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## Legislation

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## II

(Non-legislative acts)

## INTERNATIONAL AGREEMENTS

**COUNCIL DECISION (EU) 2015/1947**

**of 1 October 2015**

**on the conclusion, on behalf of the European Union, of the Protocol Amending the Marrakesh Agreement establishing the World Trade Organisation**

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 point (v) of Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The World Trade Organisation ('WTO') launched the Doha Round of trade negotiations, known as the Doha Development Agenda, in November 2001. The negotiations on trade facilitation were launched in July 2004 on the basis of a commitment to clarify and improve several articles of the General Agreement on Tariffs and Trade 1994 ('GATT 1994'): Article V (Freedom of Transit), Article VIII (Fees and Formalities connected with Importation and Exportation), and Article X (Publication and Administration of Trade Regulations), with a view to further expediting the movement, release and clearance of goods, including goods in transit. In addition, the mandate referred to provisions for effective cooperation between customs or any other appropriate authorities on trade facilitation and customs compliance issues.
- (2) Negotiations have been conducted by the Commission in consultation with the Special Committee established under Article 207(3) of the Treaty.
- (3) The Ninth WTO Ministerial Conference held in Bali on 3-6 December 2013 adopted the Ministerial Decision on Trade Facilitation, which concluded negotiations on the Agreement on Trade Facilitation subject to the legal review of the text. The Ministerial Decision also set up the Preparatory Committee on Trade Facilitation and instructed the WTO's General Council to adopt a Protocol to insert the Agreement as Annex 1A to the Marrakesh Agreement establishing the WTO and to open it for acceptance by each WTO Member in accordance with its internal procedures.
- (4) At its meeting on 27 November 2014, the WTO's General Council adopted the Protocol amending the Marrakesh Agreement establishing the World Trade Organisation ('the Protocol') and opened it for acceptance by WTO Members.
- (5) The Protocol includes the Agreement on Trade Facilitation and the commitments of developing countries that are incorporated as an Annex to that Agreement. A significant number of developing countries have already notified their Category A commitments pursuant to Article 15(1) of the Agreement on Trade Facilitation. The Committee on Trade Facilitation will receive the notifications of commitments under Category A for least developed countries pursuant to Article 15(2) of the Agreement on Trade Facilitation and the notifications of commitments under Categories B and C for both developing and least developed countries pursuant to Article 16(5) of the Agreement on Trade Facilitation. The commitments will become an integral part of the Agreement on Trade Facilitation.

(6) The Protocol should be approved on behalf of the Union,

HAS ADOPTED THIS DECISION:

*Article 1*

The Protocol Amending the Marrakesh Agreement Establishing the World Trade Organisation is hereby approved on behalf of the European Union.

The text of the Protocol is attached to this Decision.

*Article 2*

The President of the Council shall designate the person(s) empowered to deposit, on behalf of the Union, the instrument of acceptance, as specified in paragraph 4 of the Protocol <sup>(1)</sup>.

*Article 3*

This Protocol shall not be construed as conferring rights or imposing obligations which can be directly invoked before Union or Member State courts and tribunals.

*Article 4*

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

Done at Luxembourg, 1 October 2015.

*For the Council*  
*The President*  
É. SCHNEIDER

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<sup>(1)</sup> The date of entry into force of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

**PROTOCOL**  
**amending the Marrakesh Agreement establishing the World Trade Organization**

MEMBERS OF THE WORLD TRADE ORGANIZATION;

REFERRING to the Agreement on Trade Facilitation;

HAVING REGARD to the Decision of the General Council in document WT/L/940, adopted pursuant to paragraph 1 of Article X of the Marrakesh Agreement Establishing the World Trade Organization ('the WTO Agreement');

HEREBY AGREE AS FOLLOWS:

1. Annex 1A to the WTO Agreement shall, upon entry into force of this Protocol pursuant to paragraph 4, be amended by the insertion of the Agreement on Trade Facilitation, as set out in the Annex to this Protocol, to be placed after the Agreement on Safeguards.
2. Reservations may not be entered in respect of any of the provisions of this Protocol without the consent of the other Members.
3. This Protocol is hereby open for acceptance by Members.
4. This Protocol shall enter into force in accordance with paragraph 3 of Article X of the WTO Agreement. <sup>(1)</sup>
5. This Protocol shall be deposited with the Director-General of the World Trade Organization who shall promptly furnish to each Member a certified copy thereof and a notification of each acceptance thereof pursuant to paragraph 3.
6. This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

Done at Geneva this twenty-seventh day of November two thousand and fourteen, in a single copy in the English, French and Spanish languages, each text being authentic.

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<sup>(1)</sup> For the purposes of calculation of acceptances under Article X.3 of the WTO Agreement, an instrument of acceptance by the European Union for itself and in respect of its Member States shall be counted as acceptance by a number of Members equal to the number of Member States of the European Union which are Members to the WTO.

ANNEX TO THE PROTOCOL AMENDING THE MARRAKESH AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION

**AGREEMENT ON TRADE FACILITATION**

**Preamble**

MEMBERS,

HAVING REGARD to the negotiations launched under the Doha Ministerial Declaration;

RECALLING and reaffirming the mandate and principles contained in paragraph 27 of the Doha Ministerial Declaration (WT/MIN(01)/DEC/1) and in Annex D of the Decision of the Doha Work Programme adopted by the General Council on 1 August 2004 (WT/L/579), as well as in paragraph 33 of and Annex E to the Hong Kong Ministerial Declaration (WT/MIN(05)/DEC);

DESIRING to clarify and improve relevant aspects of Articles V, VIII and X of the GATT 1994 with a view to further expediting the movement, release and clearance of goods, including goods in transit;

RECOGNIZING the particular needs of developing and especially least-developed country Members and desiring to enhance assistance and support for capacity building in this area;

RECOGNIZING the need for effective cooperation among Members on trade facilitation and customs compliance issues;

HEREBY AGREE AS FOLLOWS:

SECTION I

*Article 1*

**Publication and availability of information**

1. Publication

1.1. Each Member shall promptly publish the following information in a non-discriminatory and easily accessible manner in order to enable governments, traders, and other interested parties to become acquainted with them:

- (a) procedures for importation, exportation, and transit (including port, airport, and other entry-point procedures), and required forms and documents;
- (b) applied rates of duties and taxes of any kind imposed on or in connection with importation or exportation;
- (c) fees and charges imposed by or for governmental agencies on or in connection with importation, exportation or transit;
- (d) rules for the classification or valuation of products for customs purposes;
- (e) laws, regulations, and administrative rulings of general application relating to rules of origin;
- (f) import, export or transit restrictions or prohibitions;
- (g) penalty provisions for breaches of import, export, or transit formalities;
- (h) procedures for appeal or review;
- (i) agreements or parts thereof with any country or countries relating to importation, exportation, or transit; and
- (j) procedures relating to the administration of tariff quotas.

- 1.2. Nothing in these provisions shall be construed as requiring the publication or provision of information other than in the language of the Member except as stated in paragraph 2.2.
2. Information Available Through internet
  - 2.1. Each Member shall make available, and update to the extent possible and as appropriate, the following through the internet:
    - (a) a description <sup>(1)</sup> of its procedures for importation, exportation, and transit, including procedures for appeal or review, that informs governments, traders, and other interested parties of the practical steps needed for importation, exportation, and transit;
    - (b) the forms and documents required for importation into, exportation from, or transit through the territory of that Member;
    - (c) contact information on its enquiry point(s).
  - 2.2. Whenever practicable, the description referred to in subparagraph 2.1(a) shall also be made available in one of the official languages of the WTO.
  - 2.3. Members are encouraged to make available further trade-related information through the internet, including relevant trade-related legislation and other items referred to in paragraph 1.1.
3. Enquiry Points
  - 3.1. Each Member shall, within its available resources, establish or maintain one or more enquiry points to answer reasonable enquiries of governments, traders, and other interested parties on matters covered by paragraph 1.1 and to provide the required forms and documents referred to in subparagraph 1.1(a).
  - 3.2. Members of a customs union or involved in regional integration may establish or maintain common enquiry points at the regional level to satisfy the requirement of paragraph 3.1 for common procedures.
  - 3.3. Members are encouraged not to require the payment of a fee for answering enquiries and providing required forms and documents. If any, Members shall limit the amount of their fees and charges to the approximate cost of services rendered.
  - 3.4. The enquiry points shall answer enquiries and provide the forms and documents within a reasonable time period set by each Member, which may vary depending on the nature or complexity of the request.
4. Notification

Each Member shall notify the Committee on Trade Facilitation established under paragraph 1.1 of Article 23 (referred to in this Agreement as the 'Committee') of:

  - (a) the official place(s) where the items in subparagraphs 1.1(a) to (j) have been published;
  - (b) the Uniform Resource Locators of website(s) referred to in paragraph 2.1; and
  - (c) the contact information of the enquiry points referred to in paragraph 3.1.

## Article 2

### **Opportunity to comment, information before entry into force, and consultations**

1. Opportunity to Comment and Information before Entry into Force
  - 1.1. Each Member shall, to the extent practicable and in a manner consistent with its domestic law and legal system, provide opportunities and an appropriate time period to traders and other interested parties to comment on the proposed introduction or amendment of laws and regulations of general application related to the movement, release, and clearance of goods, including goods in transit.

<sup>(1)</sup> Each Member has the discretion to state on its website the legal limitations of this description.

- 1.2. Each Member shall, to the extent practicable and in a manner consistent with its domestic law and legal system, ensure that new or amended laws and regulations of general application related to the movement, release, and clearance of goods, including goods in transit, are published or information on them made otherwise publicly available, as early as possible before their entry into force, in order to enable traders and other interested parties to become acquainted with them.
- 1.3. Changes to duty rates or tariff rates, measures that have a relieving effect, measures the effectiveness of which would be undermined as a result of compliance with paragraphs 1.1 or 1.2, measures applied in urgent circumstances, or minor changes to domestic law and legal system are each excluded from paragraphs 1.1 and 1.2.

## 2. Consultations

Each Member shall, as appropriate, provide for regular consultations between its border agencies and traders or other stakeholders located within its territory.

### Article 3

#### Advance rulings

1. Each Member shall issue an advance ruling in a reasonable, time-bound manner to the applicant that has submitted a written request containing all necessary information. If a Member declines to issue an advance ruling, it shall promptly notify the applicant in writing, setting out the relevant facts and the basis for its decision.
2. A Member may decline to issue an advance ruling to the applicant where the question raised in the application:
  - (a) is already pending in the applicant's case before any governmental agency, appellate tribunal, or court; or
  - (b) has already been decided by any appellate tribunal or court.
3. The advance ruling shall be valid for a reasonable period of time after its issuance unless the law, facts, or circumstances supporting that ruling have changed.
4. Where the Member revokes, modifies, or invalidates the advance ruling, it shall provide written notice to the applicant setting out the relevant facts and the basis for its decision. Where a Member revokes, modifies, or invalidates advance rulings with retroactive effect, it may only do so where the ruling was based on incomplete, incorrect, false, or misleading information.
5. An advance ruling issued by a Member shall be binding on that Member in respect of the applicant that sought it. The Member may provide that the advance ruling is binding on the applicant.
6. Each Member shall publish, at a minimum:
  - (a) the requirements for the application for an advance ruling, including the information to be provided and the format;
  - (b) the time period by which it will issue an advance ruling; and
  - (c) the length of time for which the advance ruling is valid.
7. Each Member shall provide, upon written request of an applicant, a review of the advance ruling or the decision to revoke, modify, or invalidate the advance ruling <sup>(1)</sup>.

<sup>(1)</sup> Under this paragraph: (a) a review may, either before or after the ruling has been acted upon, be provided by the official, office, or authority that issued the ruling, a higher or independent administrative authority, or a judicial authority; and (b) a Member is not required to provide the applicant with recourse to paragraph 1 of Article 4.



8. Each Member shall endeavour to make publicly available any information on advance rulings which it considers to be of significant interest to other interested parties, taking into account the need to protect commercially confidential information.
9. Definitions and scope:
  - (a) An advance ruling is a written decision provided by a Member to the applicant prior to the importation of a good covered by the application that sets forth the treatment that the Member shall provide to the good at the time of importation with regard to:
    - (i) the good's tariff classification; and
    - (ii) the origin of the good <sup>(1)</sup>.
  - (b) In addition to the advance rulings defined in subparagraph (a), Members are encouraged to provide advance rulings on:
    - (i) the appropriate method or criteria, and the application thereof, to be used for determining the customs value under a particular set of facts;
    - (ii) the applicability of the Member's requirements for relief or exemption from customs duties;
    - (iii) the application of the Member's requirements for quotas, including tariff quotas; and
    - (iv) any additional matters for which a Member considers it appropriate to issue an advance ruling.
  - (c) An applicant is an exporter, importer or any person with a justifiable cause or a representative thereof.
  - (d) A Member may require that the applicant have legal representation or registration in its territory. To the extent possible, such requirements shall not restrict the categories of persons eligible to apply for advance rulings, with particular consideration for the specific needs of small and medium-sized enterprises. These requirements shall be clear and transparent and not constitute a means of arbitrary or unjustifiable discrimination.

#### Article 4

#### Procedures for appeal or review

1. Each Member shall provide that any person to whom customs issues an administrative decision <sup>(2)</sup> has the right, within its territory, to:
  - (a) an administrative appeal to or review by an administrative authority higher than or independent of the official or office that issued the decision;and/or
  - (b) a judicial appeal or review of the decision.

<sup>(1)</sup> It is understood that an advance ruling on the origin of a good may be an assessment of origin for the purposes of the Agreement on Rules of Origin where the ruling meets the requirements of this Agreement and the Agreement on Rules of Origin. Likewise, an assessment of origin under the Agreement on Rules of Origin may be an advance ruling on the origin of a good for the purposes of this Agreement where the ruling meets the requirements of both agreements. Members are not required to establish separate arrangements under this provision in addition to those established pursuant to the Agreement on Rules of Origin in relation to the assessment of origin provided that the requirements of this Article are fulfilled.

<sup>(2)</sup> An administrative decision in this Article means a decision with a legal effect that affects the rights and obligations of a specific person in an individual case. It shall be understood that an administrative decision in this Article covers an administrative action within the meaning of Article X of the GATT 1994 or failure to take an administrative action or decision as provided for in a Member's domestic law and legal system. For addressing such failure, Members may maintain an alternative administrative mechanism or judicial recourse to direct the customs authority to promptly issue an administrative decision in place of the right to appeal or review under subparagraph 1(a).

2. The legislation of a Member may require that an administrative appeal or review be initiated prior to a judicial appeal or review.
3. Each Member shall ensure that its procedures for appeal or review are carried out in a non-discriminatory manner.
4. Each Member shall ensure that, in a case where the decision on appeal or review under subparagraph 1(a) is not given either:
  - (a) within set periods as specified in its laws or regulations; or
  - (b) without undue delaythe petitioner has the right to either further appeal to or further review by the administrative authority or the judicial authority or any other recourse to the judicial authority <sup>(1)</sup>.
5. Each Member shall ensure that the person referred to in paragraph 1 is provided with the reasons for the administrative decision so as to enable such a person to have recourse to procedures for appeal or review where necessary.
6. Each Member is encouraged to make the provisions of this Article applicable to an administrative decision issued by a relevant border agency other than customs.

#### Article 5

#### **Other measures to enhance impartiality, non-discrimination and transparency**

1. Notifications for enhanced controls or inspections

Where a Member adopts or maintains a system of issuing notifications or guidance to its concerned authorities for enhancing the level of controls or inspections at the border in respect of foods, beverages, or feedstuffs covered under the notification or guidance for protecting human, animal, or plant life or health within its territory, the following disciplines shall apply to the manner of their issuance, termination, or suspension:

- (a) the Member may, as appropriate, issue the notification or guidance based on risk;
  - (b) the Member may issue the notification or guidance so that it applies uniformly only to those points of entry where the sanitary and phytosanitary conditions on which the notification or guidance are based apply;
  - (c) the Member shall promptly terminate or suspend the notification or guidance when circumstances giving rise to it no longer exist, or if changed circumstances can be addressed in a less trade-restrictive manner; and
  - (d) when the Member decides to terminate or suspend the notification or guidance, it shall, as appropriate, promptly publish the announcement of its termination or suspension in a non-discriminatory and easily accessible manner, or inform the exporting Member or the importer.
2. Detention

A Member shall promptly inform the carrier or importer in case of detention of goods declared for importation, for inspection by customs or any other competent authority.
  3. Test Procedures
    - 3.1. A member may, upon request, grant an opportunity for a second test in case the first test result of a sample taken upon arrival of goods declared for importation shows an adverse finding.

<sup>(1)</sup> Nothing in this paragraph shall prevent a Member from recognizing administrative silence on appeal or review as a decision in favor of the petitioner in accordance with its laws and regulations.

- 3.2. A Member shall either publish, in a non-discriminatory and easily accessible manner, the name and address of any laboratory where the test can be carried out or provide this information to the importer when it is granted the opportunity provided under paragraph 3.1.
- 3.3. A Member shall consider the result of the second test, if any, conducted under paragraph 3.1, for the release and clearance of goods and, if appropriate, may accept the results of such test.

#### *Article 6*

### **Disciplines on fees and charges imposed on or in connection with Importation and Exportation and Penalties**

1. General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation
  - 1.1. The provisions of paragraph 1 shall apply to all fees and charges other than import and export duties and other than taxes within the purview of Article III of GATT 1994 imposed by Members on or in connection with the importation or exportation of goods.
  - 1.2. Information on fees and charges shall be published in accordance with Article 1. This information shall include the fees and charges that will be applied, the reason for such fees and charges, the responsible authority and when and how payment is to be made.
  - 1.3. An adequate time period shall be accorded between the publication of new or amended fees and charges and their entry into force, except in urgent circumstances. Such fees and charges shall not be applied until information on them has been published.
  - 1.4. Each Member shall periodically review its fees and charges with a view to reducing their number and diversity, where practicable.
2. Specific disciplines on Fees and Charges for Customs Processing Imposed on or in Connection with Importation and Exportation

Fees and charges for customs processing:

  - (i) shall be limited in amount to the approximate cost of the services rendered on or in connection with the specific import or export operation in question; and
  - (ii) are not required to be linked to a specific import or export operation provided they are levied for services that are closely connected to the customs processing of goods.
3. Penalty Disciplines
  - 3.1. For the purpose of paragraph 3, the term 'penalties' shall mean those imposed by a Member's customs administration for a breach of the Member's customs laws, regulations, or procedural requirements.
  - 3.2. Each Member shall ensure that penalties for a breach of a customs law, regulation, or procedural requirement are imposed only on the person(s) responsible for the breach under its laws.
  - 3.3. The penalty imposed shall depend on the facts and circumstances of the case and shall be commensurate with the degree and severity of the breach.
  - 3.4. Each Member shall ensure that it maintains measures to avoid:
    - (a) conflicts of interest in the assessment and collection of penalties and duties; and
    - (b) creating an incentive for the assessment or collection of a penalty that is inconsistent with paragraph 3.3.
  - 3.5. Each Member shall ensure that when a penalty is imposed for a breach of customs laws, regulations, or procedural requirements, an explanation in writing is provided to the person(s) upon whom the penalty is imposed specifying the nature of the breach and the applicable law, regulation or procedure under which the amount or range of penalty for the breach has been prescribed.

- 3.6. When a person voluntarily discloses to a Member's customs administration the circumstances of a breach of a customs law, regulation, or procedural requirement prior to the discovery of the breach by the customs administration, the Member is encouraged to, where appropriate, consider this fact as a potential mitigating factor when establishing a penalty for that person.
- 3.7. The provisions of this paragraph shall apply to the penalties on traffic in transit referred to in paragraph 3.1.

#### Article 7

### Release and clearance of goods

#### 1. Pre-arrival Processing

- 1.1. Each Member shall adopt or maintain procedures allowing for the submission of import documentation and other required information, including manifests, in order to begin processing prior to the arrival of goods with a view to expediting the release of goods upon arrival.
- 1.2. Each Member shall, as appropriate, provide for advance lodging of documents in electronic format for pre-arrival processing of such documents.

#### 2. Electronic Payment

Each Member shall, to the extent practicable, adopt or maintain procedures allowing the option of electronic payment for duties, taxes, fees, and charges collected by customs incurred upon importation and exportation.

#### 3. Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges

- 3.1. Each Member shall adopt or maintain procedures allowing the release of goods prior to the final determination of customs duties, taxes, fees, and charges, if such a determination is not done prior to, or upon arrival, or as rapidly as possible after arrival and provided that all other regulatory requirements have been met.
- 3.2. As a condition for such release, a Member may require:
  - (a) payment of customs duties, taxes, fees, and charges determined prior to or upon arrival of goods and a guarantee for any amount not yet determined in the form of a surety, a deposit, or another appropriate instrument provided for in its laws and regulations; or
  - (b) a guarantee in the form of a surety, a deposit, or another appropriate instrument provided for in its laws and regulations.
- 3.3. Such guarantee shall not be greater than the amount the Member requires to ensure payment of customs duties, taxes, fees, and charges ultimately due for the goods covered by the guarantee.

3.4. In cases where an offence requiring imposition of monetary penalties or fines has been detected, a guarantee may be required for the penalties and fines that may be imposed.

3.5. The guarantee as set out in paragraphs 3.2 and 3.4 shall be discharged when it is no longer required.

3.6. Nothing in these provisions shall affect the right of a Member to examine, detain, seize or confiscate or deal with the goods in any manner not otherwise inconsistent with the Member's WTO rights and obligations.

#### 4. Risk Management

- 4.1. Each Member shall, to the extent possible, adopt or maintain a risk management system for customs control.
- 4.2. Each Member shall design and apply risk management in a manner as to avoid arbitrary or unjustifiable discrimination, or a disguised restriction on international trade.

- 4.3. Each Member shall concentrate customs control and, to the extent possible other relevant border controls, on high-risk consignments and expedite the release of low-risk consignments. A Member also may select, on a random basis, consignments for such controls as part of its risk management.
- 4.4. Each Member shall base risk management on an assessment of risk through appropriate selectivity criteria. Such selectivity criteria may include, inter alia, the Harmonized System code, nature and description of the goods, country of origin, country from which the goods were shipped, value of the goods, compliance record of traders, and type of means of transport.
5. Post-clearance Audit
  - 5.1. With a view to expediting the release of goods, each Member shall adopt or maintain post-clearance audit to ensure compliance with customs and other related laws and regulations.
  - 5.2. Each Member shall select a person or a consignment for post-clearance audit in a risk-based manner, which may include appropriate selectivity criteria. Each Member shall conduct post-clearance audits in a transparent manner. Where the person is involved in the audit process and conclusive results have been achieved the Member shall, without delay, notify the person whose record is audited of the results, the person's rights and obligations, and the reasons for the results.
  - 5.3. The information obtained in post-clearance audit may be used in further administrative or judicial proceedings.
  - 5.4. Members shall, wherever practicable, use the result of post-clearance audit in applying risk management.
6. Establishment and Publication of Average Release Times
  - 6.1. Members are encouraged to measure and publish their average release time of goods periodically and in a consistent manner, using tools such as, inter alia, the Time Release Study of the World Customs Organization (referred to in this Agreement as the 'WCO') <sup>(1)</sup>.
  - 6.2. Members are encouraged to share with the Committee their experiences in measuring average release times, including methodologies used, bottlenecks identified, and any resulting effects on efficiency.
7. Trade Facilitation Measures for Authorized Operators
  - 7.1. Each Member shall provide additional trade facilitation measures related to import, export, or transit formalities and procedures, pursuant to paragraph 7.3, to operators who meet specified criteria, hereinafter called authorized operators. Alternatively, a Member may offer such trade facilitation measures through customs procedures generally available to all operators and is not required to establish a separate scheme.
  - 7.2. The specified criteria to qualify as an authorized operator shall be related to compliance, or the risk of non-compliance, with requirements specified in a Member's laws, regulations or procedures.
    - (a) Such criteria, which shall be published, may include:
      - (i) an appropriate record of compliance with customs and other related laws and regulations;
      - (ii) a system of managing records to allow for necessary internal controls;
      - (iii) financial solvency, including, where appropriate, provision of a sufficient security or guarantee; and
      - (iv) supply chain security.

<sup>(1)</sup> Each Member may determine the scope and methodology of such average release time measurement in accordance with its needs and capacity.

- (b) Such criteria shall not:
- (i) be designed or applied so as to afford or create arbitrary or unjustifiable discrimination between operators where the same conditions prevail; and
  - (ii) to the extent possible, restrict the participation of small and medium-sized enterprises.
- 7.3. The trade facilitation measures provided pursuant to paragraph 7.1 shall include at least three of the following measures <sup>(1)</sup>:
- (a) low documentary and data requirements, as appropriate;
  - (b) low rate of physical inspections and examinations, as appropriate;
  - (c) rapid release time, as appropriate;
  - (d) deferred payment of duties, taxes, fees, and charges;
  - (e) use of comprehensive guarantees or reduced guarantees;
  - (f) a single customs declaration for all imports or exports in a given period; and
  - (g) clearance of goods at the premises of the authorized operator or another place authorized by customs.
- 7.4. Members are encouraged to develop authorized operator schemes on the basis of international standards, where such standards exist, except when such standards would be an inappropriate or ineffective means for the fulfilment of the legitimate objectives pursued.
- 7.5. In order to enhance the trade facilitation measures provided to operators, Members shall afford to other Members the possibility of negotiating mutual recognition of authorized operator schemes.
- 7.6. Members shall exchange relevant information within the Committee about authorized operator schemes in force.
8. Expedited Shipments
- 8.1. Each Member shall adopt or maintain procedures allowing for the expedited release of at least those goods entered through air cargo facilities to persons who apply for such treatment, while maintaining customs control <sup>(2)</sup>. If a Member employs criteria <sup>(3)</sup> limiting who may apply, the Member may, in published criteria, require that the applicant shall, as conditions for qualifying for the application of the treatment described in paragraph 8.2 to its expedited shipments:
- (a) provide adequate infrastructure and payment of customs expenses related to processing of expedited shipments in cases where the applicant fulfils the Member's requirements for such processing to be performed at a dedicated facility;
  - (b) submit in advance of the arrival of an expedited shipment the information necessary for the release;
  - (c) be assessed fees limited in amount to the approximate cost of services rendered in providing the treatment described in paragraph 8.2;
  - (d) maintain a high degree of control over expedited shipments through the use of internal security, logistics, and tracking technology from pick-up to delivery;
  - (e) provide expedited shipment from pick-up to delivery;
  - (f) assume liability for payment of all customs duties, taxes, fees, and charges to the customs authority for the goods;

<sup>(1)</sup> A measure listed in subparagraphs 7.3 (a) to (g) will be deemed to be provided to authorized operators if it is generally available to all operators.

<sup>(2)</sup> In cases where a Member has an existing procedure that provides the treatment in paragraph 8.2, this provision does not require that Member to introduce separate expedited release procedures.

<sup>(3)</sup> Such application criteria, if any, shall be in addition to the Member's requirements for operating with respect to all goods or shipments entered through air cargo facilities.

- (g) have a good record of compliance with customs and other related laws and regulations;
  - (h) comply with other conditions directly related to the effective enforcement of the Member's laws, regulations, and procedural requirements, that specifically relate to providing the treatment described in paragraph 8.2.
- 8.2. Subject to paragraphs 8.1 and 8.3, Members shall:
- (a) minimize the documentation required for the release of expedited shipments in accordance with paragraph 1 of Article 10 and, to the extent possible, provide for release based on a single submission of information on certain shipments;
  - (b) provide for expedited shipments to be released under normal circumstances as rapidly as possible after arrival, provided the information required for release has been submitted;
  - (c) endeavour to apply the treatment in subparagraphs (a) and (b) to shipments of any weight or value recognizing that a Member is permitted to require additional entry procedures, including declarations and supporting documentation and payment of duties and taxes, and to limit such treatment based on the type of good, provided the treatment is not limited to low value goods such as documents; and
  - (d) provide, to the extent possible, for a de minimis shipment value or dutiable amount for which customs duties and taxes will not be collected, aside from certain prescribed goods. Internal taxes, such as value added taxes and excise taxes, applied to imports consistently with Article III of the GATT 1994 are not subject to this provision.
- 8.3. Nothing in paragraphs 8.1 and 8.2 shall affect the right of a Member to examine, detain, seize, confiscate or refuse entry of goods, or to carry out post-clearance audits, including in connection with the use of risk management systems. Further, nothing in paragraphs 8.1 and 8.2 shall prevent a Member from requiring, as a condition for release, the submission of additional information and the fulfilment of non-automatic licensing requirements.
9. Perishable Goods <sup>(1)</sup>
- 9.1. With a view to preventing avoidable loss or deterioration of perishable goods, and provided that all regulatory requirements have been met, each Member shall provide for the release of perishable goods:
- (a) under normal circumstances within the shortest possible time; and
  - (b) in exceptional circumstances where it would be appropriate to do so, outside the business hours of customs and other relevant authorities.
- 9.2. Each Member shall give appropriate priority to perishable goods when scheduling any examinations that may be required.
- 9.3. Each Member shall either arrange or allow an importer to arrange for the proper storage of perishable goods pending their release. The Member may require that any storage facilities arranged by the importer have been approved or designated by its relevant authorities. The movement of the goods to those storage facilities, including authorizations for the operator moving the goods, may be subject to the approval, where required, of the relevant authorities. The Member shall, where practicable and consistent with domestic legislation, upon the request of the importer, provide for any procedures necessary for release to take place at those storage facilities.
- 9.4. In cases of significant delay in the release of perishable goods, and upon written request, the importing Member shall, to the extent practicable, provide a communication on the reasons for the delay.

#### Article 8

### Border Agency cooperation

1. Each Member shall ensure that its authorities and agencies responsible for border controls and procedures dealing with the importation, exportation, and transit of goods cooperate with one another and coordinate their activities in order to facilitate trade.

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<sup>(1)</sup> For the purposes of this provision, perishable goods are goods that rapidly decay due to their natural characteristics, in particular in the absence of appropriate storage conditions.

2. Each Member shall, to the extent possible and practicable, cooperate on mutually agreed terms with other Members with whom it shares a common border with a view to coordinating procedures at border crossings to facilitate cross-border trade. Such cooperation and coordination may include:
  - (a) alignment of working days and hours;
  - (b) alignment of procedures and formalities;
  - (c) development and sharing of common facilities;
  - (d) joint controls;
  - (e) establishment of one stop border post control.

#### *Article 9*

### **Movement of goods intended for import under Customs Control**

Each Member shall, to the extent practicable, and provided all regulatory requirements are met, allow goods intended for import to be moved within its territory under customs control from a customs office of entry to another customs office in its territory from where the goods would be released or cleared.

#### *Article 10*

### **Formalities connected with Importation, Exportation and Transit**

1. Formalities and Documentation Requirements
  - 1.1. With a view to minimizing the incidence and complexity of import, export, and transit formalities and to decreasing and simplifying import, export, and transit documentation requirements and taking into account the legitimate policy objectives and other factors such as changed circumstances, relevant new information, business practices, availability of techniques and technology, international best practices, and inputs from interested parties, each Member shall review such formalities and documentation requirements and, based on the results of the review, ensure, as appropriate, that such formalities and documentation requirements are:
    - (a) adopted and/or applied with a view to a rapid release and clearance of goods, particularly perishable goods;
    - (b) adopted and/or applied in a manner that aims at reducing the time and cost of compliance for traders and operators;
    - (c) the least trade restrictive measure chosen where two or more alternative measures are reasonably available for fulfilling the policy objective or objectives in question; and
    - (d) not maintained, including parts thereof, if no longer required.
  - 1.2. The Committee shall develop procedures for the sharing by Members of relevant information and best practices, as appropriate.
2. Acceptance of Copies
  - 2.1. Each Member shall, where appropriate, endeavour to accept paper or electronic copies of supporting documents required for import, export, or transit formalities.
  - 2.2. Where a government agency of a Member already holds the original of such a document, any other agency of that Member shall accept a paper or electronic copy, where applicable, from the agency holding the original in lieu of the original document.



- 2.3. A Member shall not require an original or copy of export declarations submitted to the customs authorities of the exporting Member as a requirement for importation <sup>(1)</sup>.
3. Use of International Standards
  - 3.1. Members are encouraged to use relevant international standards or parts thereof as a basis for their import, export, or transit formalities and procedures, except as otherwise provided for in this Agreement.
  - 3.2. Members are encouraged to take part, within the limits of their resources, in the preparation and periodic review of relevant international standards by appropriate international organizations.
  - 3.3. The Committee shall develop procedures for the sharing by Members of relevant information, and best practices, on the implementation of international standards, as appropriate. The Committee may also invite relevant international organizations to discuss their work on international standards. As appropriate, the Committee may identify specific standards that are of particular value to Members.
4. Single Window
  - 4.1. Members shall endeavour to establish or maintain a single window, enabling traders to submit documentation and/or data requirements for importation, exportation, or transit of goods through a single entry point to the participating authorities or agencies. After the examination by the participating authorities or agencies of the documentation and/or data, the results shall be notified to the applicants through the single window in a timely manner.
  - 4.2. In cases where documentation and/or data requirements have already been received through the single window, the same documentation and/or data requirements shall not be requested by participating authorities or agencies except in urgent circumstances and other limited exceptions which are made public.
  - 4.3. Members shall notify the Committee of the details of operation of the single window.
  - 4.4. Members shall, to the extent possible and practicable, use information technology to support the single window.
5. Preshipment Inspection
  - 5.1. Members shall not require the use of preshipment inspections in relation to tariff classification and customs valuation.
  - 5.2. Without prejudice to the rights of Members to use other types of preshipment inspection not covered by paragraph 5.1, Members are encouraged not to introduce or apply new requirements regarding their use <sup>(2)</sup>.
6. Use of Customs Brokers
  - 6.1. Without prejudice to the important policy concerns of some Members that currently maintain a special role for customs brokers, from the entry into force of this Agreement Members shall not introduce the mandatory use of customs brokers.
  - 6.2. Each Member shall notify the Committee and publish its measures on the use of customs brokers. Any subsequent modifications thereof shall be notified and published promptly.
  - 6.3. With regard to the licensing of customs brokers, Members shall apply rules that are transparent and objective.
7. Common Border Procedures and Uniform Documentation Requirements
  - 7.1. Each Member shall, subject to paragraph 7.2, apply common customs procedures and uniform documentation requirements for release and clearance of goods throughout its territory.

