (112) The first claim concerns a declaration by ICCT dated 31 July 2014. However, the US authorities did not follow this advice and prolonged the scheme at the end of the same year. Consequently, little weight should be given to a declaration of ICCT, when assessing the probability of future reinstatements.
- (113) Regarding the second statement, the Draft Bill S.2021 ⁽¹⁷⁾ was not adopted by the 2013-2014 Congress and the House of Representatives has not passed an extension of the tax incentives. However, a new draft law was introduced in the Congress on 21 May 2015 and it proposes the extension of the three subsidy schemes for the period between 31 December 2014 and 31 December 2016 ⁽¹⁸⁾. Therefore, it is factually incorrect that there is currently no legislative proposal discussed in the US legislative system. Even if this new law fails to be adopted, experience has shown that, under the US legislative system, it is possible that a Law is proposed and passed in only 18 days. According to the information provided by the USG, the Tax Increase Prevention Act of 2014 was first introduced in the U.S. House of Representatives only on 1 December 2014, while the final step in the legislative procedure was only 18 days later when President Obama signed the bill into law on 19 December 2014. Moreover, given the fact that, under the US legal system, such extensions can be applied retroactively — for example the reinstatement in 2013, which covered retroactively also 2012 — the adoption of a new extension can even take place after 2015.
- (114) Following final disclosure, NBB also claimed that the Commission's assessment (see recital (107) above) would not meet the legal requirements of Article 18(1) of the basic Regulation which in their view requires the Commission to demonstrate that the expiry of the countervailing duties would lead to recurrence of subsidisation.
- (115) Article 18(1) of the basic Regulation requires demonstrating the likelihood of recurrence of subsidisation, which necessarily implies that subsidised imports into the EU would resume absent the measures. As analysed in detail in section 3.5 below, the Commission established that it is likely that US biodiesel producers will resume exporting biodiesel at subsidised prices to the Union market at large volumes, if measures are allowed to lapse.
- (116) Second, no changes in the prices of biodiesel in the US domestic market have been observed which could be linked to the past expiry of the schemes or to their current expiry after 31 December 2014. According to the data provided by NBB ⁽¹⁹⁾, domestic prices of biodiesel dropped during the financial crisis in 2008, increased in the second and third quarter of 2010 and then remained rather stable until the end of 2013. In the first half of 2014, prices decreased by around 30 %, while they would have been expected to increase, if the producers anticipated that the schemes would not be reinstated. This shows that biodiesel producers, as well as other market operators, had strong expectations that the schemes would be retroactively reinstated in the future, taking into account:
- (i) the significance of the subsidies compared to the sales price of biodiesel; and
 - (ii) the fact that the original investigation revealed that some biodiesel producers include directly in their prices the purchaser's credit of the USD 1 per gallon scheme ⁽²⁰⁾.
- (117) Following final disclosure, NBB claimed that biodiesel prices fluctuate in accordance with the prices of mineral diesel and the cost of the feedstock. Thus, NBB argued that no inference can be made from the price evolution of biodiesel for the likelihood of recurrence of subsidisation, unless the impact of the cost of feedstock and the impact of the mineral diesel prices is taken into account.

⁽¹⁷⁾ <https://www.congress.gov/bill/113th-congress/senate-bill/2021/text>

⁽¹⁸⁾ HR 2517 'Powering American Jobs Act of 2015', introduced by Mike Kelly. Available at [https://www.congress.gov/bill/114th-congress/house-bill/2517/text?q={%22search%22%3A\[%22%22hr2517%22%22\]}#toc-H48B28727047A4954BB43B03E81976580](https://www.congress.gov/bill/114th-congress/house-bill/2517/text?q={%22search%22%3A[%22%22hr2517%22%22]}#toc-H48B28727047A4954BB43B03E81976580), accessed on 8 July 2015.

⁽¹⁹⁾ NBB's submission dated 29 September 2014.

⁽²⁰⁾ See recital 55 of Regulation (EC) No 194/2009.

- (118) Irrespective of the impact of the prices of mineral diesel and the costs of the feedstock on the price fluctuation of biodiesel, the Commission concludes that the subsidy obtained by the biodiesel producers for each gallon of biodiesel produced must have reduced significantly the cost of production. This is also reflected in the final determination of the price of biodiesel. Since there was no cooperation from US companies, it is not possible to establish the exact effect of the subsidy on the cost of production. However, the Commission estimated that the one dollar (USD 1) provided for each biodiesel gallon produced constituted approximately one third of the final US domestic price of biodiesel during the RIP. Consequently, it reiterates its findings that biodiesel prices would have been expected to increase in the past, if the producers anticipated that the schemes would not be reinstated. However, no changes in the prices of biodiesel in the US domestic market have been observed which could be linked to the past expiry of the schemes or to their current expiry after 31 December 2014.
- (119) Third, not only could the US biodiesel industry continuously avail itself of the subsidies provided by the three federal schemes, but also the funding had never been abolished for a particular time period. The scheme was never underfunded nor was its scope of beneficiaries/benefits provided reduced. On the contrary, in 2008 ⁽²¹⁾ the credit for USD 1 per gallon was extended to all producers of biodiesel and not only to producers of agri-biodiesel. Indeed, the funding provided in 2013 more than doubled in comparison with 2012, while for the first half of 2014 the funding was higher than the total one for 2013 ⁽²²⁾.

Funding in million USD	2011	2012	2013	1.06.2013-31.12.2013	2014 (until 30 June, 2014)
Biodiesel Fuel Mixture Excise Credits	760,7	847,0	1 603,2	1 427,8	1 830,2

- (120) Fourth, given the importance of the schemes for the US biodiesel industry and the expectations from all market operators that the schemes would continue to exist, even if the US were to decide to abolish the schemes for the future, it could not do so by simply allowing the schemes to expire. Instead, the funding available would have to gradually be reduced, i.e. within several years, and/or the number of eligible beneficiaries would have to be restricted. Otherwise it would risk causing serious injury to its domestic biodiesel industry, thereby leading to significant job losses (the industry employs around 60 000 people ⁽²³⁾), dependency on imports of diesel and failure to meet the environmental objectives set by the Government by using biodiesel ⁽²⁴⁾.
- (121) After final disclosure, NBB claimed that the fact that sufficient funding was available in the past and that the scope of beneficiaries' benefits was not reduced in the past is irrelevant for a determination of the likelihood of recurrence of a subsidy programme that has expired. NBB further claimed that the fact that the US biodiesel industry employs around 60 000 people does not automatically mean that the subsidy programmes must be reinstated or must decline over time. Finally, the fact that Renewable Fuel Standard ('RFS')-2 requires a minimum of 1 billion gallons of biomass-based diesel to be used annually between 2011 and 2021 does not mean that this goal will not be achieved if the subsidy programmes are not reinstated.
- (122) The Commission concludes that, given the magnitude of the funding provided by means of the three federal schemes and the expectations from all market operators that the schemes would continue to exist, it would be very difficult for the US authorities to simply allow the schemes to expire. The level of employment by the

⁽²¹⁾ By means of Section 202(a) of the Energy and Improvement and Extension Act 2008. However, Section 203 thereof amends I.R.C. Sections 40A and 6426 to exclude biodiesel imported and sold for export from the credits effective as from 15 May 2008. This is, however, a reduction of the scope of beneficiaries which has no actual effects on the US domestic market as it does not concern either production or importation of biodiesel consumed in the USA.

⁽²²⁾ Source: US Government reply. NB: the quoted figures cover only excise tax credits, but do not cover income tax credits and direct grants for which the USG did not provide information.

⁽²³⁾ According to the NBB, 'Biodiesel Basics What is biodiesel?', <http://www.biodiesel.org/what-is-biodiesel/biodiesel-basics>, accessed on 24 March 2015.

⁽²⁴⁾ The Renewable Fuel Standard-2, established by the Energy Policy Act (EPA) of 2005, and subsequently by Energy Independence and Security Act (EISA) of 2007, requires a minimum of 1 billion gallons of biomass-based diesel be used annually between 2011 and 2022. It also requires the country use no less than 21 billion gallons of advanced biofuels by 2022. Biodiesel qualifies for compliance under both categories. Source: <http://www.biodiesel.org/what-is-biodiesel/biodiesel-faq's>, accessed on 30.3.2015.

industry, the environmental and economic objectives served by the industry are important indicators of what would be at stake, if the US biodiesel industry is forced to reduce its production and capacity in the absence of or in the case of reduced federal subsidies. In addition, under this scenario the environmental objective (contained in RFS-2) of using no less than 22 billion gallons of advanced biofuels by 2022 ⁽²⁵⁾, for which biodiesel also qualifies, will be also under threat.

- (123) Consequently, the Commission considers that there is strong likelihood that the biodiesel mixture credit, biodiesel credit and small agri-biodiesel producers' credit schemes will be retroactively reinstated and will continue to confer benefits to US biodiesel producers in the future. The three federal schemes will likely cover retroactively the period after 31 December 2014, as has proven to be already the case in the past.
- (124) NBB further claimed that, whilst Article 18(1) of the basic Regulation refers to the likelihood of recurrence of subsidisation, countervailing duties cannot be maintained if a subsidy programme is withdrawn at the time of findings in an expiry review and countervailing duties cannot be implemented when there is no subsidy to counteract so as to prevent injury being caused. The opposite would be inconsistent with Articles 15(1) and 17 of the basic Regulation, as well as with Article 19 of the Agreement on Subsidies and Countervailing Measures. NBB further claimed that a coherent reading of these provisions would determine that duties can only be maintained if the subsidy programme as such is still in place, but benefits under the programme are not afforded.
- (125) This claim should be rejected. The wording of Article 18 of the basic Regulation does not necessarily require the Commission to establish that subsidisation actually exists in order to decide on the extension of the measures. Rather, Article 18 of the basic Regulation foresees that, while the measures are in force, subsidisation may not occur, and hence, it allows the possibility to establish a 'likelihood of recurrence of subsidisation'. Thus the existence of a subsidy scheme in force at the moment of extension is not an absolute requirement set out by Article 18 of the basic Regulation.
- (126) Moreover, the context confirms that Article 15(1), 3rd sentence, of the basic Regulation is not applicable to expiry reviews. Article 15 of the basic Regulation in general determines the conditions for the imposition of definitive measures in the case of Article 10 investigations (that is new investigations). Indeed, many of its provisions are not applicable to expiry review investigations initiated pursuant to Article 18 of the basic Regulation. For example, Article 15(1) fifth paragraph thereof specifies that '*the amount of the countervailing duty shall not exceed the amount of countervailable subsidies established*'. This paragraph is clearly not applicable to expiry reviews since according to Article 22(3) of the same regulation when an expiry review is conducted measures can only be repealed or maintained and thus cannot determine the amount of countervailing duty.
- (127) Similar wording exists in Article 19 of the Agreement on Subsidies and Countervailing Measures which also clearly governs the conditions for the imposition of definitive measures in the case of new investigations.
- (128) For the same reasons set out in recitals (125)-(127) above, the Commission is of the view that Article 17 of the basic Regulation is not applicable to expiry review investigations initiated pursuant to Article 18 of the basic Regulation.
- (129) Finally, the purpose of Article 18 of the basic Regulation is to carry out a prospective analysis of the likelihood of continuation or recurrence of subsidisation and injury. Such an exercise suggests a certain degree of probability and distinguishes Article 18 of the basic Regulation from Articles 15(1) and 17 of the basic Regulation, whose objectives are to take into account a change in circumstances which has already occurred.
- (130) Therefore, based on the wording, context and the objectives of Article 18, the Commission considers that Articles 15 and 17 of the basic Regulation do not apply to expiry reviews.
- (131) For the reasons set above, the Commission rejects the claims put forward by NBB.

⁽²⁵⁾ See footnote 21 above.

3.4.3. Likelihood of continuation of subsidisation of other schemes

- (132) All subsidy schemes analysed above, on the basis of which subsidies were granted, were in force during the RIP.
- (133) A number of small schemes are currently still in force, such as the bioenergy programme for advanced biofuel and the state subsidy schemes, and there are no indications that these schemes will come to an end in the near future.
- (134) Therefore, with regard to the schemes in force, the Commission considers that the expiry of the measures would be likely to lead to the continuation of subsidisation.

3.5. Impact of subsidisation on the exports to the EU

- (135) The Commission also examined whether subsidised exports from the USA to the Union would be made in significant volumes should the measures be allowed to lapse. Due to lack of cooperation from the selected sampled producers mentioned in recital (20) above, it was not possible to carry out an analysis based on verified data supplied by US producers. The Commission therefore made use of the following sources of information: the data provided by some US biodiesel producers at initiation stage in reply to the questionnaire for the purpose of the sampling, Eurostat, the request for an expiry review, subsequent submissions from the applicant, the US National Biodiesel Board (NBB), the websites of the US Energy Information Administration (EIA) and the US Department of Energy, and the US International Trade Commission.
- (136) On the basis of data collected from the EIA, the US biodiesel producers' capacity during the RIP was 7 128 000 tonnes. This volume is very close to the volume provided by the NBB based on the information submitted by its members to Environmental Protection Agency (EPA), that is 6 963 000 tonnes.
- (137) The US actual production of biodiesel during the RIP was 4 450 000 tonnes (EIA's data), which corresponds to a capacity utilisation of 62,4 % and a spare capacity of 37,6 %, that is 2 678 000 tonnes. This spare capacity is likely to be used to supply the Union market should measures be allowed to lapse. Indeed, the US producers can easily increase their production and export it to the EU with the economic benefit of the increase in capacity utilisation ratio and reduction of unit cost of production. The release in the Union market of the US spare capacity would have a significant impact as it amounts to nearly 22 % of the Union consumption during the RIP.
- (138) In this respect, the NBB submitted a number of comments. First, the NBB pointed out that the US real production capacity would be lower than that considered by the Commission. Indeed, according to the NBB, a number of plants in the US, albeit registered, are actually inactive and therefore the real production capacity is 5 409 000 tonnes. The NBB also reported a higher production of biodiesel during the RIP, amounting to 5 084 000 tonnes. As a consequence, the NBB claimed that the capacity utilisation is around 94 % and that there is little spare capacity to be used to export to the EU if measures were repealed.
- (139) However, this claim cannot be accepted. The data provided by the NBB cannot be reconciled with officially available data. Biodiesel producers in the USA are obliged to submit to EIA on a monthly basis a form (EIA-22M 'Monthly Biodiesel Production Survey') indicating, among other data, the annual production capacity and their operating statuses, such as active, temporarily inactive or permanently ceased operations. Since January 2013, the registered capacity varied slightly from one month to another but was overall rather stable.
- (140) In addition, biodiesel producers in the USA are obliged to submit to EPA on an annual basis, among other information, the type, or types, of renewable fuel expected to be produced or imported and the existing and planned production capacity.
- (141) The registered capacity that US biodiesel producers have declared is thus updated regularly and is therefore considered as an accurate source. Even if the registered capacity is currently unused or idle, it must be taken into account for the calculation of the spare capacity which is available to increase production and exports.

- (142) Moreover, the production capacity values provided by the NBB already excluded the permanent shuttered capacity, as acknowledged in their submission. Plants which are not permanently shuttered can by definition start production again, if future market conditions change (such as the opening up of the Union market). The 'likelihood-of-recurrence' test in an expiry review requires a forward looking approach about what could happen in the future if measures were allowed to lapse, and not a simple stock-taking of the situation during the RIP.
- (143) Following final disclosure, the NBB maintained that the production capacity should not take into account idle capacity even if this capacity was not notified to the US authorities as dismantled or permanently shuttered.
- (144) However, following the EIA instructions quoted by NBB, the '*annual production capacity [is] the quantity of biodiesel that a plant can produce in a calendar year, assuming normal downtime for maintenance. It includes the capacity of idle plant until the plant is dismantled or abandoned*'⁽²⁶⁾. It is clear from the above that EIA takes into account in the total production capacity in the USA all possible plants which potentially can become active again. Consequently, contrary to what NBB argues, plants which are not dismantled or permanently shuttered can by definition start production again, if future conditions change. Therefore this idle capacity has to be considered as part of the total US biodiesel production capacity.
- (145) The Commission considers therefore that the current registered capacity constitutes an accurate basis for calculating the total US production capacity and spare capacity and rejects the NBB claim.
- (146) Second, the NBB also claimed that the US biodiesel industry is not designed to operate as an exporting industry, as most US biodiesel facilities produce less than 15 000 000 gallons (55 000 metric tonnes) per year. Allegedly, it would not be economically feasible to stock several weeks of biodiesel production for a single export shipment.
- (147) The Commission considers that this claim must be rejected. The US biodiesel industry can export and before imposition of the measures in force, the US producers were exporting significant quantities of biodiesel to the Union market, up to 1 137 000 tonnes during the investigation period of the initial investigation (1 April 2007 to 31 March 2008). This shows that there are US producers with sufficient production capacity to be able to export. In addition, the US producers without sufficient individual production capacity for a shipment to the Union will continue serving the domestic market and traders can put together the output of several plants and export it.
- (148) Moreover, the Union market is very attractive as it is the biggest in the world and there are significant Union and national incentives for biodiesel consumption. Last but not least, the level of prices in the Union, which are higher than in other third markets, would incentivise the US producers to export to the Union rather than to other third markets.
- (149) Therefore, the Commission concludes that in view of the likelihood of continuation and recurrence of subsidisation, combined with the significant spare capacity of the US biodiesel industry and the attractiveness of the Union market, it is likely that US biodiesel producers will resume exporting biodiesel at subsidised prices to the Union market at large volumes, if measures are allowed to lapse.

3.6. Conclusion

- (150) In view of the above, in accordance with Article 18(3) of the basic Regulation, the Commission concludes that there is a likelihood of continuation and recurrence of subsidisation should the measures in force be allowed to lapse.

4. INJURY

4.1. Definition of the Union industry and Union production

- (151) The like product was manufactured by around 200 producers in the Union during the review investigation period. They constitute the 'Union industry' within the meaning of Article 9(1) of the basic Regulation.

⁽²⁶⁾ http://www.eia.gov/survey/form/eia_22m/instructions.pdf, accessed on 7.7.2015.

- (152) The total Union production during the review investigation period was established at almost 11 600 000 tonnes. The Commission established the figure on the basis of all the available information concerning the Union industry, such as information provided in the request for an expiry review and data collected from Union producers during the investigation. As indicated in recitals (12)-(14) above, seven Union producers were selected in the sample representing almost 30 % of the total Union production of the like product.

4.2. Union consumption

- (153) The Commission established the Union consumption on the basis of the volume of the total Union production minus exports, plus imports from third countries. Import and export volumes were extracted from Eurostat data.
- (154) Union consumption developed as follows:

Table 1

Union consumption

	2011	2012	2013	RIP
Total Union consumption (metric tonnes)	11 130 119	11 856 626	11 382 324	12 324 479
<i>Index</i>	100	107	102	111

Source: Data from Union industry, Eurostat

- (155) Based on the above the Union consumption of biodiesel increased by 11 % over the period considered.