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<sup>(1)</sup> Nothing in this paragraph precludes a Member from requiring documents such as certificates, permits or licenses as a requirement for the importation of controlled or regulated goods.

<sup>(2)</sup> This paragraph refers to preshipment inspections covered by the Agreement on Preshipment Inspection, and does not preclude preshipment inspections for sanitary and phytosanitary purposes.

- 7.2. Nothing in this Article shall prevent a Member from:
- (a) differentiating its procedures and documentation requirements based on the nature and type of goods, or their means of transport;
  - (b) differentiating its procedures and documentation requirements for goods based on risk management;
  - (c) differentiating its procedures and documentation requirements to provide total or partial exemption from import duties or taxes;
  - (d) applying electronic filing or processing; or
  - (e) differentiating its procedures and documentation requirements in a manner consistent with the Agreement on the Application of Sanitary and Phytosanitary Measures.

## 8. Rejected Goods

- 8.1. Where goods presented for import are rejected by the competent authority of a Member on account of their failure to meet prescribed sanitary or phytosanitary regulations or technical regulations, the Member shall, subject to and consistent with its laws and regulations, allow the importer to re-consign or to return the rejected goods to the exporter or another person designated by the exporter.
- 8.2. When such an option under paragraph 8.1 is given and the importer fails to exercise it within a reasonable period of time, the competent authority may take a different course of action to deal with such non-compliant goods.

## 9. Temporary Admission of Goods and Inward and Outward Processing

### 9.1. Temporary Admission of Goods

Each Member shall allow, as provided for in its laws and regulations, goods to be brought into its customs territory conditionally relieved, totally or partially, from payment of import duties and taxes if such goods are brought into its customs territory for a specific purpose, are intended for re-exportation within a specific period, and have not undergone any change except normal depreciation and wastage due to the use made of them.

### 9.2. Inward and Outward Processing

- (a) Each Member shall allow, as provided for in its laws and regulations, inward and outward processing of goods. Goods allowed for outward processing may be re-imported with total or partial exemption from import duties and taxes in accordance with the Member's laws and regulations.
- (b) For the purposes of this Article, the term 'inward processing' means the customs procedure under which certain goods can be brought into a Member's customs territory conditionally relieved, totally or partially, from payment of import duties and taxes, or eligible for duty drawback, on the basis that such goods are intended for manufacturing, processing, or repair and subsequent exportation.
- (c) For the purposes of this Article, the term 'outward processing' means the customs procedure under which goods which are in free circulation in a Member's customs territory may be temporarily exported for manufacturing, processing, or repair abroad and then re-imported.

## Article 11

### Freedom of transit

1. Any regulations or formalities in connection with traffic in transit imposed by a Member shall not be:
- (a) maintained if the circumstances or objectives giving rise to their adoption no longer exist or if the changed circumstances or objectives can be addressed in a reasonably available less trade-restrictive manner;
  - (b) applied in a manner that would constitute a disguised restriction on traffic in transit.

2. Traffic in transit shall not be conditioned upon collection of any fees or charges imposed in respect of transit, except the charges for transportation or those commensurate with administrative expenses entailed by transit or with the cost of services rendered.
3. Members shall not seek, take, or maintain any voluntary restraints or any other similar measures on traffic in transit. This is without prejudice to existing and future national regulations, bilateral or multilateral arrangements related to regulating transport, consistent with WTO rules.
4. Each Member shall accord to products which will be in transit through the territory of any other Member treatment no less favourable than that which would be accorded to such products if they were being transported from their place of origin to their destination without going through the territory of such other Member.
5. Members are encouraged to make available, where practicable, physically separate infrastructure (such as lanes, berths and similar) for traffic in transit.
6. Formalities, documentation requirements, and customs controls in connection with traffic in transit shall not be more burdensome than necessary to:
  - (a) identify the goods; and
  - (b) ensure fulfilment of transit requirements.
7. Once goods have been put under a transit procedure and have been authorized to proceed from the point of origination in a Member's territory, they will not be subject to any customs charges nor unnecessary delays or restrictions until they conclude their transit at the point of destination within the Member's territory.
8. Members shall not apply technical regulations and conformity assessment procedures within the meaning of the Agreement on Technical Barriers to Trade to goods in transit.
9. Members shall allow and provide for advance filing and processing of transit documentation and data prior to the arrival of goods.
10. Once traffic in transit has reached the customs office where it exits the territory of a Member, that office shall promptly terminate the transit operation if transit requirements have been met.
11. Where a Member requires a guarantee in the form of a surety, deposit or other appropriate monetary or non-monetary <sup>(1)</sup> instrument for traffic in transit, such guarantee shall be limited to ensuring that requirements arising from such traffic in transit are fulfilled.
12. Once the Member has determined that its transit requirements have been satisfied, the guarantee shall be discharged without delay.
13. Each Member shall, in a manner consistent with its laws and regulations, allow comprehensive guarantees which include multiple transactions for same operators or renewal of guarantees without discharge for subsequent consignments.
14. Each Member shall make publicly available the relevant information it uses to set the guarantee, including single transaction and, where applicable, multiple transaction guarantee.
15. Each Member may require the use of customs convoys or customs escorts for traffic in transit only in circumstances presenting high risks or when compliance with customs laws and regulations cannot be ensured through the use of guarantees. General rules applicable to customs convoys or customs escorts shall be published in accordance with Article 1.
16. Members shall endeavour to cooperate and coordinate with one another with a view to enhancing freedom of transit. Such cooperation and coordination may include, but is not limited to, an understanding on:
  - (a) charges;

<sup>(1)</sup> Nothing in this provision shall preclude a Member from maintaining existing procedures whereby the means of transport can be used as a guarantee for traffic in transit.

- (b) formalities and legal requirements; and
  - (c) the practical operation of transit regimes.
17. Each Member shall endeavour to appoint a national transit coordinator to which all enquiries and proposals by other Members relating to the good functioning of transit operations can be addressed.

#### Article 12

### Customs cooperation

#### 1. Measures Promoting Compliance and Cooperation

- 1.1. Members agree on the importance of ensuring that traders are aware of their compliance obligations, encouraging voluntary compliance to allow importers to self-correct without penalty in appropriate circumstances, and applying compliance measures to initiate stronger measures for non-compliant traders <sup>(1)</sup>.
- 1.2. Members are encouraged to share information on best practices in managing customs compliance, including through the Committee. Members are encouraged to cooperate in technical guidance or assistance and support for capacity building for the purposes of administering compliance measures and enhancing their effectiveness.

#### 2. Exchange of Information

- 2.1. Upon request and subject to the provisions of this Article, Members shall exchange the information set out in subparagraphs 6.1(b) and/or (c) for the purpose of verifying an import or export declaration in identified cases where there are reasonable grounds to doubt the truth or accuracy of the declaration.
- 2.2. Each Member shall notify the Committee of the details of its contact point for the exchange of this information.

#### 3. Verification

A Member shall make a request for information only after it has conducted appropriate verification procedures of an import or export declaration and after it has inspected the available relevant documentation.

#### 4. Request

- 4.1. The requesting Member shall provide the requested Member with a written request, through paper or electronic means in a mutually agreed official language of the WTO or other mutually agreed language, including:
  - (a) the matter at issue including, where appropriate and available, the number identifying the export declaration corresponding to the import declaration in question;
  - (b) the purpose for which the requesting Member is seeking the information or documents, along with the names and contact details of the persons to whom the request relates, if known;
  - (c) where required by the requested Member, confirmation <sup>(2)</sup> of the verification where appropriate;
  - (d) the specific information or documents requested;
  - (e) the identity of the originating office making the request;
  - (f) reference to provisions of the requesting Member's domestic law and legal system that govern the collection, protection, use, disclosure, retention, and disposal of confidential information and personal data.

<sup>(1)</sup> Such activity has the overall objective of lowering the frequency of non-compliance, and consequently reducing the need for exchange of information in pursuit of enforcement.

<sup>(2)</sup> This may include pertinent information on the verification conducted under paragraph 3. Such information shall be subject to the level of protection and confidentiality specified by the Member conducting the verification.

- 4.2. If the requesting Member is not in a position to comply with any of the subparagraphs of paragraph 4.1, it shall specify this in the request.
5. Protection and Confidentiality
  - 5.1. The requesting Member shall, subject to paragraph 5.2:
    - (a) hold all information or documents provided by the requested Member strictly in confidence and grant at least the same level of such protection and confidentiality as that provided under the domestic law and legal system of the requested Member as described by it under subparagraphs 6.1(b) or (c);
    - (b) provide information or documents only to the customs authorities dealing with the matter at issue and use the information or documents solely for the purpose stated in the request unless the requested Member agrees otherwise in writing;
    - (c) not disclose the information or documents without the specific written permission of the requested Member;
    - (d) not use any unverified information or documents from the requested Member as the deciding factor towards alleviating the doubt in any given circumstance;
    - (e) respect any case-specific conditions set out by the requested Member regarding retention and disposal of confidential information or documents and personal data; and
    - (f) upon request, inform the requested Member of any decisions and actions taken on the matter as a result of the information or documents provided.
  - 5.2. A requesting Member may be unable under its domestic law and legal system to comply with any of the subparagraphs of paragraph 5.1. If so, the requesting Member shall specify this in the request.
  - 5.3. The requested Member shall treat any request and verification information received under paragraph 4 with at least the same level of protection and confidentiality accorded by the requested Member to its own similar information.
6. Provision of Information
  - 6.1. Subject to the provisions of this Article, the requested Member shall promptly:
    - (a) respond in writing, through paper or electronic means;
    - (b) provide the specific information as set out in the import or export declaration, or the declaration, to the extent it is available, along with a description of the level of protection and confidentiality required of the requesting Member;
    - (c) if requested, provide the specific information as set out in the following documents, or the documents, submitted in support of the import or export declaration, to the extent it is available: commercial invoice, packing list, certificate of origin and bill of lading, in the form in which these were filed, whether paper or electronic, along with a description of the level of protection and confidentiality required of the requesting Member;
    - (d) confirm that the documents provided are true copies;
    - (e) provide the information or otherwise respond to the request, to the extent possible, within 90 days from the date of the request.
  - 6.2. The requested Member may require, under its domestic law and legal system, an assurance prior to the provision of information that the specific information will not be used as evidence in criminal investigations, judicial proceedings, or in non-customs proceedings without the specific written permission of the requested Member. If the requesting Member is not in a position to comply with this requirement, it should specify this to the requested Member.

## 7. Postponement or Refusal of a Request

7.1. A requested Member may postpone or refuse part or all of a request to provide information, and shall inform the requesting Member of the reasons for doing so, where:

- (a) it would be contrary to the public interest as reflected in the domestic law and legal system of the requested Member;
- (b) its domestic law and legal system prevents the release of the information. In such a case it shall provide the requesting Member with a copy of the relevant, specific reference;
- (c) the provision of the information would impede law enforcement or otherwise interfere with an on-going administrative or judicial investigation, prosecution or proceeding;
- (d) the consent of the importer or exporter is required by its domestic law and legal system that govern the collection, protection, use, disclosure, retention, and disposal of confidential information or personal data and that consent is not given; or
- (e) the request for information is received after the expiration of the legal requirement of the requested Member for the retention of documents.

7.2. In the circumstances of paragraphs 4.2, 5.2, or 6.2, execution of such a request shall be at the discretion of the requested Member.

## 8. Reciprocity

If the requesting Member is of the opinion that it would be unable to comply with a similar request if it was made by the requested Member, or if it has not yet implemented this Article, it shall state that fact in its request. Execution of such a request shall be at the discretion of the requested Member.

## 9. Administrative Burden

9.1. The requesting Member shall take into account the associated resource and cost implications for the requested Member in responding to requests for information. The requesting Member shall consider the proportionality between its fiscal interest in pursuing its request and the efforts to be made by the requested Member in providing the information.

9.2. If a requested Member receives an unmanageable number of requests for information or a request for information of unmanageable scope from one or more requesting Member(s) and is unable to meet such requests within a reasonable time, it may request one or more of the requesting Member(s) to prioritize with a view to agreeing on a practical limit within its resource constraints. In the absence of a mutually-agreed approach, the execution of such requests shall be at the discretion of the requested Member based on the results of its own prioritization.

## 10. Limitations

A requested Member shall not be required to:

- (a) modify the format of its import or export declarations or procedures;
- (b) call for documents other than those submitted with the import or export declaration as specified in subparagraph 6.1(c);
- (c) initiate enquiries to obtain the information;
- (d) modify the period of retention of such information;
- (e) introduce paper documentation where electronic format has already been introduced;
- (f) translate the information;
- (g) verify the accuracy of the information; or
- (h) provide information that would prejudice the legitimate commercial interests of particular enterprises, public or private.

11. Unauthorized Use or disclosure
  - 11.1. In the event of any breach of the conditions of use or disclosure of information exchanged under this Article, the requesting Member that received the information shall promptly communicate the details of such unauthorized use or disclosure to the requested Member that provided the information and:
    - (a) take necessary measures to remedy the breach;
    - (b) take necessary measures to prevent any future breach; and
    - (c) notify the requested Member of the measures taken under subparagraphs (a) and (b).
  - 11.2. The requested Member may suspend its obligations to the requesting Member under this Article until the measures set out in paragraph 11.1 have been taken.
12. Bilateral and regional agreements
  - 12.1. Nothing in this article shall prevent a member from entering into or maintaining a bilateral, plurilateral, or regional agreement for sharing or exchange of customs information and data, including on a secure and rapid basis such as on an automatic basis or in advance of the arrival of the consignment.
  - 12.2. Nothing in this Article shall be construed as altering or affecting a Member's rights or obligations under such bilateral, plurilateral, or regional agreements, or as governing the exchange of customs information and data under such other agreements.

## SECTION II

### SPECIAL AND DIFFERENTIAL TREATMENT PROVISIONS FOR DEVELOPING COUNTRY MEMBERS AND LEAST-DEVELOPED COUNTRY MEMBERS

#### Article 13

##### General principles

1. The provisions contained in Articles 1 to 12 of this Agreement shall be implemented by developing and least-developed country Members in accordance with this Section, which is based on the modalities agreed in Annex D of the July 2004 Framework Agreement (WT/L/579) and in paragraph 33 of and Annex E to the Hong Kong Ministerial Declaration (WT/MIN(05)/DEC).
2. Assistance and support for capacity building <sup>(1)</sup> should be provided to help developing and least-developed country Members implement the provisions of this Agreement, in accordance with their nature and scope. The extent and the timing of implementation of the provisions of this Agreement shall be related to the implementation capacities of developing and least-developed country Members. Where a developing or least-developed country Member continues to lack the necessary capacity, implementation of the provision(s) concerned will not be required until implementation capacity has been acquired.
3. Least-developed country Members will only be required to undertake commitments to the extent consistent with their individual development, financial and trade needs or their administrative and institutional capabilities.
4. These principles shall be applied through the provisions set out in Section II.

#### Article 14

##### Categories of provisions

1. There are three categories of provisions:
  - (a) Category A contains provisions that a developing country Member or a least-developed country Member designates for implementation upon entry into force of this Agreement, or in the case of a least-developed country Member within one year after entry into force, as provided in Article 15.

<sup>(1)</sup> For the purposes of this Agreement, 'assistance and support for capacity building' may take the form of technical, financial, or any other mutually agreed form of assistance provided.

- (b) Category B contains provisions that a developing country Member or a least-developed country Member designates for implementation on a date after a transitional period of time following the entry into force of this Agreement, as provided in Article 16.
  - (c) Category C contains provisions that a developing country Member or a least-developed country Member designates for implementation on a date after a transitional period of time following the entry into force of this Agreement and requiring the acquisition of implementation capacity through the provision of assistance and support for capacity building, as provided for in Article 16.
2. Each developing country and least-developed country Member shall self-designate, on an individual basis, the provisions it is including under each of the Categories A, B and C.

#### Article 15

##### Notification and implementation of Category A

1. Upon entry into force of this Agreement, each developing country Member shall implement its Category A commitments. Those commitments designated under Category A will thereby be made an integral part of this Agreement.
2. A least-developed country Member may notify the Committee of the provisions it has designated in Category A for up to one year after entry into force of this Agreement. Each least-developed country Member's commitments designated under Category A will thereby be made an integral part of this Agreement.

#### Article 16

##### Notification of definitive dates for implementation of Category B and Category C

1. With respect to the provisions that a developing country member has not designated in category a, the member may delay implementation in accordance with the process set out in this article.

##### Developing Country Member Category B

- (a) Upon entry into force of this Agreement, each developing country Member shall notify the Committee of the provisions that it has designated in Category B and their corresponding indicative dates for implementation <sup>(1)</sup>.
- (b) No later than one year after entry into force of this Agreement, each developing country Member shall notify the Committee of its definitive dates for implementation of the provisions it has designated in Category B. If a developing country Member, before this deadline, believes it requires additional time to notify its definitive dates, the Member may request that the Committee extend the period sufficient to notify its dates.

##### Developing Country Member Category C

- (c) Upon entry into force of this Agreement, each developing country Member shall notify the Committee of the provisions that it has designated in Category C and their corresponding indicative dates for implementation. For transparency purposes, notifications submitted shall include information on the assistance and support for capacity building that the Member requires in order to implement <sup>(2)</sup>.
- (d) Within one year after entry into force of this Agreement, developing country Members and relevant donor Members, taking into account any existing arrangements already in place, notifications pursuant to paragraph 1 of Article 22 and information submitted pursuant to subparagraph (c) above, shall provide

<sup>(1)</sup> Notifications submitted may also include such further information as the notifying Member deems appropriate. Members are encouraged to provide information on the domestic agency or entity responsible for implementation.

<sup>(2)</sup> Members may also include information on national trade facilitation implementation plans or projects, the domestic agency or entity responsible for implementation, and the donors with which the Member may have an arrangement in place to provide assistance.



information to the Committee on the arrangements maintained or entered into that are necessary to provide assistance and support for capacity building to enable implementation of Category C <sup>(1)</sup>. The participating developing country Member shall promptly inform the Committee of such arrangements. The Committee shall also invite non-Member donors to provide information on existing or concluded arrangements.

- (e) Within 18 months from the date of the provision of the information stipulated in subparagraph (d), donor Members and respective developing country Members shall inform the Committee of the progress in the provision of assistance and support for capacity building. Each developing country Member shall, at the same time, notify its list of definitive dates for implementation.
2. With respect to those provisions that a least-developed country Member has not designated under Category A, least-developed country Members may delay implementation in accordance with the process set forth in this Article.

#### Least-Developed Country Member Category B

- (a) No later than one year after entry into force of this Agreement, a least-developed country Member shall notify the Committee of its Category B provisions and may notify their corresponding indicative dates for implementation of these provisions, taking into account maximum flexibilities for least-developed country Members.
- (b) No later than two years after the notification date stipulated under subparagraph (a) above, each least-developed country Member shall notify the Committee to confirm designations of provisions and notify its dates for implementation. If a least-developed country Member, before this deadline, believes it requires additional time to notify its definitive dates, the Member may request that the Committee extend the period sufficiently to notify its dates.

#### Least-Developed Country Member Category C

- (c) For transparency purposes and to facilitate arrangements with donors, one year after entry into force of this Agreement, each least-developed country Member shall notify the Committee of the provisions it has designated in Category C, taking into account maximum flexibilities for least-developed country Members.
- (d) One year after the date stipulated in subparagraph (c) above, least-developed country Members shall notify information on assistance and support for capacity building that the Member requires in order to implement <sup>(2)</sup>.
- (e) No later than two years after the notification under subparagraph (d) above, least-developed country Members and relevant donor Members, taking into account information submitted pursuant to subparagraph (d) above, shall provide information to the Committee on the arrangements maintained or entered into that are necessary to provide assistance and support for capacity building to enable implementation of Category C <sup>(3)</sup>. The participating least-developed country Member shall promptly inform the Committee of such arrangements. The least-developed country Member shall, at the same time, notify indicative dates for implementation of corresponding Category C commitments covered by the assistance and support arrangements. The Committee shall also invite non-Member donors to provide information on existing and concluded arrangements.
- (f) No later than 18 months from the date of the provision of the information stipulated in subparagraph (e), relevant donor Members and respective least-developed country Members shall inform the Committee of the progress in the provision of assistance and support for capacity building. Each least-developed country Member shall, at the same time, notify the Committee of its list of definitive dates for implementation.

<sup>(1)</sup> Such arrangements will be on mutually agreed terms, either bilaterally or through appropriate international organizations, consistent with paragraph 3 of Article 21.

<sup>(2)</sup> Members may also include information on national trade facilitation implementation plans or projects, the domestic agency or entity responsible for implementation, and the donors with which the Member may have an arrangement in place to provide assistance.

<sup>(3)</sup> Such arrangements will be on mutually agreed terms, either bilaterally or through appropriate international organizations, consistent with paragraph 3 of Article 21.

3. Developing country Members and least-developed country Members experiencing difficulties in submitting definitive dates for implementation within the deadlines set out in paragraphs 1 and 2 because of the lack of donor support or lack of progress in the provision of assistance and support for capacity building should notify the Committee as early as possible prior to the expiration of those deadlines. Members agree to cooperate to assist in addressing such difficulties, taking into account the particular circumstances and special problems facing the Member concerned. The Committee shall, as appropriate, take action to address the difficulties including, where necessary, by extending the deadlines for the Member concerned to notify its definitive dates.
4. Three months before the deadline stipulated in subparagraphs 1(b) or (e), or in the case of a least-developed country Member, subparagraphs 2(b) or (f), the Secretariat shall remind a Member if that Member has not notified a definitive date for implementation of provisions that it has designated in Category B or C. If the Member does not invoke paragraph 3, or in the case of a developing country Member subparagraph 1(b), or in the case of a least-developed country Member subparagraph 2(b), to extend the deadline and still does not notify a definitive date for implementation, the Member shall implement the provisions within one year after the deadline stipulated in subparagraphs 1(b) or (e), or in the case of a least-developed country Member, subparagraphs 2(b) or (f), or extended by paragraph 3.
5. No later than 60 days after the dates for notification of definitive dates for implementation of Category B and Category C provisions in accordance with paragraphs 1, 2, or 3, the Committee shall take note of the annexes containing each Member's definitive dates for implementation of Category B and Category C provisions, including any dates set under paragraph 4, thereby making these annexes an integral part of this Agreement.

#### *Article 17*

#### **Early warning mechanism: Extension of implementation dates for provisions in Categories B and C**

1. (a) A developing country Member or least-developed country Member that considers itself to be experiencing difficulty in implementing a provision that it has designated in Category B or Category C by the definitive date established under subparagraphs 1(b) or (e) of Article 16, or in the case of a least-developed country Member subparagraphs 2(b) or (f) of Article 16, should notify the Committee. Developing country Members shall notify the Committee no later than 120 days before the expiration of the implementation date. Least-developed country Members shall notify the Committee no later than 90 days before such date.  
  
(b) The notification to the Committee shall indicate the new date by which the developing country Member or least-developed country Member expects to be able to implement the provision concerned. The notification shall also indicate the reasons for the expected delay in implementation. Such reasons may include the need for assistance and support for capacity building not earlier anticipated or additional assistance and support to help build capacity.
2. Where a developing country Member's request for additional time for implementation does not exceed 18 months or a least-developed country Member's request for additional time does not exceed 3 years, the requesting Member is entitled to such additional time without any further action by the Committee.
3. Where a developing country or least-developed country Member considers that it requires a first extension longer than that provided for in paragraph 2 or a second or any subsequent extension, it shall submit to the Committee a request for an extension containing the information described in subparagraph 1(b) no later than 120 days in respect of a developing country Member and 90 days in respect of a least-developed country Member before the expiration of the original definitive implementation date or that date as subsequently extended.
4. The Committee shall give sympathetic consideration to granting requests for extension taking into account the specific circumstances of the Member submitting the request. These circumstances may include difficulties and delays in obtaining assistance and support for capacity building.

*Article 18***Implementation of Category B and Category C**

1. In accordance with paragraph 2 of Article 13, if a developing country Member or a least-developed country Member, having fulfilled the procedures set forth in paragraphs 1 or 2 of Article 16 and in Article 17, and where an extension requested has not been granted or where the developing country Member or least-developed country Member otherwise experiences unforeseen circumstances that prevent an extension being granted under Article 17, self-assesses that its capacity to implement a provision under Category C continues to be lacking, that Member shall notify the Committee of its inability to implement the relevant provision.
2. The Committee shall establish an Expert Group immediately, and in any case no later than 60 days after the Committee receives the notification from the relevant developing country Member or least-developed country Member. The Expert Group will examine the issue and make a recommendation to the Committee within 120 days of its composition.
3. The Expert Group shall be composed of five independent persons that are highly qualified in the fields of trade facilitation and assistance and support for capacity building. The composition of the Expert Group shall ensure balance between nationals from developing and developed country Members. Where a least-developed country Member is involved, the Expert Group shall include at least one national from a least-developed country Member. If the Committee cannot agree on the composition of the Expert Group within 20 days of its establishment, the Director-General, in consultation with the chair of the Committee, shall determine the composition of the Expert Group in accordance with the terms of this paragraph.
4. The Expert Group shall consider the Member's self-assessment of lack of capacity and shall make a recommendation to the Committee. When considering the Expert Group's recommendation concerning a least-developed country Member, the Committee shall, as appropriate, take action that will facilitate the acquisition of sustainable implementation capacity.
5. The Member shall not be subject to proceedings under the Dispute Settlement Understanding on this issue from the time the developing country Member notifies the Committee of its inability to implement the relevant provision until the first meeting of the Committee after it receives the recommendation of the Expert Group. At that meeting, the Committee shall consider the recommendation of the Expert Group. For a least-developed country Member, the proceedings under the Dispute Settlement Understanding shall not apply to the respective provision from the date of notification to the Committee of its inability to implement the provision until the Committee makes a decision on the issue, or within 24 months after the date of the first Committee meeting set out above, whichever is earlier.
6. Where a least-developed country Member loses its ability to implement a Category C commitment, it may inform the Committee and follow the procedures set out in this Article.

*Article 19***Shifting between Categories B and C**

1. Developing country Members and least-developed country Members who have notified provisions under Categories B and C may shift provisions between such categories through the submission of a notification to the Committee. Where a Member proposes to shift a provision from Category B to Category C, the Member shall provide information on the assistance and support required to build capacity.
2. In the event that additional time is required to implement a provision shifted from Category B to Category C, the Member may:
  - (a) use the provisions of Article 17, including the opportunity for an automatic extension; or

- (b) request an examination by the Committee of the Member's request for extra time to implement the provision and, if necessary, for assistance and support for capacity building, including the possibility of a review and recommendation by the Expert Group under Article 18; or
- (c) in the case of a least-developed country Member, any new implementation date of more than four years after the original date notified under Category B shall require approval by the Committee. In addition, a least-developed country Member shall continue to have recourse to Article 17. It is understood that assistance and support for capacity building is required for a least-developed country Member so shifting.

#### Article 20

### **Grace period for the application of the Understanding on Rules and Procedures Governing the Settlement of Disputes**

1. For a period of two years after entry into force of this Agreement, the provisions of Articles XXII and XXIII of GATT 1994 as elaborated and applied by the Understanding on Rules and Procedures Governing the Settlement of Disputes shall not apply to the settlement of disputes against a developing country Member concerning any provision that the Member has designated in Category A.
2. For a period of six years after entry into force of this Agreement, the provisions of Articles XXII and XXIII of GATT 1994 as elaborated and applied by the Understanding on Rules and Procedures Governing the Settlement of Disputes shall not apply to the settlement of disputes against a least-developed country Member concerning any provision that the Member has designated in Category A.
3. For a period of eight years after implementation of a provision under Category B or C by a least-developed country Member, the provisions of Articles XXII and XXIII of GATT 1994 as elaborated and applied by the Understanding on Rules and Procedures Governing the Settlement of Disputes shall not apply to the settlement of disputes against that least-developed country Member concerning that provision.
4. Notwithstanding the grace period for the application of the Understanding on Rules and Procedures Governing the Settlement of Disputes, before making a request for consultations pursuant to Articles XXII or XXIII of GATT 1994, and at all stages of dispute settlement procedures with regard to a measure of a least-developed country Member, a Member shall give particular consideration to the special situation of least-developed country Members. In this regard, Members shall exercise due restraint in raising matters under the Understanding on Rules and Procedures Governing the Settlement of Disputes involving least-developed country Members.
5. Each Member shall, upon request, during the grace period allowed under this Article, provide adequate opportunity to other Members for discussion with respect to any issue relating to the implementation of this Agreement.

#### Article 21

### **Provision of assistance and support for capacity building**

1. Donor Members agree to facilitate the provision of assistance and support for capacity building to developing country and least-developed country Members on mutually agreed terms either bilaterally or through the appropriate international organizations. The objective is to assist developing country and least-developed country Members to implement the provisions of Section I of this Agreement.
2. Given the special needs of least-developed country Members, targeted assistance and support should be provided to the least-developed country Members so as to help them build sustainable capacity to implement their commitments. Through the relevant development cooperation mechanisms and consistent with the principles of technical assistance and support for capacity building as referred to in paragraph 3, development partners shall endeavour to provide assistance and support for capacity building in this area in a way that does not compromise existing development priorities.

3. Members shall endeavour to apply the following principles for providing assistance and support for capacity building with regard to the implementation of this Agreement:
  - (a) take account of the overall developmental framework of recipient countries and regions and, where relevant and appropriate, ongoing reform and technical assistance programs;
  - (b) include, where relevant and appropriate, activities to address regional and sub-regional challenges and promote regional and sub-regional integration;
  - (c) ensure that ongoing trade facilitation reform activities of the private sector are factored into assistance activities;
  - (d) promote coordination between and among Members and other relevant institutions, including regional economic communities, to ensure maximum effectiveness of and results from this assistance. To this end:
    - (i) coordination, primarily in the country or region where the assistance is to be provided, between partner Members and donors and among bilateral and multilateral donors should aim to avoid overlap and duplication in assistance programs and inconsistencies in reform activities through close coordination of technical assistance and capacity building interventions;
    - (ii) for least-developed country Members, the Enhanced Integrated Framework for trade-related assistance for the least-developed countries should be a part of this coordination process; and
    - (iii) Members should also promote internal coordination between their trade and development officials, both in capitals and in Geneva, in the implementation of this Agreement and technical assistance.
  - (e) encourage use of existing in-country and regional coordination structures such as roundtables and consultative groups to coordinate and monitor implementation activities; and
  - (f) encourage developing country Members to provide capacity building to other developing and least-developed country Members and consider supporting such activities, where possible.
4. The Committee shall hold at least one dedicated session per year to:
  - (a) discuss any problems regarding implementation of provisions or sub-parts of provisions of this Agreement;
  - (b) review progress in the provision of assistance and support for capacity building to support the implementation of the Agreement, including any developing or least-developed country Members not receiving adequate assistance and support for capacity building;
  - (c) share experiences and information on ongoing assistance and support for capacity building and implementation programs, including challenges and successes;
  - (d) review donor notifications as set forth in Article 22; and
  - (e) review the operation of paragraph 2.

#### *Article 22*

#### **Information on assistance and support for capacity building to be submitted to the Committee**

1. To provide transparency to developing country Members and least-developed country Members on the provision of assistance and support for capacity building for implementation of Section I, each donor Member assisting developing country Members and least-developed country Members with the implementation of this Agreement

shall submit to the Committee, at entry into force of this Agreement and annually thereafter, the following information on its assistance and support for capacity building that was disbursed in the preceding 12 months and, where available, that is committed in the next 12 months <sup>(1)</sup>:

- (a) a description of the assistance and support for capacity building;
- (b) the status and amount committed/disbursed;
- (c) procedures for disbursement of the assistance and support;
- (d) the beneficiary Member or, where necessary, the region; and
- (e) the implementing agency in the Member providing assistance and support.

The information shall be provided in the format specified in Annex 1. In the case of Organisation for Economic Cooperation and Development (referred to in this Agreement as the 'OECD') Members, the information submitted can be based on relevant information from the OECD Creditor Reporting System. Developing country Members declaring themselves in a position to provide assistance and support for capacity building are encouraged to provide the information above.

2. Donor Members assisting developing country Members and least-developed country Members shall submit to the Committee:
  - (a) contact points of their agencies responsible for providing assistance and support for capacity building related to the implementation of Section I of this Agreement including, where practicable, information on such contact points within the country or region where the assistance and support is to be provided; and
  - (b) information on the process and mechanisms for requesting assistance and support for capacity building.

Developing country Members declaring themselves in a position to provide assistance and support are encouraged to provide the information above.