4.3. Imports of the product concerned from the USA

4.3.1. Volume and market share of the imports from the country concerned

- (156) Imports of biodiesel from the USA to the Union have, according to Eurostat data, dropped to almost zero since the imposition of measures in 2009. Imports into the Union from the country concerned and market share have developed as follows:

Table 2

Import volume and market share

	2011	2012	2013	RIP
USA (metric tonnes)	2 442	803	7	13
<i>Index</i>	100	33	0	1
Market share	0	0	0	0

Source: Eurostat

4.3.2. Prices and price undercutting

4.3.2.1. US domestic prices

- (157) In the absence of cooperation from the US biodiesel producers, the Commission services made use of three sources of information for establishing the domestic sales price of biodiesel in the US during the RIP: (i) the replies to the questionnaire sent out at initiation stage for the purpose of sampling, submitted by a number of US biodiesel producers at initiation stage; (ii) information provided by the NBB based on information gathered by a market surveyor named 'Jacobsen'; and (iii) information provided by the applicant based on information gathered by the Oil Price Information Service (OPIS).

- (158) The data from these three sources include different levels of trade prices and incoterm conditions. However, the values are very close to each other. The average of the values from these three sources is USD 1 196,93 per metric tonne. At the euro/dollar average exchange rate during the RIP (EUR 1 = USD 1,356), this amount corresponds to a US domestic sales price of EUR 883 per metric tonne ⁽²⁷⁾.

4.3.2.2. US export prices and undercutting

- (159) During the review investigation period the imports of biodiesel to the Union from the USA were negligible and could not provide a meaningful basis for calculating undercutting.
- (160) An analysis was therefore made between the average price of biodiesel produced and sold in the Union by the Union industry and the average export price of biodiesel to third countries from the USA in the RIP. The Commission consulted the database of the United States International Trade Commission and extracted the quantities and values of the export of biodiesel under the HTS code 382600 for the RIP. The export quantities (in metric tonnes) to all countries (EU included) amount to 567 018 tonnes. The average value per metric tonne during the RIP was EUR 753,34.

Table 3

US export volumes and export prices during the RIP

Countries of destination	Export quantities (metric tonnes)	% of exports to all countries	Average value (USD) per metric tonne	Average value (EUR) per metric tonne
Total Gibraltar	76 266	13	753,19	555,45
Total Canada	247 959	44	1 167,33	860,86
Total Australia	4 267	1	1 019,77	752,04
Total Malaysia	103 773	18	891,44	657,41

- (161) During the RIP the average export price of the US biodiesel to all destinations was USD 1 021,52 (EUR 753,34) per metric tonne FAS (free alongside ship). In order to calculate a likely and reasonable Union export price it would be necessary to add costs for transport and insurance as well a customs duty of 6,5 % and post-importation costs to this price. According to data obtained during the investigation, this would amount to approximately EUR 100 per metric tonne. It follows that an estimated export price to the Union would be undercutting the Union prices, as the average domestic price of biodiesel sold by the Union producers during the RIP was EUR 905 per metric tonne (see table 8 below).
- (162) The US National Biodiesel Board (NBB) claimed that the Commission failed to explain why it used the average US export prices to third countries when establishing a likely Union export price rather than using the higher export price to Canada. It also contends that the Commission failed to explain the basis for the EUR 100 adjustment to the estimated export price to the Union and did not take into account post-importation costs as well as alleged price differences due to different feedstock. As a result, the undercutting analysis is flawed
- (163) The investigation demonstrated, as described above, that US export prices vary significantly depending on destination. Therefore, in order to establish a reasonable and likely export price to the Union, the Commission established that price on the basis of an average to all export destinations. To simply use the highest export price, as claimed by NBB, would not have been an appropriate method in the same way as using the lowest export price would have been inappropriate.

⁽²⁷⁾ Due to a typographical error, the price mentioned in the Disclosure Document was wrongly indicated at EUR 884.

- (164) With regard to the EUR 100 adjustment, the basis for the Commission's calculations was information provided by NBB itself. More specifically, the Commission used the amount for customs duties and for transport costs as provided by NBB (around EUR 94) and rounded it up to EUR 100, which would also take into account an amount for post-importation costs. The amount for post-importation costs as claimed by NBB (2 % of CIF frontier value or EUR 16,69) was disregarded since this amount was not substantiated.
- (165) As far as the alleged price difference due to different feedstock is concerned, the Commission recalls that in the original investigation an adjustment was granted on the basis of a comparison of verified data from US producers and Union producers. In the absence of cooperation from the US producers in the present expiry review, the Commission could, firstly not establish that an adjustment should be granted. Secondly, even if an adjustment were to be granted, the Commission could not establish the level of such an adjustment. The circumstances prevailing at the time of the original investigation have changed, in particular the mix of the feedstock used both in the EU and in the USA to produce biodiesel is no longer the same. In any event, NBB claimed an adjustment of 10 %, but has not substantiated this level of the adjustment.
- (166) It follows from the above consideration that NBB's claim that the undercutting analysis is flawed must be rejected.

4.3.3. Imports from other third countries

- (167) The volume of imports from other third countries developed over the period considered as follows:

Table 4

Imports from third countries

	2011	2012	2013	RIP
Malaysia (metric tonnes)	16 622	36 543	211 430	314 494
Indonesia (metric tonnes)	1 087 517	1 133 946	394 578	204 086
Argentina (metric tonnes)	1 422 142	1 475 824	425 239	153 607
Others (metric tonnes)	139 580	153 529	177 889	206 592
Total (metric tonnes)	2 665 861	2 799 842	1 209 136	878 779
<i>Index</i>	100	105	45	33
Market share	24,0 %	23,6 %	10,6 %	7,1 %
<i>Index</i>	100	99	44	30
Average price (EUR/tonne)	927	932	779	786
<i>Index</i>	100	100	84	85

Source: Eurostat

- (168) The volume of imports of biodiesel from third countries other than the USA has decreased significantly over the period considered which is reflected in a similar decrease in market share. The decrease in import volumes from 2013 coincides with the imposition of anti-dumping measures on imports of biodiesel from Indonesia and Argentina. The average price has also decreased by 15 % during the same period. The price trend is similar to the trend for the Union industry prices on the Union market (table 8 below) and can mainly be attributed to a decrease in feed stock prices. Albeit the price levels are approximately 13 % below the average Union price, the market share of these imports is low and does not have any significant impact on the Union industry.

4.4. Economic situation of the Union industry

4.4.1. General remarks

- (169) In accordance with Article 8(4) of the basic Regulation, an examination of all relevant economic indicators having a bearing on the state of the Union industry during the period considered was carried out.
- (170) For the injury determination, the Commission distinguished between macroeconomic and microeconomic injury indicators. The Commission evaluated the macroeconomic indicators on the basis of data related to all Union producers and the microeconomic indicators on the basis of verified data from the sampled Union producers. Both sets of data were found to be representative of the economic situation of the Union industry.
- (171) The macroeconomic indicators are: production, production capacity, capacity utilisation, sales volume, market share, growth, employment, productivity, magnitude of the subsidy margin, and recovery from past subsidisation.
- (172) The microeconomic indicators are: average unit prices, unit cost, labour costs, inventories, profitability, cash flow, investments, return on investments, and ability to raise capital.

4.4.2. Macroeconomic indicators

4.4.2.1. Production, production capacity and capacity utilisation

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

Table 5

Production, production capacity and capacity utilisation

	2011	2012	2013	RIP
Production volume (metric tonnes)	8 547 884	9 138 558	10 528 886	11 596 824
<i>Index</i>	100	107	123	136
Production capacity (metric tonnes)	16 072 000	16 190 288	16 997 288	16 746 869
<i>Index</i>	100	101	106	104
Capacity utilisation	53 %	56 %	62 %	69 %
<i>Index</i>	100	106	116	130

Source: Data provided by EBB (the applicant)

- (174) Whilst the production capacity remained relatively stable during the period considered (+ 4 %), the production volumes increased significantly as from 2012 until the end of the review investigation period. This increase in production volumes is partly explained by the increase in Union consumption for the same period but also coincides with the imposition of anti-dumping measures on imports of biodiesel from Indonesia and Argentina, which clearly had a positive effect on the Union industry production volumes.
- (175) As a result of the stable production capacity and increased production volumes, the capacity utilisation increased over the period considered by 30 % and was at 69 % by the end of the review investigation period.

- (176) NBB claims that the non-confidential questionnaire responses from some of the sampled companies show high capacity utilisation rates ranging from 78 % up to at least 93 %. Therefore, the lower average capacity utilisation rate of the whole industry must be due to structural factors rather than imports. In these circumstances, the capacity utilisation should not be taken into account as an indicator showing that the Union biodiesel industry is still in a process of recovering from past subsidisation.
- (177) This claim cannot be accepted. Capacity utilisation is only one of many macroeconomic indicators that the Commission considers when analysing the overall situation of the Union industry. The fact that some companies in the sample may have higher utilisation rates is normal since macroindicators are based on the weighted average of the entire Union industry. That some biodiesel producers in the Union have recovered faster, or to a higher degree, than others, particularly in a highly fragmented industry, does not render this indicator superfluous for the overall assessment of the situation of the Union industry.

4.4.2.2. Sales volume and market share

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

Table 6

Sales volume and market share

	2011	2012	2013	RIP
Sales volume on the Union market (metric tonnes)	8 497 073	8 863 191	9 741 548	10 966 576
<i>Index</i>	100	104	115	129
Market share	76 %	75 %	86 %	89 %
<i>Index</i>	100	98	112	117

Source: Data provided by EBB (the applicant)

- (179) Union industry sales volumes have increased significantly and in line with its increased production during the period considered. As a result also its market share on the Union market has increased from 76 % at the start of the period considered to 89 % at the end of the review investigation period. The positive evolution of sales volumes and market shares shows that current anti-dumping and anti-subsidy measures have had a positive effect for the Union industry.

4.4.2.3. Growth

- (180) Union consumption increased by 11 % over the period considered whilst both production volumes and sales increased by around 30 %. Also capacity utilisation increased by some 30 % while the capacity remained relatively stable with only a small increase. At the same time employment has increased (table 7 below) whilst the level of investment has decreased (table 11 below) during the period considered. Overall, it can be concluded that the Union industry is in a period of growth.

4.4.2.4. Employment and productivity

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

Table 7

Employment and productivity

	2011	2012	2013	RIP
Number of employees	2 123	2 125	2 351	2 326
<i>Index</i>	100	100	111	110
Productivity (metric tonnes/employee)	4 021	4 301	4 479	4 986
<i>Index</i>	100	107	111	124

Source: Data provided by EBB (the applicant)

(182) The number of employees in the Union biodiesel industry remained stable in the beginning of the period considered but increased thereafter by 10 % from 2012 to the end of the review investigation period. This trend is fully in line with the trends for other injury indicators, such as production volumes and sales, and is an indication of the on-going recovery from past dumping and subsidisation that the Union industry is currently experiencing.

(183) Since the increase in employment is proportionally smaller than the increased production of biodiesel, the productivity per employee has improved accordingly, by almost 25 % during the period considered, indicating that the Union industry is becoming a more efficient industry.

4.4.2.5. Magnitude of the subsidy margin and recovery from subsidisation

(184) As mentioned above in recital (159) imports of biodiesel from the USA virtually ceased after the imposition of countervailing duties and there were virtually no subsidised imports from the USA during the review investigation period. Therefore, the magnitude of the subsidy margin cannot be assessed. However, the analysis of the injury indicators shows that the measures in place against the USA and the subsequent measures imposed against imports from Argentina and Indonesia have had a positive impact on the Union industry which is deemed to be recovering from the effect of past subsidisation albeit it is still in a fragile and vulnerable economic situation.

4.4.3. Microeconomic indicators

4.4.3.1. Prices and factors affecting prices

(185) The weighted average unit sales prices of the sampled Union producers to unrelated customers in the Union developed over the period considered as follows:

Table 8

Sales prices in the Union

	2011	2012	2013	RIP
Average unit sales price in the Union (EUR/metric tonne)	1 105	1 079	964	905
<i>Index</i>	100	98	87	82

	2011	2012	2013	RIP
Unit cost of production	1 107	1 153	969	868
<i>Index</i>	100	104	88	78

Source: Verified data from sampled Union producers

- (186) The average sales price in the Union has decreased steadily over the period considered whilst the unit cost of production has followed a similar trend. Since biodiesel is traded as a commodity, the Union industry has not been able to maintain a higher sales price but rather to decrease the price in line with reduced costs of production. Therefore, the Union industry has not been able to fully reap the benefits of lower raw material costs. On the other hand, the cost of production per unit has decreased slightly more than the average unit price which indicates an improved efficiency by the Union industry.

4.4.3.2. Labour costs

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

Table 9

Average labour cost per employee

	2011	2012	2013	RIP
Average labour costs per employee (EUR)	60 866	59 081	60 802	61 807
<i>Index</i>	100	97	100	102

Source: Verified data from sampled Union producers

- (188) The average labour cost per employee has remained stable throughout the period considered.

4.4.3.3. Inventories

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

Table 10

Inventories

	2011	2012	2013	RIP
Closing stocks (metric tonnes)	84 734	118 256	92 825	91 202
<i>Index</i>	100	140	110	108
Closing stocks as a percentage of production	4 %	5 %	4 %	3 %
<i>Index</i>	100	125	100	75

Source: Verified data from sampled Union producers

(190) Stocks has remained relatively stable at a normal level during the period considered.

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

(191) Profitability, cash flow, investments and return on investments of the sampled Union producers developed over the period considered as follows:

Table 11

Profitability, cash flow, investments and return on investments

	2011	2012	2013	RIP
Profitability of sales in the Union to unrelated customers (% of sales turnover)	2,0	- 1,4	1,1	3,8
<i>Index</i>	100	- 70	55	190
Cash flow (EUR)	67 930 517	1 004 296	135 656 898	66 832 681
<i>Index</i>	100	1	200	98
Investments (EUR)	12 122 366	9 859 293	9 133 725	8 314 180
<i>Index</i>	100	81	75	69
Return on investments (% on net sales)	14,0	- 14,2	12,5	44,2
<i>Index</i>	100	- 101	89	315

Source: Verified data from sampled Union producers

(192) The Commission established the profitability of the sampled Union producers by expressing the pre-tax net profit of the sales of the like product to unrelated customers in the Union as a percentage of the turnover of those sales. The profitability has increased from 2,0 % in 2011 to 3,8 % by the end of the review investigation period. The profitability dropped however in 2012 to a loss (- 1,4 %) which was most likely due to the effect of significant amounts of dumped imports from Indonesia and Argentina, which replaced the imports that had previously been originating in the USA.

(193) The net cash flow is the ability of the Union producers to self-finance their activities. Whilst no clear trend can be established during the period considered, the sampled companies maintained over the period a positive cash-flow.

(194) During the period considered investments have decreased. However, in view of the positive cash-flow and the significant increase on the return of investments, as shown in the table above, there are no indications that Union industry would have encountered difficulties in raising capital or make further investments, should such investments have been required during the period considered.

(195) NBB claims that a profitability of 3,8 % is inconsistent with their own calculations, which were based on data from the non-confidential versions of the questionnaire replies of the sampled EU producers and indicated a profit margin of 8,5 %.

(196) The Commission analysed this claim and found that NBB reached a different figure on the basis of a methodology/calculation which was flawed for several reasons. First, their calculations of the profitability for the IP was not based on questionnaire replies as alleged but on sampling data which, however, does not contain information relating to the IP but to a different period. Second, the cost of production that NBB used to calculate the profitability was based on a cost of production for a different sample of companies used in another investigation and cannot therefore simply be transposed to this investigation. Finally, the Commission established the average profit margin of the sampled companies on the basis of reliable and verified data of those companies. Therefore, NBB's claim is rejected.

4.4.4. Conclusion on injury

(197) The analysis of the economic indicators shows that production and sales volumes have increased during the period considered whilst the Union consumption has only increased to a lesser extent. As a result the Union industry has increased its market share on the Union market. At the same time both sales prices and the cost of production have decreased at similar levels. This has prevented the Union industry from fully benefitting from the increased sales volumes despite a significant reduction of imports from third countries.

(198) On the other hand, profitability has remained low during the period considered and the Union industry even suffered losses in 2012. Even the profits that were achieved during the review investigation period, just under 4 %, are significantly below the profit that the Union industry should reasonably achieve under normal market conditions. Also, Commission recalls that in the original investigation leading to the imposition of the existing measures the Council established the (target) profit that the Union industry should reasonably obtain under normal market conditions at 15 % ⁽²⁸⁾. In a subsequent investigation concerning imports of biodiesel originating in Argentina and Indonesia, the profit level that the Union industry should reasonably expect to achieve under normal market conditions were, however, slightly revised downwards mainly due to increased competition on the Union market and the maturity of the biodiesel industry in the Union and established at 11 % ⁽²⁹⁾.

(199) Several of the economic indicators relevant for the analysis of the current state of the Union industry show a positive trend and hence indicate that the measures currently in place have had a positive effect on the Union industry. However, the profit level of the Union industry is still very low and significantly below the target profit as established in previous investigations. Moreover, the level of investment is low and also decreased during the period considered by 30 % and the capacity utilisation, albeit increasing, is still below 70 % compared to an utilisation rate of around 90 % when subsidised imports were absent from the Union market (2004-2006) and the Union industry was considered to be in a healthy situation ⁽³⁰⁾.

(200) Based on an overall analysis of all economic indicators the Commission has concluded that Union industry has not yet fully recovered from the effects of past effects of subsidised imports. It is still in an economically and financially fragile situation and the current positive trend could easily be reverted should subsidised imports from the USA recur in significant volumes.

5. LIKELIHOOD OF RECURRENCE OF INJURY

(201) To assess the likelihood of recurrence of injury to the Union industry should the existing measures be allowed to lapse, the Commission analysed the likely impact of imports from the USA on the Union market and on the Union industry pursuant to Article 18(2) of the basic Regulation. In particular, the Commission analysed the likelihood of recurrence of subsidised imports, the volumes and the likely price levels thereof, spare capacity, the attractiveness of the Union market and pricing behaviour of US producers.

(202) As concluded above (recital (149)), it is likely that subsidised imports from the USA would recur should the existing measures be allowed to lapse. The Commission has established that producers of biodiesel in the USA are currently exporting biodiesel to other third country markets at price levels that are below the Union prices. Since the Union prices are higher than those in other third country markets it is likely that at least some of those exports may be re-directed to the Union should the existing measures lapse.

⁽²⁸⁾ Regulation (EC) No 598/2009, recitals (176)-(178).

⁽²⁹⁾ Implementing Regulation (EU) No 1194/2013, recitals (202)-(208).

⁽³⁰⁾ Commission Regulation (EC) No 193/2009 of 11 March 2009 imposing a provisional anti-dumping duty on imports of biodiesel originating in the United States of America (OJ L 67, 12.3.2009, p. 22).

- (203) The Commission has established that US producers have a large spare capacity amounting to around 2 678 000 tonnes equivalent to around 22 % of the total Union consumption.
- (204) The spare capacity available in the USA is not likely to be absorbed by its domestic market. Already today, despite sufficient capacity, US producers are not supplying the full demand on the US market. It is also unlikely that the existing spare capacity would be used to increase exports to third countries other than the Union. Currently, as described in detail in recitals (161) above, the US export prices to third countries are on average 15 % below the average domestic price on the US market and also below the average Union price even where transportation costs from the USA to the Union are taken into account. It is therefore likely that US producers would seek another outlet for their spare capacity.
- (205) Given that the Union market is the biggest market for biodiesel worldwide and with biodiesel prices in the Union that are in parity or slightly above the price level on the US domestic market, the Union market would be very attractive for US producers of biodiesel. Indeed, historically, that has proven to be the case.
- (206) It is therefore very likely that US producers would use a large part of their spare capacity to re-enter the Union market should the existing measures be allowed to lapse. Given their current pricing behaviour on other export markets and the large spare capacity available it is very likely that significant volumes of US biodiesel would re-enter the Union market at a subsidised price equal to, or below the Union prices.
- (207) Such imports would exercise a significant downward price pressure on Union industry, which at current price levels, is only making a very small profit, which is significantly below its target profit. This would most likely result in a decrease of production and sales volumes, less profitability and loss of market share.
- (208) Given the fragile economic situation of the Union industry, such likely scenario would have a significant adverse effect on the ongoing recovery of the Union industry and would in all likelihood cause recurrence of material injury.

5.1. Conclusion

- (209) On the basis of the above, the Commission has concluded that material injury to the Union industry would most likely recur should the existing countervailing duties against imports of biodiesel from the USA be allowed to lapse.

6. UNION INTEREST

- (210) In accordance with Article 31 of the basic Regulation, the Commission examined whether it would be against the Union interest to maintain the existing measures despite the findings above on the likely recurrence of injurious subsidisation. The determination of the Union interest was based on an appreciation of all the various interests involved, including those of the Union industry and importers as well as users of biodiesel.

6.1. Interest of the Union industry

- (211) The existing measures have contributed to an almost total reduction of subsidised imports of biodiesel from the USA and offered relief to the Union industry. While the Union industry has shown positive signs of recovery from past subsidisation, such as increased production and sales volume, biodiesel prices on the Union market have decreased significantly and the profitability has remained very low, thus leaving the industry in a fragile and vulnerable economic situation.
- (212) If the existing measures were allowed to lapse, the Union industry would most certainly be faced with increased unfair competition in the form of significant volumes of subsidised imports of biodiesel from the USA. This would put a halt to the on-going recovery which the Union biodiesel industry is currently experiencing and most likely result in the recurrence of material injury. Terminating the measures is therefore not in the interest of the Union industry.

6.2. Interest of unrelated importers and traders

- (213) Only three importers/traders came forward and made their views known. Whilst one company claimed that the level of current duties is disproportionate and that an extension thereof would distort and limit the market resulting in higher prices, the other two companies claimed that the existing measures had not affected their activities and were neutral as to a possible extension of the existing countervailing duties.
- (214) The findings of this investigation do not support the argument that a continuation of the existing measures would limit the market and result in higher prices. On the contrary, during the period considered, Union prices have decreased despite the existence of measures. In addition, the Union industry has today sufficient capacity to supply Union demand for biodiesel and also spare capacity to satisfy a future increase in demand. Therefore, the arguments put forward do not provide evidence that the continuation of existing measures would be against the interest of importers and/or traders.

6.3. Interest of users

- (215) Only one user, an oil company which purchases biodiesel to blend with mineral oils, came forward and make their view known to the Commission. It was strongly in favour of maintaining the existing measures and claimed that their removal could have devastating effects on the Union biodiesel market leading to an in-flux of significant volumes of subsidised biodiesel which would result in a recurrence of severe injury to the Union biodiesel industry.
- (216) There are no indications that the existing measures have negatively affected the Union users of biodiesel, and notably, there is no evidence that the existing measures have had an adverse effect of their profitability or business. In any event, due to the stable or only slightly increase in consumption of biodiesel in the Union, the Union industry has enough capacity to satisfy current and future demand should the demand further increase. Maintaining the measures would not lead to a lack of supply.
- (217) It can therefore be concluded that maintaining the measures would not be against the interest of users.

6.4. Conclusion on Union interest

- (218) On the basis of the above, the Commission concluded that there were no compelling reasons that it was not in the Union interest to maintain the existing measures on imports of biodiesel originating in the USA.

7. COUNTERVAILING MEASURES

- (219) In view of the conclusions reached with regard to the likelihood of continuation or recurrence of subsidisation and injury, it follows that, in accordance with Article 18(1) of the basic Regulation, the countervailing duties applicable to imports of biodiesel originating in the USA, imposed by Regulation (EC) No 598/2009, as amended by Implementing Regulation (EU) No 443/2011, should be maintained for an additional period of five years.
- (220) As outlined in recital (2) above, the countervailing duties in force on imports of biodiesel from the USA were extended to cover also imports of the same product consigned from Canada, whether declared as originating in Canada or not, and to imports into the Union of biodiesel in a blend containing by weight 20 % or less of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, originating in the United States of America.
- (221) The countervailing duties to be maintained shall continue to be extended to imports of biodiesel consigned from Canada, whether declared as originating in Canada or not as well as to biodiesel in a blend containing by weight 20 % or less of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, originating in the United States of America.

- (222) The exporting producers from Canada that were exempted from the measures, as extended by Implementing Regulation (EU) No 443/2011, shall also be exempted from the measures imposed by this Regulation.
- (223) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of Regulation (EC) No 1225/2009.

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive countervailing duty is imposed on imports of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as 'biodiesel', in pure form or in a blend containing by weight more than 20 % of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, originating in the USA, currently falling within CN codes ex 1516 20 98 (TARIC code 1516 20 98 29), ex 1518 00 91 (TARIC code 1518 00 91 29), ex 1518 00 99 (TARIC code 1518 00 99 29), ex 2710 19 43 (TARIC code 2710 19 43 29), ex 2710 19 46 (TARIC code 2710 19 46 29), ex 2710 19 47 (TARIC code 2710 19 47 29), ex 2710 20 11 (TARIC code 2710 20 11 29), ex 2710 20 15 (TARIC code 2710 20 15 29), ex 2710 20 17 (TARIC code 2710 20 17 29), 3824 90 92 (TARIC code 3824 90 92 12), ex 3826 00 10 (TARIC codes 3826 00 10 29, 3826 00 10 39, 3826 00 10 49, 3826 00 10 99) and ex 3826 00 90 (TARIC code 3826 00 90 19).

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

Company	Countervailing duty rate EUR per tonne net	TARIC additional code
Archer Daniels Midland Company, Decatur	237,0	A933
Cargill Inc., Wayzata	213,8	A934
Green Earth Fuels of Houston LLC, Houston	213,4	A935
Imperium Renewables Inc., Seattle	216,8	A936
Peter Cremer North America LP, Cincinnati	211,2	A937
Vinmar Overseas Limited, Houston	211,2	A938
World Energy Alternatives LLC, Boston	211,2	A939
Companies listed in Annex I	219,4	See Annex I
All other companies	237,0	A999

The countervailing duty on blends shall be applicable in proportion in the blend, by weight, of the total content of fatty-acid mono-alkyl esters and of paraffinic gasoils obtained from synthesis and/or hydro-treatment, of non-fossil origin (biodiesel content).

3. In cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is adjusted by the seller for the benefit of the buyer, occurring the conditions laid down in Article 145 paragraphs 2 and 3 of Commission Regulation (EEC) No 2454/93 ⁽³¹⁾, the amount of countervailing duty laid down in paragraph 2 shall be reduced by a percentage which represents the apportioning of the adjustment to the price actually paid or payable.
4. The application of the individual duty rate specified for the companies listed in paragraph 2 shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in Annex II. If no such invoice is presented, the duty rate applicable to 'all other companies' shall apply.
5. Unless otherwise specified, the relevant provisions in force concerning customs duties shall apply.

Article 2

1. The definitive countervailing duty applicable to 'all other companies' as set out in Article 1, paragraph 2, is extended to imports into the Union of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as 'biodiesel', in pure form or in a blend containing by weight more than 20 % of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, consigned from Canada, whether declared as originating in Canada or not, currently falling within CN codes ex 1516 20 98 (TARIC code 1516 20 98 21), ex 1518 00 91 (TARIC code 1518 00 91 21), ex 1518 00 99 (TARIC code 1518 00 99 21), ex 2710 19 43 (TARIC code 2710 19 43 21), ex 2710 19 46 (TARIC code 2710 19 46 21), ex 2710 19 47 (TARIC code 2710 19 47 21), ex 2710 20 11 (TARIC code 2710 20 11 21), ex 2710 20 15 (TARIC code 2710 20 15 21), ex 2710 20 17 (TARIC code 2710 20 17 21), ex 3824 90 92 (TARIC code 3824 90 92 10), ex 3826 00 10 (TARIC codes 3826 00 10 20, 3826 00 10 30, 3826 00 10 40, 3826 00 10 89) and ex 3826 00 90 (TARIC code 3826 00 90 11), with the exception of those produced by the companies listed below:

Country	Company	TARIC additional code
Canada	BIOX Corporation, Oakville, Ontario, Canada	B107
Canada	Rothsay Biodiesel, Guelph, Ontario, Canada	B108

The duty to be extended shall be the one established for 'All other companies' in Article 1(2) of Regulation (EC) No 598/2009, which is a definitive countervailing duty of EUR 237 per tonne net.

The countervailing duty on blends shall be applicable in proportion, in the blend, by weight, of the total content of fatty-acid mono-alkyl esters and of paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin (biodiesel content).

2. In cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is adjusted by the seller for the benefit of the buyer, occurring the conditions laid down in Article 145, paragraphs 2 and 3 of Regulation (EEC) No 2454/93, the amount of countervailing duty laid down in Article 1, paragraph 2 shall be reduced by a percentage which represents the apportioning of the adjustment to the price actually paid or payable.
3. The application of exemptions granted to the companies listed in paragraph 1 or authorised by the Commission in accordance with Article 5(2) shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in Annex II. If no such invoice is presented, the countervailing duty as imposed by paragraph 1 shall apply.
4. Unless otherwise specified, the relevant provisions in force concerning customs duties shall apply.

⁽³¹⁾ Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

Article 3

1. The definitive countervailing duty as set out in Article 1, paragraph 2, is hereby extended to imports into the Union of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as 'biodiesel', in a blend containing by weight 20 % or less of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, originating in the United States of America, and currently falling within CN codes ex 1516 20 98 (TARIC code 1516 20 98 30), ex 1518 00 91 (TARIC code 1518 00 91 30), ex 1518 00 99 (TARIC code 1518 00 99 30), ex 2710 19 43 (TARIC code 2710 19 43 30), ex 2710 19 46 (TARIC code 2710 19 46 30), ex 2710 19 47 (TARIC code 2710 19 47 30), ex 2710 20 11 (TARIC code 2710 20 11 30), ex 2710 20 15 (TARIC code 2710 20 15 30), ex 2710 20 17 (TARIC code 2710 20 17 30), ex 3824 90 92 (TARIC code 3824 90 92 20), ex 3826 00 90 (TARIC code 3826 00 90 30).

The countervailing duty on blends shall be applicable in proportion in the blend, by weight, of the total content of fatty-acid mono-alkyl esters and of paraffinic gasoils obtained from synthesis and/or hydro-treatment, of non-fossil origin (biodiesel content).

2. In cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is adjusted by the seller for the benefit of the buyer, occurring the conditions laid down in Article 145, paragraphs 2 and 3 of Regulation (EEC) No 2454/93, the amount of the countervailing duty laid down in Article 1, paragraph 2 shall be reduced by a percentage which represents the apportioning of the adjustment to the price actually paid or payable.

3. The application of the individual duty rate specified for the companies listed in Article 1, paragraph 2, shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in Annex III. If no such invoice is presented, the duty rate applicable to 'all other companies' shall apply.

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

Article 4

1. Requests for exemption from the duty extended by Article 2(1) and Article 3(1) shall be made in writing in one of the official languages of the European Union and must be signed by a person authorised to represent the entity requesting the exemption. The request must be sent to the following address:

European Commission
Directorate-General for Trade
Directorate H
Office: Rue de la Loi 170, CHAR 04/034
1049 Brussels
BELGIUM
e-mail: TRADE-TDI-INFORMATION@ec.europa.eu

2. In accordance with Article 23(6) of Regulation (EC) No 597/2009, the Commission, after consulting the Advisory Committee, may authorise, by decision, the exemption of imports from companies which do not circumvent the countervailing measures imposed by Regulation (EC) No 598/2009, from the duty extended by Article 2(1) and Article 3(1).

Article 5

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 14 September 2015.

For the Commission

The President

Jean-Claude JUNKER

ANNEX I

Company Name	City	TARIC additional code
AC & S Inc.	Nitro	A941
Alabama Clean Fuels Coalition Inc.	Birmingham	A940
American Made Fuels, Inc.	Canton	A940
Arkansas SoyEnergy Group	DeWitt	A940
Arlington Energy, LLC	Mansfield	A940
Athens Biodiesel, LLC	Athens	A940
Beacon Energy	Cleburne	A940
Biodiesel of Texas, Inc.	Denton	A940
BioDiesel One Ltd	Southington	A940
BioPur Inc.	Bethlehem	A941
Buffalo Biodiesel, Inc	Tonawanda	A940
BullDog BioDiesel	Ellenwood	A940
Carbon Neutral Solutions, LLC	Mauldin	A940
Central Iowa Energy LLC	Newton	A940
Chesapeake Custom Chemical Corp.	Ridgeway	A940
Community Fuels	Stockton	A940
Delta BioFuels Inc.	Natchez	A940
Diamond Biofuels	Mazon	A940
Direct Fuels	Euless	A940
Eagle Creek Fuel Services, LLC	Baltimore	A940
Earl Fisher Bio Fuels	Chester	A940
East Fork Biodiesel LLC	Algona	A940
ECO Solutions, LLC	Chatsworth	A940
Ecogy Biofuels LLC	Tulsa	A940
ED&F Man Biofuels Inc.	New Orleans	A940
Freedom Biofuels Inc.	Madison	A940
Freedom Fuels LLC	Mason City	A941

Company Name	City	TARIC additional code
Fuel & Lube, LLC	Richmond	A940
Fuel Bio	Elizabeth	A940
FUMPA Bio Fuels	Redwood Falls	A940
Galveston Bay Biodiesel LP (BioSelect Fuels)	Houston	A940
GeoGreen Fuels LLC	Houston	A940
Georgia Biofuels Corp.	Loganville	A940
Green River Biodiesel, Inc.	Moundville	A940
Griffin Industries Inc.	Cold Spring	A940
High Plains Bioenergy	Guymon	A940
Huish Detergents Inc.	Salt Lake City	A940
Incobrasa Industries Ltd	Gilman	A940
Independence Renewable Energy Corp.	Perdue Hill	A940
Indiana Flex Fuels	LaPorte	A940
Innovation Fuels Inc.	Newark	A940
Integrity Biofuels	Morristown	A941
Iowa Renewable Energy LLC	Washington	A940
Johann Haltermann Ltd	Houston	A940
Lake Erie Biofuels LLC	Erie	A940
Leland Organic Corporation	Leland	A940
Louis Dreyfus Agricultural Industries LLC	Claypool	A940
Louis Dreyfus Claypool Holdings LLC	Claypool	A940
Middle Georgia Biofuels	East Dublin	A940
Middletown Biofuels LLC	Blairsville	A940
Musket Corporation	Oklahoma City	A940
Natural Biodiesel Plant LLC	Hayti	A941
New Fuel Company	Dallas	A940
North Mississippi Biodiesel	New Albany	A940
Northern Biodiesel, Inc.	Ontario	A940
Northwest Missouri Biofuels, LLC	St. Joseph	A940

Company Name	City	TARIC additional code
Nova Biofuels Clinton County LLC	Clinton	A940
Nova Biosource	Senaca	A940
Organic Fuels Ltd	Houston	A940
Owensboro Grain Company LLC	Owensboro	A940
Paseo Cargill Energy, LLC	Kansas City	A940
Peach State Labs Inc.	Rome	A940
Perihelion Global, Inc.	Opp	A940
Philadelphia Fry-O-Diesel Inc.	Philadelphia	A940
Piedmont Biofuels Industrial LLC	Pittsboro	A941
Pinnacle Biofuels, Inc.	Crossett	A940
PK Biodiesel	Woodstock	A940
Pleasant Valley Biofuels, LLC	American Falls	A940
Prairie Pride	Deerfield	A941
RBF Port Neches LLC	Houston	A940
Red Birch Energy, Inc.	Bassett	A940
Red River Biodiesel Ltd	New Boston	A940
REG Ralston LLC	Ralston	A940
Renewable Energy Products, LLC	Santa Fe Springs	A940
Riksch BioFuels LLC	Crawfordsville	A940
Safe Renewable Corp.	Conroe	A940
Sanimax Energy Inc.	DeForest	A940
Seminole Biodiesel	Bainbridge	A940
Southeast BioDiesel LLC	Charlotte	A941
Soy Solutions	Milford	A940
SoyMor Biodiesel LLC	Albert Lea	A940
Stepan Company	Northfield	A941
Sunshine BioFuels, LLC	Camilla	A940
TPA Inc.	Warren	A940
Trafigura AG	Stamford	A940

Company Name	City	TARIC additional code
U.S. Biofuels Inc.	Rome	A940
United Oil Company	Pittsburgh	A940
Valco Bioenergy	Harlingen	A940
Vanguard Synfuels, LLC	Pollock	A940
Vitol Inc.	Houston	A940
Walsh Bio Diesel, LLC	Mauston	A940
Western Dubque Biodiesel LLC	Farley	A940
Western Iowa Energy LLC	Wall Lake	A940
Western Petroleum Company	Eden Prairie	A940
Yokaya Biofuels Inc.	Ukiah	A941

ANNEX II

A declaration signed by an official of the entity issuing the commercial invoice, in the following format, must appear on the valid commercial invoice referred to in Article 1(2), Article 2(2) or Article 3(2):

- The name and function of the official of the entity issuing the commercial invoice.
- The following declaration:

'I, the undersigned, certify that the (volume) of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as "biodiesel", in pure form or in a blend containing by weight more than 20 % of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin sold for export to the European Union covered by this invoice was manufactured by [company name and address (TARIC additional code)] in [country]ies concerned]. I declare that the information provided in this invoice is complete and correct.'

ANNEX III

A declaration signed by an official of the entity issuing the commercial invoice, in the following format, must appear on the valid commercial invoice referred to in Article 3(3):

- The name and function of the official of the entity issuing the commercial invoice.
- The following declaration:

'I, the undersigned, certify that the (volume) of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin, commonly known as "biodiesel", in pure form or in a blend containing by weight 20 % or less of fatty-acid mono-alkyl esters and/or paraffinic gasoil obtained from synthesis and/or hydro-treatment, of non-fossil origin sold for export to the European Union covered by this invoice was manufactured by [company name and address] [TARIC additional code] in the United States of America. I declare that the information provided in this invoice is complete and correct.'

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1520**of 14 September 2015****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 14 September 2015.