3. Developing country Members and least-developed country Members intending to avail themselves of trade facilitation-related assistance and support for capacity building shall submit to the Committee information on contact point(s) of the office(s) responsible for coordinating and prioritizing such assistance and support.
4. Members may provide the information referred to in paragraphs 2 and 3 through internet references and shall update the information as necessary. The Secretariat shall make all such information publicly available.
5. The Committee shall invite relevant international and regional organizations (such as the International Monetary Fund, the OECD, the United Nations Conference on Trade and Development, the WCO, United Nations Regional Commissions, the World Bank, or their subsidiary bodies, and regional development banks) and other agencies of cooperation to provide information referred to in paragraphs 1, 2, and 4.

### SECTION III

#### INSTITUTIONAL ARRANGEMENTS AND FINAL PROVISIONS

##### *Article 23*

#### **Institutional arrangements**

1. Committee On Trade Facilitation
  - 1.1. A Committee on Trade Facilitation is hereby established.

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<sup>(1)</sup> The information provided will reflect the demand driven nature of the provision of assistance and support for capacity building.

- 1.2. The Committee shall be open for participation by all Members and shall elect its own Chairperson. The Committee shall meet as needed and envisaged by the relevant provisions of this Agreement, but no less than once a year, for the purpose of affording Members the opportunity to consult on any matters related to the operation of this Agreement or the furtherance of its objectives. The Committee shall carry out such responsibilities as assigned to it under this Agreement or by the Members. The Committee shall establish its own rules of procedure.
- 1.3. The Committee may establish such subsidiary bodies as may be required. All such bodies shall report to the Committee.
- 1.4. The Committee shall develop procedures for the sharing by Members of relevant information and best practices as appropriate.
- 1.5. The Committee shall maintain close contact with other international organizations in the field of trade facilitation, such as the WCO, with the objective of securing the best available advice for the implementation and administration of this Agreement and in order to ensure that unnecessary duplication of effort is avoided. To this end, the Committee may invite representatives of such organizations or their subsidiary bodies to:
  - (a) attend meetings of the Committee; and
  - (b) discuss specific matters related to the implementation of this Agreement.
- 1.6. The Committee shall review the operation and implementation of this Agreement four years from its entry into force, and periodically thereafter.
- 1.7. Members are encouraged to raise before the Committee questions relating to issues on the implementation and application of this Agreement.
- 1.8. The Committee shall encourage and facilitate ad hoc discussions among Members on specific issues under this Agreement with a view to reaching a mutually satisfactory solution promptly.
2. National Committee On Trade Facilitation

Each Member shall establish and/or maintain a national committee on trade facilitation or designate an existing mechanism to facilitate both domestic coordination and implementation of the provisions of this Agreement.

#### *Article 24*

#### **Final provisions**

1. For the purpose of this Agreement, the term 'Member' is deemed to include the competent authority of that Member.
2. All provisions of this Agreement are binding on all Members.
3. Members shall implement this Agreement from the date of its entry into force. Developing country Members and least-developed country Members that choose to use the provisions of Section II shall implement this Agreement in accordance with Section II.
4. A Member which accepts this Agreement after its entry into force shall implement its Category B and C commitments counting the relevant periods from the date this Agreement enters into force.
5. Members of a customs union or a regional economic arrangement may adopt regional approaches to assist in the implementation of their obligations under this Agreement including through the establishment and use of regional bodies.
6. Notwithstanding the general interpretative note to Annex 1A to the Marrakesh Agreement Establishing the World Trade Organization, nothing in this Agreement shall be construed as diminishing the obligations of Members under the GATT 1994. In addition, nothing in this Agreement shall be construed as diminishing the rights and obligations of Members under the Agreement on Technical Barriers to Trade and the Agreement on the Application of Sanitary and Phytosanitary Measures.

7. All exceptions and exemptions <sup>(1)</sup> under the GATT 1994 shall apply to the provisions of this Agreement. Waivers applicable to the GATT 1994 or any part thereof, granted according to Article IX:3 and Article IX:4 of the Marrakesh Agreement Establishing the World Trade Organization and any amendments thereto as of the date of entry into force of this Agreement, shall apply to the provisions of this Agreement.
  8. The provisions of Articles XXII and XXIII of GATT 1994 as elaborated and applied by the Dispute Settlement Understanding shall apply to consultations and the settlement of disputes under this Agreement, except as otherwise specifically provided for in this Agreement.
  9. Reservations may not be entered in respect of any of the provisions of this Agreement without the consent of the other Members.
  10. The Category A commitments of developing country Members and least-developed country Members annexed to this Agreement in accordance with paragraphs 1 and 2 of Article 15 shall constitute an integral part of this Agreement.
  11. The Category B and C commitments of developing country Members and least-developed country Members taken note of by the Committee and annexed to this Agreement pursuant to paragraph 5 of Article 16 shall constitute an integral part of this Agreement.
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<sup>(1)</sup> This includes Articles V:7 and X:1 of the GATT 1994 and the Ad note to Article VIII of the GATT 1994.



## ANNEX 1

## FORMAT FOR NOTIFICATION UNDER PARAGRAPH 1 OF ARTICLE 22

Donor Member:

Period covered by the notification:

	Description of the technical and financial assistance and capacity building resources	Status and amount committed/disbursed	Beneficiary country/Region (where necessary)	The implementing agency in the Member providing assistance	Procedures for disbursement of the assistance

## ANNEX TO THE AGREEMENT ON TRADE FACILITATION

## NOTIFICATION OF CATEGORY A COMMITMENTS UNDER THE AGREEMENT ON TRADE FACILITATION

## ALBANIA

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as 'the Preparatory Committee') shall, *inter alia*, receive from Members their notifications of category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as 'the Agreement').

With reference to the above, the Government of Albania has the honour to notify the Preparatory Committee that it hereby designates the following provisions of the Agreement under Category A, which will be implemented upon entry into force of the Agreement:

Article 1.1	Publication
Article 1.2	Information Available Through Internet
Article 1.4	Notification
Article 2.1	Opportunity to Comment and Information before Entry Into Force
Article 2.2	Consultations
Article 4.1	Right to Appeal or Review
Article 5.2	Detention
Article 6.1	General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation
Article 6.2	Specific Disciplines on Fees and Charges for Customs Processing Imposed on or in Connection with Importation and Exportation
Article 6.3	Penalty Disciplines
Article 7.3	Separation of Release from Final Determination of Customs Duties, Taxes, Fees, and Charges
Article 7.4	Risk Management
Article 7.6	Establishment and Publication of Average Release Times
Article 7.8	Expedited Shipments
Article 7.9	Perishable Goods
Article 8	Border Agency Cooperation
Article 9	Movement of Goods Intended for Import under Customs Control
Article 10.1	Formalities and Documentation Requirements
Article 10.2	Acceptance of Copies
Article 10.3	Use of International Standards
Article 10.5	Preshipment Inspection
Article 10.6	Use of Customs Brokers

Article 10.7	Common Border Procedures and Uniform Documentation Requirements
Article 10.8	Rejected Goods
Article 10.9	Temporary Admission of Goods and Inward and Outward Processing
Article 11-3	Transit Charges, Regulations, and Formalities
11-4	Transit Strengthened Non-Discrimination
11.11.1-5	Transit Guarantees
11.12-13	Transit Cooperation and Coordination
Article 12	Customs Cooperation

## BOTSWANA

Pursuant to the Ministerial Decision of the 7 December 2013 (WT/MIN (13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (herein referred to as the 'Preparatory Committee') shall, *inter alia*, received Members' notifications of Category A commitments under the Agreement of Trade Facilitation (hereinafter referred to as the 'Agreement').

With reference to the above, the Government of the Republic of Botswana has the honour to notify the Preparatory Committee that the Republic of Botswana designates the following provisions contained in Section I of the Agree as Category A commitments, which will be implemented upon entry into force of the Agreement:

Article 2.1	Opportunity to Comment and Information before Entry into Force
Article 2.2	Consultations
Article 5.1	Notifications for enhanced controls or inspections
Article 5.2	Detention
Article 7.1	Pre-arrival Processing
Article 7.2	Electronic Payment
Article 7.3	Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges
Article 7.4	Risk Management
Article 7.5	Post-clearance Audit
Article 7.6	Establishment and Publication of Average Release Times
Article 7.8	Expedited Shipments
Article 7.9	Perishable Goods
Article 9	Movement of goods intended for import under customs control
Article 10.3	Use of International Standards
Article 10.5	Preshipment Inspection
Article 10.6	Use of Customs Brokers
Article 10.7	Common Border Procedures and Uniform Documentation Requirements
Article 10.8	Rejected Goods
Article 10.9	Temporary Admission of Goods and Inward and Outward Processing

## BRAZIL

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as 'the Preparatory Committee') shall, *inter alia*, receive Members' notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as 'the Agreement').

With reference to the above, the Mission of Brazil has the honour to notify the Preparatory Committee on Trade Facilitation that it designates all the provisions in Section I of the Agreement as Category A commitments, except for the following:

- Article 3.6.b;
- Article 3.9.a.ii;
- Article 7.1;
- Article 7.7.3; and
- Article 11.9.

## BRUNEI DARUSSALAM

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911) and in accordance with Article 15 in Section II of the Agreement on Trade Facilitation (hereinafter referred to as 'the Agreement'), the Preparatory Committee on Trade Facilitation established under the General Council ('the Preparatory Committee') shall, *inter alia*, receive Members' notification of Category A commitments under the Agreement.

With reference to the above, the Government of Brunei Darussalam has the honour to notify the Preparatory Committee that Brunei Darussalam hereby designates all the provisions in Articles 1 to 12 of the Agreement under Category A, except for the following:

- |              |   |
|--------------|---|
| Article 1.2  | Information Available Through Internet: sub-paragraphs 2.1 (a) and (b)  |
| Article 4    | Procedures for Appeal or Review   |
| Article 7.6  | Establishment and Publication of Average Release Times: sub-paragraph 2 |
| Article 7.7  | Trade Facilitation Measures for Authorized Operators                    |
| Article 10.4 | Single Window   |

## CHILE

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36) and in accordance with Article 15 in Section II of the Agreement on Trade Facilitation ('the Agreement'), Chile hereby advises that all the provisions in Section I of the Agreement have been designated as Category A commitments for implementation upon its entry into force, except for Article 7.7 on authorized operators.

## CHINA

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as 'the Preparatory Committee') shall, *inter alia*, receive Members' notification of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as 'the Agreement').

With reference to the above, the Government of the People's Republic of China has the honour to notify the Preparatory Committee that the People's Republic of China hereby designates all the provisions in Section I of the Agreement as Category A commitments except for the following:

- Paragraph 6 of Article 7      Establishment and Publication of Average Release Times;
- Paragraph 4 of Article 10      Single Window;
- Paragraph 9 of Article 10      Temporary Admission of Goods and Inward and Outward Processing; and
- Article 12      Customs Cooperation.

## COLOMBIA

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36) and in accordance with Article 15 in Section II of the Agreement on Trade Facilitation ('the Agreement'), Colombia hereby notifies that all the provisions in Section I of the Agreement have been designated as Category A commitments for implementation upon its entry into force, except for the following:

- Article 5.3 Test Procedures
- Article 7.9 Perishable Goods

## CONGO

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36) and Article 15 of Section II of the Agreement on Trade Facilitation, the Government of the Republic of the Congo has the honour to notify its Category A commitments, in accordance with the provisions listed below:

- Article 3.1 Advance Rulings
- Article 4.1 Right to Appeal or Review
- Article 5.1 Notifications for Enhanced Controls or Inspections
- Article 5.2 Detention
- Article 5.3 Test Procedures
- Article 7.9 Perishable Goods
- Article 10.6 Use of Customs Brokers
- Article 10.7 Common Border Procedures and Uniform Documentation Requirements
- Article 10.9 Temporary Admission of Goods and Inward and Outward Processing

## COSTA RICA

Pursuant to paragraphs 2 and 3 of the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36) and in accordance with Article 15 in Section II of the Agreement on Trade Facilitation ('the Agreement'), Costa Rica hereby notifies that all the provisions in Section I of the Agreement have been designated as Category A commitments, except for the following:

- Article 10.1.1 Formalities and documentation requirements
- Article 10.2.2 Acceptance of copies

## CÔTE D'IVOIRE

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911) and Article 15 in Section II of the Agreement on Trade Facilitation, the Republic of Côte d'Ivoire hereby notifies its Category A commitments, in accordance with the provisions listed below:

- Article 4.1 Right to Appeal or Review
- Article 5.1 Notifications for Enhanced Controls or Inspections
- Article 5.2 Detention
- Article 5.3 Test Procedures
- Article 7.4 Risk Management

Article 7.5	Post-Clearance Audit
Article 7.8	Expedited Shipments
Article 7.9	Perishable Goods
Article 9	Movement of Goods under Customs Control Intended for Import
Article 10.3	Use of International Standards
Article 10.5	Preshipment Inspection
Article 10.7	Common Border Procedures and Uniform Documentation Requirements
Article 10.8	Rejected Goods
Article 10.9	Temporary Admission of Goods/Inward and Outward Processing
Article 11	Freedom of Transit

## DOMINICAN REPUBLIC

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as 'the Preparatory Committee') shall, *inter alia*, receive Members' notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as 'the Agreement').

With reference to the above, the Government of the Dominican Republic has the honour to notify the Preparatory Committee of the provisions designated in Category A, corresponding to Section I of the Agreement.

Art. 1.2	Information Available Through Internet
Art. 1.3	Enquiry Points
Art. 2.1	Opportunity to Comment and Information Before Entry into Force
Art. 2.2	Consultations
Art. 3	Advance Rulings
Art. 4.1	Right to Appeal or Review
Art. 5.2	Detention
Art. 6.1	General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation
Art. 6.3	Penalty Disciplines
Art. 7.1	Pre-Arrival Processing
Art. 7.2	Electronic Payment
Art. 7.3	Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges
Art. 7.5	Post-Clearance Audit
Art. 7.7	Trade Facilitation Measures for Authorized Operators
Art. 9	Movement of Goods under Customs Control Intended for Import
Art. 10.1	Formalities and Documentation Requirements

Art. 10.3	Use of International Standards
Art. 10.5	Preshipment Inspection
Art. 10.6	Use of Customs Brokers
Art. 10.7	Common Border Procedures and Uniform Documentation Requirements
Art. 10.8	Rejected Goods
Art. 10.9	Temporary Admission of Goods/Inward and Outward Processing
Art. 11	Freedom of Transit
Art. 12	Customs Cooperation
Art. 13.2	National Committee on Trade Facilitation

## ECUADOR

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36) and Article 15 of Section II of the Agreement on Trade Facilitation, the Republic of Ecuador hereby notifies its Category A commitments, in accordance with the provisions listed below:

Article No./Paragraphs (*)	Description
2.1	Opportunity to Comment and Information Before Entry into Force
4	Appeal or Review Procedures
7.1	Pre-Arrival Processing
7.6	Establishment and Publication of Average Release Times
9	Movement of Goods under Customs Control Intended for Import
10.3	Use of International Standards
10.5	Preshipment Inspection
10.6	Use of Customs Brokers
10.7	Common Border Procedures and Uniform Documentation Requirements
10.8	Rejected Goods
10.9	Temporary Admission of Goods/Inward and Outward Processing
11.1	Freedom of Transit
11.2	Freedom of Transit
11.3	Freedom of Transit
11.4	Freedom of Transit
11.5	Freedom of Transit
11.6	Freedom of Transit
11.16	Freedom of Transit
11.17	Freedom of Transit

(\*) Where reference is made to specific paragraphs, the commitment undertaken by the Republic of Ecuador is limited to the content of those specific paragraphs, not to that of the Article as a whole.

## EGYPT

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36) and Article 15 of Section II of the Agreement on Trade Facilitation, Egypt hereby notifies its Category 'A' commitments, in accordance with the provisions listed below:

Article Number	Description
Article 4 paragraphs (1,3,4,5)	Procedures for Appeal or Review
Article 5.2	Detention
Article 6.2	Specific Disciplines on Fees and Charges for Customs Processing Imposed on or in Connection with Importation and Exportation
Article 6.3 sub - paragraphs (3.2,3.4,3.5,3.6)	Penalty Disciplines
Article 7.3 sub - paragraphs (3.1,3.2,3.3,3.4,3.5)	Separation of release from final determination of customs duties, taxes, fees and charges
Article 9	Movement of goods intended for import under customs control
Article 10.5 paragraph (5.1)	Preshipment inspection
Article 10.6	Use of customs brokers
Article 10.7	Common border procedures and uniform documentation requirements
Article 10.8	Rejected goods
Article 10.9	Temporary admission of goods and inward and outward processing
Article 11 paragraphs (2,3,11,12,13,14,15,16)	Freedom of transit

## EL SALVADOR

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36) and in accordance with Article 15 in Section II of the Agreement on Trade Facilitation (hereinafter referred to as 'the Agreement'), El Salvador hereby notifies its Category A commitments, in accordance with the provisions listed below:

Art. 1	Publication and Availability of Information
Art. 2	Opportunity to Comment, Information Before Entry Into Force and Consultation
Art. 3	Advance Rulings
Art. 4	Appeal or Review Procedures: paragraphs 1, 2, 3, 4 and 5
Art. 5	Other Measures to Enhance Impartiality, Non-Discrimination and Transparency
Art. 6	Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation, and Penalty Disciplines: paragraphs 1 and 3
Art. 7	Release and Clearance of Goods: paragraphs 1, 2, 3, 4, 5, 6, 7 (sub-paragraphs 3, 4, 5, 6), 8 and 9
Art. 8	Border Agency Cooperation: paragraph 1



Art. 9	Movement of Goods under Customs Control Intended for Import
Art. 10	Formalities Connected with Importation and Exportation and Transit: paragraphs 1, 2 (sub-paragraphs 2 and 3), 3, 5 (sub-paragraph 1), 6, 7, 8 and 9
Art. 11	Freedom of Transit: paragraphs 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 14, 15, 16 and 17
Art. 12	Customs Cooperation: paragraphs 1, 3, 4, 5 (sub-paragraphs 1 and 2), 12

## GABON

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911) and Article 15 in Section II of the Agreement on Trade Facilitation, the Gabonese Republic hereby notifies its Category A commitments, in accordance with the provisions listed below:

Article 5.2	Detention
Article 7.1	Pre-arrival Processing
Article 7.8	Expedited Shipments
Article 7.9	Perishable Goods
Article 9	Movement of Goods under Customs Control Intended for Import
Article 10.5	Preshipment Inspection
Article 10.8	Rejected Goods
Article 10.9	Temporary Admission of Goods and Inward and Outward Processing

## GUATEMALA

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter the 'Preparatory Committee') shall, *inter alia*, receive Members' notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter the 'Agreement').

With reference to the above, the Government of Guatemala wishes hereby to notify the Preparatory Committee that all the provisions in Section I of the Agreement have been designated as Category A commitments in accordance with WTO document WT/PCTF/W/27 of 7 July 2014, except for the following:

Article 1.1.1(d) and (f)
Article 1.2.1(a) and (b)
Article 1.3.1
Article 1.3.2
Article 1.4(b) and (c)
Article 2.1.1
Article 3.9(b)(iii)
Article 5
Article 6.1.4
Article 7.1.2

Article 7.4.3  
Article 7.6.1  
Article 7.6.2  
Article 7.7.3(a), (d), (e), (f) and (g)  
Article 7.8.2(c) and (d)  
Article 7.9.3  
Article 8.1  
Article 8.2(d) and (e)  
Article 10.1.1  
Article 10.2.3  
Article 10.4.1  
Article 10.4.2  
Article 11.17  
Article 12.2.1  
Article 12.3  
Article 12.4  
Article 12.5  
Article 12.6  
Article 12.7  
Article 12.8  
Article 12.9  
Article 12.10  
Article 12.11

#### HONDURAS

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36) and Article 15 in Section II of the Agreement on Trade Facilitation ('the Agreement'), Honduras hereby notifies its Category A commitments, in accordance with the provisions listed below:

Art. 1.1	Publication
Art. 1.2	Information Available Through Internet
Art. 1.3	Enquiry Points
Art. 1.4	Notification
Art. 3	Advance Rulings
Art. 4	Appeal or Review Procedures
Art. 6.1	General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation (except for Art. 6.1.3 and 6.1.4)

Art. 6.2	Specific Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation
Art. 6.3	Penalty Disciplines
Art. 7.1	Pre-arrival Processing
Art. 7.2	Electronic Payment
Art. 7.4	Risk Management
Art. 7.5	Post-Clearance Audit
Art. 7.8	Expedited Shipments (except for Art. 7.8.2(d))
Art. 7.9	Perishable Goods (except for Art. 7.9.3)
Art. 8	Border Agency Cooperation (except for Art. 8.2(c), (d) and (e))
Art. 9	Movement of Goods under Customs Control Intended for Import
Art. 10.1	Formalities and Documentation Requirements
Art. 10.3	Use of International Standards
Art. 10.5	Pre-shipment Inspection
Art. 10.6	Use of Customs Brokers
Art. 10.7	Common Border Procedures and Uniform Documentation Requirements
Art. 10.8	Rejected Goods
Art. 10.9	Temporary Admission of Goods/Inward and Outward Processing
Art. 11	Freedom of Transit
Art. 12.12	Bilateral and regional agreements

#### HONG KONG, CHINA

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as 'the Preparatory Committee') shall, *inter alia*, receive from Members their notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as 'the Agreement').

With reference to the above, the Government of Hong Kong, China has the honour to notify the Preparatory Committee that Hong Kong, China hereby designates all provisions contained in Articles 1 to 12 of the Agreement (annexed to the above Ministerial Decision) under Category A, which will be implemented upon entry into force of the Agreement.

#### INDONESIA

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as 'the Preparatory Committee') shall, *inter alia*, receive from Members their notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as 'the Agreement').

With reference to the above, the Government of the Republic of Indonesia has the honour to notify the Preparatory Committee that Indonesia hereby designates the following provisions of the Agreement under Category A, which will be implemented upon entry into force of the Agreement:

Art. 6.3	Penalty Disciplines
Art. 7.1	Pre-arrival Processing
Art. 10.6	Use of Customs Brokers

## ISRAEL

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council shall, *inter alia*, receive from Members their notifications of Category A commitments under the Trade Facilitation Agreement.

With reference to the above, the State of Israel has the honour to notify the Preparatory Committee on Trade Facilitation that the State of Israel hereby designates all of the provisions contained in Section I of the Agreement as Category A.

## JORDAN

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as 'the Preparatory Committee') shall, *inter alia*, receive Members' notifications of category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as 'the Agreement').

With reference to the above, the Government of Jordan has the honour to notify the Preparatory Committee that it designates all of the provisions contained in Section I of the Agreement (annexed to the above-mentioned Ministerial Decision) under Category A for implementation in full upon the entry into force of the Agreement, except for the following:

Article 1.1	Publication
Article 1.2	Information Available Through Internet
Article 1.3	Enquiry Points
Article 3.1	Advance Rulings
Article 6.1	General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation
Article 7.1	Pre-arrival Processing
Article 10.1	Formalities and Documentation Requirements
Article 10.2	Acceptance of Copies
Article 10.4	Single Window
Article 11.5-10	Transit Procedures and Controls

## KOREA

I have the honour to refer to the Ministerial Decision on 7 December 2013 (WT/MIN(13)/36, WT/L/911), under which the Preparatory Committee on Trade Facilitation was established under the General Council (herein referred to as 'the Preparatory Committee') shall, *inter alia*, receive from Members their notifications of Category A commitments under the Agreement on Trade Facilitation (herein referred to as 'the Agreement').

Further, I have the additional honour to notify the Preparatory Committee that the Government of the Republic of Korea has decided to designate all provisions contained in Articles 1 through 12 of the Agreement under Category A.

## KUWAIT

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as the 'Preparatory Committee') shall, *inter alia*, receive from Members their notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as the 'Agreement').

With reference to the above, the State of Kuwait has the honour to notify the Preparatory Committee that the State of Kuwait hereby designates the provisions contained in Annex I under Category A, except for the following:

Article 3.1	Advance Rulings
Article 6.2	Specific disciplines on Fees and Charges for Customs Processing Imposed on or in Connection with Importation and Exportation
Article 7.4	Risk Management
Article 7.5	Post-Clearance Audit
Article 7.7	Trade Facilitation Measures for Authorized Operators
Article 7.9	Perishable goods
Article 8	Border Agency Co-operation
Article 10.4	Single Window
Article 11.11-15	Transit Guarantees
Article 12	Customs cooperation

#### KYRGYZ REPUBLIC

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as 'the Preparatory Committee') shall, *inter alia*, receive from Members their notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as 'the Agreement').

With reference to the above, on behalf of the Ministry of Economy of the Kyrgyz Republic we are pleased to notify the Preparatory Committee that the Kyrgyz Republic designates the following provisions contained in Section I of the Agreement (annexed to the above mentioned Ministerial Decision) as Category A commitments, which will be implemented upon entry into force of the Agreement:

Article 4	All provisions (Procedures for Appeal or Review)
Article 5	Paragraph 2 (Detention)
Article 9	(Movement of Goods Intended for Import under Customs Control)
Article 10	Paragraph 5 (Preshipment Inspection)
Article 11	Paragraphs 1 to 4 (Transit Charges, Regulations, Formalities and Non-Discrimination)

#### MACAO CHINA

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN (13)/36), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as the 'Preparatory Committee') shall, *inter alia*, receive Members' notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as 'the Agreement').

With reference to the above, the Government of Macao, China has the honour to notify the Preparatory Committee that Macao, China hereby designates all the provisions contained in Articles 1 to 12 of the Agreement under Category A, which will be implemented upon entry into force of the Agreement, except for the following:

Art. 7:	Paragraph 4 — Risk Management;
Art. 7:	Paragraph 5 — Post-Clearance Audit;
Art. 9:	Movement of Goods Intended for Import under Customs Control;
Art. 10:	Paragraph 4 — Single Window.

## MALAYSIA

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as the 'Preparatory Committee') shall, *inter alia*, receive Members' notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as the 'Agreement').

With reference to the above, the Government of Malaysia has the honour to notify the Preparatory Committee that Malaysia hereby designates all provisions contained in Articles 1 to 12 of the Agreement (annexed to the above Ministerial Decision) under Category A, except for the following:

- Article 7.8 (Expedited Shipments); and
- Article 11.9 (Advance filing and processing of transit documentation and data prior to the arrival of goods).

## MAURITIUS

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as 'the Preparatory Committee') shall, *inter alia*, receive from Members their notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as 'the Agreement').

With reference to the above, the Government of the Republic of Mauritius has the honour to notify the Preparatory Committee that the Republic of Mauritius hereby designates the following provisions of the Agreement (annexed to the above Ministerial Decision) under Category A, which will be implemented upon entry into force of the Agreement:

- Article 1.1 Publication
- Article 1.2 Information Available Through Internet
- Article 1.4 Notification
- Article 2.1 Opportunity to Comment and Information before Entry into Force
- Article 2.2 Consultation
- Article 3 Advanced Rulings
- Article 4 Procedures for Appeal or Review
- Article 5.1 Notifications for Enhanced Controls or Inspections
- Article 5.2 Detention
- Article 6.1 General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation
- Article 6.2 Specific Disciplines on Fees and Charges for Customs Processing Imposed on or in Connection with Importation and Exportation
- Article 6.3 Penalty Disciplines
- Article 7.1 Pre-arrival Processing
- Article 7.2 Electronic Payment
- Article 7.3 Separation of Release from Final Determination of Customs Duties, Taxes, Fees and charges
- Article 7.5 Post-clearance Audit
- Article 7.9 Perishable Goods

Article 9	Movement of Goods Intended for Import under Customs Control
Article 10.1	Formalities and Documentation Requirements
Article 10.2	Acceptance of Copies
Article 10.5	Pre-shipment Inspection
Article 10.6	Use of Customs Brokers
Article 10.7	Common Border Procedures and Uniform Documentation Requirements
Article 10.8	Rejected Goods
Article 10.9.1	Temporary Admission of Goods
Article 11	Freedom of Transit
Article 23.2	National Committee on Trade Facilitation

## MEXICO

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as the 'Preparatory Committee') shall, *inter alia*, receive Members' notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as the 'Agreement').

With reference to the above, the Government of Mexico has the honour to notify the Preparatory Committee that it designates all of the provisions contained in Section I of the Agreement (annexed to the above-mentioned Ministerial Decision) under Category A for implementation in full upon the entry into force of the Agreement.

## MOLDOVA

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as 'the Preparatory Committee') shall, *inter alia*, receive Members' notifications of category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as 'the Agreement').

With reference to the above, the Government of the Republic of Moldova has the honour to notify the Preparatory Committee that the Republic of Moldova designates the following provisions contained in Section I of the Agreement (annexed to the above-mentioned Ministerial Decision) as Category A commitments, which will be implemented upon entry into force of the Agreement:

Article 1	Paragraphs 1 and 4 (Publication, Notification)
Article 3	(ADVANCE RULINGS)
Article 4	(PROCEDURES FOR APPEAL OR REVIEW)
Article 5	Paragraph 2 (Detention)
Article 6	Paragraph 2 (Specific disciplines on Fees and Charges for Customs Processing Imposed on or in Connection with Importation and Exportation)
Article 7	Paragraphs 2, 4 and 5 (Electronic Payment, Risk Management, Post-clearance Audit)
Article 8	(BORDER AGENCY COOPERATION)
Article 9	(MOVEMENT OF GOODS INTENDED FOR IMPORT UNDER CUSTOMS CONTROL)

Article 10	Paragraphs 3 and from 5 to 9 (Use of International Standards, Preshipment Inspection, Use of Customs Brokers, Common Border Procedures and Uniform Documentation Requirements, Rejected Goods, Temporary Admission of Goods and Inward and Outward Processing)
Article 12	All provisions

## MONGOLIA

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as the 'Preparatory Committee') shall, *inter alia*, receive Members' notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as the 'Agreement').

With reference to the above, the Government of Mongolia has the honour to notify the Preparatory Committee that Mongolia hereby designates the following provisions contained in Section I of the Agreement (annexed to the above-mentioned Ministerial Decision) as Category A commitments which will be implemented upon entry into force of the Agreement:

Art. 1.4	Notifications
Art. 2.2	Consultations
Art. 4	Procedures for appeal or review
Art. 5.2	Detention
Art. 6.1	General disciplines on fees and charges imposed on or in connection with importation exportation
Art. 6.2	Specific disciplines on fees and charges imposed on or in connection with importation exportation
Art. 10.1	Formalities and documentation requirements
Art. 10.2	Acceptance of copies
Art. 10.7	Common border procedures and uniform documentation requirements
Art. 10.8	Rejected goods
Art. 11	Freedom of transit

## MONTENEGRO

Pursuant to the Ministerial Decision of 7 December 2013 (wt/min(13)/36, wt/l/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as the 'Preparatory Committee') shall, *inter alia*, receive Members' notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as the 'Agreement').

With reference to the above, the Government of Montenegro has the honour to notify the Preparatory Committee that Montenegro hereby designates the following provisions contained in Section I of the Agreement under Category A, which will be implemented upon entry into force of the agreement:

Art. 1.1	Publication
Art. 2.1	Opportunity to Comment and Information before Entry into Force
Art. 2.2	Consultations
Art. 3.1	Advance Rulings



Art. 4	Procedures for Appeal or Review
Art. 5.2	Detention
Art. 5.3	Test Procedures
Art. 6.2	Specific Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation
Art. 6.3	Penalty Disciplines
Art. 7.2	Electronic Payment
Art. 7.3	Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges
Art. 7.7	Trade Facilitation Measures for Authorized Operators
Art. 8	Border Agency Cooperation
Art. 9	Movement of Goods intended for import under Customs Control
Art. 10.1	Formalities and Documentation Requirements
Art. 10.2	Acceptance of Copies
Art. 10.3	Use of International Standards
Art. 10.5	Preshipment Inspection
Art. 10.6	Use of Customs Brokers
Art. 10.7	Common Border Procedures and Uniform Documentation Requirements
Art. 10.8	Rejected Goods
Art. 10.9	Temporary Admission of Goods and Inward and Outward Processing
Art. 11.1-11.3	Transit Charges, Regulations, and Formalities
Art. 11.4	Transit Strengthened Non-Discrimination
Art. 11.11-11.15	Transit Guarantees
Art. 11.16-11.17	Transit Cooperation and Coordination
Art. 12	Customs Cooperation

#### KINGDOM OF MOROCCO

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36 — WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as the 'Preparatory Committee') shall, *inter alia*, receive Members' notifications of Category A commitments under the Agreement on Trade Facilitation.

With reference to the above, the Kingdom of Morocco has the honour to notify the Preparatory Committee that it designates the following provisions under Category A.

Art. 1.1	Publication
Art. 1.2	Information Available Through Internet
Art. 1.3	Enquiry Points
Art. 1.4	Notification

Art. 2.1	Opportunity to Comment and Information before Entry into Force
Art. 2.2	Consultations
Art. 3	Advance Rulings
Art. 4	Procedures for Appeal or Review
Art. 5.2	Detention
Art. 5.3	Test Procedures
Art. 6.1	General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation
Art. 6.2	Specific disciplines on Fees and Charges for Customs Processing Imposed on or in Connection with Importation and Exportation
Art. 6.3	Penalty Disciplines
Art. 7.2	Electronic Payment
Art. 7.3	Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges
Art. 7.5	Post-Clearance Audit
Art. 7.6	Establishment and Publication of Average Release Times
Art. 7.7	Trade Facilitation Measures for Authorized Operators
Art. 7.8	Expedited Shipments
Art. 8	Border Agency Cooperation
Art. 9	Movement of Goods under Customs Control Intended for Import
Art. 10.1	Formalities and Documentation Requirements
Art. 10.2	Acceptance of Copies
Art. 10.3	Use of International Standards
Art. 10.6	Use of Customs Brokers
Art. 10.7	Common Border Procedures and Uniform Documentation Requirements
Art. 10.8	Rejected Goods
Art. 10.9	Temporary Admission of Goods/Inward and Outward Processing
Art. 11	Freedom of Transit
Art. 12	Customs Cooperation
Art. 13.2	National Committee on Trade Facilitation

## NICARAGUA

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as the 'Preparatory Committee') shall, *inter alia*, receive Members' notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as the 'Agreement').

With reference to the above, the Government of Nicaragua has the honour to notify the Preparatory Committee of the provisions designated in Category A, corresponding to Section I of the Agreement.

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Art. 1.2	Information Available Through Internet
Art. 1.4	Notification
Art. 2.1	Opportunity to Comment and Information Before Entry into Force
Art. 2.2	Consultations
Art. 3	Advance Rulings
Art. 4.1	Right to Appeal or Review
Art. 5.2	Detention
Art. 6.1	General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation
Art. 6.3	Penalty Disciplines
Art. 7.1	Pre-arrival Processing
Art. 7.3	Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges
Art. 7.4	Risk Management
Art. 7.5	Post-Clearance Audit
Art. 7.8	Expedited Shipments
Art. 7.9	Perishable Goods
Art. 9	Movement of Goods under Customs Control Intended for Import
Art. 10.1	Formalities and Documentation Requirements
Art. 10.3	Use of International Standards
Art. 10.5	Pre-shipment Inspection
Art. 10.6	Use of Customs Brokers
Art. 10.7	Common Border Procedures and Uniform Documentation Requirements
Art. 10.8	Rejected Goods
Art. 10.9	Temporary Admission of Goods/Inward and Outward Processing
Art. 11	Freedom of Transit
Art. 12.1	Measures Promoting Compliance and Cooperation
Art. 12.2	Exchange of Information
Art. 12.3	Verification
Art. 12.4	Request
Art. 12.5	Protection and confidentiality
Art. 12.6	Provision of information
Art. 12.7	Postponement or refusal of a request
Art. 12.8	Reciprocity
Art. 12.9	Administrative burden

Art. 12.10	Limitations
Art. 12.11	Unauthorized use or disclosure
Art. 12.12	Bilateral and regional agreements
Art. 13.2	National Committee on Trade Facilitation

## NIGERIA

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN (13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (herein referred to as the 'Preparatory Committee') shall, *inter alia*, receive Members' notifications of Category A commitments under the Agreement of Trade Facilitation (hereinafter referred to as the 'Agreement').

With reference to the above, the Government of the Federal Republic of Nigeria has the honour to notify the Preparatory Committee that Nigeria hereby designates the following provisions contained in Section I of the Agreement under Category A, which will be implemented upon entry into force of the Agreement:

Art. 6.3:	Penalty Disciplines;
Art. 7.1:	Pre arrival processing;
Art. 7.3:	Separation of Release from Final Determination of Customs Duties, taxes, fees and charges;
Art. 9:	Movement of goods intended for import under Customs control;
Art. 10.7:	Common Border Procedures and Uniform Documentation Requirements;
Art. 10.9:	Temporary Admission of Goods and/Inward and Outward Processing;
Art. 11.3:	Voluntary Restraints;
Art. 11.4:	Non-Discrimination;
Art. 11.6:	Documentation Requirements;
Art. 11.8:	Non-Application of TBTs;
Art. 11.9:	Advance Filing and Processing of Transit Documentation;
Art. 11.10:	Prompt Termination of Transit Operation; and
Art. 11.11:	Transit guarantees.

## OMAN

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as 'the Preparatory Committee') shall, *inter alia*, receive from Members their notifications of category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as 'the Agreement').

With reference to the above, the Government of the Sultanate of Oman has the honour to notify the Preparatory Committee that Oman hereby designates the following provisions of the Agreement under Category A, which will be implemented upon entry into force of the Agreement:

Article 1:	Publication:
1.1	Information available through Internet

1.4	Notification
Article 2:	Opportunity to comment, information before entry into force and consultation:
2.2	Consultations
Article 4:	Appeal or review procedures:
4.1	Right to appeal or review
Article 5:	Other measures to enhance impartiality, non-discrimination and transparency:
5.1	Notifications for enhanced controls or inspections
5.2	Detention
5.3	Test procedures
Article 6:	Disciplines on fees and charges imposed on or in connection with importation and exportation:
6.1	General disciplines on fees and charges imposed on or in connection with importation and exportation
6.2	Specific disciplines on fees and charges imposed on or in connection with importation and exportation
Article 7:	Release and clearance of goods:
7.3	Separation of release from final determination of customs duties, taxes, fees and charges
Article 9:	Movement of goods under customs control intended for import
Article 10:	Formalities connected with importation and exportation and transit:
10.3	Use of international standards
10.5	Pre-shipment inspection
10.6	Use of customs brokers
10.7	Common border procedures and uniform documentation requirements
10.8	Rejected goods
10.9	Temporary admission of goods-inward and outward processing
Article 11:	Freedom of Transit:
11.1.3	Transit charges, regulations and formalities
11.4	Transit strengthened non-discrimination
11.11.1	Transit guarantees
Article 13:	Institutional Arrangements:
13.2	National Committee on Trade Facilitation

## PANAMA

Pursuant to paragraphs 2 and 3 of the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911) and in accordance with Article 15 in Section II of the Agreement on Trade Facilitation (hereinafter referred to as 'the Agreement'), Panama hereby notifies that the following provisions in Section I of the Agreement have been designated as Category A commitments for implementation upon its entry into force:

Article 1.3	Enquiry Points
Article 4	Procedures for Appeal or Review

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Article 5.1	Notifications for Enhanced Controls or Inspections
Article 5.2	Detention
Article 6.1	General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation
Article 6.2	Specific Disciplines on Fees and Charges for Customs Processing Imposed on or in Connection with Importation and Exportation
Article 6.3	Penalty Disciplines
Article 7.1	Pre-arrival Processing
Article 7.3	Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges
Article 7.4	Risk Management
Article 7.5	Post-clearance Audit
Article 7.6	Establishment and Publication of Average Release Times
Article 7.7	Trade Facilitation Measures for Authorized Operators
Article 7.8	Expedited Shipments
Article 7.9	Perishable Goods
Article 9	Movement of Goods under Customs Control Intended for Import
Article 10.1	Formalities and Documentation Requirements
Article 10.2	Acceptance of Copies
Article 10.3	Use of International Standards
Article 10.5	Pre-shipment Inspection
Article 10.6	Use of Customs Brokers
Article 10.8	Rejected Goods
Article 10.9	Temporary Admission of Goods/Inward and Outward Processing
Article 11	Freedom of Transit
Article 12.1	Measures Promoting Compliance and Cooperation
Article 12.2	Exchange of Information
Article 12.3	Verification
Article 12.4	Request
Article 12.5	Protection and Confidentiality
Article 12.6	Provision of Information
Article 12.7	Postponement or Refusal of a Request
Article 12.8	Reciprocity
Article 12.9	Administrative Burden
Article 12.10	Limitations
Article 12.11	Unauthorized Use or Disclosure
Article 12.12	Bilateral and Regional Agreements

## PARAGUAY

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36) and Article 15 of Section II of the Agreement on Trade Facilitation, the Republic of Paraguay hereby notifies its Category A commitments, in accordance with the provisions listed below:

Article No./Paragraphs (*)	Description
3	Advance Rulings
4	Appeal or Review Procedures
5.2	Detention
7.2	Electronic Payment
7.4	Risk Management
9	Movement of Goods under Customs Control Intended for Import
10.2	Acceptance of Copies
10.3	Use of International Standards
10.4	Single Window
10.5	Preshipment Inspection
10.6	Use of Customs Brokers
10.8	Rejected Goods
10.9	Temporary Admission of Goods/Inward and Outward Processing
11	Freedom of Transit
12	Customs Cooperation

(\*) Where reference is made to specific paragraphs, the commitment undertaken by the Republic of Paraguay is limited to the content of those specific paragraphs, not to that of the Article as a whole.

## PERU

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36) and in accordance with Article 15 in Section II of the Agreement on Trade Facilitation ('the Agreement'), Peru hereby notifies that all the provisions in Section I of the Agreement have been designated as Category A commitments for implementation upon its entry into force, except for the following:

- Article 3 Advance Rulings
- Article 5.1 Notifications for Enhanced Controls or Inspections
- Article 5.3 Test Procedures
- Article 6.3 Penalty Disciplines
- Article 8 Border Agency Cooperation
- Article 10.4 Single Window
- Article 12 Customs Cooperation

## PHILIPPINES

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as the 'Preparatory Committee') shall, *inter alia*, receive Members' notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as the 'Agreement').

With reference to the above, the Government of the Philippines has the honour to notify the Preparatory Committee that it designates the following provisions contained in Section I of the Agreement (annexed to the above-mentioned Ministerial Decision) under Category A:

Article 1.1	Publication
Article 1.2	Information Available Through Internet
Article 1.3	Enquiry Points
Article 1.4	Notification
Article 2.1	Opportunity to Comment and Information before Entry Into Force
Article 3	Advance Rulings
Article 4	Procedures for Appeal or Review
Article 5.2	Detention
Article 5.3	Test Procedures
Article 6.1	General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation
Article 6.2	Specific Disciplines on Fees and Charges for Customs Processing Imposed on or in Connection with Importation and Exportation
Article 6.3	Penalty Disciplines
Article 7.1	Pre-arrival processing
Article 7.3	Separation of Release from Final Determination of Customs Duties, Taxes, Fees, and Charges
Article 7.4	Risk Management
Article 7.6	Establishment and Publication of Average Release Times
Article 7.7	Trade Facilitation Measures for Authorized Operators
Article 7.8	Expedited Shipments
Article 7.9	Perishable Goods
Article 9	Movement of Goods Intended for Import under Customs Control
Article 10.2	Acceptance of Copies
Article 10.3	Use of International Standards
Article 10.5	Preshipment Inspection
Article 10.6	Use of Customs Brokers
Article 10.7	Common Border Procedures and Uniform Documentation Requirements
Article 10.9	Temporary Admission of Goods and Inward and Outward Processing
Article 11	Freedom of Transit
Article 12	Customs Cooperation



## QATAR

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as 'the Preparatory Committee') shall, *inter alia*, receive Members' notification of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as 'the Agreement').

With reference to the above, the Government of the State of Qatar has the privilege to notify the Preparatory Committee that the State of Qatar hereby designates all the provisions in Section I of the Agreement as Category A commitments except for the following:

- 7.7 Trade Facilitation Measures for Authorized Operators

## KINGDOM OF SAUDI ARABIA

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as the 'Preparatory Committee') shall, *inter alia*, receive Members' notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as the 'Agreement').

With reference to the above, the Government of Kingdom of Saudi Arabia has the honour to notify the Preparatory Committee that it designates all of the provisions contained in Section I of the Agreement (annexed to the above-mentioned Ministerial Decision) under Category A for implementation in full upon the entry into force of the Agreement, except for the following:

- Article 2.1 Opportunity to Comment and Information before Entry into Force
- Article 10.4 Single Window

## SENEGAL

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36) on the Agreement on Trade Facilitation, Senegal hereby notifies its Category A commitments, in accordance with the provisions listed below:

	ARTICLE/PARAGRAPH	DESCRIPTION
1	2.1	Opportunity to Comment and Information before Entry into Force
2	2.2	Consultations
3	4	Appeal or Review Procedures
4	5.2	Detention
5	5.3	Test Procedures
6	7.1	Pre-Arrival Processing
7	7.2	Electronic Payment
8	7.3	Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges
9	7.4	Risk Management
10	7.6	Establishment and Publication of Average Release Times
11	9	Movement of Goods under Customs Control Intended for Import

	ARTICLE/PARAGRAPH	DESCRIPTION
12	10.2	Acceptance of Copies
13	10.3	Use of International Standards
14	10.4	Single Window
15	10.6	Use of Customs Brokers
16	10.7	Common Border Procedures and Uniform Documentation Requirements
17	10.8	Rejected Goods
18	10.9	Temporary Admission of Goods/Inward and Outward Processing
19	12	Customs Cooperation

## SINGAPORE

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as 'the Preparatory Committee') shall, *inter alia*, receive from Members their notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as 'the Agreement').

With reference to the above, the Government of the Republic of Singapore has the honour to notify the Preparatory Committee that the Republic of Singapore hereby designates all provisions contained in Articles 1 to 12 of the Agreement (annexed to the above Ministerial Decision) under Category A, which will be implemented upon entry into force of the Agreement.

## SRI LANKA

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as the 'Preparatory Committee') shall, *inter alia*, receive from Members their notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as the 'Agreement').

With reference to the above, the Government of the Democratic Socialist Republic of Sri Lanka has the honour to notify the Preparatory Committee that Sri Lanka designates the following provisions of the Agreement (annexed to the above Ministerial Decision) under Category A, which will be implemented upon entry into force of the Agreement:

Provisions	Title
4.1	Right to Appeal or Review
5.2	Detention
6.3	Penalty Disciplines
7.2	Electronic Payment
7.8	Expedited Shipments
9	Movement of Goods Intended for Import under Customs Control
10.6	Use of Customs Brokers
10.7	Common Border Procedures and Uniform Documentation Requirements
10.8	Rejected Goods
10.9	Temporary Admission of Goods and Inward and Outward Processing
11	Freedom of Transit

## SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as 'the Preparatory Committee') shall, *inter alia*, receive from Members their notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as 'the Agreement').

With reference to the above, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu has the honour to notify the Preparatory Committee that it designates all provisions contained in Articles 1 to 12 of the Agreement (annexed to the above-mentioned Ministerial Decision) under Category A for full implementation upon the entry into force of the Agreement.

## TAJIKISTAN

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council is authorized, *inter alia*, to receive Members' notifications of Category A commitments under the Agreement on Trade Facilitation.

With reference to the above, the Government of Tajikistan has the honour to notify the Preparatory Committee that it designates the following provisions of Section I of the Agreement (annexed to the above-mentioned Ministerial Decision) under Category A for implementation in full upon the entry into force of the Agreement:

## Article 1

Paragraph 1 Publication

Paragraph 2 Information Available Through Internet

Article 4 All provisions

## Article 5

Paragraph 2 Detention

Paragraph 3 Test Procedures

Article 6 All provisions

## Article 7

Paragraph 1 Pre-arrival Processing

Paragraph 3 Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges

Paragraph 4 Risk Management

Paragraph 5 Post-clearance Audit

Paragraph 6 Establishment and Publication of Average Release Times

Paragraph 8 Expedited Shipments

Paragraph 9 Perishable Goods

Article 8 Item 1

Article 9 All provisions

## Article 10

Paragraph 1 Formalities and Documentation Requirements

Paragraph 2 Acceptance of Copies

Paragraph 3 Use of International Standards

Paragraph 5	Pre-shipment Inspection
Paragraph 6	Use of Customs Brokers
Paragraph 7	Common Border Procedures and Uniform Documentation Requirements
Paragraph 8	Rejected Goods
Paragraph 9	Temporary Admission of Goods/Inward and Outward Processing
Article 11	All provisions

## THAILAND

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as 'the Preparatory Committee') shall, *inter alia*, receive from Members their notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as 'the Agreement').

With reference to the above, the Royal Thai Government has the honour to notify the Preparatory Committee that Thailand hereby designates all of the provisions contained in Section I of the Agreement under Category A, which will be implemented upon entry into force of the Agreement, except for the following:

Article 3	Advanced ruling: paragraph 5 and 6
Article 4	Procedures for appeal or review: paragraph 4
Article 5	Other measures: paragraph 1 Notifications and paragraph 3 Test procedures
Article 6	Disciplines on fees and charges: sub-paragraph 3.4 and 3.7 Penalty disciplines
Article 7	Release and clearance of goods: sub-paragraph 1.1 Pre-arrival processing
Article 10	Formalities: paragraph 8 Rejected goods and paragraph 9 Temporary admission
Article 11	Freedom of transit: paragraph 1, 8, and 9
Article 12	Customs cooperation: paragraph 2 exchange of information, sub-paragraph 5.1 (c)-(f) and sub-paragraph 6.1 Provision of information

## TUNISIA

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911) and Article 15 in Section II of the Agreement on Trade Facilitation, the Government of the Tunisian Republic hereby notifies the following provisions of that Agreement under Category A:

Article or paragraph number (*)	Description
1.1	Publication
1.2	Information available through internet
1.3	Enquiry points
1.4	Notification
2.1	Opportunity to comment and information before entry into force

Article or paragraph number (*)	Description
4	Appeal or review procedures
5.2	Detention
6.3	Penalty disciplines
7.1	Pre-arrival processing
7.3	Separation of release from final determination of customs duties, taxes, fees and charges
9	Movement of goods under customs control intended for import
10.2	Acceptance of copies
10.5	Pre-shipment inspection
10.6	Use of customs brokers
10.7	Common border procedures and uniform documentation requirements
10.8	Rejected goods
10.9	Temporary admission of goods/inward and outward processing
11 except for 11.5	Freedom of transit except for the making available of physically separate infrastructure for traffic in transit.
12	Customs cooperation
23.2	National Committee on Trade Facilitation

(\*) Where a particular paragraph of an article is specified, Tunisia's commitment is limited to the content of that specific paragraph and does not concern the other provisions of the article.

#### TURKEY

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as the 'Preparatory Committee') shall, *inter alia*, receive Members' notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as the 'Agreement').

With reference to the above, the Government of Turkey has the honour to notify the Preparatory Committee that it designates all of the provisions contained in Section I of the Agreement (annexed to the above-mentioned Ministerial Decision) under Category A for implementation in full upon the entry into force of the Agreement, except for the following:

Article 7.9 'Perishable Goods'

#### UKRAINE

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as the 'Preparatory Committee') shall, *inter alia*, receive Members' notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as the 'Agreement').

With reference to the above, the Government of Ukraine has the honour to notify the Preparatory Committee that Ukraine hereby designates the following provisions contained in Section I of the Agreement under Category A, which will be implemented upon entry into force of the Agreement:

Art. 1.1	Publication
Art. 1.2	Information Available Through Internet
Art. 7.1	Pre-arrival Processing
Art. 7.4	Risk Management (except for Art. 7.4.1, Art.7.4.2, Art.7.4.3)
Art. 7.7	Trade Facilitation Measures for Authorized Operators
Art. 7.8	Expedited Shipments
Art. 7.9	Perishable Goods (except for Art. 7.9.1, Art.7.9.2)
Art. 8	Border Agency Cooperation
Art. 9	Movement of Goods under Customs Control Intended for Import
Art. 10.8	Rejected Goods (except for Art. 10.8.2)
Art. 10.9	Temporary Admission of Goods/Inward and Outward Processing
Art. 11	Freedom of Transit (except for Art.11.3, Art.11.4, Art.11.5, Art.11.6, Art.11.7, Art.11.8, Art.11.10)

#### URUGUAY

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36) and in accordance with Article 15 in Section II of the Agreement on Trade Facilitation ('the Agreement'), the Oriental Republic of Uruguay shall designate all the provisions in Section I of the Agreement as Category A commitments upon its entry into force, with the exception of Article 7.3, 'Separation of Release from Final Determination of Customs Duties, Taxes, Fees and Charges', which shall be designated as Category B commitments.

#### VIET NAM

Pursuant to the Ministerial Decision of 7 December 2013 (WT/MIN(13)/36, WT/L/911), the Preparatory Committee on Trade Facilitation established under the General Council (hereinafter referred to as the 'Preparatory Committee') shall, *inter alia*, receive Members' notifications of Category A commitments under the Agreement on Trade Facilitation (hereinafter referred to as the 'Agreement').

With reference to the above, the Government of the Socialist Republic of Viet Nam has the honour to notify the Preparatory Committee that Viet Nam hereby designates the following provisions contained in Section I of the Agreement under Category A, which will be implemented upon entry into force of the Agreement:

Art. 1.3	Enquiry Points
Art. 1.4	Notification
Art. 2.1	Opportunity to Comment and Information before Entry into Force
Art. 2.2	Consultations
Art. 4.1	Right to Appeal or Review
Art. 6.1	General Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation

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Art. 6.2	Specific Disciplines on Fees and Charges Imposed on or in Connection with Importation and Exportation
Art. 7.8	Expedited Shipments
Art. 9	Movement of Goods under Customs Control intended for Import
Art. 10.1	Formalities and Documentation Requirements
Art. 10.2	Acceptance of Copies
Art. 10.6	Use of Customs Brokers
Art. 10.7	Common Border Procedures and Uniform Documentation Requirements
Art. 11.1-3	Transit Charges, Regulations, and Formalities
Art. 11.4	Transit Strengthened Non-Discrimination

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# REGULATIONS

## COUNCIL REGULATION (EU) 2015/1948

of 29 October 2015

### amending Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus <sup>(1)</sup>,

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

Whereas:

- (1) Council Regulation (EC) No 765/2006 <sup>(2)</sup> gives effect to the measures provided for in Decision 2012/642/CFSP.
- (2) On 29 October 2015, the Council adopted Decision (CFSP) 2015/1957 <sup>(3)</sup> amending Decision 2012/642/CFSP providing for the suspension of the restrictive measures imposed on certain persons and entities designated under that Decision.
- (3) Regulatory action at the level of the Union is therefore necessary in order to give effect to the suspension of the restrictive measures, in particular with a view to ensuring its uniform application by economic operators in all Member States.
- (4) The power to amend the list in Annex IV to Regulation (EC) No 765/2006 should be exercised by the Council, in view of the political situation in Belarus, and to ensure consistency with the process for amending Annex II to Decision 2012/642/CFSP.
- (5) Regulation (EC) No 765/2006 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Regulation (EC) No 765/2006 is amended as follows:

- (1) in Article 2, the following paragraph is added:

‘6. The application of the prohibitions in paragraphs 1 and 2 shall be suspended in so far as they concern persons and entities listed in Annex IV.’;

- (2) the following Article is inserted:

#### *Article 8b*

The Council shall amend Annex IV on the basis of decisions taken in respect of Annex II to Decision 2012/642/CFSP.’;

- (3) the text set out in the Annex to this Regulation is added as Annex IV to Regulation (EC) No 765/2006.

<sup>(1)</sup> OJ L 285, 17.10.2012, p. 1.

<sup>(2)</sup> Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in respect of Belarus (OJ L 134, 20.5.2006, p. 1).

<sup>(3)</sup> Council Decision (CFSP) 2015/1957 of 29 October 2015 amending Decision 2012/642/CFSP concerning restrictive measures against Belarus (see page 149 of this Official Journal).



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*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, 29 October 2015.

*For the Council*  
*The President*  
J. ASSELBORN

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## ANNEX

Text of Annex IV to Regulation (EC) No 765/2006.

## ‘ANNEX IV

**Persons and entities referred to in Article 2(6)**

## A. Persons

1.	Alinikau Siarhei Aliaksandravich
2.	Ananich, Liliia Stanislavauna
3.	Arlau Aliaksey
4.	Atabekau, Khazalbek Bakhtibekavich
5.	Badak Ala Mikalaeuna
6.	Bakhmatau, Ihar Andreevich
7.	Bandarenka Siarhei Uladzimiravich
8.	Barouski Aliaksandr Genadzevich
9.	Barsukou, Aliaksandr Piatrovich
10.	Barysionak, Anatol Uladzimiravich
11.	Bazanau, Aliaksandr Viktaravich
12.	Bileichyk, Aliaksandr Uladzimiravich
13.	Bortnik, Siarhei Aliaksandrovich
14.	Brysina, Zhanna Leanidauna
15.	Bulash, Ala Biukbalauna
16.	Bushchyk, Vasil Vasilievich
17.	Busko, Ihar Iauhenavich
18.	Bychko, Aliaksei Viktaravich
19.	Charhinets, Mikalai Ivanavich
20.	Charkas, Tatsiana Stanislavauna
21.	Charnyshou, Aleh Anatolievich
22.	Chatviartkova, Natallia Alexeeuna
23.	Chubkavets Kiryl Chubkovets Kirill
24.	Chyzh, Iury Aliaksandravich
25.	Davydzka, Henadz Branislavavich

26.	Dysko, Henadz Iosifavich
27.	Dzemiantsei, Vasil Ivanavich
28.	Dziadkou, Leanid Mikalaevich
29.	Esman, Valery Aliksandravich
30.	Farmahei, Leanid Kanstantsinavich
31.	Haidukevich Valery Uladzimiravich
32.	Halavanau, Viktar Ryhoravich
33.	Harbatouski, Yury Aliksandravich
34.	Herasimenka, Henadz Anatolievich
35.	Herasimovich, Volha Ivanauna
36.	Hermanovich, Siarhei Mikhailavich
37.	Hihin, Vadzim Frantsavich
38.	Hrachova, Liudmila Andreeuna
39.	Hureeu Siarhei Viktaravich
40.	Iakubovich, Pavel Izotavich
41.	Iancheuski, Usevalad Viachaslavavich
42.	Iarmoshyna, Lidziia Mikhailauna
43.	Iaruta, Viktar Heorhevich
44.	Iasianovich, Leanid Stanislavavich
45.	Iauseev, Ihar Uladzimiravich
46.	Ihnatovich-Mishneva, Liudmila
47.	Ipatau, Vadzim Dzmitryevich
48.	Ivanou, Siarhei
49.	Kachanau Uladzimir Uladzimiravich
50.	Kadzin, Raman Viktaravich
51.	Kakunin, Aliksandr Aliksandravich
52.	Kalach, Uladzimir Viktaravich
53.	Kamarouskaya, Volha Paulauna
54.	Kamisarau, Valery Mikalayeich
55.	Kanapliou, Uladzimir Mikalaevich

56.	Karovina, Natallia Uladzimirauna
57.	Karpenka, Ihar Vasilievich
58.	Katsuba, Sviatlana Piatrouna
59.	Kavaliou, Aliaksandr Mikhailavich
60.	Kazak, Viktor Uladzimiravich
61.	Kazheunikau Andrey
62.	Kaziatka, Iury Vasilievich
63.	Kharyton, Aliaksandr
64.	Khatkevich, Iauhen Viktaravich
65.	Khmaruk, Siargei Konstantinovich
66.	Khrobastau, Uladzimir Ivanavich
67.	Khrypach, Siarhei Fiodaravich
68.	Khvainitskaya, Zhanna Anatolyeuna
69.	Kisialiou, Anatol Siamionavich
70.	Kochyk, Aliaksandr Vasilyevich
71.	Kolas, Alena Piatrovna
72.	Konan, Viktor Aliaksandravich
73.	Kornau, Uladzimir Uladzimiravich
74.	Korzh, Ivan Aliakseevich
75.	Krasheuski, Viktor
76.	Krasouskaya, Zinaida Uladzimirauna
77.	Kryshtapovich, Leu Eustafievich
78.	Kuklis, Mikalai Ivanovich
79.	Kuliashou, Anatol Nilavich
80.	Kuzniatsou, Ihar Nikonavich
81.	Lapko, Maksim Fiodaravich
82.	Lapo, Liudmila Ivanauna
83.	Laptionak, Ihar Mikalaevich
84.	Lashyn, Aliaksandr Mikhailavich
85.	Lazavik, Mikalai Ivanavich

86.	Lemiashonak, Anatol Ivanavich
87.	Liabedzik, Mikhail Piatrovich
88.	Liaskouski, Ivan Anatolievich
89.	Liushtyk, Siarhei Anatolievich
90.	Lomats, Zianon Kuzmich
91.	Lapatka, Aliaksandr Aliaksandravich
92.	Lukashenka, Aliaksandr Ryhoravich
93.	Lukashenka, Dzmitry Aliaksandravich
94.	Lukashenka, Viktor Aliaksandravich
95.	Lukomski, Aliaksandr Valiantsinavich
96.	Lutau Dzmitry Mikhailavich
97.	Makei, Uladzimir Uladzimiravich
98.	Maladtsova, Tatsiana
99.	Maslakou, Valery Anatolievich
100.	Mazouka Anzhalika Mikhailauna
101.	Mazouka, Kiryl Viktoravich
102.	Miklashevich, Piotr Piatrovich
103.	Mitrakhovich, Iryna Aliakseeuna
104.	Morozau, Viktor Mikalavich
105.	Motyl, Tatsiana Iaraslavauna
106.	Nazaranka, Vasil Andreyevich
107.	Niakrasava, Alena Tsimafeuna
108.	Padabed, Iury Mikalavich
109.	Piakarski, Aleh Anatolievich
110.	Praliaskouski, Aleh Vitoldavich
111.	Pratasavitskaia, Natallia Uladzimirauna
112.	Putsyła, Uladzimir Ryhoravich
113.	Pykina, Natallia Mikhailauna
114.	Radzkou, Aliaksandr Mikhailavich
115.	Rakhmanava, Maryna Iurievna

116.	Ravinskaia, Tatsiana Uladzimirauna
117.	Rusak, Viktor Uladzimiravich
118.	Rybakou, Aliaksei Vasilievich
119.	Saikouski Valeri Yosifavich
120.	Sanko Ivan Ivanavich
121.	Sauko, Valery Iosifavich
122.	Shaeu, Valiantsin Piatrovich
123.	Shahrai, Ryta Piatrouna
124.	Shamionau Vadzim Iharavich
125.	Shastakou Maksim Aliksandravich
126.	Shchurok, Ivan Antonavich
127.	Shastakou, Iury Valerievich
128.	Shuhaeu, Siarhei Mikhailavich
129.	Shved, Andrei Ivanavich
130.	Shykarou, Uladzislau Aleksandravich
131.	Shylko, Alena Mikalaeuna
132.	Siankevich, Eduard Aliksandravich
133.	Siarheenka, Ihar Piatrovich
134.	Simakhina, Liubou Siarheeuna
135.	Simanau Aliksandr Anatolievich
136.	Simanouski Dmitri Valerevich
137.	Sirenka, Viktor Ivanavich
138.	Slizheuski, Aleh Leanidavich
139.	Smalenski, Mikalai Zinouevich
140.	Stsiapurka, Uladzimir Mikhailavich
141.	Stuk, Aliaksei Kanstantsinavich
142.	Sukharenka, Stsiapan Mikalavich
143.	Sukhau Dzmitri Viachaslavavich
144.	Svistunova, Valiantsina Mikalaeuna
145.	Talstashou, Aliksandr Alehavich

146.	Traulka Pavel
147.	Trutka, Iury Igorevich
148.	Tsertsel, Ivan Stanislavavich
149.	Tupik, Vera Mikhailauna
150.	Tushynski Ihar Heraninavich
151.	Unukevich, Tamara Vasileuna
152.	Utsiurn, Andrei Aliksandravich
153.	Vakulchyk, Valery Paulavich
154.	Valchkova, Maryiana Leanidauna
155.	Vasilevich, Ryhor Aliakseevich
156.	Vehera, Viktor Paulavich
157.	Volkau, Siarhei Mikhailavich
158.	Yakunchykhin, Aliksandr Anatolyevich
159.	Yarmalitski, Siarhei Uladzimiravich
160.	Zaharouski, Anton Uladzimiravich
161.	Zaitsau, Vadzim Iurievich
162.	Zaitsava, Viktoryia Henadzeuna
163.	Zakharau, Aliaksei Ivanavich
164.	Zapasnik, Maryna Sviataslavauna
165.	Zhadobin, Iury Viktoravich
166.	Zhuk, Alena Siamionauna
167.	Zhuk, Dzmitry Aliksandravich
168.	Zhukouskaia, Zhanna Aliakseuna
169.	Zhukouski, Siarhei Kanstantsinavich
170.	Zimouski Aliksandr Leanidavich
171.	Volkau, Vitaliy Mikalaevic

## B. Entities

1.	Beltechexport
2.	Beltech Holding

3.	Spetspriborservice
4.	LLC Triple
5.	JSC Berezovsky KSI
6.	JCJSC QuartzMelProm
7.	CJSC Prostor-Trade
8.	JLLC AquaTriple
9.	LLC Rakowski browar
10.	CJSC Dinamo-Minsk'



**COUNCIL IMPLEMENTING REGULATION (EU) 2015/1949****of 29 October 2015****implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in respect of Belarus <sup>(1)</sup>, and in particular Article 8a(1) thereof,

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

Whereas:

- (1) On 18 May 2006, the Council adopted Regulation (EC) No 765/2006.
- (2) Following the judgment of the General Court of 6 October 2015 in Case T-276/12, *Y. Chyzh and others v Council* <sup>(2)</sup>, there are no longer grounds for keeping four entities on the list of persons and entities subject to restrictive measures as set out in Annex I to Regulation (EC) No 765/2006.
- (3) The information relating to certain persons and entities on the list of persons and entities subject to restrictive measures as set out in Annex I to Regulation (EC) No 765/2006 should be updated.
- (4) Annex I to Regulation (EC) No 765/2006 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 765/2006 is hereby 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, 29 October 2015.

*For the Council*  
*The President*  
J. ASSELBORN

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<sup>(1)</sup> OJ L 134, 20.5.2006, p. 1.

<sup>(2)</sup> Judgment of the General Court (First Chamber) of 6 October 2015. Yury Aleksandrovich Chyzh v Council, T-276/12, ECLI:EU:T:2015:748 (not yet published in the *Reports of Cases*).