For the Commission,
On behalf of the President,

Jerzy PLEWA
Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	189,2
	MK	52,3
	XS	48,7
	ZZ	96,7
0707 00 05	MK	57,9
	TR	127,2
	ZZ	92,6
0709 93 10	TR	129,0
	ZZ	129,0
0805 50 10	AR	109,7
	BO	136,6
	CL	124,9
	UY	120,8
	ZA	145,5
	ZZ	127,5
	ZZ	127,5
0806 10 10	EG	175,8
	TR	130,2
	ZZ	153,0
0808 10 80	AR	121,5
	BR	54,2
	CL	152,7
	NZ	135,6
	US	113,3
	ZA	128,7
	ZZ	117,7
	ZZ	117,7
	ZZ	117,7
0808 30 90	AR	131,9
	CL	100,0
	CN	82,3
	TR	121,8
	ZA	199,0
	ZZ	127,0
	ZZ	127,0
0809 30 10, 0809 30 90	MK	82,4
	TR	158,1
	ZZ	120,3
0809 40 05	BA	52,5
	MK	37,0
	XS	61,9
	ZZ	50,5
	ZZ	50,5

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COUNCIL DECISION (CFSP) 2015/1521

of 14 September 2015

repealing Decision 2013/320/CFSP in support of physical security and stockpile management activities to reduce the risk of illicit trade in small arms and light weapons (SALW) and their ammunition in Libya and its region

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 26(2) and 31(1) thereof,

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

Whereas:

- (1) Council Decision 2013/320/CFSP ⁽¹⁾ provided that the Union is to pursue the promotion of peace and security in Libya and the broader region by supporting measures aimed at ensuring sound physical security and stockpile management of the Libyan weapons arsenals by the Libyan state institutions in order to reduce the risks posed to peace and security by the illicit spread and excessive accumulation of small arms and light weapons (SALW) and their ammunition, including the fostering of effective multilateralism at the regional level.
- (2) The deterioration of the political and security situation forced most diplomatic missions and international staff to leave Libya after the violent events of the summer of 2014.
- (3) The United Nations-led political dialogue has not yet resulted in a political settlement between the main fighting factions.
- (4) There is no clarity as to when the situation in Libya will improve to such an extent that international staff can once again safely operate in Libya.
- (5) Decision 2013/320/CFSP should therefore be repealed.
- (6) The Union wishes to reaffirm its strong political commitment to support the responsible Libyan authorities in reducing the risks posed by the illicit spread and excessive accumulation of SALW and their ammunition, as soon as conditions in Libya allow it,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2013/320/CFSP is repealed.

⁽¹⁾ Council Decision 2013/320/CFSP of 24 June 2013 in support of physical security and stockpile management activities to reduce the risk of illicit trade in small arms and light weapons (SALW) and their ammunition in Libya and its region (OJ L 173, 26.6.2013, p. 54).

Article 2

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

It shall apply from 30 June 2015.

Done at Brussels, 14 September 2015.

For the Council
The President
J. ASSELBORN

COUNCIL DECISION (EU) 2015/1522**of 14 September 2015****establishing the position to be taken on behalf of the European Union within the Committee on Government Procurement on the accession of the Republic of Moldova to the Revised Agreement on Government Procurement**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 7 January 2002, the Republic of Moldova applied for accession to the Revised Agreement on Government Procurement ('the Revised GPA').
- (2) The Republic of Moldova's commitments on coverage are laid down in its final offer, as submitted to the Parties to the Revised GPA on 27 May 2015.
- (3) The Republic of Moldova's final offer provides for an extensive coverage of central, sub-central entities and other entities operating in the utilities, goods, construction services and other services sectors. It is therefore satisfactory and acceptable. The terms of the Republic of Moldova's accession, as reflected in the Annex to this Decision, will be reflected in the decision adopted by the Committee on Government Procurement ('the GPA Committee') on the Republic of Moldova's accession.
- (4) The Republic of Moldova's accession to the Revised GPA is expected to make a positive contribution to the further opening of public procurement markets internationally.
- (5) Article XXII(2) of the Revised GPA provides that any Member of the WTO may accede to the Revised GPA on terms to be agreed between that Member and the Parties, with such terms stated in a decision of the GPA Committee.
- (6) It is therefore necessary to establish the position to be taken on behalf of the Union within the GPA Committee in relation to the accession of the Republic of Moldova,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the Union within the Committee on Government Procurement shall be to approve the accession of the Republic of Moldova to the Revised Agreement on Government Procurement, subject to specific terms of accession set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 14 September 2015.

For the Council
The President
J. ASSELBORN

ANNEX

EU TERMS OF THE REPUBLIC OF MOLDOVA'S ACCESSION TO THE REVISED GPA ⁽¹⁾

Upon the Republic of Moldova's accession to the Revised GPA, point 2 of Section 2 ('The Central Government contracting authorities of the EU Member States') of Annex 1 to Appendix I for the European Union shall read as follows:

- '2. For the goods, services, suppliers and service providers of Israel, Montenegro and the Republic of Moldova, procurement by the following central government contracting authorities.'

⁽¹⁾ The numbering of the coverage schedules of the Parties to the Revised GPA has been changed by the WTO secretariat in agreement with the Parties to the Revised GPA. The numbering used in this Annex corresponds to the numbering of the latest true certified copy of coverage schedules of the Parties to the Revised GPA, which has been transmitted by the WTO to the Parties to the Revised GPA by way of official notification and is available at http://www.wto.org/english/tratop_e/gproc_e/gp_app_agree_e.htm#revisedGPA. The numbering of the coverage schedules of the Parties to the Revised GPA published in OJ L 68, 7.3.2014, p. 2 is obsolete.

COUNCIL DECISION (EU) 2015/1523**of 14 September 2015****establishing provisional measures in the area of international protection for the benefit of Italy and of Greece**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(3) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) According to Article 78(3) of the Treaty on the Functioning of the European Union (‘TFEU’), in the event of one or more Member States being confronted by an emergency situation characterised by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission and after consulting the European Parliament, may adopt provisional measures for the benefit of the Member State(s) concerned.
- (2) According to Article 80 TFEU, the policies of the Union in the area of border checks, asylum and immigration and their implementation are to be governed by the principle of solidarity and fair sharing of responsibility between the Member States, and Union acts adopted in this area are to contain appropriate measures to give effect to this principle.
- (3) The recent crisis situation in the Mediterranean prompted the Union institutions to immediately acknowledge the exceptional migratory flows in this region and call for concrete measures of solidarity towards the frontline Member States. In particular, at a joint meeting of Foreign and Interior Ministers on 20 April 2015, the Commission presented a ten-point plan of immediate action to be taken in response to this crisis, including a commitment to consider options for an emergency relocation mechanism.
- (4) At its meeting of 23 April 2015, the European Council decided, inter alia, to reinforce internal solidarity and responsibility and committed itself in particular to increasing emergency assistance to frontline Member States and to considering options for organising emergency relocation between Member States on a voluntary basis, as well as to deploying European Asylum Support Office (EASO) teams in frontline Member States for the joint processing of applications for international protection, including registration and fingerprinting.
- (5) In its resolution of 28 April 2015, the European Parliament reiterated the need for the Union to base its response to the latest tragedies in the Mediterranean on solidarity and fair sharing of responsibility and to step up its efforts in this area towards those Member States which receive the highest number of refugees and applicants for international protection in either absolute or relative terms.
- (6) At its meeting of 25 and 26 June 2015, the European Council decided, inter alia, that three key dimensions should be advanced in parallel: relocation/resettlement, return/readmission/reintegration, and cooperation with countries of origin and transit. The European Council agreed in particular, in the light of the current emergency situation and the commitment to reinforce solidarity and responsibility, on the temporary and exceptional relocation, over two years, from Italy and from Greece to other Member States of 40 000 persons in clear need of international protection. It called on the rapid adoption of a Council decision to that effect and concluded that, to that end, Member States should agree by consensus on the distribution of such persons, reflecting the specific situations of Member States.
- (7) The specific situations of the Member States result in particular from migratory flows in other geographical regions, such as the Western Balkans migratory route.

- (8) Several Member States were confronted with a significant increase in the total number of migrants, including applicants for international protection, arriving on their territories in 2014 and some continue to be so in the first months of 2015. Emergency financial assistance by the Commission and operational support by EASO were provided to several Member States to help them cope with this increase.
- (9) Among the Member States witnessing situations of considerable pressure and in light of the recent tragic events in the Mediterranean, Italy and Greece in particular have experienced unprecedented flows of migrants, including applicants for international protection who are in clear need of international protection, arriving on their territories, generating a significant pressure on their migration and asylum systems.
- (10) According to data of the European Agency for the Management of Operational Cooperation at the External Borders (Frontex), the Central and Eastern Mediterranean routes were the main areas for irregular border crossing into the Union in 2014. In 2014, more than 170 000 migrants arrived in Italy alone in an irregular manner, representing an increase of 277 % compared to 2013. A steady increase was also witnessed by Greece with more than 50 000 irregular migrants reaching the country, representing an increase of 153 % compared to 2013. The overall numbers further increased in the course of 2015. In the first six months of 2015, Italy witnessed a 5 % increase of irregular border crossings as compared to the same period last year. Greece faced a sharp increase in the number of irregular border crossings during the same period, corresponding to a six-fold increase over the first six months of 2014 (over 76 000 in the period January-June 2015 compared to 11 336 in the period January-June 2014). A significant proportion of the total number of irregular migrants detected in these two regions included migrants of nationalities which, based on the Eurostat data, meet a high Union-level recognition rate.
- (11) According to Eurostat, 64 625 persons applied for international protection in Italy in 2014, compared to 26 920 in 2013 (which represents an increase of 143 %). A lesser increase in the number of applications was witnessed by Greece with 9 430 applicants (which represents an increase of 15 %). In the first quarter of 2015, 15 250 persons applied for international protection in Italy (which represents an increase of 47 % compared to the first quarter of 2014) and 2 615 persons applied in Greece (which represents an increase of 28 % compared to the first quarter of 2014).
- (12) Many actions have been taken so far to support Italy and Greece in the framework of the migration and asylum policy, including by providing them with substantial emergency assistance and EASO operational support. Italy and Greece were the second and third largest beneficiaries of funding disbursed during the period 2007-2013 under the General Programme 'Solidarity and Management of Migration Flows' (SOLID) and, in addition, received substantial emergency funding. Italy and Greece will likely continue to be the main beneficiaries of the Asylum, Migration and Integration Fund (AMIF) over 2014-2020.
- (13) Due to the ongoing instability and conflicts in the immediate neighbourhood of Italy and Greece, it is very likely that a significant and increased pressure will continue to be put on their migration and asylum systems, with a significant portion of the migrants who may be in need of international protection. This demonstrates the critical need to show solidarity towards Italy and Greece and to complement the actions taken so far to support them with provisional measures in the area of asylum and migration.
- (14) At the same time, Italy and Greece should provide structural solutions to address exceptional pressures on their asylum and migration systems. The measures laid down in this Decision should therefore go hand in hand with the establishment by Italy and by Greece of a solid and strategic framework for responding to the crisis situation and intensifying the ongoing reform process in these areas. In this respect, Italy and Greece should, on the date of entry into force of this Decision, each present a roadmap to the Commission which should include adequate measures in the area of asylum, first reception and return, enhancing the capacity, quality and efficiency of their systems in these areas, as well as measures to ensure appropriate implementation of this Decision with a view to allowing them to better cope, after the end of the application of this Decision, with a possible increased inflow of migrants on their territories.
- (15) Bearing in mind that the European Council agreed on a set of interlinked measures, the Commission should be entrusted with the power to suspend, where appropriate and having given the State concerned the opportunity to present its views, the application of this Decision for a limited period where Italy or Greece does not respect its commitments in this regard.

- (16) If any Member State should be confronted with a similar emergency situation characterised by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission and after consulting the European Parliament, may adopt provisional measures for the benefit of the Member State concerned, on the basis of Article 78(3) TFEU. Such measures may include, where appropriate, a suspension of the obligations of that Member State provided for in this Decision.
- (17) In accordance with Article 78(3) TFEU, the measures envisaged for the benefit of Italy and of Greece should be of a provisional nature. A period of 24 months is reasonable in view of ensuring that the measures provided for in this Decision have a real impact in respect of supporting Italy and Greece in dealing with the significant migration flows on their territories.
- (18) The measures to relocate from Italy and from Greece, as set out in this Decision, entail a temporary derogation from the rule laid down in Article 13(1) of Regulation (EU) No 604/2013 of the European Parliament and of the Council ⁽¹⁾ according to which Italy and Greece would have been otherwise responsible for the examination of an application for international protection based on the criteria set out in Chapter III of that Regulation, as well as a temporary derogation from the procedural steps, including the time-limits, laid down in Articles 21, 22 and 29 of that Regulation. The other provisions of Regulation (EU) No 604/2013, including the implementing rules laid down in Commission Regulation (EC) No 1560/2003 ⁽²⁾ and Commission Implementing Regulation (EU) No 118/2014 ⁽³⁾, remain applicable, including the rules contained therein on the obligation for the transferring Member States to meet the costs necessary to transfer an applicant to the Member State of relocation and on the cooperation on transfers between Member States, as well as on transmission of information through the DublinNet electronic communication network.

This Decision also entails a derogation from the consent of the applicant for international protection as referred to in Article 7(2) of Regulation (EU) No 516/2014 of the European Parliament and of the Council ⁽⁴⁾.

- (19) Relocation measures do not absolve Member States from applying in full Regulation (EU) No 604/2013, including the provisions related to family reunification, special protection of unaccompanied minors, and the discretionary clause on humanitarian grounds.
- (20) A choice had to be made in respect of the criteria to be applied when deciding which and how many applicants are to be relocated from Italy and from Greece, without prejudice to decisions at national level on asylum applications. A clear and workable system is envisaged based on a threshold of the average rate at Union level of decisions granting international protection in the procedures at first instance, as defined by Eurostat, out of the total number at Union level of decisions on asylum applications for international protection taken at first instance, based on the latest available statistics. On the one hand, this threshold would have to ensure, to the maximum extent possible, that all applicants in clear need of international protection would be in a position to fully and swiftly enjoy their protection rights in the Member State of relocation. On the other hand, it would have to prevent, to the maximum extent possible, applicants who are likely to receive a negative decision on their application from being relocated to another Member State, and therefore from prolonging unduly their stay in the Union. A threshold of 75 %, based on the latest available updated Eurostat quarterly data for first instance decisions, should be used in this Decision.
- (21) The provisional measures are intended to relieve the significant asylum pressure on Italy and on Greece, in particular by relocating a significant number of applicants in clear need of international protection who have

⁽¹⁾ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31).

⁽²⁾ Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L 222, 5.9.2003, p. 3).

⁽³⁾ Commission Implementing Regulation (EU) No 118/2014 of 30 January 2014 amending Regulation (EC) No 1560/2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L 39, 8.2.2014, p. 1).

⁽⁴⁾ Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decision No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC (OJ L 150, 20.5.2014, p. 168).

arrived in the territory of Italy or Greece following the date on which this Decision becomes applicable. Based on the overall number of third-country nationals who have entered irregularly Italy or Greece in 2014 and the number of those who are in clear need of international protection, a total of 40 000 applicants in clear need of international protection should be relocated from Italy and from Greece. This number corresponds to approximately 40 % of the total number of third-country nationals in clear need of international protection who have entered irregularly in Italy or Greece in 2014. Thus, the relocation measure proposed in this Decision constitutes fair burden sharing between Italy and Greece on the one hand and the other Member States on the other. Based on the same overall available figures in 2014 and in the first four months of 2015, in Italy compared to Greece, 60 % of these applicants should be relocated from Italy and 40 % from Greece.

- (22) On 20 July 2015, reflecting the specific situations of Member States, a Resolution of the representatives of the Governments of the Member States, meeting within the Council, on relocating from Italy and from Greece 40 000 persons in clear need of international protection, was adopted by consensus. Over a period of two years, 24 000 persons should be relocated from Italy and 16 000 persons should be relocated from Greece.
- (23) The Asylum, Migration and Integration Fund (AMIF) set up by Regulation (EU) No 516/2014 provides support to burden-sharing operations agreed between Member States and is open to new policy developments in that field. Article 7(2) of Regulation (EU) No 516/2014 provides for the possibility for Member States to implement actions related to the transfer of applicants for international protection as part of their national programmes, while Article 18 of Regulation (EU) No 516/2014 provides for the possibility of a lump sum of EUR 6 000 for the transfer of beneficiaries of international protection from another Member State.
- (24) With a view to implementing the principle of solidarity and fair sharing of responsibility, and taking into account that this Decision constitutes a further policy development in this field, it is appropriate to ensure that the Member States that relocate applicants who are in clear need of international protection from Italy or Greece pursuant to this Decision receive a lump sum for each relocated person which is identical to the lump sum foreseen in Article 18 of Regulation (EU) No 516/2014, namely EUR 6 000, and implemented by applying the same procedures. This entails a limited, temporary derogation from Article 18 of Regulation (EC) No 516/2014 because the lump sum should be paid in respect of relocated applicants rather than beneficiaries of international protection. Such a temporary extension of the scope of potential recipients of the lump sum appears indeed to be an integral part of the emergency scheme set up by this Decision.
- (25) It is necessary to ensure that a swift relocation procedure is put in place and to accompany the implementation of the provisional measures by close administrative cooperation between Member States and operational support provided by EASO.
- (26) National security and public order should be taken into consideration throughout the relocation procedure, until the transfer of the applicant is implemented. In full respect to the fundamental rights of the applicant, including the relevant rules on data protection, where a Member State has reasonable grounds for regarding an applicant as a danger to its national security or public order, it should inform the other Member States thereof.
- (27) When deciding which applicants in clear need of international protection should be relocated from Italy and from Greece, priority should be given to vulnerable applicants within the meaning of Articles 21 and 22 of Directive 2013/33/EU of the European Parliament and of the Council⁽¹⁾. In this respect, any special needs of applicants, including health, should be of primary concern. The best interests of the child should always be a primary consideration.
- (28) In addition, in order to decide which specific Member State should be the Member State of relocation, specific account should be given to the specific qualifications and characteristics of the applicants concerned, such as their language skills and other individual indications based on demonstrated family, cultural or social ties which could facilitate their integration into the Member State of relocation. In the case of particularly vulnerable applicants, consideration should be given to the capacity of the Member State of relocation to provide adequate

⁽¹⁾ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ L 180, 29.6.2013, p. 96).

support to those applicants and to the necessity of ensuring a fair distribution of those applicants among Member States. With due respect for the principle of non-discrimination, Member States of relocation may indicate their preferences for applicants based on the above information on the basis of which Italy and Greece, in consultation with EASO and, where applicable, liaison officers, may compile lists of possible applicants identified for relocation to that Member State.