## ANNEX

I. The following entities are deleted from the list set out in Part B (Entities) of Annex I to Regulation (EC) No 765/2006:

8.	LLC Triple Metal Trade
10.	JV LLC Triple-Techno
18.	MSSFС Logoysk
19.	Triple-Agro ACC

II. The entries for the following persons set out in Part A of Annex I to Regulation (EC) No 765/2006 are replaced by the following:

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
4.	Alinikau Siarhei Aliaksandravich (Alinikau Siarhey Alyaksandravich) Aleinikov Sergei Aleksandrovich	АЛІНІКАЎ, Сяргей Аляксандравіч	АЛЕЙНИКОВ, Сергей Александрович	Address: Исправительное учреждение 'Исправи- тельная колония № 17' управления Департамента исполнения наказаний МВД Республики Беларусь по Могилевской области, г. Шклов, Могилевская область	Major, head of operative unit of pen- al colony IK-17 in Shklov. Exerted pressure on political prisoners by denying their right to correspond- ence and meetings, issued orders to subject them to a stricter criminal regime, searches, and made threats in order to extort confessions. He was directly responsible for violat- ing the human rights of political prisoners and opposition activists in 2011-2012 by using excessive force against them. His actions consti- tuted a direct violation of the inter- national commitments of Belarus in the field of human rights.
7.	Ananich, Liliia Stanislavauna (Ananich, Lilia Stanislavauna; Ananich, Liliya Stanislavauna) Ananich, Liliia Stanislavovna (Ananich, Lilia Stanislavovna; Ananich, Liliya Stanislavovna)	АНАНІЧ, Лілія Станіславаўна	АНАНИЧ, Лилия Станиславовна	DOB: 1960 Place of birth: Leonovo, district of Borisov, region of Minsk ID: 4020160A013PB7 Address: 220004, г. Минск, пр. Победителей, 11 Минис- терство информации Belarus	Minister of Information since 30.6.2014, former First Deputy Minister of Information. She has played a major role since 2003 in promoting state propaganda, which provokes, supports and justifies the repression of the democratic oppo- sition and of civil society, and by suppressing the freedom of the media. Democratic opposition and civil society are systematically high- lighted in a negative and derogatory way using falsified information.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
10.	Atabekau, Khazalbek Bakhtibekavich Atabekov, Khazalbek Bakhtibekovich	АТАБЕКАЎ, Хазалбек Бакхібекавіч	АТАБЕКОВ, Хазалбек Бахтибекович (АТАБЕКОВ, Кхазалбек Бахтибекович)	Address: Главное Управление Командующего Внутренними Войсками 220028 г. Минск, ул. Маяковского, 97	Colonel, Deputy Head of Department of fight training of the Ministry of Interior's troops, former commander of a special brigade of Interior Troops in the Uruchie suburb of Minsk. He commanded his unit during the crackdown on the post-election protest demonstration in Minsk on 19 December 2010 where an excessive use of force was applied. His actions constituted a direct violation of the international commitments of Belarus in the field of human rights.
11.	Badak Ala Mikalaeuna Bodak Alla Nikolaevna	БАДАК, Ала Мікалаеўна	БОДАК, Алла Николаевна	DOB: 30.8.1967 Passport Number: SP0013023 Address: 220004, г.Минск, ул. Коллекторная, 10 Минис- терство юстиции (10 Kollektornaya str.) Belarus	Deputy Minister of Justice, in charge of the supervision of, and control over, the Legal Bar, formerly in charge of legal support to the institutions that draft legislative and regulatory acts.  She was responsible for the role and the action of the Ministry of Justice and the judiciary of Belarus, which are major instruments of repression of the population, by elaborating laws that are repressive towards civil society and the democratic opposition.
12.	Bakhmatau, Ihar Andreevich Bakhmatov, Igor Andreevich	БАХМАТАЎ, Ігар Андрэевіч	БАХМАТОВ, Игорь Андреевич		Has been actively involved in the repression of civil society in Belarus. As a former Deputy Head of the KGB, in charge of the staff and the organisation of their tasks, he was responsible for the repressive activity of the KGB against civil society and democratic opposition. Reassigned to the reserve forces in May 2012.
16.	Barouski Aliaksandr Genadzevich Borovski Aleksandr Gennadieievich	БАРОЎСКІ, Аляксандр Генадзевіч	БОРОВСКИЙ, Александр Геннадиевич	Address: Прокуратура Октя- брьского района 220039 г. Минск, ул. Авакяна, 32	Deputy Prosecutor of the Oktiabrski (Kastrichnitski) District of Minsk. He dealt with the case of Pavel Vinogradov, Dmitri Drozd, Ales Kirkevich and Vladimir Homichenko. The accusation presented by him had a clear and imminent political motivation and was a clear violation of the Code of Criminal Procedure. It was based on an incorrect classification of the events of 19 December 2010, not sustained by evidence, proof or testimonies of witnesses.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
17.	Barsukou, Aliaksandr Piatrovich  Barsukov, Aleksandr Petrovich	БАРСУКОЎ, Аляксандр Пятровіч	БАРСУКОВ, Александр Петрович	DOB: 29.4.1965 Address: Беларусь, 220007 г. Минск, переулок Добромысленский, 5 ГУВД Минского Горисполкома	General, Chief of Minsk police. Since his appointment as Chief of Minsk police on 21 October 2011, he has been responsible, as commander, for the repression of approximately a dozen peaceful protesters in Minsk, who were later convicted for breaking the law on mass events. For several years he commanded police action against street protests of the opposition.
22.	Bileichyk, Aliaksandr Uladzimiravich Bileichik, Aleksandr Vladimirovich (Bileychik, Aleksandr Vladimirovich)	БІЛЕЙЧЫК, Аляксандр Уладзіміравіч	БІЛЕЙЧИК, Александр Владимирович	DOB: 1964	Former first Deputy Minister of Justice (until December 2014), in charge of the judicial services, the civil status and the notaries' services. His functions include the supervision of, and control over, the Legal Bar. He has played a major role in almost systematically debaring lawyers who defended political prisoners.
25.	Bulash, Ala Biukbalauna  Bulash, Alla Biukbalovna	БУЛАШ, Ала Бюкбалаўна	БУЛАШ, Алла Бюкбаловна		Former Deputy President of the Kastrichnitski District Court of Minsk in charge of criminal matters and former judge of the Oktiabrski (Kastrichnitski) District Court of Minsk. She dealt with the case of Pavel Vinogradov, Dmitri Drozd, Ales Kirkevich, Andrei Protasenia and Vladimir Homichenko. Her way of conducting the trial was a clear violation of the Code of Criminal Procedure. She sustained the use of evidence and testimonies irrelevant to the accused.
28.	Busko, Ihar Iauhenavich (Busko, Ihar Yauhenavich) Busko, Igor Evgenievich (Busko, Igor Yevgenyevich)	БУСЬКО, Ігар Яўгенавіч	БУСЬКО, Игорь Евгеньевич	Address: КГБ 210623, г. Минск, проспект Независимости, 17	Deputy Head of the KGB, former Head of the KGB of the Region of Brest. Responsible for the repressive activity of the KGB against civil society and democratic opposition in the region of Brest and in Belarus.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
31.	Charkas, Tatsiana Stanislavauna (Cherkas, Tatsiana Stanislavauna) Cherkas, Tatiana Stanislavovna	ЧАРКАС, (ЧЭРКАС) Таццяна Станіславаўна	ЧЕРКАС, Татьяна Станиславовна	Address: Суд Партизанского района г. Минска 220027, г. Минск, ул. Семашко, 33	President of the Partizanski District court of Minsk, former Deputy President of the Frunzenski District court of Minsk, former judge of the Frunzenski District court of Minsk, dealing with the cases of protesters Aleksandr Otroshchenkov (sentenced to 4 years of restricted imprisonment), Aleksandr Molchanov (3 years) and Dmitri Novik (3,5 years of restricted imprisonment). Responsible for implementing the politically-motivated administrative and criminal sanctions against representatives of civil society.
38.	Davydzka, Henadz Branislavavich Davydko, Gennadi Bronislavovich	ДАВИДЗЬКА, Генадзь Браніслававіч	ДАВЫДЬКО, Геннадий Брониславович	DOB: 29.9.1955, Senno, Vitebsk region Address: Белтеле-радиокомпания, ул. Макаенка, 9, Минск, 220807, Беларусь	President of the State Radio-TV company since 28 December 2010. Describing himself as an authoritarian democrat, he was responsible for promoting state propaganda on TV, propaganda which supported and justified the repression of the democratic opposition and of civil society after the elections in December 2010. Democratic opposition and civil society are systematically highlighted in a negative and derogatory way using falsified information.
40.	Dysko, Henadz Iosifavich Dysko, Gennadi Iosifovich	ДЫСКО, Генадзь Іосіфавіч	ДЫСКО, Геннадий Иосифович	DOB: 22.3.1964 POB: Oshmiany, Hrodna region Address: 210601 г.Витебск, ул. Жесткова, 14а (ul. Zhestkova, 14a Vitebsk)	Head prosecutor of the Region of Vitebsk since October 2006. Responsible for the repression of civil society following the December 2010 elections. This includes responsibility for cases against Siarhei Kavalenka and Andrei Haidukow.
41.	Dzemiantsei, Vasil Ivanavich (Dzemyantsey, Vasil Ivanovich) Dementei, Vasili Ivanovich (Dementey, Vasili Ivanovich)	ДЗЕМЯНЦЕЙ, Васіль Іванавіч	ДЕМЕНТЕЙ, Василий Иванович	DOB: 20.9.1954 POB: Chashniki district, Vitebsk region ID: 3200954E045PB4 Address: Гродненская региональная таможня 230003, г. Гродно, ул. Карского, 53	Head of the Hrodna regional Customs committee (since 22 April 2011), former First deputy Chairman of the KGB (2005-2007), former Deputy Head of the State Customs Committee (2007-2011). Responsible for the repressive activity of the KGB against civil society and the democratic opposition, in particular in 2006-2007.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
42.	Dziadkou, Leanid Mikalaevich Dedkov, Leonid Nikolaevich	ДЗЯДКОЎ, Леанід Мікалаевіч	ДЕДКОВ, Леонид Николаевич	DOB: 10.1964 ID: 3271064M000PB3	Former Deputy Head of the KGB (2010-July 2013), in charge of foreign intelligence. He shared responsibility for the repressive activity of the KGB against civil society and democratic opposition.
48.	Halavanau, Viktor Ryhoravich Golovanov, Viktor Grigorievich	ГАЛАВАНАЎ, Віктар Рыгоравіч	ГОЛОВАНОВ, Виктор Григорьевич	DOB: 15.12.1952, Borisov Address: ul. Oktyabrskaya, 5 Minsk	Rector of the private 'Belarus Institute of Law'. As former Minister of Justice, his services elaborated laws that are repressive towards civil society and the democratic opposition. He also denied or deprived registration for NGOs and political parties and he ignored unlawful acts undertaken by the security services against the population.
50.	Herasimenka, Henadz Anatolievich Gerasimenko, Gennadi Anatolievich	ГЕРАСИМЕНКА, Генадзь Анатольевіч	ГЕРАСИМЕНКО, Геннадий Анатольевич	Address: 'Институт национальной безопасности Республики Беларусь' 220034, г. Минск, ул. 3. Бядули, 2	Deputy Head of the Institute of National Security (KGB school) and former Head of the KGB of the District of Vitebsk. Responsible for the repressive activity of the KGB against civil society and democratic opposition in the region of Vitebsk.
54.	Hrachova, Liudmila Andreeuna (Hrachova, Lyudmila Andreyeuna) Gracheva, Liudmila Andreevna (Grachova, Lyudmila Andreyevna; Grachiova, Ludmila Andreevna)	ГРАЧОВА, Людміла Андрэеўна	ГРАЧЕВА, Людмила Андреевна	Address: Суд Ленинского района города Минска ул. Семашко, 33 220027, г. Минск	Former judge and Deputy President of the Leninski District Court of Minsk. She dealt with the case of ex-presidential candidates Nikolai Statkevich and Dmitri Uss, as well as political and civil society activists Andrei Pozniak, Aleksandr Klas-kovski, Aleksandr Kvetkevich, Ar-tiom Gribkov and Dmitri Bulanov. Her way of conducting the trial was a clear violation of the Code of Criminal Procedure. She sustained the use of evidence and testimonies irrelevant to the accused.
55.	Hureeu Siarhei Viktaravich (Hureyeu Siarhey Viktaravich) Gureev Sergei Viktorovich, (Gureyev Sergey Viktorovich)	ГУРЭЭЎ, Сяргей Віктаравіч	ГУРЕЕВ, Сергей Викторович		Has been actively involved in the repression of civil society in Belarus. As a former Deputy Minister of Interior and Head of Preliminary Investigation, he was responsible for the violent suppression of protests and violations of human rights during investigation proceedings in relation to the December 2010 elections. Joined the reserve forces in February 2012. Currently a General in the reserve forces .

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
60.	Iaruta, Viktar Heorhevich (Yaruta, Viktar Heorhevich) Iaruta, Viktor Gueorguievich (Yaruta, Viktor Gueorguievich)	ЯРУТА, Віктар Георгіевіч	ЯРУТА, Виктор Георгиевич		Head of the KGB Board on State Communications. Responsible for the repressive activity of the KGB against civil society and democratic opposition.
61.	Iasianovich, Leamid Stanislavovich (Yasianovich, Leamid Stanislavovich) Iasenovich, Leonid Stanislavovich (Yasenovich, Leonid Stanislavovich)	ЯСЯНОВІЧ, Леанід Станіслававіч	ЯСЕНОВИЧ, Леонид Станиславович	DOB: 26.11.1961 POB: Buchani, Vitebsk district Address: Glavnoye Upravlenie Yustitsy Mingorispolkoma 220030 Minsk Prospekt Nezavisimosti 8 Passport Number: MP0515811	First Deputy Head of the Main Justice Department at the Minsk City Administration. Former Deputy President of the Minsk Central District Court, former Judge of the Minsk Central District Court. On 6 August 2006, he sentenced the civil society activists of the Civic Initiative 'Partnership' to jail for having monitored the presidential elections in 2006. Nikolai Astreiko was sentenced to 2 years in jail, Timofei Dranchuk to 1 year, Aleksandr Shalaiko and Enira Bronitskaya to 6 months. In 2007, 2010, 2011 and 2012, he sentenced several activists to days in jail; particularly on 20 December 2010, he sentenced Andrei Luhin, Serhey Krauchanka and Stanislau Fedorau to 10 days in jail, and Volha Chernykh to 12 days in jail. On 21 December 2010, he sentenced Mykalai Dzemidenka to 15 days in jail. On 20 December 2011, he sentenced two activists who participated in an action on the anniversary of the events of 19 December 2010, Vassil Parfenkau and Siarhey Pavel respectively to 15 and 12 days in jail.  On 6 September 2012, he sentenced Aliaksey Tseply to 5 days in jail for alleged resistance to policeman, whereas he was distributing an opposition newspaper in central Minsk.  His way of conducting the trials was a clear violation of the Code of Criminal Procedure.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
62.	Iauseev, Ihar Uladzimiravich (Yauseev, Ihar Uladzimiravich; Yauseyev, Ihar Uladzimiravich) Evseev, Igor Vladimirovich (Yevseev, Igor Vladimirovich; Yevseyev, Igor Vladimirovich)	ЯЎСЭЕЎ, Ігар Уладзіміравіч	ЕВСЕЕВ, Игорь Владимирович	DOB: 1968 Address: Minsk 220073 Kalvariis- kaya 29	Head of the regional Minsk police (since March or April 2015), former Head of the regional Vitebsk police, police general (since 2013). Former Deputy Head of Minsk Police and Head of the Minsk anti-riot (OMON) operation team. He commanded the troops that put down the peaceful demonstrations on 19 December 2010 and personally took part in the brutality, for which he received an award and an acknowledgement letter from President Lukashenka in February 2011. In 2011, he also commanded the troops that repressed several other protests by political activists and peaceful citizens in Minsk.
63.	Ihnatovich- Mishneva, Liudmila Ignatovich- Mishneva, Liudmila	ІГНАТОВІЧ- МІШНЕВА Людміла	ИГНАТОВИЧ- МИШНЕВА Людмила		Prosecutor in Minsk dealing in 2011 with the dismissal of the appeal against the sentence of Dmitri Dashkevich and Eduard Lobov, activists of the Molodoi Front (Young Front). The trial was a clear violation of the Code of Criminal Procedure.
66.	Kachanau Uladzimir Uladzimiravich Kachanov Vladimir Vladimirovich	КАЧАНАУ, Уладзімір Уладзіміравіч	КАЧАНОВ, Владимир Владимирович	Address: 220004, г.Минск, ул. Коллекторная, 10 Мини- стерство юстиции (10 Kollektornaya str.) Belarus	Aide/Advisor to the Minister of Justice. As the aide to the Minister of Justice, he was responsible for the role and the action of the Ministry of Justice and the judiciary of Belarus, by elaborating laws that are repressive towards civil society and the democratic opposition, supervising the work of the judges and prosecutors, denying or depriving registration for NGOs and political parties, taking decisions against lawyers who defended political prisoners, as well as deliberately ignoring the unlawful acts undertaken by the security services against the population.
67.	Kadzin, Raman Viktaravich Kadin, Roman Viktorovich	КАДЗІН, Раман Віктаравіч	КАДИН, Роман Викторович	DOB: 17.7.1977 Present passport: MP3260350	Commanding officer of Weaponry and Technical Supply of the Motorised Patrol Service. In February 2011, he received an award and an acknowledgement letter from President Lukashenka for his active participation and implementation of orders during the repression of the 19 December 2010 demonstrations.



	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
68.	Kakunin, Aliaksandr Aliaksandravich (Kakunin, Aliaxandr Aliaxandravich) Kakunin, Aleksandr Aleksandravich (Kakunin, Alexandr Alexandrovich) Alexander Aleksandrovich Kakunin Alexander Aleksandrovich Kakunin (Александр Александрович Какунин, Аляксандр, Аляксандровіч Какунін)	КАКУНИН Александр Александрович	КАКУНИН Аляксандр, Аляксандровіч	Address: Исправительная колония № 2 213800, г. Бобруйск, ул. Сикорского, 1	Head of penal colony IK-2 in Bobruisk, responsible for inhumane treatment of political prisoners A. Sannikau and A. Beliatski in penal colony IK-2 in Bobruisk. Opposition activists were tortured, denied access to lawyers and placed in the solitary confinement in the penal colony under his supervision. Kakunin put pressure on A. Beliatski and A. Sannikau in order to force them to sign an appeal for pardon.
69.	Kalach, Uladzimir Viktaravich Kalach, Vladimir Viktorovich	КАЛАЧ, Уладзімір Віктаравіч	КАЛАЧ, Владимир Викторович		Head of the KGB of the region and city of Minsk and former Deputy Head of the KGB for Minsk. Responsible for the repressive activity of the KGB civil society and the democratic opposition in Minsk.
73.	Kanapliou, Uladzimir Mikalaevich Konoplev, Vladimir Nikolaevich	КАНАПЛЕЎ, Уладзімір Мікалаевіч	КОНОПЛЕВ, Владимир Николаевич	DOB: 3.1.1954 POB: Akulintsi, Mohilev region ID: 3030154A124PB9 Address: 220114, Filimonova Str., 55/2, Minsk, Belarus	Has close ties with President Lukashenka with whom he worked closely during the 1980s and mainly in 1990s. Deputy Head of the National Olympic Committee (Head is Alexandr Lukashenka). Head of the Handball federation, re-elected in 2014. Former Chairman of the Lower House of the Parliament. He was one of the main actors in the fraudulent presidential election in 2006.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
80.	Kazheunikau Andrey Kozhevnikov Andrey	КАЖЭЎНІКАЎ, Андрэйу	КОЖЕВНИКОВ, Андрей		Head of the Investigative Committee of the Minsk Oktiabrsky district, former public prosecutor of the case against ex-presidential candidates Vladimir Neklyaeв, Vitaly Rimashevsky, members of Neklyaeв's campaign team Andrei Dmitriev, Aleksandr Feduta and Sergei Vozniak, as well as Young Front deputy chairperson Anastasia Polozhanka. The accusation presented by him had a clear and imminent political motivation and it was a clear violation of the Code of Criminal Procedure. It was based on an incorrect classification of the events of 19 December 2010, and not sustained by evidence, proof or testimonies of witnesses.
83.	Kharyton, Aliaksandr Khariton, Aleksandr	ХАРЫТОН, Аляксандр	ХАРИТОН, Александр	Address: 220004, г.Минск, ул. Коллекторная, 10 Минис- терство юстиции (10 Kollektornaya str.) Belarus	Senior Consultant of the Division of Social Organisations, Parties and NGOs of the Ministry of Justice. He has taken an active part in the repression of civil society and of the democratic opposition since 2001, by personally refusing to register NGOs and political parties, which in many cases has led to their abolition.
89.	Kisialiou, Anatol Siamionovich Kiselev, Anatoli Semenovich (Kiselyov, Anatoli Semyonovich)	КИСЯЛЕЎ, Анатоль Сяменавіч	КИСЕЛЕВ, Анатолий Семенович	Address: Брестский областной комитет профсоюза работ- ников государственных учреждений 224005, г. Брест, ул. К. Маркса, 19	Former Head of the Regional Election Commission of the Brest region for the presidential election of 2010. Head of the Regional Election Commission of the Brest region for the local elections in March 2014. Head of the pro-regime regional trade union organisation. As Chairman of a Regional Electoral Commission, he was responsible for the violations of international electoral standards in the presidential elections on 19 December 2010 and for falsifications in the local elections of March 2014 in the Brest region.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
94.	Kornau, Uladzimir Uladzimiravich Kornov, Vladimir Vladimirovich	КОРНАЎ, Уладзімір Уладзіміравіч	КОРНОВ, Владимир Владимирович	Address: Суд Советского района г. Минска 220113, г. Минск, Логойский тракт, 3	Head of the Sovetski District Court of Minsk, former judge at the City Court of Minsk who authorised the rejection of Byalyatski's appeal. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation to the 19 December 2010 elections and the crackdown on civil society and on the democratic opposition.
95.	Korz, Ivan Aliakseevich Korz, Ivan Alekseevich	КОРЖ, Иван Аляксеевіч	КОРЖ, Иван Алексеевич	Address: KGB Training Centre Бядулі 2, 220034, Минск	Major General, appointed as the Head of the KGB Training Center, former Head of the KGB of the Region of Hrodna. Responsible for the repressive activity of the KGB against civil society and democratic opposition in the region of Hrodna.
101.	Kryshtapovich, Leu Eustafievich (Kryshtapovich, Leu Yeustafievich) Krishtapovich, Lev Evstafievich (Krishtapovich, Lev Yevstafievich)	КРЫШТАПОВІЧ, Леў Еўстафьевіч	КРИШТАПОВИЧ, Лев Евстафьевич	DOB: 1949 POB: Pekalin, Smolevichi district, Minsk region Address: Научно-исследовательский отдел Белорусского госу- дарственного университета культуры Minsk	Head of the Scientific Research Department of the State Culture and Arts University (since September 2014). Former Deputy Director of the Information and Analytical Centre of the President's Administration which acts as one of the main sources of state propaganda, supporting and justifying the repression of the democratic opposition and of civil society.
104.	Kuliashou, Anatol Nilavich Kuleshov, Anatoli Nilovich	КУЛЯШОЎ, Анатоль Нілавіч	КУЛЕШОВ, Анатолий Нилович	DOB: 25.7.1959 POB: Ali-Bairamly, Azerbaijan ID: 3250759A066PB3 Address: 220030 Minsk, K. Marx st. 3	Advisor in the Department for the fight against organised crime, terrorism and drugs, cooperation in the area of safety and new challenges and threats of the CIS Executive Committee. Has been actively involved in the repression of civil society in Belarus. In his former role as Minister of Interior he commanded the troops of the Ministry of Interior that brutally repressed the peaceful demonstrations on 19 December 2010 and showed some pride for this responsibility. Assigned to the army reserve forces in January 2012.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
105.	Kuzniatsou, Ihar Nikonavich Kuznetsov, Igor Nikonovich	КУЗНЯЦОЎ, Ігар Ніконавiч	КУЗНЕЦОВ, Игорь Никонович		Major General, former Head of KGB Training Centre, former Head of the KGB in the Minsk region and in Minsk city, sent to the reserve forces. As the person responsible for preparing and training KGB staff, he was responsible for the repressive activity of the KGB against civil society and the democratic opposition. In relation to his previous functions, he was responsible for the same repressive activity of the KGB in Minsk city and in the region of Minsk.
110.	Laptionak, Ihar Mikalaevich Laptionok, Igor Nikolaevich	ЛАПЦЕНАК, Ігар Мікалаевiч	ЛАПТЕНОК, Игорь Николаевич	DOB: 31.8.1947, POB: Minsk Address: 220034, г. Минск, ул. Фрунзе, 5	Member of the Board of the pro-regime Union of Writers. Responsible for organising and implementing the dissemination of falsified information through the state-controlled media. As former Deputy Minister of Information, he played a major role in promoting state propaganda which supports and justifies the repression of the democratic opposition and of civil society. Democratic opposition and civil society have been systematically highlighted in a negative and derogatory way using falsified and untrue information.
112.	Lazavik, Mikalai Ivanavich Lozovik, Nikolai Ivanovich	ЛАЗАВІК, Мікалай Іванавiч	ЛОЗОВИК, Николай Иванович	DOB: 18.1.1951 Nevinyanu, Minsk region (Невiнянн Вiлейскаго р-на Мiнскай обл) ID: 3180151H004PB2 Address: 220010, г. Минск, ул. Советская, 11	Secretary of the Central Election Commission of Belarus. Since 2000 he has been one of the main actors involved in the falsifications in fraudulent elections and referenda, in particular in 2004, 2006, 2008, 2010, 2012, 2014.
113.	Lemiashonak, Anatol Ivanavich Lemeshenok, Anatoli Ivanovich	ЛЕМЯШОНАК, Анатоль Іванавiч	ЛЕМЕШЕНОК, Анатолій Иванович	DOB: 14.5.1947 Address: 220013, г. Минск, ул. Б. Хмельницкого 10а	President of the pro-regime Belarusian Union of Journalists. Editor-in-Chief of 'Respublika', newspaper of the Council of Ministers. In his position he is one of the most vocal and influential members of the state propaganda machine in the printed press. He has supported and justified the repression of the democratic opposition and of civil society, which are systematically highlighted in a negative and derogatory way using falsified information, particularly after the presidential elections in 2010.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
116.	Liushtyk, Siarhei Anatolievich (Lyushtyk, Siarhey Anatolyevich) Liushtyk, Sergei Anatolievich (Lyushtyk, Sergey Anatolyevich)	ЛЮШТЫК, Сяргей Анатольевіч	ЛЮШТЫК, Сергей Анатольевич	Address: Суд Первомайского района г. Минска 220012, г. Минск, ул. Толбухина, 9	Judge at Pervomaiski District Court of Minsk. In 2010-2011 he fined or sentenced the following representatives of civil society for their peaceful protests: a) 2011.7.14, Struy Vitali, 10 daily base units (35 000 BLR); b) 2011.7.4, Shalamitski Paval, 10 days in prison; c) 2010.12.20, Sikirytskaya Tatyana, 10 days in prison; d) 2010.12.20, Dranchuk Yuliya, 13 days in prison; e) 2010.12.20, Lapko Mikalay, 12 days in prison; f) 2010.12.20, Pramatoraw Vadzim, 12 days in prison.  Repeatedly imposed prison terms and large fines against those involved in peaceful protests and, as a result, he was responsible for the repression of civil society and of the democratic opposition in Belarus. On 24 July 2012, even after his inclusion in the sanction list, he fined for malicious hooliganism opposition activist, Andrej Molchan, who had been severely beaten by two policemen.
117.	Lomats, Zianon Kuzmich Lomat, Zenon Kuzmich	ЛОМАЦЬ, Зянон Кузьміч	ЛОМАТЬ, Зенон Кузьмич	DOB: 27.1.1944, Karabani, Minsk region	Has actively undermined democracy in Belarus. In his former role as President of the State Control Committee (until 28 December 2010) he was one of the main persons involved in the case of Ales Byalyatski, one of the most prominent human rights defenders, Chief of the Belarusian Human Rights Centre 'Vyasna', Vice President of FIDH. A. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation to the 19 December 2010 elections and the crackdown on civil society and on the democratic opposition.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
118.	Lapatka, Aliaksandr Aliaksandravich (Lapatka, Aliaxandr Aliaxandravich)  Lopatko, Aleksandr Aleksandrovich (Lopatko, Alexandr Alexandrovich)	ЛОПАТКО Александр Александрович	ЛАПАТКА Александр Александрович	Address: Исправительная колония № 9 213410, г. Горки, ул. Добролюбова, 16	Head of penal colony IK-9 in Horki, responsible for inhumane treatment of D. Dashkevich, including tortures and denial of access to legal representatives. Lopatko had a key position in the penal colony where Dashekevich was held and where psychological pressure, including denial of sleep and isolation, was applied to political prisoners including Mr Dashekevich.
119.	Lukashenka, Aliaksandr Ryhoravich Lukashenko, Aleksandr Grigorievich	ЛУКАШЭНКА, Аляксандр Рыгоравіч	ЛУКАШЕНКО, Александр Григорьевич	DOB: 30.8.1954 POB: Копус, Vitebsk district Address: Резиденция Президента Республики Беларусь г. Минск, ул.Кирова, д. 43	President of the Republic of Belarus.
121.	Lukashenka, Viktar Aliaksandravich Lukashenko, Viktor Aleksandrovich	ЛУКАШЭНКА, Віктар Аляксандравіч	ЛУКАШЕНКО, Виктор Александрович	DOB: 28.11.1975 Address: Адміністрацыя прэзідэнта Рэспублікі Беларусь 220016, Минск, Маркса 38	Assistant/Aid to the President in National Security Affairs. In May 2013, appointed co-supervisor of the Belarusian-Russian Commission on Potash Exports by his father. As one of his closest collaborators, he has played a key role in the repressive measures implemented against the democratic opposition and civil society. As a key member of the State Security Council, he was responsible for the coordination of repressive measures against the democratic opposition and civil society, in particular in the crackdown of the demonstration on 19 December 2010.
122.	Lukomski, Aliaksandr Valiantsinavich Lukomski, Aleksandr Valentinovich	ЛУКОМСКІ, Аляксандр Валянцінавіч	ЛУКОМСКИЙ, Александр Валентинович	DOB: 12.8.1971 ID: 3120871A074PB7	Commander of the Special Regiment of the Ministry of Interior of the City of Minsk.

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					He commanded the troops that repressed a peaceful demonstration on 19 December 2010, for which he received an award and an acknowledgement letter from President Lukashenka in February 2011. In June 2011, he also commanded troops that repressed peaceful citizens in Minsk. On 7 May 2014, the regiment under his command received a special recognition flag from the Ministry of Internal Affairs.
124.	Makei, Uladzimir Uladzimiravich (Makey, Uladzimir Uladzimiravich) Makei, Vladimir Vladimirovich (Makey, Vladimir Vladimirovich)	МАКЕЙ, Уладзімір Уладзіміравіч	МАКЕЙ, Владимир Владимирович	DOB: 5.8.1958, Hrodna region ID: 3050858A060PB5 Address: Ministry of Foreign Affairs ул.Ленина, 19, Минск 220030	Minister for Foreign Affairs, former Head of the President's Administration. As Head of the President's Administration, he was considered to be the second most powerful person in the regime and, as such, was responsible for organising fraudulent elections in 2008 and 2010 and for the subsequent repression of peaceful demonstrators.
127.	Maslakou, Valery Anatolievich Maslakov, Valeri Anatolievich	МАСЛАКОЎ, Валеры Анатольевіч	МАСЛАКОВ, Валерий Анатольевич	Address: КГБ 210623, г. Минск, проспект Независимости, 17	Head of the KGB Board of military counter-intelligence. Responsible for the repressive activity of the KGB against civil society and the democratic opposition.
133.	Miklashevich, Piotr Piatrovich Miklashevich, Petr Petrovich	МІКЛАШЭВІЧ, Пётр Пятровіч	МИКЛАШЕВИЧ, Петр Петрович	DOB: 18.10.1954 POB: Kosuta, Minsk region Address: ul. Gvardeiskaya, 16-17	Head of the Constitutional Court and former Prosecutor General who has been active in the repression of civil society and of the democratic opposition. In his previous capacity, he was one of the main persons involved in the repression of the democratic opposition and of civil society from 2004 to 2008. Since his appointment to the Constitutional Court in 2008, he has faithfully implemented the repressive policies of the regime and has validated repressive laws even when they violated the constitution.
135.	Morozau, Viktor Mikalaevich Morozov, Viktor Nikolaevich	МАРОЗАЎ, Віктар Мікалаевіч	МОРОЗОВ, Виктор Николаевич	Address: Прокуратура Гродненской области г. Гродно, 230012, ул. Доватора, 2а	Prosecutor of the region of Hrodna. Responsible for the repression of civil society following the December 2010 elections.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
136.	<p>Motyl, Tatsiana Iaraslavauna (Motyl, Tatsiana Yaraslavauna)</p> <p>Motyl, Tatiana Iaroslavovna (Motyl, Tatyana Yaroslavovna)</p>	<p>МОТЫЛЬ, Таццяна Яраславаўна</p>	<p>МОТЫЛЬ, Татьяна Ярославовна</p>	<p>Address: Суд Московского района г. Минска 220042, г. Минск, Проспект газеты 'Правда', 27</p>	<p>Judge at the Moskovski Rayon Court of the city of Minsk.</p> <p>She was directly involved in the judicial repression of peaceful demonstrators on 19 December 2010. On 10 January 2011, she sentenced Young Front activist, Yulian Misiukevich, to 12 days in jail and, on 21 January 2011 and 31 January 2011 respectively, she sentenced political activist, Usevalad Shasharin, and civil society activist, Tsimafei Atranshankau, each to 9 days in jail.</p> <p>She also sentenced on 27 December 2010 and 20 January 2011 respectively human rights defender, Mikhail Matskevich, to 10 days in jail and civil society activist, Valer Siadou, to 12 days in jail for their participation in an action in support of political prisoners. She was also directly involved in the judicial repression of civil society activists in 2011. On 4 and 7 July 2011, she sentenced Anton Glinisty and Andrei Ignatchyk to 10 days in jail. She has also been directly involved in the judicial repression of political activists in 2012.</p> <p>On 22 February 2012, she sentenced the prominent political activist, Pavel Vinagradau, to 10 days in jail, on whom she also imposed, on 10 April 2012, a preventive police supervision for two years. On 23 March 2012, she sentenced political activists Mikhas Kostka and Anastasia Shuleika of 'Revolution through social networks' to 5 days in jail.</p> <p>On 21 April 2012, she sentenced the latter again to 10 days in jail.</p> <p>On 24, 25 and 26 May 2012, she sentenced Young Front activists, Uladzimir Yaromenak, Zmitser Kremenetski and Raman Vasiliev to 10, 10 and 12 days in jail respectively.</p>



	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
					On 22 June 2012, she sentenced the Euroradio journalist, Paval Sverdlov, to 15 days in jail. On 18 July 2012, she sentenced the activist Katsiarina Halitskaya to 10 days in jail. On 8 and 9 November 2012, she sentenced again Young Front activists, Uladzimir Yaromenak and Raman Vasiliev to 15 days in jail. On 7 May 2013, she sentenced the activist Aliaksandr Yarashevich to 12 days in jail. Her way of conducting the trials was a clear violation of the Code of Criminal Procedure. She sustained the use of evidence and testimonies irrelevant to the accused. On 6 August 2014 she sentenced activist Oleg Korol to 10 days of administrative detention without giving him a chance to speak in court; instead she stated: 'I know that you admit your guilt'.
137.	Navumau, Uladzimir Uladzimiravich Naumov, Vladimir Vladimirovich	НАВУМАЎ, Уладзімір Уладзіміравіч	НАУМОВ, Владимир Владимирович	DOB: 7.2.1956, POB: Smolensk (Russia)	Failed to take action to investigate the case of the unresolved disappearances of Yuri Zakharenko, Viktor Gonchar, Anatoly Krasovski and Dmitri Zavadski in Belarus in 1999-2000. Former Minister of Interior and also former Head of the President's Security Service. As a Minister of Interior he was responsible for the repression over the peaceful demonstrations until his retirement on 6 April 2009 for health reasons.  Received a residence in the Drozdy nomenklatura district in Minsk from the Presidential Administration. In October 2014, was awarded the Order 'For Merit' III degree by President Lukashenka.
142.	Padabed, Iury Mikalaevich (Padabed, Yury Mikalaevich) Podobed, Iuri Nikolaevich (Podobed, Yuri Nikolaevich)	ПАДАБЕД, Юрый Мікалаевіч	ПОДОБЕД, Юрий Николаевич	DOB: 5.3.1962, POB: Slutsk (Minsk Region) Address: ul. Beruta, 15-62 (2 korp) ID: 3050362A050PB2 Passport: MP2272582	Head of the security service of the holding company Triple of Yuri Chizh, former Head of the Unit for Special Purposes, Ministry of Interior. As a commander of internal anti-riot troops he was directly responsible for and was directly involved in the violent repression of peaceful demonstrations, notably in 2004 and 2008.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
148.	Piakarski, Aleh Anatolievich Pekarski, Oleg Anatolievich	ПЯКАРСКІ, Алег Анатольевіч	ПЕКАРСКИЙ, Олег Анатольевич	ID: 31 30564A041PB9	Has been actively involved in the repression of civil society in Belarus. As former first Deputy Minister of Interior (until December 2012), he was responsible for the repression of civil society following the December 2010 elections. Colonel in the reserve forces.
152.	Praliaskouski, Aleh Vitoldavich Proleskovski, Oleg Vitoldovich (Proleskovsky, Oleg Vitoldovich)	ПРАЛЯСКОЎСКИ, Алег Вітольдавіч	ПРОЛЕСКОВСКИЙ, Олег Витольдович	DOB: 1.10.1963 POB: Zagorsk (Sergijev Posad/Russia)	Former Minister of Information (left office in June 2014), former Deputy Head of the President's Administration, former Head of the General Directorate for Ideology in the President's Administration, former Director of the Centre of Analysis and Information of the President's Administration.  He has been one of the main sources and voices of state propaganda and ideological support for the regime. He has been promoted to the position of Minister, and has since continued to be a vocal propagandist and supporter of the acts of the regime towards the democratic opposition and civil society.
156.	Radzkou, Aliaksandr Mikhailavich Radkov, Aleksandr Mikhailovich	РАДЗЬКОЎ, Аляксандр Міхайлавіч	РАДЬКОВ, Александр Михайлович	DOB: 1.7.1951 POB: Votnia, Mohilev region ID: 3010751M102PB0	Former Adviser to President Lukashenka (since 18 May 2015), former First Deputy Head of the President's Administration, former Minister of Education.  He closed down the European Humanity University, ordered the repression of opposition students, and organised students in order to force them to vote for the regime. He played an active role in organising fraudulent elections in 2008, 2010 and 2012, and in the subsequent repression of peaceful demonstrators in 2008 and 2010. He is very close to President Lukashenka. He is the Head of Belaya Rus, the main ideological and political organisation of the regime.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
161.	Rusak, Viktar Uladzimiravich Rusak, Viktor Vladimirovich	РУСАК, Віктар Уладзіміравіч	РУСАК, Виктор Владимирович	DOB: 4.5.1955 POB: Minsk Address: Палата прадставітэлей Нацыянальнага сабраўня Рэспублікі Беларусь 220010, Рэспубліка Беларусь, г. Мінск, ул. Советская, 11	Member of the Lower Chamber of the Parliament, Deputy Chairman of Standing Committee on National security, Deputy Head of the Committee on National Security. Former Head of the KGB Board on Economic Security. He was responsible for the repressive activity of the KGB against civil society and democratic opposition.
163.	Saikouski Valeri Yosifavich Saikovski Valeri Yosifovich	САЙКОЎСКІ, Валерыі Іосіфавіч	САЙКОВСКИЙ, Валерий Иосифович	DOB: 1977 Address: 220035 Minsk, ul. Saperov. 7	Appointed Deputy Head of Minsk Division of the Investigation Committee in January 2012. As Public Prosecutor of the Pervomaiski District of Minsk, he dealt with the trial of Ales Byalyatski, one of the most prominent human rights defenders, Chief of the Belarusian HR Centre 'Vyasna', Vice President of FIDH. The accusation presented by the prosecutor in the trial had a clear and imminent political motivation and was a clear violation of the Code of Criminal Procedure. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation to the 19 December 2010 elections and the crackdown on civil society and on the democratic opposition.
166.	Sauko, Valery Iosifavich Savko, Valeri Iosifovich	САЎКО, Валерыі Іосіфавіч	САВКО, Валерий Иосифович	Address: 230023 Hrodna, vul. Ozheshko, 1	Head of the Hrodna branch of the pro-regime trade union. Former Head of Regional Election Commission (REC) of Hrodna Region for the presidential election of 2010 and the local elections of March 2014. As Chairman of a Regional Electoral Commission, he was responsible for the violations of international electoral standards in the residential elections on 19 December 2010, and for the falsifications in the local elections of March 2014 in the Hrodna region.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
167.	Shaev, Valiantsin Piatrovich (Shayeu, Valyantsin Piatrovich) Shaev, Valentin Petrovich (Shayev, Valentin Petrovich)	ШАЕЎ Валянцін Пятровіч	ШАЕВ, Валентин Петрович	Address: 220034 Minsk, vul. Frunze, 19	Member of the Security Council, Head of the Investigation Committee, former Deputy Head of the Investigation Committee, former Prosecutor of the region of Homel. Responsible for the repression of civil society following the December 2010 elections.
168.	Shahrai, Ryta Piatrouna Shagrai, Rita Petrovna	ШАГРАЙ, Ріта Пятроўна	ШАГРАЙ, Рита Петровна	Address: Суд Заводского района г. Минска 220107, г. Минск, пр. Партизанский, 75А	President of the Zavodskoy District court of the city of Minsk (since 2014), former Deputy President at the Partizanski District court of the city of Minsk, former judge at the Oktiabrski District Court of the city of Minsk. She was directly involved in the judicial repression of peaceful demonstrators on 19 December 2010. On 20 December 2010, she sentenced civil society activists, Ales Sobal, Maksim Hrishel and Kastantsin Chufistau, to 10 days in jail, and Siarhei Kardymon to 15 days in jail. On 7 July 2011, she sentenced the activist Artur Zauharodny to 13 days in jail. On 12 October 2012 she sentenced the activists Aleh Korban and Uladzimir Siarheeu to 5 days in jail. Her way of conducting the trials was a clear violation of the Code of Criminal Procedure. She sustained the use of evidence and testimonies irrelevant to the accused.
169.	Shamionau Vadzim Iharavich Shamenov Vadim Igorevich (Shamyonov Vadim Igorevich)	ШАМЁНАЎ, Вадзім Ігаравіч	ШАМЁНОВ, Вадим Игоревич	Address: Исправительная колония № 17 213004, г. Шклов, ул. 1-я Заводская д. 8	Captain, head of operative unit of penal colony IK-17 in Shklov. Exerted pressure on political prisoners, denying their right to correspondence, and made threats in order to extort confessions. Directly responsible for violating the human rights of political prisoners and opposition activists by the use of cruel, inhuman and degrading treatment or punishment. His actions constituted a direct violation of the international commitments of Belarus in the field of human rights.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
173.	Sheiman, Viktar Uladzimiravich (Sheyman, Viktar Uladzimiravich) Sheiman, Viktor Vladimirovich (Sheyman, Viktor Vladimirovich)	ШЭЙМАН, Віктар Уладзіміравіч	ШЕЙМАН, Виктор Владимирович	DOB: 26.5.1958, POB: Hrodna region Address: Управление Делами Президента ул. К.Маркса, 38 220016, г. Минск	Head of the Management Department of the President's Administration. Responsible for the unresolved disappearances of Yuri Zakharenko, Viktor Gonchar, Anatoly Krasovski and Dmitri Zavadski in Belarus in 1999-2000. Former Secretary of the Security Council. Sheiman remains a Special Assistant/Aid to the President.
174.	Shastakou, Iury Valerievich (Shastakou, Yury Valerievich) Shestakov, Iuri Valerievich (Shestakov, Yuri Valerievich)	ШАСТАКОЎ, Юрый Валер'евіч	ШЕСТАКОВ, Юрий Валерьевич	Address: Суд Московского района г. Минска 220042, г. Минск, Прос- пект газеты 'Правда', 27	Judge and Deputy President at the Moskovski Rayon Court of the city of Minsk. He was directly involved in the judicial repression of peaceful demonstrators on 19 December 2010. On 20 and 27 December 2010, he sentenced civil society activists Ilya Vasilievich, Nadzeya Chayukhova, Tatsiana Radzetskaya, Siarhei Kanapatski and Volha Damarad to 10 days in jail. On 20 December 2011 he sentenced the activist Siarhei Kanapatski for the commemoration of the repression on 19 December 2010. His way of conducting the trials was a clear violation of the Code of Criminal Procedure. He sustained the use of evidence and testimonies irrelevant to the accused.
175.	Shuhaeu, Siarhei Mikhailavich (Shuhayeu, Siarhei Mikhailavich) Shugaev, Sergei Mikhailovich (Shugayev, Sergey Mikhailovich)	ШУТАЕЎ, Сяргей Михайлавіч	ШУТАЕВ, Сергей Михайлович	Address: КГБ 210623, г. Минск, проспект Независимости, 17	Head of the KGB Counter-Intelligence Division and former Deputy Head of the KGB Counter-Intelligence Board. Responsible for the repressive activity of the KGB against civil society and the democratic opposition.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
177.	Shykarou, Uladzislau Aleksandravich Shikarov, Vladislav Aleksandrovich	ШЫКАРОЎ, Уладзіслаў Аляксандравіч	ШИКАРОВ, Владислав Александрович	Address: Суд Железнодорожного района города Витебска 210001, г. Витебск, ул. Кирова,16	Judge of the Zheleznodorozhny District Court of Vitebsk. He sentenced several protesters during the appeal trial, despite the fact that they were not found guilty by the Court of First Instance. Responsible for implementing the politically-motivated administrative and criminal sanctions against representatives of civil society, including the political activist Siarhei Kavalenka.
179.	Siankevich, Eduard Aliaksandravich Senkevich, Eduard Aleksandrovich	СЯНЬКЕВІЧ, Эдуард Аляксандравіч	СЕНЬКЕВИЧ, Эдуард Александрович	DOB: 15.4.1952 POB: Slonim, Hrodna region Address: Палата прадставітэлей Нацыянальнага сабра­ ня Рэспублікі Беларусь 220010, Рэспубліка Беларусь, г. Мінск, ул. Советская, 11	Member of the Lower Chamber of the Parliament, Deputy Head of the Permanent Committee on Law, former Prosecutor of the region of Mohilev. Responsible for the repression of civil society following the December 2010 elections.
180.	Siarheenka, Ihar Piatrovich Sergeenko, Igor Petrovich (Sergeyenko, Igor Petrovich)	СЯРГЕЕНКА, Ігар Пятровіч	СЕРГЕЕНКО, Игорь Петрович	DOB: 14.1.1963 POB: Stolitsa, Vitebsk region Address: КГБ 210623, г. Минск, проспект Независимости, 17	First Deputy Head of the KGB, former Head of the KGB of the Mohilev region. Responsible for the repressive activity of the KGB against civil society and democratic opposition in the region of Mohilev and in Belarus.
184.	Sirenka, Viktor Ivanavich Sirenko, Viktor Ivanovich	СІРЭНКА, Віктар Іванавіч	СИРЕНКО, Виктор Иванович	DOB: 4.3.1962 POB: Borisov, Minsk region ID: 3040362B062PB7 Passport number: MP2249974 (issued on 30.3.2007) Address: ул. Лобанка, 81, кв. 19, 220000, г. Минск	Deputy Governor of the Minsk region (since January 2015), former Head of the Committee for Health Care of Minsk City and former Chief Surgeon of the Minsk Emergency Hospital. He did not oppose the kidnapping of the presidential candidate, Nekliayev, who was transported to his hospital after being severely beaten on 19 December 2010 and, by failing to call the police, cooperated with the unknown perpetrators. Such inaction led him to be promoted. As Head of the Committee for Health Care of Minsk City he was responsible for supervising use of labour-sanitary institutions in the suppression of human rights.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
187.	Slizheuski, Aleh Leanidavich Slizhevski, Oleg Leonidovich	СЛІЖЭЎСКІ, Алег Леанідавіч	СЛИЖЕВСКИЙ, Олег Леонидович	DOB: 16.8.1972 POB: Hrodna Address: 220004, г.Минск, ул. Коллекторная, 10 Минис- терство юстиции (10 Kollektornaya str.) 220004 Minsk Belarus	Minister of Justice, Member of the Central Election Commission (CEC) and former Head of Division of Social organisations and political parties in the Ministry of Justice. As a Member of the CEC, he was responsible for the violations of international electoral standards which have occurred in elections since 2007. With his positions in the Ministry of Justice and the control he exercises over the judiciary, he has taken an active part in the repression of civil society and of the democratic opposition, by refusing registration of NGOs and political parties, which in many cases has led to their abolition.
188.	Smalenski, Mikalai Zinouevich Smolenski, Nikolai Zinovievich	СМАЛЕНСКІ, Мікалай Зіноўевіч	СМОЛЕНСКИЙ, Николай Зиновьевич		Deputy Head of CIS Anti-terrorism Centre and former Deputy Head of the KGB, in charge of staff and the organisation of their tasks. Responsible for the repressive activity of the KGB against civil society and democratic opposition.
196.	Talstashou, Aliaksandr Alehovich Tolstashov, Aleksandr Olegovich	ТАЛСТАШОЎ, Аляксандр Алегавіч	ТОЛСТАШОВ, Александр Олегович	Address: КГБ 210623, г. Минск, проспект Независимости, 17	Head of the KGB Board on Protection of the Constitutional Order and Fight Against Terrorism. Responsible for the repressive activity of the KGB against civil society and democratic opposition.
201.	Traulka Pavel Traulko Pavel	ТРАУЛЬКА, Павел	ТРАУЛЬКО, Павел	Address: 220034, г. Минск, ул. Фрунзе, 5	Lieutenant Colonel, former operative of the military counter-intelligence of the KGB (currently head of the press service of the Investigative Committee of Belarus). He falsified evidence and used threats in order to extort confessions from opposition activists in the KGB detention centre in Minsk after the crackdown on the post-election protest demonstration in Minsk on 19 December 2010. He was directly responsible for the use of cruel, inhuman and degrading treatment or punishment and for denying the right to a fair trial. His actions constituted a direct violation of the international commitments of Belarus in the field of human rights.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
202.	Trutka, Iury Igorovich (Trutka, Yury Igorovich) Trutko, Iury (Yurij, Yuri) Igorovich	ТРУТКА, Юрый Ігаравіч	ТРУТКО, Юрий Игоревич	Address: Исправительная колония № 2 213800, г. Бобруйск, ул. Сикорского, 1 Ul. Sikorskogo 1 213800 Bobruisk	Deputy Head of penal colony IK-2 in Bobruisk, responsible for inhu- mane and cruel treatment of politi- cal prisoners A. Sannikau and A. Beliatski in penal colony IK-2 in Bobruisk. Opposition activists were tortured, denied access to legal re- presentation and placed in the soli- tary confinement in the penal col- ony under his supervision. Trutko put pressure on A. Beliatski and A. Sannikau in order to force them to sign an appeal for pardon.
204.	Tsertsel, Ivan Stanislavavich Tertel, Ivan Stanislavovich	ЦЕРЦЕЛЬ, Іван Станіслававіч	ТЕРТЕЛЬ, Иван Станиславович	Address: КГБ 210623, г. Минск, проспект Независимости, 17	Deputy Head of the KGB, in charge of economic crime and the fight against corruption. Responsible for the repressive activi- ty of the KGB against civil society and the democratic opposition.
207.	Tushynski Ihar Heraninavich Tushinski Igor Geroninovich	ТУШЫНСКИЙ, Ігар Геранінавіч	ТУШИНСКИЙ, Игорь Геронинович	Address: 220004, г. Минск, ул. Коллекторная, 10 Минис- терство юстиции (10 Kollektornaya str.) 220004 Minsk Belarus	Deputy Minister of Justice in charge of legal support to the institutions that draft legislative and regulatory acts on economic issues and in charge of the registration of legal entities. Responsible for the role and the ac- tion of the Belarusian Ministry of Justice and of the judiciary, which are major instruments of repression of the population, by imposing state propaganda in the judiciary, which provokes, and justifies the repres- sion of the democratic opposition and of civil society, by denying or depriving registration for NGOs and political parties.
209.	Utsiuryun, Andrei Aliaksandravich (Utsiuryun, Andrey Aliaksandravich; Utsyuryun, Andrei Aliaksandravich) Vtiurin, Andrei Aleksandrovich (Vtiurin, Andrey Aleksandrovich; Vtyurin, Andrei Aleksandrovich)	УЦЮРЫН, Андрэй Аляксандравіч	ВТЮРИН, Андрей Александрович	DOB: 1971, Penza (Russia)	Deputy Head of the Security Council of the Republic of Belarus (since 2014). Former Head of the Security Service of the President. Under his supervision, several mem- bers of his service took part in in- terrogations of political activists after the demonstrations on 19 De- cember 2010.



	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
210.	Vakulchyk, Valery Paulavich Vakulchik, Valeri Pavlovich	ВАКУЛЬЧЫК, Валеры́й Паўлавіч	ВАКУЛЬЧИК, Валерий Павлович	DOB: 19.6.1964, Brest region Address: КГБ 210623, г. Минск, проспект Независимости, 17	Head of the KGB, former Head of the Investigation Committee, former Chief of the Operational and Analytical Centre of the President's Administration, responsible for telecommunications, including monitoring, filtering, controlling and intervening different communication channels, for example the internet. As Head of the KGB, he is responsible for the repressive activity of the KGB against civil society and democratic opposition.
216.	Vehera, Viktor Paulavich Vegera, Viktor Pavlovich	ВЕГЕРА, Віктар Паўлавіч	ВЕГЕРА, Виктор Павлович		Former First Deputy Head of the KGB, in charge of counter-intelligence. Retired since 1 April 2013 and sent to reserve forces.  Responsible for the repressive activity of the KGB against civil society and democratic opposition. He was the initiator of the case of the political prisoner Ales Byaliatski, one of the most prominent human rights defenders, Chief of the Belarusian Human Rights Centre 'Vyasna', Vice President of FIDH. A. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation to the 19 December 2010 elections and the crackdown on civil society and on the democratic opposition.

**COMMISSION REGULATION (EU) 2015/1950****of 26 October 2015****establishing a prohibition of fishing for whiting in areas VI; Union and international waters of Vb; international waters of XII and XIV by vessels flying the flag of Ireland**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy <sup>(1)</sup>, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) 2015/104 <sup>(2)</sup>, lays down quotas for 2015.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2015.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2015 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> Council Regulation (EU) 2015/104 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters, amending Regulation (EU) No 43/2014 and repealing Regulation (EU) No 779/2014 (OJ L 22, 28.1.2015, p. 1).

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

Done at Brussels, 26 October 2015.

*For the Commission,  
On behalf of the President,  
João AGUIAR MACHADO  
Director-General for Maritime Affairs and Fisheries*

ANNEX

No	52/TQ104
Member State	Ireland
Stock	WHG/56-14.
Species	Whiting ( <i>Merlangius merlangus</i> )
Zone	VI; Union and international waters of Vb; international waters of XII and XIV
Closing date	1.10.2015

**COMMISSION IMPLEMENTING REGULATION (EU) 2015/1951****of 28 October 2015****amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(1)</sup>, and in particular Article 183(b) thereof,

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ L 150, 20.5.2014, p. 1.

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

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

Done at Brussels, 28 October 2015.

For the Commission,  
On behalf of the President,

Jerzy PLEWA  
Director-General for Agriculture and Rural Development

ANNEX

ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security under Article 3 (EUR/100 kg)	Origin <sup>(1)</sup>
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as "70 % chickens", frozen	126,2	0	AR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as "65 % chickens", frozen	143,7	0	AR
		155,8	0	BR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	283,7	5	AR
		208,1	28	BR
		358,9	0	CL
		274,3	8	TH
0207 14 60	Fowls of the species <i>Gallus domesticus</i> , legs, frozen	133,9	3	BR
0207 27 10	Turkeys, boneless cuts, frozen	344,3	0	BR
		295,5	0	CL
0408 91 80	Eggs, not in shell, dried	422,6	0	AR
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	229,9	17	BR

<sup>(1)</sup> 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). The code "ZZ" represents "other origins".

**COMMISSION IMPLEMENTING REGULATION (EU) 2015/1952****of 29 October 2015**

**extending the definitive anti-dumping duty imposed by Council Implementing Regulation (EU) No 511/2010 on imports of molybdenum wire, containing by weight at least 99,95 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm, originating in the People's Republic of China to imports of molybdenum wire, containing by weight at least 97 % of molybdenum, of which the maximum cross-sectional dimension exceeds 4,0 mm but does not exceed 11,0 mm, originating in the People's Republic of China**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 <sup>(1)</sup> of 30 November 2009 on protection against dumped imports from countries not members of the European Community, and in particular Article 13(3) thereof,

Whereas:

**1. PROCEDURE****1.1. Existing measures**

- (1) In June 2010, in accordance with Article 5 of Regulation (EC) No 1225/2009 ('the basic Regulation') the Council, imposed a definitive anti-dumping duty of 64,3 % on imports of molybdenum wire, containing by weight at least 99,95 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm, originating in the People's Republic of China ('the PRC') by Implementing Regulation (EU) No 511/2010 <sup>(2)</sup> ('the measures in force'; 'the original investigation').
- (2) In January 2012, following an anti-circumvention investigation pursuant to Article 13 of the basic Regulation, the Council extended the measures in force to imports of the same product consigned from Malaysia, whether declared as originating in Malaysia or not by Implementing Regulation (EU) No 14/2012 <sup>(3)</sup> ('the first anti-circumvention investigation').
- (3) In September 2013, following a second anti-circumvention investigation pursuant to Article 13 of the basic Regulation, the Council extended the measures in force to imports of molybdenum wire, containing by weight 97 % or more but less than 99,95 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm originating in the PRC by Implementing Regulation (EU) No 871/2013 <sup>(4)</sup> ('the second anti-circumvention investigation').

**1.2. Request**

- (4) On 26 January 2015, the Commission received a request pursuant to Articles 13(3) and 14(5) of the basic Regulation to investigate the possible circumvention of the measures in force and to make imports of molybdenum wire, containing by weight at least 97 % of molybdenum, of which the maximum cross-sectional dimension exceeds 4,0 mm but does not exceed 11,0 mm, originating in the PRC, subject to registration.

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

<sup>(2)</sup> Council Implementing Regulation (EU) No 511/2010 of 14 June 2010 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain molybdenum wires originating in the People's Republic of China (OJ L 150, 16.6.2010, p. 17).

<sup>(3)</sup> Council Implementing Regulation (EU) No 14/2012 of 9 January 2012 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 511/2010 on imports of certain molybdenum wires originating in the People's Republic of China to imports of certain molybdenum wires consigned from Malaysia, whether declared as originating in Malaysia or not and terminating the investigation in respect of imports consigned from Switzerland (OJ L 8, 12.1.2012, p. 22).

<sup>(4)</sup> Council Implementing Regulation (EU) No 871/2013 of 2 September 2013 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 511/2010 on imports of molybdenum wire, containing by weight at least 99,95 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm, originating in the People's Republic of China to imports of molybdenum wire, containing by weight at least 97 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm, originating in the People's Republic of China (OJ L 243, 12.9.2013, p. 2).

- (5) The request was lodged by Plansee SE, a Union producer of certain molybdenum wire ('the applicant').

### 1.3. Initiation

- (6) Having determined, after having informed the Member States, that sufficient prima facie evidence existed for the initiation of an investigation pursuant to Articles 13(3) and 14(5) of the basic Regulation, the Commission decided to investigate the possible circumvention of the measures in force and to make imports of molybdenum wire, containing by weight at least 97 % of molybdenum, of which the maximum cross-sectional dimension exceeds 4,0 mm but does not exceed 11,0 mm, originating in the PRC, subject to registration.
- (7) The investigation was initiated by Commission Implementing Regulation (EU) 2015/395 of 10 March 2015 <sup>(1)</sup> ('the initiating Regulation').

### 1.4. Investigation

- (8) The Commission officially advised the authorities of the PRC, the exporting producers in this country, the importers in the Union known to be concerned and the Union industry of the initiation of the investigation.
- (9) Exemption forms were sent to the exporting producers in the PRC and to the known importers in the Union.
- (10) Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation. All parties were informed that non-cooperation might lead to the application of Article 18 of the basic Regulation and to findings being based on facts available.
- (11) One exporting producer in the PRC and its related importer in the Union submitted a reply to the exemption form to the Commission and were granted a hearing.
- (12) Two importers submitted a reply to the exemption form to the Commission. Only one of them imported minor quantities of molybdenum wire during the investigation period (see recital 15).
- (13) One trader made a submission and was granted a hearing.
- (14) The Commission carried out the verification visits at the premises of the following companies:
- (a) exporting producer in the PRC
    - Luoyang Hi-tech Metals Co., Ltd, West Lichun Road, Jianxi District, Luoyang, P.R.C;
  - (b) related importer in the Union:
    - CM Chemiemetall GmbH, Niels-Bohr-Str. 5, 06749 Bitterfeld, Germany;
  - (c) Union producer:
    - Plansee SE, Metallwerk Plansee Strasse 71, 6600 Reutte, Austria.

### 1.5. Investigation period and reporting period

- (15) The investigation period covered the period from 1 January 2010 to 31 December 2014. Data were collected for the investigation period to investigate, inter alia, the alleged change in the pattern of trade following the imposition of measures, their extension first to Malaysia in 2012 (see recital 2) and second to imports of a slightly modified product in 2013 (see recital 3) and the existence of a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the duty.

<sup>(1)</sup> Commission Implementing Regulation (EU) 2015/395 of 10 March 2015 initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Implementing Regulation (EU) No 511/2010 on imports of certain molybdenum wires originating in the People's Republic of China by imports of certain slightly modified molybdenum wires, and making such imports subject to registration (OJ L 66, 11.3.2015, p. 4).

- (16) More detailed data were collected for the reporting period from 1 January 2014 to 31 December 2014 in order to examine if imports were undermining the remedial effect of the measures in force in terms of prices and/or quantities and the existence of dumping.

## 2. RESULTS OF THE INVESTIGATION

### 2.1. General considerations

- (17) In accordance with Article 13(1) of the basic Regulation, the assessment of the existence of possible circumvention was made by analysing successively:
- whether there was a change in the pattern of trade between the PRC, Malaysia and the Union,
  - if this change stemmed from a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the duty,
  - if there was evidence of injury or that remedial effects of the duty were being undermined in terms of the prices and/or quantities of the product under investigation,
  - and whether there was evidence of dumping in relation to the normal values previously established, if necessary in accordance with the provisions of Article 2 of the basic Regulation.

### 2.2. Product concerned and product under investigation

- (18) The product concerned by the possible circumvention is the product subject to the measures in force, as described above in recital 1. It falls under CN code ex 8102 96 00. As established in the original investigation, the product concerned is mainly used in the automotive sector for metal coating by thermal spraying of motor parts that are subject to heavy wear, such as piston rings, synchroniser rings or transmission components, to increase their abrasion resistance.
- (19) The product under investigation is the product defined in Article 1 of the initiating Regulation, namely: (i) molybdenum wire, containing by weight at least 99,95 % of molybdenum, of which the maximum cross-sectional dimension exceeds 4,0 mm but does not exceed 11,0 mm and currently falling within CN code ex 8102 96 00 (TARIC code 8102 96 00 20); and (ii) molybdenum wire, containing by weight 97 % or more but less than 99,95 % of molybdenum of which the maximum cross-sectional dimension exceeds 4,0 mm but does not exceed 11,0 mm and currently falling within CN code ex 8102 96 00 (TARIC code 8102 96 00 40). The product under investigation originates in the PRC and it is also referred to as molybdenum wire, containing by weight at least 97 % of molybdenum, of which the maximum cross-sectional dimension exceeds 4,0 mm but does not exceed 11,0 mm.

### 2.3. Degree of cooperation

- (20) Only one Chinese exporting producer, the company Luoyang Hi-tech Metals Co. Ltd ('LHTM') and its related Union importer Chemiemetall ('CM') came forward and requested exemption from any possible extension of the measures in force. Both LHTM and CM fully cooperated with the investigation. Their volume of imports represented around 55 % of the total Chinese imports in the Union during the reporting period.
- (21) Around 40 % of the total Chinese imports in the Union come from non-cooperating producers. In particular, Chinese exporting producers which cooperated in the second anti-circumvention investigation but which were not exempted from the measures in force, did not cooperate.

### 2.4. Change in the pattern of trade

- (22) The table below compiles data from the second anti-circumvention investigation, from the request, from Comext and the database collected in accordance with 14(6) of the basic Regulation as well as information collected from LHTM.



- (23) As only one exporting producer cooperated with the investigation, all figures related to sensitive data had to be indexed or given in a range for reasons of confidentiality.
- (24) The total molybdenum wires for spraying reported cumulates:
- the imports of the product concerned,
  - the circumventing imports identified in the second anti-circumvention investigation,
  - the imports of the product under investigation.

Imports to the Union (in tonnes)	2010	2011	2012	2013	RP = 2014
Total imports of molybdenum wires for spraying (in tonnes indexed)	100	463	365	273	362
Total imports of molybdenum wires for spraying (in %)	100	100	100	100	100
Product concerned subject to measures in force	8	0	0	1	5
Circumventing imports identified in the second anti-circumvention investigation	92	100	99	1	0
Product under investigation (PUI)	0	0	1	99	95
of which PUI of LHTM	0	0	1	36	55
of which PUI of non-cooperating exporting producers from the PRC	0	0	0	63	40

- (25) In line with the findings of the second anti-circumvention investigation, the imports of the product concerned almost ceased after the imposition of provisional measures in the original investigation <sup>(1)</sup> as of 2010. They almost disappeared in 2011, 2012 and 2013 and represented only around 5 % of total imports in the reporting period, 2014. They were replaced by the circumventing imports identified in the second anti-circumvention investigation during the years 2010 to 2012. As from the initiation of the second anti-circumvention investigation and related registration of imports as of December 2012 <sup>(2)</sup> these circumventing imports almost ceased in 2013 and in the reporting period.
- (26) At the same time, imports of the product under investigation, which were non-existing or insignificant in the preceding years, increased considerably in 2013 and in the reporting period. In October 2013, during the investigation period, the Italian customs authorities issued binding tariffs information (BTI) to classify molybdenum wire with diameter of 4,1 mm and 4,2 mm containing a small addition of lanthanum (between 0,22 % and 0,28 %) and more than 97 % but less than 99,95 % of molybdenum. Subsequently, in January 2014 the German customs authorities issued BTI to classify molybdenum wires of more than 99,95 % content of molybdenum of a diameter of around 4,1 mm. These BTI confirm that the product under investigation, variations of purer and less pure molybdenum wire with diameter of between 4,0 mm and 11,0 mm, came into existence. The imports of the product under investigation represented the quasi totality of the imports of molybdenum wire for spraying from the PRC in 2013 (around 99 %) and in the reporting period (around 95 %).