- (29) The appointment by Member States of liaison officers in Italy and in Greece should facilitate the effective implementation of the relocation procedure, including the appropriate identification of the applicants who could be relocated, taking into account in particular their vulnerability and qualifications. As regards both the appointment of liaison officers in Italy and in Greece and the fulfilment of their tasks, the Member State of relocation and Italy and Greece should exchange all relevant information and continue cooperating closely throughout the relocation procedure.
- (30) The legal and procedural safeguards set out in Regulation (EU) No 604/2013 remain applicable in respect of applicants covered by this Decision. In addition, applicants should be informed of the relocation procedure set out in this Decision and be notified with the relocation decision which constitutes a transfer decision within the meaning of Article 26 of Regulation (EU) No 604/2013. Considering that an applicant does not have the right under EU law to choose the Member State responsible for his or her application, the applicant should have the right to an effective remedy against the relocation decision in line with Regulation (EU) No 604/2013, only in view of ensuring respect for his or her fundamental rights. In line with Article 27 of that Regulation, Member States may provide in their national law that the appeal against the transfer decision does not automatically suspend the transfer of the applicant but that the person concerned has the opportunity to request a suspension of the implementation of the transfer decision pending the outcome of his or her appeal.
- (31) Before and after being transferred to the Member States of relocation, applicants enjoy the rights and guarantees set up in Directive 2013/32/EU of the European Parliament and of the Council ⁽¹⁾ and Directive 2013/33/EU, including in relation to their special reception and procedural needs. In addition, Regulation (EU) No 603/2013 of the European Parliament and of the Council ⁽²⁾ remains applicable in respect of applicants covered by this Decision.
- (32) Measures should be taken in order to avoid secondary movements of relocated persons from the Member State of relocation to other Member States which could hamper the efficient application of this Decision. In particular, applicants should be informed of the consequences of onward irregular movement within the Member States and of the fact that, if the Member State of relocation grants them international protection, in principle, they are only entitled to the rights attached to international protection in that Member State.
- (33) Additionally, in line with the objectives set out in Directive 2013/33/EU, the harmonisation of reception conditions amongst Member States should help to limit secondary movements of applicants for international protection influenced by the variety of conditions for their reception. With a view to reaching the same objective, Member States should consider imposing reporting obligations and providing applicants for international protection with material reception conditions that include housing, food and clothing only in kind, as well as, where appropriate, ensuring that applicants are directly transferred to the Member State of relocation. Likewise, during the period of the examination of applications for international protection, as provided in the asylum and Schengen *acquis*, except for serious humanitarian reasons, Member States should neither provide applicants with national travel documents, nor give them other incentives, such as financial ones, which could facilitate their irregular movements to other Member States. In the event of irregular movements to other Member States, applicants should be sent back to the Member State of relocation pursuant to the rules set out in Regulation (EU) No 604/2013.

⁽¹⁾ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).

⁽²⁾ Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).

- (34) In order to avoid secondary movements of beneficiaries of international protection, Member States should also inform the beneficiaries about the conditions under which they may legally enter and stay in another Member State and should be able to impose reporting obligations. Pursuant to Directive 2008/115/EC of the European Parliament and of the Council⁽¹⁾, Member States should require a beneficiary of international protection who is staying irregularly on their territories to go back immediately to the Member State of relocation. In case the person refuses to return voluntarily, return to the Member State of relocation should be enforced.

Furthermore, if provided for in national law, in the case of enforced return to the Member State of relocation, the Member State which enforced the return may decide to issue a national entry ban that would prevent the beneficiary, for a certain period of time, from re-entering the territory of that specific Member State.

- (35) As the purpose of this Decision is to address an emergency situation and to support Italy and Greece in reinforcing their asylum systems, it should allow them to make, with the assistance of the Commission, bilateral arrangements with Iceland, Liechtenstein, Norway and Switzerland on the relocation of persons falling within the scope of this Decision. Such arrangements should also reflect the core elements of this Decision, in particular those relating to the relocation procedure and the rights and obligations of applicants as well as those relating to Regulation (EU) No 604/2013.
- (36) The specific support provided to Italy and to Greece through the relocation scheme should be complemented by additional measures, from the arrival of third-country nationals on the territory of Italy or of Greece until the completion of all applicable procedures, coordinated by EASO and other relevant Agencies, such as Frontex coordinating the return of third-country nationals not having the right to remain on the territory, in accordance with Directive 2008/115/EC.
- (37) Since the objectives of this Decision cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union ("TEU"). In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives.
- (38) This Decision respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union.
- (39) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application.
- (40) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (41) In view of the urgency of the situation, this Decision should enter into force on the date following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS DECISION:

Article 1

Subject-matter

This Decision establishes provisional measures in the area of international protection for the benefit of Italy and of Greece in view of supporting them in better coping with an emergency situation characterised by a sudden inflow of nationals of third countries in those Member States.

⁽¹⁾ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

*Article 2***Definitions**

For the purposes of this Decision, the following definitions apply:

- (a) 'application for international protection' means an application for international protection as defined in point (h) of Article 2 of Directive 2011/95/EU of the European Parliament and of the Council ⁽¹⁾;
- (b) 'applicant' means a third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken;
- (c) 'international protection' means refugee status and subsidiary protection status as defined in points (e) and (g), respectively, of Article 2 of Directive 2011/95/EU;
- (d) 'family members' means family members as defined in point (g) of Article 2 of Regulation (EU) No 604/2013 of the European Parliament and of the Council;
- (e) 'relocation' means the transfer of an applicant from the territory of the Member State which the criteria laid down in Chapter III of Regulation (EU) No 604/2013 indicate as responsible for examining his or her application for international protection to the territory of the Member State of relocation;
- (f) 'Member State of relocation' means the Member State which becomes responsible for examining the application for international protection pursuant to Regulation (EU) No 604/2013 of an applicant following his or her relocation in the territory of that Member State.

*Article 3***Scope**

1. Relocation pursuant to this Decision shall only take place in respect of an applicant who has lodged his or her application for international protection in Italy or in Greece and for whom those States would have otherwise been responsible pursuant to the criteria for determining the Member State responsible set out in Chapter III of Regulation (EU) No 604/2013.

2. Relocation pursuant to this Decision shall only be applied in respect of an applicant belonging to a nationality for which the proportion of decisions granting international protection among decisions taken at first instance on applications for international protection as referred to in Chapter III of Directive 2013/32/EU is, according to the latest available updated quarterly Union-wide average Eurostat data, 75 % or higher. In the case of stateless persons, the country of former habitual residence shall be taken into account. Quarterly updates shall only be taken into account in respect of applicants who have not already been identified as applicants who could be relocated in accordance with Article 5(3) of this Decision.

*Article 4***Relocation of applicants to Member States**

Following agreement reached between Member States through the Resolution of 20 July 2015 of the Representatives of the Governments of the Member States meeting within the Council on relocating from Italy and from Greece 40 000 persons in clear need of international protection:

- (a) 24 000 applicants shall be relocated from Italy to the territory of the other Member States;
- (b) 16 000 applicants shall be relocated from Greece to the territory of the other Member States.

⁽¹⁾ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, 20.12.2011, p. 9).

Article 5

Relocation procedure

1. For the purpose of the administrative cooperation required to implement this Decision, each Member State shall appoint a national contact point, whose address it shall communicate to the other Member States and to EASO. Member States shall, in liaison with EASO and other relevant agencies, take all the appropriate measures to establish direct cooperation and an exchange of information between the competent authorities, including about the grounds referred to in paragraph 7.
2. Member States shall, at regular intervals, and at least every three months, indicate the number of applicants who can be relocated swiftly to their territory and any other relevant information.
3. Based on this information, Italy and Greece shall, with the assistance of EASO and, where applicable, of Member States' liaison officers referred to in paragraph 8 of this Article, identify the individual applicants who could be relocated to the other Member States and, as soon as possible, submit all relevant information to the contact points of those Member States. Priority shall be given for that purpose to vulnerable applicants within the meaning of Articles 21 and 22 of Directive 2013/33/EU.
4. Following approval of the Member State of relocation, Italy and Greece shall, as soon as possible, take a decision to relocate each of the identified applicants to a specific Member State of relocation, in consultation with EASO, and shall notify the applicant in accordance with Article 6(4). The Member State of relocation may decide not to approve the relocation of an applicant only if there are reasonable grounds as referred to in paragraph 7 of this Article.
5. Applicants whose fingerprints are required to be taken pursuant to the obligations set out in Article 9 of Regulation (EU) No 603/2013 may only be proposed for relocation if their fingerprints have been taken and transmitted to the Central System of Eurodac, pursuant to that Regulation.
6. The transfer of the applicant to the territory of the Member State of relocation shall take place as soon as possible following the date of the notification to the person concerned of the transfer decision referred to in Article 6(4). Italy and Greece shall transmit to the Member State of relocation the date and time of the transfer as well as any other relevant information.
7. Member States retain the right to refuse to relocate an applicant only where there are reasonable grounds for regarding him or her as a danger to their national security or public order or where there are serious reasons for applying the exclusion provisions set out in Articles 12 and 17 of Directive 2011/95/EU.
8. For the implementation of all aspects of the relocation procedure described in this Article, Member States may, after exchanging all relevant information, decide to appoint liaison officers to Italy and to Greece.
9. In line with the EU *acquis*, Member States shall fully implement their obligations. Accordingly, identification, registration and fingerprinting for the relocation procedure shall be guaranteed by Italy and by Greece and the necessary facilities shall be put in place. Applicants that elude the relocation procedure shall be excluded from relocation.
10. The relocation procedure provided for in this Article shall be completed as swiftly as possible and not later than two months from the time of the indication given by the Member State of relocation as referred to in paragraph 2, unless the approval by the Member State of relocation referred to in paragraph 4 takes place less than two weeks before the expiry of this two-month period. In such case, the time-limit for completing the relocation procedure may be extended for a period not exceeding a further two weeks. In addition, this time-limit may also be extended, for a further four-week period, as appropriate, where Italy or Greece show objective practical obstacles that prevent the transfer from taking place.

Where the relocation procedure is not completed within these time-limits and unless Italy and Greece agree with the Member State of relocation to a reasonable extension of the time-limit, Italy and Greece shall remain responsible for examining the application for international protection pursuant to Regulation (EU) No 604/2013.

11. Following the relocation of the applicant, the Member State of relocation shall take, and transmit to the Central System of Eurodac, the fingerprints of the applicant in accordance with Article 9 of Regulation (EU) No 603/2013 and update the data sets in accordance with Article 10 of, and where applicable, Article 18 of, that Regulation.

Article 6

Rights and obligations of applicants for international protection covered by this Decision

1. The best interests of the child shall be a primary consideration for Member States when implementing this Decision.
2. Member States shall ensure that family members who fall within the scope of this Decision are relocated to the territory of the same Member State.
3. Prior to the decision to relocate an applicant, Italy and Greece shall inform the applicant in a language which the applicant understands or is reasonably supposed to understand of the relocation procedure as set out in this Decision.
4. When the decision to relocate an applicant has been taken and before the actual relocation, Italy and Greece shall notify the person concerned of the decision to relocate him in writing. That decision shall specify the Member State of relocation.
5. An applicant or beneficiary of international protection who enters the territory of a Member State other than the Member State of relocation without fulfilling the conditions for stay in that other Member State shall be required to return immediately. The Member State of relocation shall take back the person.

Article 7

Operational support to Italy and to Greece

1. In order to support Italy and Greece to better cope with the exceptional pressure on their asylum and migration systems caused by the current increased migratory pressure at their external borders, Member States shall increase their operational support in cooperation with Italy and Greece in the area of international protection through relevant activities coordinated by EASO, Frontex and other relevant Agencies, in particular by providing, as appropriate, national experts for the following support activities:
 - (a) the screening of the third-country nationals arriving in Italy and in Greece, including their clear identification, fingerprinting and registration, and, where applicable, the registration of their application for international protection and, upon request by Italy or Greece, their initial processing;
 - (b) the provision to applicants or potential applicants that could be subject to relocation pursuant to this Decision of information and specific assistance that they may need;
 - (c) the preparation and organisation of return operations for third-country nationals who either did not apply for international protection or whose right to remain on the territory has ceased.
2. In addition to the support provided under paragraph 1 and for the purpose of facilitating the implementation of all steps of the relocation procedure, specific support shall be provided, as appropriate, to Italy and to Greece through relevant activities coordinated by EASO, Frontex and other relevant Agencies.

Article 8

Complementary measures to be taken by Italy and by Greece

1. Italy and Greece shall each, on 16 September 2015, present a roadmap to the Commission which shall include adequate measures in the area of asylum, first reception and return, enhancing the capacity, quality and efficiency of their systems in these areas, as well as measures to ensure appropriate implementation of this Decision. Italy and Greece shall fully implement this roadmap.

2. If Italy or Greece does not comply with the obligations referred to in paragraph 1 of this Article, the Commission may decide, having given the State concerned the opportunity to present its views, to suspend the application of this Decision with regard to that Member State for a period of up to three months. The Commission may decide once to extend such suspension for a further period of up to three months. Such suspension shall not affect the transfers of applicants that are pending following approval of the Member State of relocation pursuant to Article 5(4).

Article 9

Further emergency situations

In the event of an emergency situation characterised by a sudden inflow of nationals of third countries in a Member State, the Council, on a proposal from the Commission and after consulting the European Parliament, may adopt provisional measures for the benefit of the Member State concerned, pursuant to Article 78(3) TFEU. Such measures may include, where appropriate, a suspension of the participation of that Member State to the relocation as provided for in this Decision as well as possible compensatory measures for Italy and for Greece.

Article 10

Financial support

The Member State of relocation shall receive a lump sum of EUR 6 000 for each relocated person pursuant to this Decision. This financial support shall be implemented by applying the procedures laid down in Article 18 of Regulation (EU) No 516/2014.

Article 11

Cooperation with Associated States

With the assistance of the Commission, bilateral arrangements may be made between Italy and, respectively, Iceland, Liechtenstein, Norway and Switzerland, and between Greece and, respectively, Iceland, Liechtenstein, Norway and Switzerland, on the relocation of applicants from the territory of Italy and of Greece to the territory of the latter States. The core elements of this Decision, in particular those relating to the relocation procedure and the rights and obligations of applicants, shall be duly taken into account in those arrangements.

Article 12

Reporting

On the basis of the information provided by the Member States and by the relevant agencies, the Commission shall report to the Council every six months on the implementation of this Decision.

On the basis of the information provided by Italy and by Greece, the Commission shall also report to the Council every six months on the implementation of the roadmaps, referred to in Article 8.

Article 13

Entry into force

1. This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.
2. It shall apply until 17 September 2017.

3. It shall apply to persons arriving on the territory of Italy or Greece as from 16 September 2015 until 17 September 2017, as well as to applicants having arrived on the territory of those Member States from 15 August 2015 onwards.

Done at Brussels, 14 September 2015.

For the Council

The President

J. ASSELBORN

COUNCIL DECISION (CFSP) 2015/1524**of 14 September 2015****amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Whereas:

- (1) On 17 March 2014, the Council adopted Decision 2014/145/CFSP ⁽¹⁾ concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.
- (2) On 13 March 2015, the Council adopted Decision (CFSP) 2015/432 ⁽²⁾ thereby renewing the measures for a further six months.
- (3) In view of the continued undermining or threatening of the territorial integrity, sovereignty and independence of Ukraine, Decision 2014/145/CFSP should be amended and those measures renewed for a further six months.
- (4) On the basis of a review by the Council, the entries in the Annex should be amended and the entry for one deceased person should be deleted.
- (5) Decision 2014/145/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2014/145/CFSP is amended as follows:

- (1) in Article 6, the second paragraph is replaced by the following:
‘This Decision shall apply until 15 March 2016.’;
- (2) the Annex is amended as set out in the Annex to this Decision.

*Article 2*This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 14 September 2015.

For the Council
The President
J. ASSELBORN

⁽¹⁾ Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L 78, 17.3.2014, p. 16).

⁽²⁾ Council Decision (CFSP) 2015/432 of 13 March 2015 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L 70, 14.3.2015, p. 47).

ANNEX

I. The following person is deleted from the list set out in the Annex to Decision 2014/145/CFSP:

Persons

72.	Oleksiy Borisovych MOZGOVY
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II. The entries for the following persons and for one entity set out in the Annex to Decision 2014/145/CFSP are replaced by the following:

Persons

	Name	Identifying information	Reasons	Date of listing
1.	Sergey Valeryevich AKSYONOV, Sergei Valerievich AKSENOV (Сер Валерьевич АКСеНОВ), Serhiy Valeriyovych AKSYONOV (Сергій Валерійович Аксьонов)	DOB: 26.11.1972 POB: Beltsy (Bălți), now Republic of Moldova	Aksyonov was elected 'Prime Minister of Crimea' in the Crimean Verkhovna Rada on 27 February 2014 in the presence of pro-Russian gunmen. His 'election' was decreed unconstitutional by Oleksandr Turchynov on 1 March 2014. He actively lobbied for the 'referendum' of 16 March 2014. As of 9 October 2014, the 'Head' of the so-called 'Republic of Crimea'. Member of the Presidium of the Russia State Council.	17.3.2014
2.	Vladimir Andreevich Konstantinov (Владимир Андреевич Константинов)	DOB: 19.11.1956 POB: Vladimirovka (a.k.a Vladimirovca), Slobozia Region, Moldavian SSR (now Republic of Moldova) or Bogomol, Moldavian SSR	As speaker of the Supreme Council of the Autonomous Republic of Crimea, Konstantinov played a relevant role in the decisions taken by the Verkhovna Rada concerning the 'referendum' against territorial integrity of Ukraine and called on voters to cast their votes in favour of Crimean Independence.	17.3.2014
3.	Rustam Ilmirovich Temirgaliev (Рустам Ильмирович Темиргалиев)	DOB: 15.8.1976 POB: Ulan-Ude, Buryat ASSR (Russian SFSR)	As former Deputy Chairman of the Council of Ministers of Crimea, Temirgaliev played a relevant role in the decisions taken by the Verkhovna Rada concerning the 'referendum' against territorial integrity of Ukraine. He lobbied actively for the integration of Crimea into the Russian Federation.	17.3.2014
4.	Denis Valentinovich Berezovskiy (Денис Валентинович Березовский)	DOB: 15.7.1974 POB: Kharkiv, Ukrainian SSR	Berezovskiy was appointed commander of the Ukrainian Navy on 1 March 2014 but thereafter swore an oath to the Crimean armed forces, thereby breaking his oath to the Ukrainian Navy. He was then appointed Deputy Commander of the Black Sea Fleet of the Russian Federation.	17.3.2014

	Name	Identifying information	Reasons	Date of listing
5.	Aleksei Mikhailovich Chaliy (Алексей Михайлович Чалый)	DOB: 13.6.1961 POB: Moscow or Sevastopol	Chaliy became 'Mayor of Sevastopol' by popular acclamation on 23 February 2014 and accepted this 'vote'. He actively campaigned for Sevastopol to become a separate entity of the Russian Federation following a referendum on 16 March 2014. He signed the Treaty on the adoption of the Republic of Crimea by Russia. Chairman of the Legislative Assembly of the City of Sevastopol.	17.3.2014
6.	Puotr Anatoliyovych Zima (Пётр Анатольевич Зима)	DOB: 29.3.1965	Zima was appointed as the new head of the Crimean Security Service (SBU) on 3 March 2014 by 'Prime Minister' Aksyonov and accepted this appointment. He has given relevant information including a database to the Russian Intelligence Service (SBU). This included information on Euro-Maidan activists and human rights defenders of Crimea. He played a relevant role in preventing Ukraine's authorities from controlling the territory of Crimea. On 11 March 2014 the formation of an independent Security Service of Crimea was proclaimed by former SBU officers of Crimea.	17.3.2014
7.	Yuriy Gennadyevich Zherebtsov (Юрий Геннадиевич Жеребцов)	DOB: 19.11.1969 POB: Izmail, Odessa Region, Ukrainian SSR or Odessa	Counsellor of the Speaker of the Verkhovna Rada of Crimea, one of the leading organisers of the 16 March 2014 'referendum' against Ukraine's territorial integrity. Member of the Civic Chamber of the so-called 'Republic of Crimea'.	17.3.2014
8.	Sergey Pavlovych Tsekov (Сергей Павлович Цеков)	DOB: 29.9.1953 or 23.9.1953 POB: Simferopol	Vice Speaker of the Verkhovna Rada; Tsekov initiated, together with Sergey Aksyonov, the unlawful dismissal of the government of the Autonomous Republic of Crimea (ARC). He drew Vladimir Konstantinov into this endeavour, threatening him with dismissal. He publicly recognised that the MPs from Crimea were the initiators of inviting Russian soldiers to take over the Verkhovna Rada of Crimea. He was one of the first Crimean Leaders to ask in public for the annexation of Crimea to Russia. Member of the Federation Council of the Russian Federation from the so-called 'Republic of Crimea'.	17.3.2014