<sup>(1)</sup> Commission Regulation (EU) No 1247/2009 of 17 December 2009 imposing a provisional anti-dumping duty on imports of certain molybdenum wires originating in the People's Republic of China (OJ L 336, 18.12.2009, p. 16).

<sup>(2)</sup> Commission Regulation (EU) No 1236/2012 of 19 December 2012 initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Implementing Regulation (EU) No 511/2010 on imports of certain molybdenum wires originating in the People's Republic of China by imports of certain slightly modified molybdenum wires, containing by weight 97 % or more but less than 99,95 % of molybdenum, originating in the People's Republic of China, and making such imports subject to registration (OJ L 350, 20.12.2012, p. 51).

- (27) The strong appearance as of 2013 of previously non-existing or insignificant imports of the product under investigation that clearly replaced circumventing imports subject to the second anti-circumvention investigation, as well as the parallel disappearance of imports of the product concerned during the investigation period, constitutes a significant change in the pattern of trade, as required by Article 13(1) of the basic Regulation.

## 2.5. Existence of circumvention practices

- (28) The activities of the cooperating exporting producer and its related importer were analysed. The cooperating exporting producer does not export the product concerned but molybdenum wire with content of molybdenum by weight at least 99,95 % and a cross-sectional dimension (diameter) exceeding 4,0 mm but not exceeding 11,0 mm. These exports are shipped to its related importer in Germany. These exports are not currently subject to the anti-dumping duties in force.
- (29) Subsequently, the related importer redraws the imported molybdenum wire to a diameter below 4,0 mm and this operation actually transforms it exactly in the product concerned that is subject to measures in force. The related importer sells to final Union customers, mainly in the automotive industry. The redrawing step is made by the related importer using equipment purchased from the cooperating exporting producer. In fact, the investigation revealed that the operation of redrawing was simply transferred from the PRC to Germany.
- (30) The related importer started to perform the redrawing in the end of 2012/early 2013, notably at the time when the imports of the product under investigation appeared (see recitals 24 to 26 above). The market study which led to invest in this kind of operation was performed at the request of the owner of the group to which the cooperating exporting producer and its related importer belong, in 2010, after the provisional measures in the original investigation were imposed.
- (31) The investigation did not find any difference in the production process of the product under investigation and the product concerned, other than the fact that the last step of production which consists in redrawing the wire to a diameter below 4,0 mm is made in the PRC for the product concerned and in Germany for the product under investigation.
- (32) The investigation also showed that the product under investigation could not be used as such for spray coating by the Union users because the diameter is too large to fit with the existing spraying equipment. It can be used only after redrawing to lower diameters, namely after transforming it into the product concerned, so that it fits with spraying equipment and that it can be used for its usual purpose, i.e. spraying for metal coating (see recital 18 above).
- (33) Furthermore, the cost of production of the product concerned and of the product under investigation is rather similar. However, the redrawing step is more expensive (more than double) when performed in Germany instead of in the PRC. On the other hand, the costs of the operation of redrawing in Germany amount to roughly 15-20 % of the measures in force. Therefore, it is more economical to redraw in Germany than to pay the duty. Given that the end product is the same, the practice is considered as avoiding the duty.
- (34) During the joint hearing of LHTM and CM, they mainly claimed that the current activity of importing the product under investigation was an essential step of their business model developed in order to be able to supply molybdenum wire at a competitive price. It was also mentioned that an investment plan to increase the production capacity was on hold depending on the outcome of the present investigation that allegedly could have a severe impact on their business model.
- (35) With regard to the economic justification of importing the product under investigation and subsequently redrawing it into the product concerned, thus avoiding the measures in force, the exporting producer and the related importer argued that the redrawing operation allowed creating new jobs in the Union; that low costs products would help the downstream industry to be more efficient and to maintain activity in the Union; that Plansee, the Union producer, is too powerful on the Union market with a large market share and that the redrawing operation could help reducing Plansee's dominant position.

- (36) None of these arguments justifies the importing of the product under investigation and its subsequent redrawing into the product concerned for reasons other than avoidance of the anti-dumping duty in force.
- (37) As far as employment is concerned, the investigation showed that the redrawing step is the last stage of the production process and is essentially automated. Workers are required to change the wire coil, to supervise the redrawing process and the spooling of the wire. The workload is therefore very limited. The number of jobs created in the Union for the redrawing operation is in any event too low in order to appropriately address concerns about the lack of jobs in the Union market. On the other hand, even if creating jobs could be recognised as an aimed consequence of transferring the redrawing in the Union, it is unsustainable that it is an economic justification because it is at the expense of the avoiding the measures in force. The argument is therefore dismissed.
- (38) As regard the arguments about the interests of users to use cheaper wire redrawn in the Union and about the competition on the Union market, it is recalled that the current investigation is carried out in accordance with Article 13 of the basic Regulation. The purpose of an anti-circumvention investigation is to provide for due protection of the measures in force that were imposed after due consideration was given to various interests in the original investigation, including those of importers and users. Therefore, it is beyond the scope of the current anti-circumvention investigation to reinvestigate such aspects. On the other hand, these arguments could not be a sufficient due cause or valid economic justification for the practice. Indeed, if the molybdenum wire sold to users is cheaper after redrawing in Germany, this is so because the anti-dumping duty is not levied on imports of the product under investigation (see recital 36 above). The arguments are therefore dismissed.
- (39) On these grounds, it is concluded that there is insufficient due cause or economic justification for importing the product under investigation and subsequently redrawing it in the Union other than the imposition of the measures in force. The redrawing operation achieved by the related importer was specifically designed and put in practice as a consequence of the imposition of the anti-dumping duty.
- (40) In addition, the second anti-circumvention investigation has shown that molybdenum wire containing more than 97 % but less than 99,95 % of molybdenum with the addition of lanthanum and other chemical elements ('doped molybdenum wire') and a diameter that exceeds 1,35 mm but does not exceed 4,0 mm are interchangeable with purer molybdenum wire containing more than 99,95 % of molybdenum and the same diameter as they have no relevant physical differences and have the same use or application, namely for spray coating <sup>(1)</sup>.
- (41) As explained in recital 26 above, the investigation further revealed that in October 2013, during the investigation period, the Italian customs authorities issued Binding Tariffs Information (BTI) to classify molybdenum wire with diameter of 4,1 mm and 4,2 mm containing a small addition of lanthanum (between 0,22 % and 0,28 %) and more than 97 % but less than 99,95 % of molybdenum. This BTI confirm that doped molybdenum wire with diameter of between 4,0 mm and 11,0 mm came into existence.
- (42) As explained in recital 32 above, spraying equipment can only function with molybdenum wire (both doped and more pure) of diameters that exceeds 1,35 mm but does not exceed 4,0 mm. It follows that as molybdenum wire with a content of more than 99,95 % molybdenum and a diameter between 4,0mm and 11,0 mm, molybdenum wire of doped molybdenum with a diameter of between 4,0 mm and 11,0 mm can only be used after redrawing to a diameter that exceeds 1,35 mm but does not exceed 4,0 mm.
- (43) None of the other exporting producers, which represent more than 40 % of the total imports of the product under investigation in 2014, came forward and cooperated. On this basis, in accordance with Article 18(1) of the basic Regulation, the findings in relation to the activity of other exporting producers are based on facts available. In this respect, the facts available are the following: (i) there were no indications that the doped molybdenum wire with a diameter of between 4,0 mm and 11,0 mm came into existence for any specific purpose or has any specific use or application different than the molybdenum wire with a cross-sectional dimension (diameter) exceeding 4,0 mm but not exceeding 11,0 mm with content of molybdenum by weight at least 99,95 %; (ii) to the contrary, on the basis of the second anti-circumvention findings (recital 40 above) and the findings of the

<sup>(1)</sup> Council Implementing Regulation (EU) No 871/2013 of 2 September 2013 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 511/2010 on imports of molybdenum wire, containing by weight at least 99,95 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm, originating in the People's Republic of China to imports of molybdenum wire, containing by weight at least 97 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm, originating in the People's Republic of China (OJ L 243, 12.9.2013, p. 2), recital 36.

current investigation (recital 42 above), it is considered that the doped molybdenum wire with a diameter of between 4,0 mm and 11,0 mm can only be used, for spray coating, after redrawing it to a diameter that exceeds 1,35 mm but does not exceed 4,0 mm; (iii) the investigation at the cooperating exporting producer and its related importer confirms that the redrawing of the product under investigation to produce the product concerned is necessary; (iv) the fact that the redrawing done by the cooperating importer which amounts to roughly 15-20 % of the measures in force (see recital 33 above) can be done by any operator in the Union with the necessary equipment.

- (44) Therefore, on the basis of the above, it is found that the practice of importing molybdenum wire, containing by weight at least 97 % of molybdenum, of which the maximum cross-sectional dimension exceeds 4,0 mm but does not exceed 11,0 mm originating in the PRC, that has no commercial existence, and subsequently redrawing it in the Union has no due cause or economic justification other than the avoidance of the measures in force.
- (45) On the basis of the findings with regard to the cooperating exporting producer and on the basis of the facts available for the non-cooperating exporting producers, the existence of a circumvention practice within the meaning of Article 13(1) of the basic Regulation is established at a country level for all imports of the product under investigation from the PRC. This circumvention practice concerns a slight modification of the product concerned to make it fall under customs codes which are normally not subject to the measures, namely the product under investigation, provided that the modification does not alter its essential characteristics, as foreseen by Article 13(1) second subparagraph of the basic Regulation, and the need for the redrawing of the product under investigation into the product concerned in the Union.

#### **2.6. Undermining the remedial effects of the duty in terms of the prices and/or the quantities of the like product**

- (46) The increase of imports of the product under investigation was significant as explained in recital 26 in terms of quantities and represented the quasi totality of imports of molybdenum wires for spraying from the PRC in 2013 and the reporting period.
- (47) The export price of the product under investigation duly adjusted by additional costs for redrawing was compared with the injury elimination level as established in the original investigation.
- (48) As regard the cooperating exporting producer, the export price was determined on the basis of the information verified during the investigation. For non-cooperating exporting producers, the export price was established on the basis of Eurostat data, after deduction of exports made by the cooperating exporting producer. The margin covering manufacturing costs of the redrawing step was based on information gathered and verified from the cooperating related importer.
- (49) The comparison of the injury elimination level and the export price of both the cooperating exporting producer and the non-cooperating exporting producers as established above shows significant price underselling.
- (50) It is therefore considered that the remedial effects of the measures in force are being undermined both in terms of quantities and prices.

#### **2.7. Evidence of dumping in relation to the normal value previously established for the like product**

- (51) In accordance with Article 13(1) of the basic Regulation and to establish whether export prices of the product under investigation were dumped, export prices of both the cooperating exporting producer and of non-cooperating exporting producers were determined as described in recitals 47 and 48 above and compared to the normal value established during the original investigation.
- (52) The comparison of normal value and export price shows that the product under investigation is imported at dumped prices to the Union during the reporting period by both cooperating and non-cooperating exporting producers.

### 3. MEASURES

- (53) In view of the findings above, it is concluded that the definitive anti-dumping duty imposed on imports of molybdenum wires originating in the PRC are circumvented by imports of molybdenum wire, containing by weight at least 97 % of molybdenum, of which the maximum cross-sectional dimension exceeds 4,0 mm but does not exceed 11,0 mm, originating in the PRC.
- (54) In accordance with the first sentence of Article 13(1) of the basic Regulation, the existing anti-dumping measures on imports of the product concerned originating in the PRC should therefore be extended to imports of molybdenum wire, containing by weight at least 97 % of molybdenum, of which the maximum cross-sectional dimension exceeds 4,0 mm but does not exceed 11,0 mm, originating in the PRC.
- (55) Pursuant to Articles 13(3) and 14(5) of the basic Regulation, which provide that any extended measures should apply to imports which entered the Union under registration imposed by the initiating Regulation, the anti-dumping duty should be collected on those imports into the Union of molybdenum wire, containing by weight at least 97 % of molybdenum, of which the maximum cross-sectional dimension exceeds 4,0 mm but does not exceed 11,0 mm, originating in the PRC.

### 4. REQUESTS FOR EXEMPTION

- (56) The cooperating exporting producer in the PRC and its related importer requested an exemption from the possible extended measures in accordance with Article 13(4) of the basic Regulation and submitted an exemption claim form.
- (57) As stated in recital 39, the exporting producer and its related importer were found to be involved in circumvention practices. Therefore, under Article 13(4) of the basic Regulation, an exemption cannot be granted to these companies.

### 5. DISCLOSURE

- (58) All interested parties were informed of the essential facts and considerations leading to the above conclusions and were invited to comment. No comments were submitted.
- (59) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. The definitive anti-dumping duty imposed by Implementing Regulation (EU) No 511/2010 on imports of molybdenum wire, containing by weight at least 99,95 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm, originating in the People's Republic of China, is hereby extended to imports of molybdenum wire, containing by weight at least 97 % of molybdenum, of which the maximum cross-sectional dimension exceeds 4,0 mm but does not exceed 11,0 mm originating in the People's Republic of China, currently falling within CN code ex 8102 96 00 (TARIC codes 8102 96 00 20 and 8102 96 00 40).
2. The duty extended by paragraph 1 of this Article shall be collected on imports into the Union of molybdenum wire, registered in accordance with Article 2 of Implementing Regulation (EU) 2015/395 and Articles 13(3) and 14(5) of Regulation (EC) No 1225/2009.
3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

*Article 2*

1. Requests for exemption from the duty extended by Article 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: CHAR 04/039  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

2. In accordance with Article 13(4) of Regulation (EC) No 1225/2009 the Commission, may authorise, by decision, the exemption of imports from companies which do not circumvent the anti-dumping measures imposed by Implementing Regulation (EU) No 511/2010, from the duty extended by Article 1 of this Regulation.

*Article 3*

Custom authorities are hereby directed to discontinue the registration of imports established in accordance with Article 2 of Regulation (EU) 2015/395.

*Article 4*

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, 29 October 2015.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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**COMMISSION IMPLEMENTING REGULATION (EU) 2015/1953****of 29 October 2015****imposing a definitive anti-dumping duty on imports of certain grain-oriented flat-rolled products of silicon-electrical steel originating in the People's Republic of China, Japan, the Republic of Korea, the Russian Federation and the United States of America**

THE EUROPEAN COMMISSION,

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 ('basic Regulation')<sup>(1)</sup>, and in particular Article 9(4) thereof,

Whereas:

**A. PROCEDURE****1. Provisional Measures**

- (1) On 13 May 2015, the European Commission ('the Commission') imposed a provisional anti-dumping duty on imports of certain grain-oriented flat-rolled products of silicon-electrical steel ('GOES') originating in the People's Republic of China ('PRC'), Japan, the Republic of Korea ('Korea'), the Russian Federation ('Russia') and the United States of America ('USA') (together, referred to as 'the countries concerned') by Regulation (EU) No 2015/763 ('the provisional Regulation')<sup>(2)</sup>.
- (2) The proceeding was initiated on 14 August 2014 following a complaint lodged on 30 June 2014 by the European Steel Association ('Eurofer' or 'the complainant') on behalf of producers representing more than 25 % of the total Union producers of GOES.
- (3) As set out in recital (15) of the provisional Regulation the investigation of dumping and injury covered the period from 1 July 2013 to 30 June 2014 ('the investigation period or IP'). The examination of trends relevant for the assessment of injury covered the period from 1 January 2011 to the end of the investigation period ('the period considered').

**2. Subsequent procedure**

- (4) Subsequent to the disclosure of the essential facts and considerations on the basis of which a provisional anti-dumping duty was imposed ('the provisional disclosure'), several interested parties made written submissions making known their views on the provisional findings. The parties who so requested were granted an opportunity to be heard. Hearings with the Hearing Officer in trade proceedings were held with the Japanese exporting producers JFE Steel Corporation and Nippon Steel & Sumitoma Metal Corporation.
- (5) As set out in recitals (27), (224) and (239) of the provisional Regulation, the Commission continued to seek and verify all information it deemed necessary for its definitive findings. Five additional verification visits were carried out after the imposition of the provisional measures at the premises of the following users in the European Union:

- Siemens Aktiengesellschaft, München, Germany
- ABB AB, Brussels, Belgium
- SGB-Smit Group, Regensburg, Germany
- Končar — Distribution and Special Transformers, Inc., Zagreb, Croatia
- Schneider Electric S.A., Metz, France

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 51.

<sup>(2)</sup> Commission Regulation (EU) No 2015/763 of 12 May 2015 imposing a provisional anti-dumping duty on imports of certain grain-oriented flat-rolled products of silicon-electrical steel ('GOES') originating in the People's Republic of China, Japan, the Republic of Korea, the Russian Federation ('Russia') and the United States of America (OJ L 120, 13.5.2015, p. 10).

- (6) In addition, three verification visits were carried out at the premises of the following Union producers:
- ThyssenKrupp Electrical Steel UGO SAS, Isbergues, France
  - ThyssenKrupp Electrical Steel GmbH, Gelsenkirchen, Germany
  - Tata Steel UK Limited (Orb Electrical Steels), Newport, United Kingdom
- (7) All parties were informed of the essential facts and considerations on the basis of which the Commission intended to impose definitive anti-dumping measures. They were also granted a period within which they could make representations subsequent to this disclosure. A hearing with the Hearing Officer in trade proceedings was held with a user association.
- (8) The Commission considered the oral and written comments submitted by the interested parties and, where appropriate, modified the findings accordingly.

#### B. PRODUCT CONCERNED AND LIKE PRODUCT

- (9) As set out in recital (16) of the provisional Regulation, the product concerned is grain-oriented flat-rolled products of silicon-electrical steel, of a thickness of more than 0,16 mm originating in the PRC, Japan, Korea, Russia and the USA, currently falling within CN codes ex 7225 11 00 and ex 7226 11 00 ('the product concerned').
- (10) Some interested parties argued that the product concerned, as set out in recital (16) of the provisional Regulation, and the like product are not alike as stated in recital (22) of the provisional Regulation since they do not share the same physical and chemical characteristics and are not used for the same purposes. Three exporting producers, a user association and two individual users claimed that high permeability and/or domain refined types of the product concerned should be excluded from the scope of the investigation since these types are either not produced in sufficient quantities or not produced at all in the Union. One of these exporting producers specified that this should be types of the product concerned with a maximum core loss of 0,90 W/kg and below with a magnetic polarisation of more than 1,88 T. Another exporting producer requested the exclusion of types with a maximum core loss of 0,95 W/kg and below due to the limited competitive overlap with products offered by the Union industry. Another exporting producer argued that types of the product concerned with a maximum core loss of 0,90 W/kg at 1,7 T/50 Hz or less and a permeability (induction) of 1,88 T or more as well as types with a maximum core loss of 1,05 W/kg at 1,7 T/50 Hz or less and a permeability (induction) of 1,91 T or more should be excluded. Furthermore, one user argued that types of the product concerned with a maximum core loss of 0,80 W/kg at 1,7 T/50 Hz or less as well as low noise types with a B800 factor of 1,9 T or above should be excluded. Some of them also argued that the product types with the lowest core losses have significantly different properties, end-uses, and therefore are not bought by the same customers and do not compete with other types of the product concerned. Furthermore, another user argued that two separate injury, causal link and Union interest analyses should be carried out. Finally, another user asked for the withdrawal of the provisional measures, and, if this would not be possible, that at least the high permeability types (i.e. types with a maximum core loss of 0,90 W/kg and lower) should be excluded from the product scope.
- (11) Following final disclosure, several interested parties reiterated the same request. One user argued that the fact that the Commission established separate minimum import prices for three different categories of GOES showed the relevance of considering the different categories separately and would therefore justify an exclusion.
- (12) The Commission considered that the product concerned, irrespective of core loss or noise levels, whether conventional or high-permeability products, are flat-rolled alloy steel products having a grain-oriented structure that permits the product to conduct a magnetic field. The grain orientation narrows the technical and physical characteristics of the steel to a unique product having an extraordinarily large grain structure. Accordingly, the product definition comprises a well-defined product. It was also found that all types of the product concerned share common chemistry and have one principal use, i.e. in the production of transformers. In addition, there is some degree of interchangeability among the different types of the product concerned.



- (13) Concerning the argument that exclusion would be justified due to the insufficient production of some particular types of the product concerned by Union producers, it should firstly be recalled that nothing in the basic Regulation requires that all types of the product concerned are produced by the Union industry at commercial scale. In addition, several high permeability product types were produced by the Union industry in the IP. As mentioned in recital (131) below, the verification also showed that Union producers have been investing in the production of high permeability types of the product concerned which will allow them to increase the production of high permeability GOES. Furthermore, as stated in recital (12), the definition of the scope of the product under investigation is governed by the technical characteristics of the GOES. The requested exclusion could reduce the level of protection against further injurious dumping with regard to the particular high permeability types and thus perpetrate their current production rates by the Union industry. In these circumstances, the fact that certain product types of high permeability GOES are not produced by the Union industry is not a sufficient reason to exclude them from the product scope.
- (14) Concerning the allegation that the separation into three different categories of GOES (see recital (11)) showed that an exclusion is justified, it is recalled that the investigation covers the product concerned as defined in recital (9) and therefore, one comprehensive injury analysis, causation analysis and Union interest analysis was carried out. The fact that the Commission acknowledged differences in quality between the different product types and that these differences in quality were taken into account in the decision about the form of the measures in the framework of the Union interest test, as explained below in recital (172), cannot be a reason to change the scope of the measures.
- (15) In view of the above, the Commission rejected the requests to exclude these product types from the product scope. The Commission considered the differences in quality, though, for the form of the measure (see recital (172)).
- (16) One Russian exporting producer argued that on the one hand their 'first choice' exported types of the product concerned (with higher flatness and fewer welding seams) and on the other hand their 'second' and 'third choice' exported types (with multiple defects, number of stitches and lack of flatness) are, as per the Russian industry practice, not interchangeable to any extent (both ways) and constitute different products. Therefore, they argued that 'second' and 'third choice' material be excluded from the product scope.
- (17) Following final disclosure, the Russian exporting producer repeated its claim and alleged that these 'second' and 'third choice' exported types can only be used in the transformer industry in some limited applications if they are further processed in steel service centres and should therefore be excluded.
- (18) The current description and the CN code of the product concerned potentially include a wide variety of types from a quality perspective. However, production of a lower quality product by both the Union and exporting producers is inherent to the production process and lower quality types are made from the same basic material and on the same production equipment. The so-called 'second' and 'third choice' exported types are also sold for use in the transformer business, and fully meet the definition of the product concerned. The fact that further processing is needed is not unusual and cannot be a reason to exclude a product type. Therefore, the Commission rejected this request.
- (19) In view of the above, the Commission concluded that the product concerned produced and sold in the countries concerned and the one produced and sold by the Union industry are alike, within the meaning of Article 1(4) of the Basic Regulation. Recitals (16) to (21) of the provisional Regulation are hereby confirmed.

### C. DUMPING

#### 1. General methodology

- (20) In the absence of any further comments on the Commission's general methodology used for the dumping calculations, recitals (33) to (45) of the Provisional Regulation are hereby confirmed.

## 2. Republic of Korea

### 2.1. Normal value

- (21) Following provisional disclosure, the sole exporting producer pointed out that the company's inland freight and handling charges should have been deducted from the normal value. Moreover, the conversion cost from full coils to slit coils had to be slightly adjusted. In line with the general methodology as set out in recital (56) of the provisional Regulation, this claim was accepted and the calculations were amended accordingly. Consequently, the findings in recital (46) of the Provisional Regulation are amended with regard to the exporting producer.

### 2.2. Export price

- (22) The exporting producer claimed that it formed a single economic entity with its trading companies and its related companies in the Union and that therefore no adjustment under Article 2(9) of the basic Regulation to determine the export price should have been done.
- (23) It is undisputed that the exporting producer and the related importers belong to the same group of companies. Therefore, an association is deemed to exist between them. In such circumstances, the Commission has to construct the export price under Article 2(9) of the basic Regulation. The claim was therefore rejected and recitals (50) to (54) of the provisional Regulation are confirmed.

### 2.3. Comparison

- (24) The exporting producer also claimed a level of trade adjustment under Article 2(10) of the basic Regulation arguing that domestic sales were made by the related traders to end-users whereas export sales were *de facto* constructed as a price to distributors because the Commission deducted the SG&A and profit margins of the related traders in the Union under Article 2(9) of the basic Regulation.
- (25) The fact that the export price was constructed under Article 2(9) of the basic Regulation does not imply that the level of trade at which the export price was determined changed. The basis for the constructed export price remains the price charged to end-users. A level of trade adjustment is not warranted in this case as the exporting producer was selling at the same level of trade on both the domestic market and on the Union market. In any event, the exporting producer did not provide evidence that the alleged difference in levels of trade had affected price comparability, as demonstrated by consistent and distinct differences in functions and prices of the seller for the different levels of trade in the domestic market of the exporting country. Rather, it only claimed that the adjustment should be equal to the adjustment made under Article 2(9) of the basic Regulation for constructing the export price. This claim was therefore rejected.

### 2.4. Dumping margins

- (26) As a result of the amendments made to the normal value according to recital (21) above, the definitive dumping margins for Korea are amended as follows:

Country	Company	Definitive dumping margin
Republic of Korea	POSCO, Seoul	22,5 %
	All other companies	22,5 %

## 3. The People's Republic of China

### 3.1. Analogue country

- (27) No further comments were received on the use of the Republic of Korea as an analogue country. The Commission confirms the findings in recitals (65) to (71) of the Provisional Regulation.

### 3.2. Normal value

- (28) The normal value for the two exporting producers in the PRC was determined on the basis of the price or constructed normal value in the analogue country, in this case Korea, in accordance with Article 2(7)(a) of the Basic Regulation.
- (29) The normal value of the Chinese companies was amended in accordance with the amendment of the normal value determined for Korea, as explained in recital (21) above.

### 3.3. Export price

- (30) In the absence of any further comments with regard to the export price, recitals (73) and (74) of the provisional Regulation are confirmed.

### 3.4. Comparison

- (31) In the absence of any comments with regard to the comparison of the normal value and the export prices, recitals (75) to (78) of the provisional Regulation are confirmed.

### 3.5. Dumping margins

- (32) Based on their questionnaire replies, the Commission established in recital (80) of the provisional Regulation that the two cooperating exporting producers were related through common ownership. A single dumping margin was therefore provisionally established for the two companies on the basis of the weighted average of their individual dumping margins.
- (33) Both cooperating Chinese exporting producers (Baosteel and WISCO) contested the decision of the Commission to treat them as related companies and therefore having one weighted average dumping duty. They argued that they compete both on the domestic market and on export markets.
- (34) The Commission reiterates that the two cooperating exporting producers are related through common state ownership. However, in the circumstances of this case, these companies would have little interest to coordinate their export activities after the imposition of measures in view of the fact that, as set out in detail in recitals (175) and (176) below, the measures consist of a variable duty based on the same minimum import price for all exporting producers. Therefore at the definitive stage the Commission considered that it is not necessary to conclude whether the two companies should be treated as a single entity under Article 9(5) of the basic Regulation. For the purposes of the current investigation, two separate dumping margins were therefore established.
- (35) Following final disclosure the complainant argued that two individual duty rates for the two Chinese exporting producers could lead to coordinated export activities when prices fall below the minimum import price (MIP). They claimed that one single duty rate for both should be established. However, as mentioned above, in the particular circumstances of this case the Commission has indications that international prices are likely to remain above the MIPs in the medium to long term. Accordingly, it finds the risk of coordination between the two exporting producers to be insignificant, and that the possibility of an interim review in case of a change in circumstances is a more proportionate way to address this risk. This claim was therefore rejected.
- (36) The level of cooperating was high as the imports of the two cooperating exporting producers constituted 100 % of the total exports from the PRC to the Union during the IP. On this basis, the Commission decided to establish the country-wide dumping margin at the level of the cooperating company with the highest dumping margin.
- (37) On this basis the definitive dumping margins for the People's Republic of China are amended as follows:

Country	Company	Definitive dumping margin
People's Republic of China	Baoshan Iron & Steel Co., Ltd., Shanghai	21,5 %
	Wuhan Iron & Steel Co., Ltd., Wuhan	54,9 %
	All other companies	54,9 %

#### 4. Japan

##### 4.1. Normal value

- (38) In the absence of any comments, the determination of the normal value, as set out in recitals (84) and (85) of the provisional Regulation, is confirmed.

##### 4.2. Export price

- (39) In the absence of any comments, the determination of the export price, as set out in recitals (86) to (88) of the provisional Regulation, is confirmed.

##### 4.3. Comparison

- (40) In the absence of any comments with regard to the comparison of the normal value and the export prices, recitals (89) to (92) of the provisional Regulation are confirmed.

##### 4.4. Dumping margins

- (41) In the absence of any further comments with regard to dumping margins recitals (93) to (95) of the provisional Regulation are confirmed.

#### 5. The Russian Federation

##### 5.1. Normal value

- (42) All production of the product concerned in Russia comprised of conventional GOES and both prime and non-prime qualities were sold on the Union market. The Russian exporting producer claimed that an adjustment to the normal value should be made to take account of the fact that non-primary grades were exported to the Union market at lower prices than primary grades.
- (43) The possibility of adjustments to the normal value for non-primary grades was considered by the Commission. It should be pointed out that, as requested by the exporting producer, a differentiation was made at the provisional stage between primary and non-primary grades whereby the prices and costs of each grade were separated to ensure a fair comparison. This differentiation for the purpose of ensuring a fair comparison between normal value and export price is to be maintained.
- (44) However, an adjustment to the normal value itself in terms of a reduction to the cost of production of non-primary grades is not warranted. Such an adjustment would mean that a substantial proportion of costs would not be allocated to the product concerned while they were incurred in relation to that product. The normal value for all product types was calculated on the basis of actual data submitted by the exporting producer and verified on spot. The Commission verified the distribution of costs and there are no grounds to justify an artificial distribution of such costs or other adjustments. Any differences in prices between different product types are necessarily accounted for as normal value is determined by product type. This claim should therefore be rejected.
- (45) The company claimed that differences in dumping margins between primary grades and non-primary grades prove the point. However, it is quite normal for different groups of product types to have different dumping margins than others. A difference in dumping margin cannot justify an adjustment of the normal value. This claim should therefore be rejected as well.
- (46) The Union industry claimed that the Commission erred by making no adjustments to the Russian producers' costs of production pursuant to Article 2(5) of the basic Regulation. It further submitted that even if the Commission concluded that the Russian producers charge similar prices within the group compared to those of external sales, the question is whether the transaction prices within the group reasonably reflect the full costs associated with the product in question. The Commission compared these prices with prices to third parties and, on this basis, established that the purchase prices for raw materials by the two related Russian producers were made at market prices in the investigation period and therefore reflected normal purchase costs. Furthermore, the investigation did not reveal any indications that the full costs were not reflected in the setting of the prices. No adjustment was therefore considered necessary.

- (47) In the absence of any further comments with regard to normal value recitals (98) and (99) of the provisional Regulation are confirmed.

#### 5.2. *Export price*

- (48) The Russian exporting producer claimed that exports of third grade material should be excluded from the dumping calculation. However, as third grade material is also product concerned, there is no basis to exclude these products. This claim should therefore be rejected.
- (49) The Russian producer claimed that the adjustments for the profit and SGA of the related importer (Novex) are not warranted and stated that it does not agree with the Commission's interpretation of Articles 2(8) and 2(9) of the basic Regulation in this regard.
- (50) The Russian exporting producer argued that an adjustment for SGA and profit under Article 2(9) is only warranted where the terms of sales require that a product be delivered with duties paid. On the other hand, when products are sold duty unpaid, Article 2(8) applies, that is to say no deduction of SGA and profit is warranted. The exporting producer further claimed that Novex acted as 'an exporting arm' of the NLMK Group, Novex did not perform any import functions and it did not incur costs 'normally born by an importer'.
- (51) However, as explained in the provisional Regulation and contrary to the claims, the investigation established that Novex did perform the same import functions for all sales of the product concerned during the investigation period. In fact, Novex performed such functions for a much larger range of steel products than simply the product concerned. The different incoterms (DDP, DAP or CIF) do not alter the fact that Novex was operating as a related importer to the Union market for all transactions. No evidence was provided that could invalidate this finding. It is therefore confirmed that adjustments for SGA and profit should be applied in accordance with Article 2(9) of the basic Regulation.
- (52) Following final disclosure the Russian exporting producer reiterated its claim that the adjustment under Article 2(9) is not warranted for sales made on a DDU/DAP basis. However, no new evidence was submitted to support the claim. The Commission maintains its view that all sales should be adjusted in accordance with Article 2(9) because, as explained in the provisional regulation, Novex was operating as an importer for all transactions and the prices from the Russian exporting producers to Novex were unreliable because of the relationship between them.
- (53) In the absence of any further comments with regard to export price recital (100) of the provisional Regulation is confirmed.

#### 5.3. *Comparison*

- (54) In the absence of any further comments with regard to the comparison, recitals (101) and (102) of the provisional Regulation are confirmed.

#### 5.4. *Dumping margins*

- (55) In the absence of any further comments with regard to dumping margins recitals (103)-(105) of the provisional Regulation are confirmed.

### 6. **The United States of America**

#### 6.1. *Normal value*

- (56) In the absence of comments with regard to the normal value in the United States of America, the findings in recital (107) of the provisional Regulation are confirmed.