	Name	Identifying information	Reasons	Date of listing
9.	Ozerov, Viktor Alekseevich (Виктор Алексеевич Озеров)	DOB: 5.1.1958 POB: Abakan, Khakassia	Chairman of the Security and Defence Committee of the Federation Council of the Russian Federation. On 1 March 2014 Ozerov, on behalf of the Security and Defence Committee of the Federation Council, publicly supported, in the Federation Council, the deployment of Russian forces in Ukraine.	17.3.2014
10.	Dzhabarov, Vladimir Michailovich (Владимир Михайлович Джабаров)	DOB: 29.9.1952	First Deputy-Chairman of the International Affairs Committee of the Federation Council of the Russian Federation. On 1 March 2014 Dzhabarov, on behalf of the International Affairs Committee of the Federation Council, publicly supported, in the Federation Council, the deployment of Russian forces in Ukraine.	17.3.2014
11.	Klishas, Andrei Aleksandrovich (Андрей Александрович Клишас)	DOB: 9.11.1972 POB: Sverdlovsk	Chairman of the Committee on Constitutional Law of the Federation Council of the Russian Federation. On 1 March 2014 Klishas publicly supported, in the Federation Council, the deployment of Russian forces in Ukraine. In public statements Klishas sought to justify a Russian military intervention in Ukraine by claiming that 'the Ukrainian President supports the appeal of the Crimean authorities to the President of the Russian Federation on landing an all-encompassing assistance in defence of the citizens of Crimea'.	17.3.2014
12.	Ryzhkov, Nikolai Ivanovich (Николай Иванович Рыжков)	DOB: 28.9.1929 POB: Dyleevka, Donetsk region, Ukrainian SSR	Member of the Committee for federal issues, regional politics and the North of the Federation Council of the Russian Federation. On 1 March 2014 Ryzhkov publicly supported, in the Federation Council, the deployment of Russian forces in Ukraine.	17.3.2014
13.	Bushmin, Evgeni Viktorovich (Евгений Викторович Бушмин)	DOB: 4.10.1958 POB: Lopatino, Sergachiisky region, RSFSR	Deputy Speaker of the Federation Council of the Russian Federation. On 1 March 2014 Bushmin publicly supported in the Federation Council the deployment of Russian forces in Ukraine.	17.3.2014

	Name	Identifying information	Reasons	Date of listing
14.	Totoonov, Aleksandr Borisovich (Александр Борисович Тотоонов)	DOB: 3.4.1957 POB: Ordzhonikidze, North Ossetia	Member of the Committee on culture, science, and information of the Federation Council of the Russian Federation. On 1 March 2014 Totoonov publicly supported, in the Federation Council, the deployment of Russian forces in Ukraine.	17.3.2014
15.	Panteleev, Oleg Evgenevich (Олег Евгеньевич Пантелеев)	DOB: 21.7.1952 POB: Zhitnikovskoe, Kurgan region	Former First Deputy Chairman of the Committee on Parliamentary Issues of the Federation Council. On 1 March 2014 Panteleev publicly supported, in the Federation Council, the deployment of Russian forces in Ukraine.	17.3.2014
16.	Mironov, Sergei Mikhailovich (Сергей Михайлович Миронов)	DOB: 14.2.1953 POB: Pushkin, Leningrad region	Member of the Council of the State Duma; Leader of Fair Russia faction in the Duma of the Russian Federation. Initiator of the bill allowing Russian Federation to admit in its composition, under the pretext of protection of Russian citizens, territories of a foreign country without the consent of that country or an international treaty.	17.3.2014
17.	Zheleznyak, Sergei Vladimirovich (Сергей Владимирович Железняк)	DOB: 30.7.1970 POB: St. Petersburg (former Leningrad)	Deputy Speaker of the State Duma of the Russian Federation. Actively supporting use of Russian Armed Forces in Ukraine and annexation of Crimea. He led personally the demonstration in support of the use of Russian Armed Forces in Ukraine.	17.3.2014
18.	Slutski, Leonid Eduardovich (Леонид Эдуардович Слуцкий)	DOB: 4.1.1968 POB: Moscow	Chairman of the Commonwealth of Independent States (CIS) Committee of the State Duma of the Russian Federation (member of the LDPR). Actively supporting use of Russian Armed Forces in Ukraine and the annexation of Crimea.	17.3.2014
19.	Vitko, Aleksandr Viktorovich (Александр Викторович Витко)	DOB: 13.9.1961 POB: Vitebsk (Belarusian SSR)	Commander of the Black Sea Fleet, Vice-Admiral. Responsible for commanding Russian forces that have occupied Ukrainian sovereign territory.	17.3.2014

	Name	Identifying information	Reasons	Date of listing
20.	Sidorov, Anatoliy Alekseevich (Анатолий Алексеевич Сидоров)	DOB: 2.7.1958 POB: Siva, Perm region, USSR	Commander, Russia's Western Military District, units of which are deployed in Crimea. He is responsible for part of the Russian military presence in Crimea which is undermining the sovereignty of the Ukraine and assisted the Crimean authorities in preventing public demonstrations against moves towards a referendum and incorporation into Russia.	17.3.2014
21.	Galkin, Viktorovich Aleksandr (Александр Викторович Галкин)	DOB: 22.3.1958 POB: Ordzhonikidze, North Ossetian ASSR	Russia's Southern Military District, forces of which are in Crimea; the Black Sea Fleet comes under Galkin's command; much of the force movement into Crimea has come through the Southern Military District. Commander of Russia's Southern Military District ('SMD'). SMD forces are deployed in Crimea. He is responsible for part of the Russian military presence in Crimea which is undermining the sovereignty of the Ukraine and assisted the Crimean authorities in preventing public demonstrations against moves towards a referendum and incorporation into Russia. Additionally the Black Sea Fleet falls within the District's control.	17.3.2014
22.	Rogozin, Dmitry Olegovich (Дмитрий Олегович Рогозин)	DOB: 21.12.1963 POB: Moscow	Deputy Prime Minister of the Russian Federation. Publicly called for the annexation of Crimea.	21.3.2014
23.	Glazuev, Yurievich Sergey (Сергей Юрьевич Глазьев)	DOB: 1.1.1961 POB: Zaporozhye, (Ukrainian SSR)	Adviser to the President of the Russian Federation. Publicly called for the annexation of Crimea.	21.3.2014
24.	Matviyenko, Valentina Ivanova (born Tyutina) (Валентина Ивановна Матвиенко (born Тютина))	DOB: 7.4.1949 POB: Shepetovka, Khmelnytsky (Kamenets-Podolsky) region (Ukrainian SSR)	Speaker of the Federation Council. On 1 March 2014, publicly supported, in the Federation Council, the deployment of Russian forces in Ukraine.	21.3.2014
25.	Naryshkin, Sergei Evgenevich (Сергей Евгеньевич Нарышкин)	DOB: 27.10.1954 POB: St Petersburg (former Leningrad)	Speaker of the State Duma. Publicly supported the deployment of Russian forces in Ukraine. Publicly supported the Russia-Crimea reunification treaty and the related federal constitutional law.	21.3.2014

	Name	Identifying information	Reasons	Date of listing
26.	Dmitry Konstantinovich KISELYOV, Dmitrii Konstantinovich KISELEV (Дмитрий Константинович Киселёв)	DOB: 26.4.1954 POB: Moscow	Appointed by Presidential Decree on 9 December 2013 Head of the Russian Federal State news agency 'Rossiya Segodnya'. Central figure of the government propaganda supporting the deployment of Russian forces in Ukraine.	21.3.2014
27.	Nosatov, Alexander Mihailovich (Александр Михайлович Носатов)	DOB: 27.3.1963 POB: Sevastopol, (Ukrainian SSR)	Deputy-Commander of the Black Sea Fleet, Rear-Admiral. Responsible for commanding Russian forces that have occupied Ukrainian sovereign territory.	21.3.2014
28.	Kulikov, Valery Vladimirovich (Валерий Владимирович Куликов)	DOB: 1.9.1956 POB: Zaporozhye, (Ukrainian SSR)	Deputy-Commander of the Black Sea Fleet, Rear Admiral. Responsible for commanding Russian forces that have occupied Ukrainian sovereign territory.	21.3.2014
29.	Surkov, Vladislav Yurievich (Владислав Юрьевич Сурков)	DOB: 21.9.1964 POB: Solntsevo, Lipetsk region	Aide to the President of the Russian Federation. He was an organiser of the process in Crimea by which local Crimean communities were mobilised to stage actions undermining the Ukrainian authorities in Crimea.	21.3.2014
30.	Mikhail Grigorievich Malyshev (Михаил Григорьевич Мальшев)	DOB: 10.10.1955 POB: Simferopol, Crimea	Chair of the Crimea Electoral Commission. Responsible for administering the Crimean referendum. Responsible under the Russian system for signing referendum results.	21.3.2014
31.	Valery Kirillovich Medvedev (Валерий Кириллович Медведев)	DOB: 21.8.1946 POB: Shmakovka, Primorsky region	Chair of Sevastopol Electoral Commission. Responsible for administering the Crimean referendum. Responsible under the Russian system for signing referendum results.	21.3.2014
32.	LTL. Gen. Igor Nikolaevich (Mykolayovych) Turchenyuk (Игорь Николаевич Турченко)	DOB: 5.12.1959 POB: Osh, Kyrgyz SSR	The de facto Commander of Russian troops deployed on the ground in Crimea (whom Russia continues to refer to officially as 'local self-defence militias'). Deputy Commander of the Southern Military District.	21.3.2014

	Name	Identifying information	Reasons	Date of listing
33.	Elena Borisovna Mizulina (born Dmitriyeva) (Елена Борисовна Мизулина (born Дмитриева))	DOB: 9.12.1954 POB: Bui, Kostroma region	Deputy in the State Duma. Originator and co-sponsor of recent legislative proposals in Russia that would have allowed regions of other countries to join Russia without their central authorities' prior agreement.	21.3.2014
34.	Dmitry Nikolayevich Kozak (Дмитрий Николаевич Козак)	DOB: 7.11.1958 POB: Bandurovo, Kirovograd region, Ukrainian SSR	Deputy Prime Minister. Responsible for overseeing the integration of the annexed Autonomous Republic of Crimea into the Russian Federation.	29.4.2014
35.	Oleg Yevgenyevich Belaventsev (Олег Евгеньевич Белавенцев)	DOB: 15.9.1949 POB: Moscow	Plenipotentiary Representative of the President of the Russian Federation into the so-called 'Crimean Federal District', Non-permanent member of the Russian Security Council. Responsible for the implementation of the constitutional prerogatives of the Russian Head of State on the territory of the annexed Autonomous Republic of Crimea.	29.4.2014
36.	Oleg Genrikhovich Savelyev (Олег Генрихович Савельев)	DOB: 27.10.1965 POB: Leningrad	Minister for Crimean Affairs. Responsible for the integration of the annexed Autonomous Republic of Crimea into the Russian Federation.	29.4.2014
37.	Sergei Ivanovich Menyailo (Сергей Иванович Меняйло)	DOB: 22.8.1960 POB: Alagir, North-Ossetian Autonomous SSR, RSFSR	Governor of the Ukrainian annexed city of Sevastopol.	29.4.2014
38.	Olga Fedorovna Kovitidi (Ольга Фёдоровна Ковитиди)	DOB: 7.5.1962 POB: Simferopol, Ukrainian SSR	Member of the Russian Federation Council from the annexed Autonomous Republic of Crimea.	29.4.2014
40.	Sergei Ivanovich Neverov (Сергей Иванович Неверов)	DOB: 21.12.1961 POB: Tashtagol, USSR	Deputy Chairman of State Duma, United Russia. Responsible for initiating legislation to integrate the annexed Autonomous Republic of Crimea into the Russian Federation.	29.4.2014
41.	Igor Dmitrievich SERGUN (Игорь Дмитриевич Сергун)	DOB: 28.3.1957 POB: Podolsk, Moscow Oblast	Director of GRU (Main Intelligence Directorate), Deputy Chief of the General Staff of the Armed Forces of the Russian Federation, Lieutenant-General. Responsible for the activity of GRU officers in Eastern Ukraine.	29.4.2014

	Name	Identifying information	Reasons	Date of listing
42.	Valery Vasilevich Gerasimov (Валерий Васильевич Герасимов)	DOB: 8.9.1955 POB: Kazan	Chief of the General Staff of the Armed Forces of the Russian Federation, First Deputy Minister of Defence of the Russian Federation, General of the Army. Responsible for the massive deployment of Russian troops along the border with Ukraine and lack of de-escalation of the situation.	29.4.2014
43.	German Prokopiv		Active leader of the 'Lugansk Guard'. Took part in the seizure of the building of the Lugansk regional office of the Security Service. Close links with the 'Army of the South-East'.	29.4.2014
44.	Valeriy Dmitrievich Bolotov (Валерий Дмитриевич Болотов)	DOB: 13.2.1970 POB: Luhansk	One of the leaders of the separatist group 'Army of the South-East' which occupied the building of the Security Service in the Lugansk region. Retired officer. Before seizing the building he and other accomplices possessed arms apparently supplied illegally from Russia and from local criminal groups.	29.4.2014
45.	Andriy Yevgenovych PURGIN (Андрій Євгенович Пургін), Andrei Evgenevich PURGIN (Андрей Евгеньевич Пургин)	DOB: 26.1.1972 POB: Donetsk	Former Head of the 'Donetsk People's Republic', active participant and organiser of separatist actions, coordinator of actions of the 'Russian tourists' in Donetsk. Co-founder of a 'Civic Initiative of Donbass for the Eurasian Union'. So-called 'Chairman' of the 'People's Council of the Donetsk People's Republic'.	29.4.2014
46.	Denys Volodymyrovych PUSHYLIN (Денис Володимирович Пушилін), Denis Vladimirovich PUSHILIN (Денис Владимирович Пушилин)	DOB: 9.5.1981 or 9.5.1982 POB: Makiivka (Donetsk oblast)	One of the leaders of the 'Donetsk People's Republic'. Participated in the seizure and occupation of the regional administration. Active spokesperson for the separatists. So-called Deputy Chairman of the 'People's Council' of the so-called 'Donetsk People's Republic'.	29.4.2014
47.	Tsyplakov Sergey Gennadevich	DOB: 1.5.1983 POB: Khartsyzsk, Donetsk Oblast	One of the leaders of ideologically radical organisation People's Militia of Donbas. He took active part in the seizure of a number of state buildings in Donetsk region.	29.4.2014

	Name	Identifying information	Reasons	Date of listing
48.	Igor Vsevolodovich Girkin (Игорь Всеволодович Гиркин) a.k.a. Igor Strelkov (Ihor Strielkov)	DOB: 17.12.1970 POB: Moscow	Identified as staff of Main Intelligence Directorate of the General Staff of the Armed Forces of the Russian Federation (GRU). He was involved in incidents in Sloviansk. He is an assistant on security issues to Sergey Aksionov, self-proclaimed prime minister of Crimea. Head of 'Novorossia' public movement.	29.4.2014
49.	Vyacheslav Viktorovich Volodin (Вячеслав Викторович Володин)	DOB: 4.2.1964 POB: Alekseevka, Saratov region.	First Deputy Chief of Staff of the Presidential Administration of Russia. Responsible for overseeing the political integration of the annexed Ukrainian region of Crimea into the Russian Federation.	12.5.2014
50.	Vladimir Anatolievich Shamanov (Владимир Анатольевич Шаманов)	DOB: 15.2.1957 POB: Barnaul.	Commander of the Russian Airborne Troops, Colonel-General. In his senior position, holds responsibility for the deployment of Russian airborne forces in Crimea.	12.5.2014
51.	Vladimir Nikolaevich Pligin (Владимир Николаевич Плигин)	DOB: 19.5.1960 POB: Ignatovo, Vologodsk Oblast, USSR.	Chair of the Duma Constitutional Law Committee. Responsible for facilitating the adoption of legislation on the annexation of Crimea and Sevastopol into the Russian Federation.	12.5.2014
52.	Petr Grigorievich JAROSH (Петр Григорьевич Ярош)	DOB: 30.1.1971 or 16.3.1966 POB: Skvortsovo village, Simferopol region, Crimea	Head of the Federal Migration Service office for Crimea. Responsible for the systematic and expedited issuance of Russian passports for the residents of Crimea.	12.5.2014
53.	Oleg Grigorievich Kozyura (Олег Григорьевич Козюра)	DOB: 19.12.1962 POB: Zaporozhye	Head of the Federal Migration Service office for Sevastopol. Responsible for the systematic and expedited issuance of Russian passports for the residents of Sevastopol.	12.5.2014

	Name	Identifying information	Reasons	Date of listing
54.	Viacheslav PONOMARIOV, Vyacheslav Volodymyrovich PONOMARYOV (В'ячеслав Володимирович Пономар'юв), Viacheslav Vladimirovich PONOMAREV (Вячеслав Владимирович Пономарёв)	DOB: 2.5.1965 POB: Sloviansk (Donetsk oblast)	Former self-declared mayor of Sloviansk. Ponomariov called on Vladimir Putin to send in Russian troops to protect the city and later asked him to supply weapons. Ponomariov's men are involved in kidnappings (they captured Irma Krat and Simon Ostrovsky, a reporter for Vice News, both were later released, they detained military observers under the OSCE Vienna Document). Remains active in supporting separatist actions and policies.	12.5.2014
55.	Igor Nikolaevich Bezler (Игорь Николаевич Безлер) a.k.a. Bes (devil)	DOB: 30.12.1965 POB: Simferopol, Crimea	One of the leaders of the self-proclaimed militia of Horlivka. He took control of the Security Service of Ukraine's Office in Donetsk region building and afterwards seized the Ministry of Internal Affairs' district station in the town of Horlivka. He has links to Ihor Strielkov under whose command he was involved in the murder of the Peoples' Deputy of the Horlivka's Municipal Council Volodymyr Rybak according to the SBU.	12.5.2014
57.	Oleg TSARIOV, Oleh Anatoliyovych TSAROV (Олег Анатоліович Цар'юв), Oleg Anatolevich TSAREV (Олег Анатольевич Царёв)	DOB: 2.6.1970 POB: Dnepropetrovsk	Former Member of the Rada, as such publicly called for the creation of the so-called 'Federal Republic of Novorossiya', composed of south-eastern Ukrainian regions. Remains active in supporting separatist actions or policies.	12.5.2014
58.	Roman Viktorovich Lyagin (Роман Вікторович Лягин)	DOB: 30.5.1980, POB: Donetsk, Ukraine	Head of the 'Donetsk People's Republic' Central Electoral Commission. Actively organised the referendum on 11 May 2014 on the self-determination of the 'Donetsk People's Republic'. Former 'Minister of Labour and Social Policy'.	12.5.2014
59.	Aleksandr Sergeevich MALYKHIN, Alexander Sergeevich MALYHIN (Александр Сергеевич Малыхин)	DOB: 12.1.1981	Head of the 'Lugansk People's Republic' Central Electoral Commission. Actively organised the referendum on 11 May 2014 on the self-determination of the 'Lugansk People's Republic'.	12.5.2014

	Name	Identifying information	Reasons	Date of listing
60.	Natalia Vladimirovna Poklonskaia (Наталья Владимировна Поклонская)	DOB: 18.3.1980 POB: Mikhailovka, Voroshilovgrad region, Ukrainian SSR or Yevpatoria, Ukrainian SSR	Prosecutor of Crimea. Actively implementing Russia's annexation of Crimea.	12.5.2014
61.	Igor Sergeievich Shevchenko (Игорь Сергеевич Шевченко)	POB: Sevastopol, Crimea	Prosecutor of Sevastopol. Actively implementing Russia's annexation of Sevastopol.	12.5.2014
62.	Aleksandr Yurevich BORODAI (Александр Юрьевич Бородай)	DOB: 25.7.1972 POB: Moscow	Former so-called 'Prime Minister of the Donetsk People's Republic', as such responsible for the separatist 'governmental' activities of the so-called 'government of the Donetsk People's Republic' (e.g. on 8 July 2014 stated 'our military is conducting a special operation against the Ukrainian "fascists"'), signatory of the Memorandum of Understanding on 'Novorossiya union'. Remains active in supporting separatist actions or policies.	12.7.2014
63.	Alexander KHODAKOVSKY, Oleksandr Serhiyovych KHODAKOVSKIY (Олександр Сергійович Ходаковський), Aleksandr Sergeevich KHODAKOVSKIY (Александр Сергеевич Ходаковский)	DOB: 18.12.1972 POB: Donetsk	Former so-called 'Minister of Security of the Donetsk People's Republic', as such responsible for the separatist security activities of the so-called 'government of the Donetsk People's Republic'. Remains active in supporting separatist actions or policies.	12.7.2014
64.	Alexandr Aleksandrovich KALYUSSKY, (Александр Александрович Калюсский)	DOB: 9.10.1975	So-called 'de facto Deputy Prime Minister for Social Affairs of the Donetsk People's Republic'. Responsible for the separatist 'governmental' activities of the so-called 'government of the Donetsk People's Republic'.	12.7.2014

	Name	Identifying information	Reasons	Date of listing
65.	Alexander KHRYAKOV, Aleksandr Vitalievich KHRYAKOV (Александр Витальевич Хряков), Oleksandr Vitaliyovych KHRYAKOV (Олександр Віталійович Хряков)	DOB: 6.11.1958 POB: Donetsk	Former so-called 'Information and Mass Communications Minister of the Donetsk People's Republic'. Responsible for the pro-separatist propaganda activities of the so-called 'government of the Donetsk People's Republic'.	12.7.2014
66.	Marat Faatovich BASHIROV (Марат Фаатович Баширов)	DOB: 20.1.1964 POB: Izhevsk, Russian Federation	Former so-called 'Prime Minister of the Council of Ministers of the Lugansk People's Republic', confirmed on 8 July 2014. Responsible for the separatist 'governmental' activities of the so-called 'government of the Lugansk People's Republic'.	12.7.2014
67.	Vasyl NIKITIN, Vasilii Aleksandrovich NIKITIN (Василий Александрович Никитин)	DOB: 25.11.1971 POB: Shargun (Uzbekistan)	So-called 'Vice Prime Minister of the Council of Ministers of the Lugansk People's Republic', (used to be the so-called 'Prime Minister of the Lugansk People's Republic', and former spokesman of the 'Army of the Southeast'). Responsible for the separatist 'governmental' activities of the so-called 'government of the Lugansk People's Republic'. Responsible for the statement of the Army of the Southeast that the Ukrainian presidential elections in the 'Lugansk People's Republic' cannot take place due to the 'new' status of the region.	12.7.2014
68.	Aleksey Vyacheslavovich KARYAKIN (Алексей Вячеславович Карякин)	DOB: 7.4.1980 or 7.4.1979 POB: Stakhanov (Lugansk oblast)	So-called 'Supreme Council Chair of the Lugansk People's Republic'. Responsible for the separatist 'governmental' activities of the 'Supreme Council', responsible for asking the Russian Federation to recognise the independence of the 'Lugansk People's Republic'. Signatory of the Memorandum of Understanding on the 'Novorossiya union'.	12.7.2014

	Name	Identifying information	Reasons	Date of listing
69.	Yuriy Volodymyrovych IVAKIN (Юрій Володимирович Івакін), Iurii Vladimirovich IVAKIN (Юрій Владимирович Ивакин)	DOB: 13.8.1954 POB: Perevalsk (Lugansk oblast)	Former so-called 'Minister of Internal Affairs of the Lugansk People's Re- public', as such responsible for the se- paratist 'governmental' activities of the so-called 'government of the Lu- gansk People's Republic'.	12.7.2014
70.	Igor PLOTNITSKY, Igor Venediktovich PLOTNITSKIИ (Игорь Венедиктович Плотницкий)	DOB: 24.6.1964 or 25.6.1964 or 26.6.1964 POB: Lugansk (possibly in Kelmentsi, Chernivtsi oblast)	Former so-called 'Defence Minister' and currently so-called 'Head' of the 'Lugansk People's Republic'. Responsible for the separatist 'govern- mental' activities of the so-called 'gov- ernment of the Lugansk People's Re- public'.	12.7.2014
71.	Nikolay KOZITSYN	DOB: 20.6.1956 POB: Donetsk region	Commander of Cossack forces. Responsible for commanding separa- tists in Eastern Ukraine fighting against the Ukrainian government forces.	12.7.2014
73.	Mikhail Efimovich FRADKOV (Михаил Ефимович Фрадков)	DOB: 1.9.1950 POB: Kurumoch, Kuibyshev region	Permanent member of the Security Council of the Russian Federation; Di- rector of the Foreign Intelligence Ser- vice of the Russian Federation. As a member of the Security Council, which provides advice on and coordi- nates national security affairs, he was involved in shaping the policy of the Russian Government threatening the territorial integrity, sovereignty and independence of Ukraine.	25.7.2014
74.	Nikolai Platonovich PATRUSHEV (Николай Платонович Патрушев)	DOB 11.7.1951 POB: Leningrad (St Petersburg)	Permanent member and Secretary of the Security Council of the Russian Federation. As a member of the Se- curity Council, which provides advice on and coordinates national security affairs, he was involved in shaping the policy of the Russian Government threatening the territorial integrity, sovereignty and independence of Ukraine.	25.7.2014

	Name	Identifying information	Reasons	Date of listing
75.	Aleksandr Vasilievich BORTNIKOV (Александр Васильевич Бортников)	DOB: 15.11.1951 POB: Perm	Permanent member of the Security Council of the Russian Federation; Director of the Federal Security Service (FSB). As a member of the Security Council, which provides advice on and coordinates national security affairs, he was involved in shaping the policy of the Russian Government threatening the territorial integrity, sovereignty and independence of Ukraine.	25.7.2014
76.	Rashid Gumarovich NURGALIEV (Рашид Гумарович Нурғалиев)	DOB: 8.10.1956 POB: Zhetikara, Kazakh Soviet Socialist Republic	Permanent member and Deputy Secretary of the Security Council of the Russian Federation. As a member of the Security Council, which provides advice on and coordinates national security affairs, he was involved in shaping the policy of the Russian Government threatening the territorial integrity, sovereignty and independence of Ukraine.	25.7.2014
77.	Boris Vyacheslavovich GRYZLOV (Борис Вячеславович Грызлов)	DOB 15.12.1950 POB: Vladivostok	Permanent member of the Security Council of the Russian Federation. As a member of the Security Council, which provides advice on and coordinates national security affairs, he was involved in shaping the policy of the Russian Government threatening the territorial integrity, sovereignty and independence of Ukraine.	25.7.2014
78.	Sergei Orestovoch BESEDA (Сергей Орестович Беседа)	DOB: 17.5.1954	Commander of the Fifth Service of the FSB, Federal Security Service of the Russian Federation. As a senior FSB officer, he heads a service responsible for overseeing intelligence operations and international activity.	25.7.2014
79.	Mikhail Vladimirovich DEGTYAREV (Михаил Владимирович Дегтярёв)	DOB 10.7.1981 POB: Kuibyshev (Samara)	Member of the State Duma. On 23.5.2014 he announced the inauguration of the 'de facto embassy' of the unrecognised, so-called 'Donetsk People's Republic' in Moscow, he contributes to undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.	25.7.2014

	Name	Identifying information	Reasons	Date of listing
80	Ramzan Akhmadovitch KADYROV (Рамзан Ахматович Кадыров)	DOB: 5.10.1976 POB: Tsentaroy.	President of the Republic of Chechnya. Kadyrov made statements in support of the illegal annexation of Crimea and in support of the armed insurgency in Ukraine. He stated, inter alia, on 14 June 2014 that he 'will do anything to help revive Crimea'. In that context, he was awarded the medal for 'the liberation of Crimea' by the Acting Head of the Autonomous Republic of Crimea for the support he provided to the unlawful annexation of Crimea. In addition, on 1 June 2014 he expressed his readiness to send 74 000 Chechen volunteers to Ukraine if requested to do so.	25.7.2014
81.	Alexander Nikolayevich TKACHYOV (Александр Николаевич Ткачѐв)	DOB: 23.12.1960 POB: Vyselki, Krasnodar region	Former Governor of the Krasnodar Krai. He was awarded the medal 'for the liberation of Crimea' by the Acting head of the Autonomous Republic of Crimea for the support he provided to the unlawful annexation of Crimea. On that occasion, the Acting Head of the Autonomous Republic of Crimea said that Tkachyov was one of the first to express his support to the new 'leadership' of Crimea.	25.7.2014
82.	Pavel GUBAREV (Павел Юрьевич Губарев)	DOB: 10.2.1983 POB: Sievierodonetsk	One of the self-described leaders of the so-called 'people' Republic of Donetsk'. He requested Russian intervention in eastern Ukraine, including through the deployment of Russian peacekeeping forces. He is associated with Igor Strelkov/Girkin who is responsible for actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine. Gubarev is responsible for recruiting people for armed forces of separatists. Responsible for taking over the regional government building in Donetsk with pro-Russian forces and proclaimed himself the 'people's governor'. Despite being arrested for threatening the territorial integrity of Ukraine, and subsequently released, he has continued to play a prominent role in separatist activities, thus undermining the territorial integrity, sovereignty and independence of Ukraine.	25.7.2014

	Name	Identifying information	Reasons	Date of listing
83.	Ekaterina Iurievna GUBAREVA (Екатерина Юрьевна Губарева), Katerina Yuriyovna GUBARIEVA (Катерина Юрійовна Губарева)	DOB: 5.7.1983 POB: Kakhovka (Kherson oblast)	In her capacity of former so-called 'Minister of Foreign Affairs' she was responsible for defending the so-called 'Donetsk People's Republic', thus undermining the territorial integrity, sovereignty and independence of Ukraine. In addition, her bank account is used to finance illegal separatist groups. In taking on and acting in this capacity she has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine. Remains active in supporting separatist actions and policies.	25.7.2014
84.	Fedor Dmitrievich BEREZIN (Фёдор Дмитриевич Березин), Fedir Dmytrovych BEREZIN (Федір Дмитрович Березін)	DOB: 7.2.1960 POB: Donetsk	Former so-called 'deputy defence minister' of the so-called 'Donetsk People's Republic'. He is associated with Igor Strelkov/Girkin, who is responsible for actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine. In taking on and acting in this capacity Berezin has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine. Remains active in supporting separatist actions and policies.	25.7.2014
85.	Valery Vladimirovich KAUROV Валерий Владимирович Кауров	DOB: 2.4.1956 POB: Odessa	The self-described 'president' of the so-called 'Republic of Novorossiia' who has called on Russia to deploy troops to Ukraine. In taking on and acting in this capacity he has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine.	25.7.2014
86.	Serhii Anatoliyovych ZDRILIUK Сергей Анатольевич Здрілюк	DOB: 23.6.1972 POB: Vinnytsia region	Senior aid to Igor Strelkov/Girkin who is responsible for actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine. In taking on and acting in this capacity, Zdriliuk has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine.	25.7.2014

	Name	Identifying information	Reasons	Date of listing
87.	Vladimir ANTYUFEEV Владимир Антюфеев (aka Vladimir SHEVTSOV, Vladimir Iurievici ANTIUFEEV, Vladimir Gheorghievici ALEXANDROV, Vadim Gheorghievici SHEVTSOV)	DOB: 19.2. 1951 POB: Novosibirsk	Former 'Minister of State Security' in the separatist region of Transnistria. Former vice-prime minister of Donetsk People's Republic, responsible for security and law enforcement. In his capacity, he is responsible for the separatist 'governmental' activities of the so-called 'government' of the Donetsk People's Republic.	25.7.2014
88.	Alexey Alexeyevich GROMOV (Алексей Алексеевич Громов)	DOB: 31.5.1960 POB: Zagorsk (Sergiev Posad)	As first Deputy Chief of Staff of the Presidential Administration, he is responsible for instructing Russian media outlets to take a line favourable with the separatists in Ukraine and the annexation of Crimea, therefore supporting the destabilisation of Eastern Ukraine and the annexation of Crimea.	30.7.2014
90.	Boris Alekseevich LITVINOV (Борис Алексеевич Литвинов)	DOB: 13.1.1954 POB: Dzerzhynsk (Donetsk oblast)	Member of the so-called 'People's Council' and former chairman of the so-called 'Supreme Council' of the so-called 'Donetsk People's Republic' who was at the source of policies and the organisation of the illegal 'referendum' leading to the proclamation of the so-called 'Donetsk People's Republic', which constituted a breach of the territorial integrity, sovereignty and unity of Ukraine.	30.7.2014
91.	Sergey Vadimovich ABISOV (Сергей Вадимович Абисов)	DOB 27.11.1967 POB: Simferopol, Crimea	By accepting his appointment as so-called 'Minister of Interior of the Republic of Crimea' by the President of Russia (decree No 301) on 5 May 2014 and by his actions as so-called 'Minister of Interior' he has undermined the territorial integrity, sovereignty and unity of Ukraine	30.7.2014
92.	Arkady Romanovich ROTENBERG, Arkadii Romanovich ROTENBERG (Аркадий Романович Ротенберг)	DOB: 15.12.1951 POB: Leningrad (Saint Petersburg).	Mr Rotenberg is a long-time acquaintance of President Putin and his former judo sparring partner. He developed his fortune during President Putin's tenure. His level of economic success is attributable to the influence of key decision makers favouring him, notably in the award of public contracts.	30.7.2014

	Name	Identifying information	Reasons	Date of listing
			<p>He has benefited from his close personal relationship with Russian decision-makers as he was awarded important contracts by the Russian State or by State-owned enterprises. His companies were, notably awarded several highly lucrative contracts for the preparations for the Sochi Olympic Games.</p> <p>He is also the owner of the company Stroygazmontazh which has been awarded a State contract for the construction of a bridge from Russia to the illegally annexed Autonomous Republic of Crimea, therefore consolidating its integration into the Russian Federation which in turn further undermines the territorial integrity of Ukraine.</p> <p>He is the chairman of the board of directors of publishing house Prosvetscheniye, which has notably implemented the project 'To the Children of Russia: Address — Crimea', a public relations campaign that was designed to persuade Crimean children that they are now Russian citizens living in Russia and thereby supporting the Russian Government's policy to integrate Crimea into Russia.</p>	
93.	Konstantin Valerevich MALOFEEV (Константин Валерьевич Малофеев)	DOB: 3.7.1974 POB: Puschino	<p>Mr Malofeev is closely linked to Ukrainian separatists in Eastern Ukraine and Crimea. He is a former employer of Mr Borodai, so-called Prime Minister of the so-called 'Donetsk People's Republic' and met with Mr Aksyonov, so-called Prime Minister of the so-called 'Republic of Crimea', during the period of the Crimean annexation process. The Ukrainian Government has opened a criminal investigation into his alleged material and financial support to separatists. In addition, he gave a number of public statements supporting the annexation of Crimea and the incorporation of Ukraine into Russia and notably stated in June 2014 that 'You can't incorporate the whole of Ukraine into Russia. The East (of Ukraine) maybe'.</p> <p>Therefore Mr Malofeev is acting in support of the destabilisation of Eastern Ukraine.</p>	30.7.2014

	Name	Identifying information	Reasons	Date of listing
94.	Yuriy Valentinovich KOVALCHUK (Юрий Валентинович Ковальчук)	DOB 25.7.1951 POB: Leningrad (St Petersburg)	<p>Mr Kovalchuk is a long-time acquaintance of President Putin. He is a co-founder of the so-called Ozero Dacha, a cooperative society bringing together an influential group of individuals around President Putin.</p> <p>He is benefiting from his links with Russian decision-makers. He is the chairman and largest shareholder of Bank Rossiya, of which he owned around 38 % in 2013, and which is considered the personal bank of Senior Officials of the Russian Federation. Since the illegal annexation of Crimea, Bank Rossiya has opened branches across Crimea and Sevastopol, thereby consolidating their integration into the Russian Federation.</p> <p>Furthermore, Bank Rossiya has important stakes in the National Media Group which in turn controls television stations which actively support the Russian government's policies of destabilisation of Ukraine.</p>	30.7.2014
95.	Nikolay Terentievich SHAMALOV (Николай Терентьевич Шамалов)	DOB: 24.1.1950 POB: Belarus	<p>Mr Shamalov is a long-time acquaintance of President Putin. He is a co-founder of the so-called Ozero Dacha, a cooperative society bringing together an influential group of individuals around President Putin.</p> <p>He benefits from his links with Russian decision-makers. He is the second largest shareholder of Bank Rossiya, of which he owned around 10 % in 2013, and which is considered the personal bank of Senior Officials of the Russian Federation. Since the illegal annexation of Crimea, Bank Rossiya has opened branches across Crimea and Sevastopol, thereby consolidating their integration into the Russian Federation.</p> <p>Furthermore, Bank Rossiya has important stakes in the National Media Group which, in turn, controls television stations which actively support the Russian government's policies of destabilisation of Ukraine.</p>	30.7.2014

	Name	Identifying information	Reasons	Date of listing
96.	Alexander Vladimirovich ZAKHARCHENKO (Александр Владимирович Захарченко)	DOB: 26.6.1976 POB: Donetsk	As of 7 August 2014, he replaced Alexander Borodai as the so-called 'Prime minister' of the so-called 'Donetsk People's Republic'. In taking on and acting in this capacity, Zakharchenko has supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine.	12.9.2014
97.	Vladimir KONONOV/aka 'Tsar' (Владимир Петровнч Кононов)	DOB: 14.10.1974 POB: Gorsky	As of 14 August, he replaced Igor Strelkov/Girkin, as the so-called 'Defence minister' of the so-called 'Donetsk People's Republic'. He has reportedly commanded a division of separatist fighters in Donetsk since April and has promised to solve the strategic task of repelling Ukraine's military aggression. Konokov has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine.	12.9.2014
98.	Miroslav Vladimirovich RUDENKO (Мирослав Владимирович Руденко)	DOB: 21.1.1983 POB: Debalcevo	Associated with the 'Donbass People's Militia'. He has, inter alia, stated that they will continue their fighting in the rest of the country. Rudenko has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine. So-called 'People's Deputy' in the so-called 'Parliament of the Donetsk People's Republic'.	12.9.2014
99.	Gennadiy Nikolaiovich TSYPKALOV, Gennadii Nikolaevich TSYPKALOV (Геннадий Николаевич Цыплаков)	DOB: 21.6.1973 POB: Rostov oblast (Russia)	Replaced Marat Bashirov as so-called 'Prime Minister' of the so-called 'Lugansk People's Republic'. Previously active in the militia Army of the Southeast. Tsyplakov has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine.	12.9.2014
101.	Oleg Vladimirovich BEREZA (Олег Владимирович Берёза)	DOB: 1.3.1977	'Internal affairs minister' of the so-called 'Donetsk People's Republic'. Associated with Vladimir Antyufeyev, who is responsible for the separatist 'governmental' activities of the so-called 'Government of the Donetsk People's Republic'. He has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine.	12.9.2014

	Name	Identifying information	Reasons	Date of listing
102.	Andrei Nikolaevich RODKIN (Андрей Николаевич Родкин)	DOB: 23.9.1976 POB: Moscow	Moscow Representative of the so-called 'Donetsk People's Republic'. In his statements he has, inter alia, talked about the militias' readiness to conduct a guerrilla war and their seizure of weapon systems from the Ukrainian armed forces. He has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine.	12.9.2014
103.	Aleksandr Akimovich KARAMAN (Александр Акимович Караман), Alexandru CARAMAN	DOB: 26.7.1956 or 26.6.1956 POB Cioburciu, Slobozia district, now Republic of Moldova	'Deputy Prime Minister for Social Issues' of the so-called 'Donetsk People's Republic'. Associated with Vladimir Antyufeyev, who is responsible for the separatist 'governmental' activities of the so-called 'Government of the Donetsk People's Republic'. He has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine. Protégé of Russia's Deputy Prime Minister Dmitry Rogozin. Head of the Administration of the Council of Ministers of the so-called 'Donetsk Peoples Republic'.	12.9.2014
104.	Georgiy L'vovich MURADOV (Георгий Львович Мурадов)	DOB: 19.11.1954 POB: Kochmes, Komi ASSR	So-called 'Deputy Prime Minister' of Crimea and Plenipotentiary Representative of Crimea to President Putin. Muradov has played an important role in consolidating Russian institutional control over Crimea since the illegal annexation. He has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine.	12.9.2014
105.	Mikhail Sergeyevich SHEREMET (Михаил Сергеевич Шеремет)	DOB 23.5.1971 POB: Dzhankoy	So-called 'First Deputy Prime Minister' of Crimea. Sheremet played a key role in the organisation and implementation of the 16 March referendum in Crimea on unification with Russia. At the time of the referendum, Sheremet reportedly commanded the pro-Moscow 'self-defense forces' in Crimea. He has therefore supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine.	12.9.2014

	Name	Identifying information	Reasons	Date of listing
106.	Yuri Leonidovich VOROBIOV (Юрий Леонидович Воробьев)	DOB: 2.2.1948 POB: Krasnoyarsk	Deputy Speaker of the Federation Council of the Russian Federation. On 1 March 2014 Vorobiov publicly supported in the Federation Council the deployment of Russian forces in Ukraine. He subsequently voted in favour of the related decree.	12.9.2014
107.	Vladimir Volfovich ZHIRINOVSKY (Владимир Вольфович Жириновски)	DOB: 25.4.1946 POB: Alma-Ata, Kazakh SSR	Member of the Council of the State Duma; leader of the LDPR party. He actively supported the use of Russian Armed Forces in Ukraine and annexation of Crimea. He has actively called for the split of Ukraine. He signed, on behalf of the LDPR party he chairs, an agreement with the so-called, 'Donetsk People's Republic'.	12.9.2014
108.	Vladimir Abdualiyevich VASILYEV (Васильев Владимир Абдуалиевич)	DOB: 11.8.1949 POB: Klin	Deputy Speaker of the State Duma. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.	12.9.2014
109.	Viktor Petrovich VODOLATSKY (Виктор Петрович Водолацкий)	DOB: 19.8.1957 POB: Stefanidin Dar, Rostov region	Chairman ('ataman') of the Union of the Russian and Foreign Cossack Forces, and deputy of the State Duma. He supported the annexation of Crimea and admitted that Russian Cossacks were actively engaged in the Ukrainian conflict on the side of the Moscow-backed separatists. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.	12.9.2014
110.	Leonid Ivanovich KALASHNIKOV (Леонид Иванович Калашников)	DOB: 6.8.1960 POB: Stepnoy Dvoretz	First deputy Chairman of the Committee on Foreign Affairs of the State Duma. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.	12.9.2014

	Name	Identifying information	Reasons	Date of listing
111.	Vladimir Stepanovich NIKITIN (Владимир Степанович Никитин)	DOB: 5.4.1948 POB: Opochka	Former First Deputy Chairman of the Committee on Relations with CIS Countries, Eurasian Integration and Links with Compatriots of the State Duma. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.	12.9.2014
112.	Oleg Vladimirovich LEBEDEV (Олег Владимирович Лебедев)	DOB: 21.3.1964 POB: Rudny, Kostanai region, Kazakh SSR	First Deputy Chairman of the Committee on Relations with CIS Countries, Eurasian Integration and Links with Compatriots of the State Duma. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.	12.9.2014
113.	Ivan Ivanovich MELNIKOV (Иван Иванович Мельников)	DOB: 7.8.1950 POB: Bogoroditsk	First Deputy Speaker, State Duma. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.	12.9.2014
114.	Igor Vladimirovich LEBEDEV (Игорь Владимирович Лебедев)	DOB: 27.9.1972 POB: Moscow	Deputy Speaker, State Duma. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.	12.9.2014
115.	Nikolai Vladimirovich LEVICHEV (Николай Владимирович Левичев)	DOB: 28.5.1953 POB: Pushkin	Deputy Speaker, State Duma. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.	12.9.2014

	Name	Identifying information	Reasons	Date of listing
116.	Svetlana Sergeevna ZHUROVA (Светлана Сергеевна Журова)	DOB: 7.1.1972 POB: Pavlov-on-the-Neva	First Deputy Chairman of the Committee on Foreign Affairs, State Duma. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.	12.9.2014
117.	Aleksey Vasilevich NAUMETS (Алексей Васильевич Наумец)	DOB: 11.2.1968	Major-general of the Russian Army. He is the commander of the 76th airborne division which has been involved in the Russian military presence on the territory of Ukraine, notably during the illegal annexation of Crimea.	12.9.2014
118.	Sergey Viktorovich CHEMEZOV (Сергей Викторович Чемезов)	DOB: 20.8.1952 POB: Cheremkhovo	Sergei Chemezov is one of President Putin's known close associates, both were KGB officers posted in Dresden and he is a member of the Supreme Council of 'United Russia'. He is benefiting from his links with the Russian President by being promoted to senior positions in State-controlled firms. He chairs the Rostec conglomerate, the leading Russian state-controlled defence and industrial manufacturing corporation. Further to a decision of the Russian government, Technopromexport, a subsidiary of Rostec, is planning to build energy plants in Crimea thereby supporting its integration into the Russian Federation. Furthermore, Rosoboronexport, a subsidiary of Rostec, has supported the integration of Crimean defence companies into Russia's defence industry, thereby consolidating the illegal annexation of Crimea into the Russian Federation.	12.9.2014
119.	Alexander Mikhailovich BABAКOV (Александр Михайлович Бабаков)	DOB: 8.2.1963 POB: Chisinau	State Duma Deputy, Chair of the State Duma Commission on Legislative Provisions for Development of the Military-Industrial Complex of the Russian Federation. He is a prominent member of 'United Russia' and a businessman with heavy investments in Ukraine and in Crimea.	12.9.2014

	Name	Identifying information	Reasons	Date of listing
			On the 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the Republic of Crimea and the city of federal status of Sevastopol'.	
120.	Serhiy KOZYAKOV (aka Sergey Kozyakov) Сергей Козьяков	DOB: 29.9.1982	In his capacity as 'Head of the Luhansk Central Election Commission' he is responsible for organising the so-called 'elections' of 2 November 2014 in the so-called 'Luhansk People's Republic'. These 'elections' are in breach of Ukrainian law and therefore illegal. In taking on and acting in this capacity, and in organising the illegal 'elections', he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	29.11.2014
121.	Oleg Konstantinovich AKIMOV a.k.a. Oleh AKIMOV (Олег Константинович Акимов)	DOB: 15.9.1981 POB: Lugansk	Deputy of the 'Lugansk Economic Union' in the 'National Council' of the 'Lugansk People's Republic'. Stood as a candidate in the so-called 'elections', of 2 November 2014 to the post of 'Head' of the so-called 'Lugansk People's Republic'. These 'elections' are in breach of Ukrainian law and therefore illegal. In taking on and acting in this capacity, and in participating formally as a candidate in the illegal 'elections', he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	29.11.2014
122.	Larisa Leonidovna AIRAPETYAN a.k.a. Larysa AYRAPETYAN, Larisa AIRAPETYAN or Larysa AIRAPETYAN (Лариса Леонидовна Айрапетян)	DOB: 21.2.1970	'Health Minister' of the so-called 'Lugansk People's Republic'. Stood as a candidate in the so-called 'elections' of 2 November 2014 to the post of the 'Head' of the so-called 'Lugansk People's Republic'.	29.11.2014

	Name	Identifying information	Reasons	Date of listing
			<p>These 'elections' are in breach of Ukrainian law and therefore illegal.</p> <p>In taking on and acting in this capacity, and in participating formally as a candidate in the illegal 'elections', she has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.</p>	
123.	<p>Yuriy Viktorovich SIVOKONENKO a.k.a. Yuriy SIVOKONENKO, Yury SIVOKONENKO, Yury SYVOKONENKO</p> <p>(Юрий Викторович Сивоконенко)</p>	<p>DOB: 7.8.1957</p> <p>POB: Donetsk</p>	<p>Member of the 'Parliament' of the so-called 'Donetsk People's Republic' and works in the Union of veterans of the Donbass Berkut. Stood as a candidate in the so-called 'elections' of 2 November 2014 to the post of the Head of the so-called 'Donetsk People's Republic'. These elections are in breach of Ukrainian law and therefore illegal.</p> <p>In taking on and acting in this capacity, and in participating formally as a candidate in the illegal 'elections', he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.</p>	29.11.2014
124.	<p>Aleksandr Igorevich KOFMAN a.k.a. Oleksandr KOFMAN</p> <p>(Александр Игоревич Кофман)</p>	<p>DOB: 30.8.1977</p> <p>POB: Makiivka (Donetsk oblast)</p>	<p>So-called 'Foreign Minister' and so-called 'First deputy speaker' of the 'Parliament' of the so-called 'Donetsk People's Republic'. Stood as a candidate in the so-called illegal 'elections' of 2 November 2014 to the post of Head of the so-called 'Donetsk People's Republic'. These elections are in breach of Ukrainian law and therefore illegal.</p> <p>In taking part and acting in this capacity, and in participating formally as a candidate in the illegal 'elections', he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.</p>	29.11.2014
125.	<p>Ravil Zakariyevich KHALIKOV</p> <p>(Равиль Закариевич Халиков)</p>	<p>DOB: 23.2.1969</p> <p>POB: Belozere village, Romodanovskiy rayon, USSR</p>	<p>'First Deputy Prime Minister' and previous 'Prosecutor-General' of the so-called 'Donetsk People's Republic'.</p>	29.11.2014

	Name	Identifying information	Reasons	Date of listing
			In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	
126.	Dmitry Aleksandrovich SEMYONOV, Dmitrii Aleksandrovich SEMENOV (Дмитрий Александрович Семенов)	DOB: 3.2.1963 POB: Moscow	'Deputy Prime Minister for Finances' of the so-called 'Lugansk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	29.11.2014
127.	Oleg BUGROV (Олег Бугров)	DOB: 29.8.1969	Former 'Defense Minister' of the so-called 'Lugansk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	29.11.2014
128.	Lesya LAPTEVA (Леся Лаптева)		Former 'Minister of Education, Science, Culture and Religion' of the so-called 'Luhansk People's Republic'. In taking on and acting in this capacity, she has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	29.11.2014
129.	Yevgeniy Eduardovich MIKHAYLOV (aka Yevhen Eduardovych Mychaylov) (Евгений Эдуардович Михайлов)	DOB: 17.3.1963 POB: Arkhangelsk	'Head of the administration for governmental affairs' of the so-called 'Donetsk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	29.11.2014

	Name	Identifying information	Reasons	Date of listing
132.	Vladyslav Nykolayevych DEYNEGO a.k.a. Vladislav Nykolayevich DEYNEGO (Владислав Николаевич Дейнего)	DOB: 12.3.1964	'Deputy Head' of the 'People's Council' of the so-called 'Lugansk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	29.11.2014
133.	Pavel DREMOV a.k.a. Batura (Павел Леонидович ДРЁМОВ), Pavlo Leonidovych DRYOMOV (Павло Леоншович Дрьомов)	DOB: 22.11.1976 POB: Stakhanov	Commander of the 'First Cossack Regiment', an armed separatist group involved in the fighting in eastern Ukraine. In this capacity, he has actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
134.	Alexey MILCHAKOV aka Fritz, Serbian (Алексей МИЛЬЧАКОВ)	DOB: 30.4. 1991 or on 30.1.1991 POB: St. Petersburg	Commander of the 'Rusich' unit, an armed separatist group involved in the fighting in eastern Ukraine. In this capacity, he has actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
135.	Arseny PAVLOV aka Motorola АрсєНий Сергєевич ПАВЛОВ (ака Моторола)	DOB: 2.2.1983 POB: Ukhta, Komi	Commander of the 'Sparta Battalion', an armed separatist group involved in the fighting in eastern Ukraine. In this capacity, he has actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
136.	Mikhail Sergeevich TOLSTYKH a.k.a. Givi (Михаил Сергєевич Толстых)	DOB: 19.7.1980 POB: Ilovaisk	Commander of the 'Somali' battalion, an armed separatist group involved in the fighting in eastern Ukraine. In this capacity, he has actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015

	Name	Identifying information	Reasons	Date of listing
137.	Eduard Aleksandrovich BASURIN (Здуард Александрович Басурин)	DOB: 27.6.1966 or 21.6.1966 POB: Donetsk	So-called 'Deputy Commander' of the Ministry of Defense of the so-called 'Donetsk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
138.	Alexandr SHUBIN Александр Васильевич ШУБИН	DOB: 20.5.1972 or 30.5.1972 POB: Luhansk	So-called 'Minister of Justice', of the illegal so-called 'Luhansk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised the country.	16.2.2015
139.	Sergey Anatolievich LITVIN (Сергей Анатольевич Литвин)	DOB: 2.7.1973	So-called 'Deputy Chairman' of the Council of Ministers of the so-called 'Lugansk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
141.	Ekaterina FILIPPOVA Екатерина Владимировна ФИЛИППОВА	DOB: 20.11.1988 POB: Krasnoarmëisk	So-called 'Minister of Justice' of the so-called 'Donetsk People's Republic'. In taking on and acting in this capacity, she has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
142.	Aleksandr TIMOFEEV Александр ТИМОФЕЕВ	DOB: 27.1.1974	So-called 'Minister of Budget' of the so-called 'Donetsk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised the country.	16.2.2015

	Name	Identifying information	Reasons	Date of listing
143.	Evgeny Vladimirovich MANUILOV (Евгений Владимирович Мануйлов)	DOB: 5.1.1967	So-called 'Minister of Budget' of the so-called 'Lugansk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
144.	Viktor YATSENKO (Виктор ЯЦЕНКО)	DOB: 22.4.1985 POB: Kherson	So-called 'Minister of Communications' of the so-called 'Donetsk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
146.	Zaur ISMAILOV (Заур Исмаилов Рауфович)	DOB: 25.7.1978 (or 23.3.1975) POB: Krasny Luch, Voroshilovgrad Lugansk	So-called 'General Prosecutor' of the so-called 'Lugansk People's Republic'. In taking on and acting in this capacity, he has therefore actively supported actions and policies which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
147.	Anatoly Ivanovich ANTONOV (Анатолий Иванович Антонов)	DOB 15.5.1955 POB: Omsk	Deputy Minister of Defence and, in that capacity, involved in supporting the deployment of Russian troops in Ukraine. According to the present Russian Ministry of Defence structure, in that capacity he participates in shaping and implementing the policy of the Russian Government. These policies threaten the territorial integrity, sovereignty and independence of Ukraine.	16.2.2015
148.	Arkady Viktorovich BAKHIN (Аркадий Викторович Бахин)	DOB: 8.5.1956 POB: Kaunas, Lithuania	First Deputy Minister of Defence and, in that capacity, involved in supporting the deployment of Russian troops in Ukraine. According to the present Russian Ministry of Defence structure, in that capacity he participates in shaping and implementing the policy of the Russian Government. These policies threaten the territorial integrity, sovereignty and independence of Ukraine.	16.2.2015

	Name	Identifying information	Reasons	Date of listing
149.	Andrei Valeryevich KARTAPOLOV (Андрей Валерьевич Картаполов)	DOB: 9.11.1963 POB: GDR (DDR)	<p>Director of the Main Operations Department and deputy chief of the General Staff of the Armed Forces of the Russian Federation. In both capacities he is actively involved in shaping and implementing the military campaign of the Russian forces in Ukraine.</p> <p>According to the stated activities of the general staff, by exercising operational control over the armed forces, he is actively involved in shaping and implementing the Russian government policy threatening the territorial integrity, sovereignty and independence of Ukraine.</p>	16.2.2015
150.	Iosif (Joseph) Davydovich KOBZON (Иосиф Давыдович Кобзон)	DOB: 11.9.1937 POB: Tchassov Yar, Ukraine	<p>Member of the State Duma.</p> <p>He visited the so-called Donetsk People's Republic and during his visit made statements supporting separatists. He was also appointed Honorary Consul of the so-called 'Donetsk People's Republic' in the Russian Federation.</p> <p>On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.</p>	16.2.2015
151.	Valery Fedorovich RASHKIN (Валерий Фёдорович Рашкин)	DOB: 14.3.1955 POB: Zhilino, Kaliningrad region	<p>First Deputy Chairman of the State Duma Committee on Ethnicity issues.</p> <p>He is the founder of the civil movement 'Krassnaya Moskva — Red Moscow — Patriotic Front Aid' which organised public demonstrations supporting separatists, thereby supporting policies which undermine the territorial integrity, sovereignty and independence of Ukraine. On 20 March 2014 he voted in favour of the draft Federal Constitutional Law 'on the acceptance into the Russian Federation of the Republic of Crimea and the formation within the Russian Federation of new federal subjects — the republic of Crimea and the City of Federal Status Sevastopol'.</p>	16.2.2015

Entities:

33.	Prizrak brigade (‘Бригада ‘Призрак’)	Armed separatist which has actively supported actions which undermine the territorial integrity, sovereignty and independence of Ukraine, and further destabilised Ukraine.	16.2.2015
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