#### 6.2. *Export price*

- (57) In the absence of any comments, the determination of the export price, as set out in recitals (108) to (111) of the provisional Regulation, is confirmed.

### 6.3. Comparison

- (58) In the absence of any comments with regard to the comparison of the normal value and the export prices, recitals (112) and (113) of the provisional Regulation are confirmed.

### 6.4. Dumping margins

- (59) No comments have been made on the Commission's provisional findings with regard to the cooperating exporting producer. Therefore, the dumping margins, as set out in recitals (114) to (116) of the provisional Regulation, are confirmed.

## 7. Dumping margins concerning all countries concerned

- (60) On the basis of the above, the definitive dumping margins expressed as a percentage of the CIF Union frontier price, duty unpaid, are:

Country	Company	Definitive dumping margin
People's Republic of China	Baoshan Iron & Steel Co., Ltd., Shanghai	21,5 %
	Wuhan Iron & Steel Co., Ltd., Wuhan	54,9 %
	All other companies	54,9 %
Japan	JFE Steel Corporation, Tokyo	47,1 %
	Nippon Steel & Sumitomo Metal Corporation, Tokyo	52,2 %
	All other companies	52,2 %
Republic of Korea	POSCO, Seoul	22,5 %
	All other companies	22,5 %
Russian Federation	OJSC Novolipetsk Steel, Lipetsk; VIZ Steel, Ekaterinburg	29,0 %
	All other companies	29,0 %
United States of America	AK Steel Corporation, Ohio	60,1 %
	All other companies	60,1 %

## D. INJURY

### 1. Definition of the Union industry and Union production

- (61) In the absence of any comments with respect to the definition of the Union industry and Union production the conclusions set out in recitals (117) and (118) of the provisional Regulation are confirmed.

### 2. Union consumption

- (62) A Japanese exporting producer argued that using ranges for Union consumption data is not appropriate since Union consumption data should not be kept confidential as a matter of principle.

- (63) As set out in recital (134) of the provisional Regulation, the imports of the Japanese product concerned into the Netherlands were reported under a confidential CN code during the period considered. Ranges were used to protect the confidentiality of data provided by interested parties. If precise figures instead of ranges for Union consumption data would have been provided, this would have allowed one Japanese exporting producer to precisely calculate the imports from the other Japanese exporting producer. Furthermore, the ranges which were used in the provisional Regulation provided parties with meaningful information. In addition, the indices for the ranges of the Union consumption allow a proper understanding of the trends of the Union consumption.
- (64) In the absence of any other comments with respect to Union consumption, the conclusions set out in recitals (119) to (124) of the provisional Regulation are confirmed.

### 3. Imports from the countries concerned

#### 3.1. *Cumulative assessment of the effects of the imports from the countries concerned*

- (65) Two exporting producers claimed that the cumulative assessment of the imports from their respective countries in comparison with those from the other countries concerned was unwarranted: one of the Japanese exporting producers argued that they are only exporting high quality types of the product concerned and since its exports are decreasing, they are not exerting any price pressure on the Union market. The American exporting producer argued that imports from the USA decreased by 400 % during the period considered and that it has always set prices at much higher levels than other producers. Furthermore, one user argued that such a cumulative assessment is inappropriate due to the decrease in imports and the difference in price behaviour, on top of the fact that a particular exporting producer is selling types of the product concerned that the Union producers and other producers of the countries concerned do not sell.
- (66) As set out in recital (132) of the provisional Regulation, it has been acknowledged that there was a decrease in imports from Japan and the USA during the period considered. Nevertheless, these imports have also contributed to the exerted price pressure for the product concerned on the Union market. Imports from Japan and the USA were found to be dumped and their products are clearly in direct competition with Union products and products from other exporting producers. All types of the product concerned, including the types sold by the Japanese and American exporting producers, are sold for use in the production of transformer cores and they are sold to the same relatively limited group of customers. Therefore, the Commission rejected the claims for de-cumulation.
- (67) Following final disclosure, the American exporting producer reiterated its claim for decumulation and alleged that its types of the product concerned do not compete with the products of the Union industry as they are sold on the Union market only as a result of their higher quality compared to the types of products of the Union Industry.
- (68) In addition to the arguments advanced in recital (66) above concerning the imports from the USA in general, it should be mentioned that a cumulative assessment is however performed on a country-wide basis with regard to the full scope of the product concerned rather than on a company-specific basis and taking only into consideration certain types of the product concerned. The claim was therefore rejected.
- (69) The Commission concluded that all criteria set out in Article 3(4) are met and therefore imports from the countries concerned were examined cumulatively for the purposes of the injury determination. As a result, the conclusions set out in recitals (125) to (132) of the provisional Regulation are confirmed.

#### 3.2. *Volume and market share of the imports from the countries concerned*

- (70) In the absence of any other comments, the conclusions set out in recitals (133) to (136) of the provisional Regulation are confirmed.

#### 3.3. *Prices of the imports from the countries concerned and price undercutting*

- (71) In view of the absence of any comments, the conclusions set out in recitals (137) to (148) of the provisional Regulation are confirmed.

#### 4. Economic situation of the Union industry

##### 4.1. General remarks

- (72) A Korean exporting producer claimed that the main injury indicators are distorted since they do not sufficiently take into account the evolving product mix, which leads to the thinning of the product concerned and the like product during the period considered. This exporting producer argued that, to have a fair and true picture, data should be requested from the Union industry providing the production in length, either in actual terms or at least by constructing the lengths manufactured based on the product mix.
- (73) The Commission considered that the exporting producer did not provide data showing that a length-based approach would have changed any of the injury factors. Furthermore, tonnage is the standard quantity measurement which is used for the product concerned and the like product in connection to its production, procurement and sales. Eurostat data on the product concerned and the like product are also expressed in tonnage. Therefore, the analysis of the tonnages was considered an accurate method and the argument of this interested party is rejected.
- (74) Based on the above, the Commission concluded that a fair indicative picture was presented through the use of its injury indicators.

##### 4.2. Production, production capacity and capacity utilisation

- (75) The same interested party and a user argued that some findings of the Commission in the provisional Regulation were contradictory. As set out in recitals (220) and (222) of the provisional Regulation, the Commission explained on the one hand that the Union Industry is shifting its production from conventional to high permeability types of the like product. On the other hand, as set out in the table in recital (150) of the provisional Regulation, the production capacity increased during the period considered (from 486 600 tonnes to 492 650 tonnes). According to these interested parties, it is generally known that an increased focus on thinner (high permeability) products automatically leads to a reduction of the production capacity.
- (76) The Commission rejected these arguments. Firstly, the increase in capacity was mainly the result of an increase in capacity by one of the Union producers during the period considered. This Union producer is currently only producing conventional types of the product concerned. In addition, recital (222) of the provisional Regulation refers mainly to the future, not exclusively to the period considered. This statement is further corroborated by the reference in recital (196) of the provisional Regulation, where it is stated that 'The Union producers will shift to a lower core loss product mix.'
- (77) Based on the above, the conclusions set out in recitals (150) to (154) of the provisional Regulation are confirmed.

##### 4.3. Sales volume and market share

- (78) In the absence of any other comments, the conclusions set out in recitals (155) to (158) of the provisional Regulation are confirmed.

##### 4.4. Other injury indicators

- (79) In the absence of any comments concerning the development of the other injury indicators, covering the period considered, the conclusions set out in recitals (159) to (174) of the provisional Regulation are confirmed.

##### 4.5. Conclusion on injury

- (80) In accordance with Article 6(1) of the basic Regulation, the conclusion on injury below was reached on the basis of verified IP data. The collection and verification of post IP data, on the other hand, was done in the framework of the Union interest analysis (see also recitals (110) and (111)). The table in recital (170) of the provisional Regulation showed the record high losses and the negative cash flows from the year 2012 onwards. The conclusion below that the Union industry was in an injurious situation during the IP is therefore confirmed.



- (81) Even if post-IP data were taken into account for some injury factors, in particular the small profits made in the period January — May 2015, this would not affect the finding that the Union industry is in an injurious situation.
- (82) On the basis of the above and in the absence of any other comments, the conclusions set out in recitals (175) to (179) of the provisional Regulation that the Union industry suffered material injury during the period considered within the meaning of Article 3(5) of the basic Regulation are confirmed.

## E. CAUSATION

### 5. Effect of the dumped imports

- (83) Several parties claimed that the imports from the countries concerned could not have caused the injury suffered by the Union industry, mainly since there is absence of price undercutting. Furthermore, it has been claimed that the Union producers have themselves in many cases been initiating and leading the price reductions, both in the Union and in other large markets. One Japanese exporting producer added that there is no significant increase in dumped imports, and imports do not depress or suppress prices to a significant degree. As a result, these imports could not have caused the injury suffered by the Union industry as they could not have exerted any price pressure on the Union market. Following final disclosure, a Japanese exporting producer argued that the Commission's statement that these imports depressed prices on the Union market to a significant degree is not sufficient to establish that imports have caused price depression. The finding that there has been a decrease in prices merely demonstrates a worldwide trend, which does not imply that imports have caused price depression on the Union market.
- (84) It was also argued that the Commission must quantify the actual injury caused by the dumped imports and the injury caused by other known factors, and the duty level may not be higher than what is necessary to remove the injury caused exclusively by the dumped imports. These comments were reiterated following final disclosure.
- (85) The allegations that the imports from the countries concerned could not have caused the injury suffered by the Union industry were not supported by the facts of the investigation. As outlined in recitals (137) to (164) of the provisional Regulation, the decrease of the average unit price of the dumped imports was around 30 % during the period considered. As a result, these imports depressed prices on the Union market to a significant degree, even forcing the Union producers to lower their sales prices far below cost in order to align them with the price levels of the imports from the countries concerned. Moreover, there is a clearly established coincidence in time between, on the one hand, the level of dumped imports at continuously decreasing prices and, on the other hand, the Union industry's loss of sales volume and price depression resulting in a loss-making situation, as set out in recitals (181) to (183) of the Provisional Regulation.
- (86) The claim that the decrease in prices merely demonstrates a worldwide trend is rejected for the following reasons: Firstly, one worldwide market price for the product concerned does not exist as is the case for certain commodities. Secondly, the dumping findings revealed different dumping margins which show that price levels are different in different markets. Thirdly, the investigation revealed that the price levels and estimated price increases in different regions of the world (for 2014 up to the first quarter of 2015) are not moving at the same pace. Fourthly, even if there are indications that there was a decrease of prices in several regions of the world during the investigation period, such a decrease varies from region to region, whereby in particular prices on the Union market, being an open market, as set out in recital (85) below, decreased sharply.
- (87) Even in the absence of undercutting, which was acknowledged in the provisional Regulation, the Union producers were not able to set their prices above their costs which resulted in high losses during the period considered. The absence of undercutting, which is only one of the factors to be looked at in the injury analysis, does thus not mean that the dumped imports could not have caused injury. Union industry prices were the result of the strong price depression exerted by the low-priced dumped imports. Without such strong price pressure, there would have not been any reason for the Union industry to decrease its prices to such low levels. The Union producers had no option but to sell below costs in order to defend their market share and sustain an economical level of production because of the severe price pressure exerted by the dumped imports on their sales prices.

Therefore, these arguments are rejected. Furthermore, concerning the argument that the Commission must quantify the actual injury caused by the dumped imports and the injury caused by other known factors, the Commission considered that, as already set out in recital (201) of the provisional Regulation, all other factors, even considering their possible combined effect, were not found to break the causal link between the injury and the dumped imports.

- (88) Concerning prices and price setting during the period considered, a Chinese exporting producer argued that the Union industry initiated the price decreases at the start of the period considered. One user also argued that the intensive price competition had been rather the direct effect of Union and exporting producers having sought to maintain or increase volumes in the face of shrinking demand.
- (89) As set out in recital (158) of the provisional Regulation, these arguments are rejected. First, there is no evidence that the Union industry initiated these price decreases. Second, it would not make sense economically for the Union industry to start selling products at high losses without being forced to do so. Finally, it is recalled that there is a clear coincidence in time between the level of dumped imports at continuously decreasing prices and the Union industry's loss of sales volume and price depression, resulting in higher losses for the Union producers.
- (90) Furthermore, the Chinese exporting producer claimed that it is difficult to see how higher prices, charged by the exporting producers, can cause price depression. A Japanese producer argued that the Commission fails to demonstrate any correlation between the price declines in the Union and the imports of the product concerned from the countries concerned. A user questioned the validity of the main arguments of the Commission since it disregarded the absence of price undercutting. In the same context, one user made the comment that the ability of a producer to sustain a long-term price war depends on a number of factors, such as efficiency, input costs and product quality, apart from the size, strength and strategy of the group to which the producers belong.
- (91) The arguments of the interested parties are rejected for the following reasons. Apart from the comments made in recital (87) aggressive price strategies in particular on the Union market can be sustained longer by the exporting producers than the Union producers for the following reason: the market share of the exporting producers on their domestic markets is much higher than the market share of the Union producers in the Union. The Union market is also an open market whereas the domestic markets of the exporting producers of the countries concerned cannot be easily penetrated by other competitors, including the Union producers. As a result of the overcapacity on the world market due to the booming business during the years 2003-2010, the aggressive price setting between the competing Union and exporting producers started during the period considered. In this context, the Commission noted that all but one exporting producer reported a higher production capacity than the actual production during the IP. Finally, concerning the correlation between the price declines in the Union and the imports of the product concerned, there is a direct correlation as regards the decrease of prices, although not to the same extent as regards volume.
- (92) For all the above reasons, the Commission considered that, as already set out in recital (145) of the provisional Regulation, the injury is particularly illustrated by the restraint the Union producers experienced because of the severe price pressure exerted on their sales prices. This pressure forced them to sell below costs to defend their market share on the Union market, which allowed them to maintain a sustainable level of production.
- (93) In the absence of any other comments as regard the effects of the dumped imports, the conclusions set out in recitals (181) to (183) of the provisional Regulation are confirmed.

## 6. Effect of other factors

### 6.1. *The economic crisis*

- (94) One interested party alleged that, contrary to the conclusions reached in recital (185) of the provisional Regulation, the Union industry was underperforming during the period considered, in particular by the falling demand for conventional types of the product concerned on the Union market. Another interested party claimed that the decrease of the Union consumption by around 11 % is the crucial element why the Union industry has not suffered material injury from the imports of the exporting producers. This interested party argues that the trend in the pattern of the Union industry's performance in terms of sales volume follows precisely the same path as the decrease of the Union consumption and therefore is the most crucial element for the injury suffered by the Union industry.

(95) As acknowledged in recitals (121) and (156) of the provisional Regulation there was indeed a similar development of the Union consumption and of the sales volume performance of the Union industry, even though the decrease of the Union industry's sales volume slightly exceeded the decrease in consumption. However, as mentioned before, the crucial factor for the determination of injury is that the Union producers were forced to sell below costs. The interested party's claims in this respect should therefore be rejected. Furthermore, the Commission maintains that the economic crisis caused a contraction of demand in the Union as acknowledged in recital (184) of the provisional Regulation but that it is not the root cause for the injury. In this respect, while the consumption in the Union fell between 2011 and 2012, the consumption in 2012 was approximately the same as that in 2010. Nevertheless, in 2010, the Union industry had a profit of 14 %, while it recorded a loss of almost 10 % in 2012. As a result, even if the economic crisis contributed to the injury, it could not be concluded that it would break the causal link between the dumped imports and the material injury suffered by the Union industry.

(96) The conclusions reached in recitals (184) and (185) of the provisional Regulation are therefore confirmed.

#### *6.2. Union producers are not sufficiently competitive*

(97) The Chinese exporting producer claimed that there are many other factors than the dumped imports that explain the challenges of the Union producers, such as high raw material pricing, CO<sub>2</sub> allowance trading and most importantly perhaps, the economic uncertainties and sharply reduced consumption levels, in particular in Southern Europe.

(98) There may be a comparative disadvantage for Union producers if many other factors (including the high raw material pricing, etc.) would be compared to the exporting producers, such as in Russia, China and USA.

(99) However, these arguments do not provide a sufficient explanation why the Union industry was still able to achieve profits of about 14 % in 2010 and the years before, given that this possible comparative disadvantage in cost terms was no different in 2010 and the years before.

(100) Therefore, this claim is rejected.

#### *6.3. Imports from third countries*

(101) In the absence of any comments as regard the imports from third countries, the conclusions set out in recitals (189) and (190) of the provisional Regulation are confirmed.

#### *6.4. Export sales performance of the Union industry*

(102) Two exporting producers argued that the data relating to the exports of the Union producers constitutes evidence of their aggressive pricing policy, since these prices are significantly below the weighted average Union sales prices in the Union market and even below their cost price. Another exporting producer argued that the Commission should properly separate and distinguish the injurious effect of the economic crisis and the Union industry poor export sales performance. Another user argued that the conclusion of the Commission that the exporting performance has been maintained at a high level, and has not been decisive for the Union's industry's injury, is not supported by the data because export sales decreased by 22,7 % whereas the domestic sales decreased by 11 % during the period considered.

(103) These claims were rejected for the following reasons. The lower unit sales export price charged by the Union producers compared to the one on the Union market should be seen in the light of the fact that it includes a large proportion of second quality GOES which is mainly exported and sold at a discount. Furthermore, it has already been acknowledged in recital (193) of the provisional Regulation that the export performance contributed to the injury, but that it did not break the causal link between the dumped imports and the injury suffered by the Union industry.

- (104) In the absence of any other comments regarding the effect of the Union industry's export performance, the conclusions reached in recitals (191) to (193) are confirmed.

#### 6.5. *The overcapacity of the Union industry*

- (105) Another interested party mentioned that the Union industry suffers from a massive overcapacity, and that the decrease in production volumes by the Union producers is mainly attributable to the decline of consumption levels within the Union and the severe reduction in export volumes of the Union producers, in particular between 2012 and 2013.
- (106) This claim was rejected since the alleged overcapacity is more a result of the dumped imports rather than a cause of injury suffered by the Union industry, as set out in recitals (194) to (197) of the provisional Regulation.
- (107) In the absence of any other comments concerning the above, the conclusions reached in recitals (194) to (197) of the provisional Regulation are confirmed.

#### 6.6. *Russian Imports are Conventional Grade*

- (108) In the absence of any comments concerning the above, the conclusions reached in recital (198) and (199) of the provisional Regulation are confirmed.

### 7. **Conclusion on causation**

- (109) In the absence of any other comments with regard to causation, the conclusions reached in recitals (200) to (202) of the provisional Regulation are confirmed.

## F. **UNION INTEREST**

### 1. **Preliminary remarks**

- (110) Pursuant to Article 6(1) of the Basic Regulation, information relating to a period subsequent to the investigation period shall normally not be taken into account. However, in the context of determining whether there is a Union interest as contemplated in Article 21(1) of the basic Regulation, information relating to a period subsequent to the investigation period may be taken into account for those purposes <sup>(1)</sup>.
- (111) Comments relating to the need to take into consideration important post-investigation period ('post-IP') developments were received both from users and from exporting producers. Most comments and allegations received after the imposition of provisional measures related to the following developments after the investigation period. High permeability types of the product concerned are increasingly scarce on the Union market, mainly in view of the entry into force of tier 1 of the EcoDesign Regulation (as already mentioned in recital (233) of the provisional Regulation), but also because the Union producers are allegedly not able to supply the market with the required quality of these high-permeability product types. In addition, prices of the product concerned and the like product increased significantly after the IP. Parties also argued that the impact of the provisional measures on the transformer industry had been underestimated by the Commission, in particular by understating the share of the product concerned in the total cost of production of users. Finally, it was argued that the Union producers returned to profitability, so they would not need any protection anymore.
- (112) These alleged post-IP developments, in particular the combination of a change in the legal framework, a steep increase of prices and a shortage on the market of certain product types, if confirmed, are, given the specific circumstances of the case, relevant for the assessment of the Union interest in imposing appropriate measures. Therefore the Commission decided, exceptionally, to further investigate these post-IP developments in the period between July 2014 and May 2015. As set out in recital (5) above, and in view of the statements made in recitals (27), (224) and (239) of the provisional Regulation, additional information on the post-IP developments was collected and a number of users and Union producers were visited following the imposition of the provisional measures

<sup>(1)</sup> Judgment of the General Court of 25 October 2011 in case No. T-192/08. Transnational Company 'Kazchrome' AO, paragraph 221.

## 2. Interest of the Union industry

- (113) Some interested parties claimed that the imposition of measures was unnecessary as the profitability of the Union industry attained high levels post-IP due to significantly increased prices and that the market had regulated itself. As a result, the Union industry was allegedly no longer suffering any injury after the IP.
- (114) As set out in recital (5) above, eight additional verifications on spot were carried out in order to verify these claims. These verifications revealed that the profitability of each individual Union producer is varying, but on average, the Union producers were incurring losses amounting to – 16,6 % during the period July-December 2014 and returned to a profit of 1,1 % during the period January – May 2015. Therefore, it was concluded that the recovery of the Union industry was modest after the IP. These percentages are the weighted average pre-tax profitability figures of all Union producers, as shown in their respective income statements for the period January - May 2015, expressed as a percentage in relation to their sales in the Union to unrelated customers.
- (115) Following final disclosure, a user association claimed that the Union producers are no longer facing any injurious situation, given that they are running at full speed and are barely able to follow the demand. A user made a similar comment, namely that due to the continuing price increases they would expect to see profit margins exceeding 5 % already during the spring of 2015.
- (116) However, in accordance with Article 6(1) of the basic Regulation, the conclusion on injury was reached on the basis of verified IP data. The collection and verification of post IP data, on the other hand, was done in the framework of the Union interest analysis. The table in recital (170) of the provisional Regulation showed the record high losses and the negative cash flows from the year 2012 onwards.

Even taking into account post-IP data, the Union industry is still in an injurious situation: the small profits during the period January – May 2015 cannot compensate for the four consecutive years of high-end losses. Furthermore, the injury analysis is based on a number of factors, of which profitability is only one of the many.

- (117) The conclusion that the Union industry was in an injurious situation during the IP is therefore confirmed. In the absence of any other comments regarding the interest of the Union industry, it is concluded that the imposition of anti-dumping duties would be in the interest of the Union industry as it would allow the Union industry to recover from the effects of injurious dumping found.

## 3. Interest of unrelated importers

- (118) In the absence of any comments regarding the interest of unrelated importers and traders, recitals (208) to (212) of the provisional Regulation are confirmed.

## 4. Interest of users

### 4.1. Introduction

- (119) As set out in detail in recitals (5) and (6), additional information on the post-IP developments was collected from users and five major users, which provided extensive information after the imposition of provisional measures, were visited.
- (120) One interested party argued that it accounts for a very large share of the Union transformer industry, consisting of small, medium-sized and large companies producing in most Union Member States. This interested party argued that there are many small and medium-sized companies, which will be hit hardest by measures. In this context, the association representing Italian transformer companies claimed that 60 % of all turnover within Italy is realised by the Italian small and medium-sized transformer companies.
- (121) The claim that there are many small and medium-sized (SME) transformer companies which will be hit the most by measures could not be systematically assessed due to the lack of evidence. However, the allegation seems plausible in view of the information gathered from the five verified users, of which one is a SME.

#### 4.2. Shortages in supply and differences in quality

- (122) Following the imposition of the provisional measures, several users stated that the availability of high-permeability types in the Union is limited, and that the situation worsened after the IP. They alleged that this limited availability is due to a growing imbalance between the supply side and the growing demand of users for these particular types of the product concerned. In this context, they further argued that the capacity of the Union industry is insufficient to supply the increasing demand in the Union market and that no other alternative sources are available, apart from the exporting producers. Moreover, they maintained that, despite the strategic decision of the Union producers to start producing proportionally more high permeability than conventional types of the product concerned, such a switch will take time due to the need to build up and further deepen the necessary technical expertise. In addition, some users claimed that any anti-dumping measures adopted against imports from the countries concerned would have a further detrimental impact of the availability of high permeability types in the Union, due to the gap in production capacity and high-end technical capability of the Union producers. In this context, the Union industry argued that there is no legal requirement whatsoever on them to supply the entire Union demand for particular types.
- (123) The post-IP data showed that the Union producers are so far still not able to supply the total demand for all types of high permeability GOES, in particular product types of with a maximum core loss of 0,90 W/kg and below. Furthermore, backlogs in production and delays in deliveries were noted for these types despite earlier agreed upon delivery terms, in particular after the IP. One Korean exporting producer, which was exporting during the IP mainly high-permeability types of the product concerned, ceased its exports to the Union after the IP. The reasons for this stoppage are unknown. Fourthly, it is expected that the demand for top end high permeability types of the product concerned will continue to increase due to the implementation of the first tier of the EcoDesign Regulation which entered into force in July 2015, as set out further from recital (140) onwards.
- (124) With respect to the technical expertise and quality issues, several users commented that, even in cases where the Union industry produced GOES with the required maximum guaranteed low core loss, the product with the similar core loss purchased from the exporting producers is overall of a higher quality in terms of maximum core losses and noise performance.
- (125) Evidence submitted by users, relating to the post-IP period, pointed out to quality issues they have encountered, mainly with Union producers. Those users were able to underpin their claims with evidence, based on in-house statistics and technical checks.
- (126) Following final disclosure, one user argued that the shortage of high permeability types of the product concerned is the direct result of the lack of investments by the Union producers. This user alleged that it is pure speculation whether the EU GOES industry would invest in the production of high grade GOES or not. Another user alleged that it is not credible that the EU producers would now achieve the quality and capacity to serve the needs of the EU users in the short or medium term.
- (127) Following final disclosure, one user alleged that the shortage issue — contrary to the current proceeding — was one of the compelling reasons for not introducing measures in its Union interest assessment in the Polyester Stable Fibres case since the Union industry was not in a position to make the necessary efforts to satisfy the Union demand <sup>(1)</sup>.
- (128) The Polyester Staple fibres case and the present case cannot be compared for two reasons. Unlike this proceeding, the complaint was withdrawn in the Polyester Staple fibres case. Consequently, the Union interest test was different. Where the complaint is withdrawn, Article 9(1) provides that the proceeding may be terminated unless such termination would not be in the Union interest. In the present case, Article 21(1) applies which provides that measures, [...], may not be applied where the authorities, on the basis of all the information submitted, can clearly conclude that it is not in the Union interest to apply such measures.

<sup>(1)</sup> OJ L 160, 19.6.2007, p. 32, recital (20)

- (129) Another difference with the Polyester Staple fibres case was that the Union producers in the Polyester Staple fibres case were converting the product concerned <sup>(1)</sup> into other products (not the product concerned). In the present case, on the contrary, the Union producers are trying to catch up by producing more and more of the higher permeability types.
- (130) The Commission cannot foresee whether the EU producers will achieve the quality and capacity to serve the needs of the EU users in the foreseeable future, in particular concerning the availability of some types of the high-permeability GOES. To foster an industrial policy is not the objective of an anti-dumping investigation though; it only aims at a return to conditions of fair competition between the Union and exporting producers.
- (131) Nevertheless, the verification showed that Union producers have been investing in the production of high permeability types of the product concerned, even though this has been challenging as a result of the difficult economic situation of the Union producers throughout the whole period considered. One producer showed evidence about a new production line of high end GOES put in place in August 2015.
- (132) In view of the above, it is concluded that the availability of high-permeability types in the Union was limited during the IP, and that the situation worsened after the IP mainly in view of the increasing demand as a result of the entry into force of tier 1 of the EcoDesign Regulation.

#### 4.3. Price increases

- (133) An exporting producer alleged that prices of the product concerned after the IP increased in the range of 50 to 70 % compared to the average sales prices of the product concerned during the period considered. Another exporting producer claimed that prices rose between March 2014 and March 2015 by around 30 %, based on public indices. Similar comments were received from many users. For example, one user claimed that prices increased by around 8 and 25 % when comparing prices for the second half of 2014 and the first half of 2015 to the prices during the period considered. Another user argued for instance that the price increases for April 2015 have been more than 45 % for high permeability types of the product concerned and more than 25 % for conventional types, when comparing to June 2014. This user also alleged that this price trend is sustainable and will continue in the short-, mid- and long-term. Many users also alleged that all these price increases would ultimately lead to plant closures, the loss of employment within the Union and relocation of certain operations outside the Union.
- (134) On the other hand, one interested party, though admitting the price increases after the investigation period, alleged that these price increases after the investigation period were still not above the price levels of 2010 and 2011.
- (135) The investigation revealed that alleged price increases in the post-IP period indeed took place. Firstly, on the basis of data from the Union producers, on average, the price increases of the like product amounted to 3 % for the period July – December 2014 and 14 % for the period January – May 2015, when comparing to the actual average prices during the investigation period. Furthermore, on the basis of available data from the cooperating users, price increases of the product concerned of some 30 % were observed, and for some product types even higher, in the post- IP period up to May 2015.
- (136) It was found that prices started rising in the second half of 2014, and continued to rise further during the first half of 2015. These price increases have been noted both for high-permeability and conventional types of the product concerned and the like product. In addition, on the basis of spot checks on certain contracts concluded between users and producers for the second half of 2015, the prices for these orders are expected to be between 22 % and 53,5 % higher than during the investigation period.
- (137) In view of the above, it is concluded that price increases have been noted in the post-IP period (up to May 2015), both for high permeability types and for conventional types of the product concerned and the like product. Furthermore, as explained in recital (133) above, prices are expected to further increase during the second half of 2015.

#### 4.4. Competitiveness of the Union users

- (138) As set out in recital (228) of the provisional Regulation, GOES as an input material accounts for about 6-13 % of the full cost to build a transformer, based on data and price levels in the IP. One exporting producer and several

<sup>(1)</sup> OJ L 160, 19.6.2007, p. 31, recital (15).

users challenged these percentages, stating that they appear to be significantly understated, even for the IP where the prices of GOES were much lower than in the post-IP period. In addition, all users alleged that the prices started to increase significantly after the end of the investigation period. The percentage of 6-13 % was based on data provided by cooperating users, which was subsequently verified and therefore rightly mentioned in the provisional Regulation. Nevertheless, the Commission acknowledges that, even though the precise percentage of the cost of GOES depends on the type of transformer, the increase of the price of GOES after the IP logically results in an increase of the costs to build a transformer, which will affect the competitive position of the Union transformer producers. Nevertheless, the transformer producers outside the Union are also affected in their competitiveness due to the same trend of increasing prices from the second half of 2014 onwards for GOES in markets such as the PRC, India, and North America, onwards, as is the case in the Union market.

#### 4.5. Conclusion on the users' interest

- (139) The Commission accepts the claims that the imposition of measures would lead to a further price increase of GOES, at the expense of the users. It also concludes that the competitiveness of the user industry would be even more negatively affected if measures were to be imposed in the form of an *ad valorem* duty, in view of the significant price increases which occurred after the investigation period.

#### 4.6. Other factors

- (140) As set out in recital (233) of the provisional Regulation, Tier 1 of the EcoDesign Regulation became applicable from 1 July 2015 and covers the new EcoDesign requirements with regard to small, medium and large power transformers aiming to enhance their energy efficiency.
- (141) Subsequent to the provisional disclosure, several users commented as follows. Firstly, the implementation of Tier 1 leads to a higher demand of high permeability types of GOES within the Union, in particular of types of GOES with a maximum core loss of 0,90 W/kg and below. Secondly, the trend to procure high permeability types with the lowest core losses is most likely irreversible since tier 2 (with even more strict requirements from 2021) will trigger further demand for high permeability types. Thirdly, other countries worldwide (such as the PRC, India etc.) are also implementing similar energy efficiency requirements, leading to a high demand of high permeability types of GOES on a global level. Fourthly, even if it is true that Tier 1 can, to a certain extent, be met with using conventional types of GOES, this would trigger additional costs to the detriment of the users, since a different, more voluminous transformer needs to be designed, requiring substantially more input of engineering, labour and material. In some cases, the product specification for a given transformer would not allow using conventional types of GOES at all.
- (142) The Commission considered that this increasing demand, not only within the Union but worldwide, is most likely to further negatively impact the availability of high permeability types, in particular with a maximum core loss of 0,90 W/kg and below, leading most likely to further price increases. It is therefore in the public interest of the European Union, as reflected in legally binding product standards, to ensure the sufficient supply of high permeability types for producing and marketing transformers in the Union, irrespective of their origin.
- (143) In view of the above, it is concluded that measures would lead to a significant further increase in import prices beyond those already seen in the post-IP period.

### 5. Conclusion on Union interest

- (144) It is concluded that definitive measures would allow the Union producers to return to sustainable profit levels. If no measures were imposed, it would become uncertain whether the Union industry would be able to make the necessary investments to develop further its high-permeability types of the like product which are both demanded by the users and genuinely needed to make transformers EcoDesign-compliant.
- (145) As regards the interest of users, the imposition of measures at the proposed level would have a negative effect on the prices of transformers and the employment in the user's industry, but this effect can, under market circumstances as observed in the IP, not be considered as disproportionate.



- (146) Therefore, based on an appreciation of all the various interests taken as a whole, it is concluded that there are no compelling reasons against the imposition of definitive anti-dumping duties against imports of the product concerned originating in the five countries concerned.
- (147) Following final disclosure, several interested parties noted that the Commission pointed inter alia to the steady and significant rise of prices of all types during the post-IP period and that the Union producers returned to a profitability of 1,1 % during the period January-May 2015. Therefore, it was alleged that the imposition of duties is against the Union interest. Another user alleged that due to the rise in prices large parts of EU transformer production are currently loss-making, and in particular the SMEs, while the EU GOES industry are making comfortable profits.
- (148) Concerning the profitability of the Union producers, reference is made to recital (116). As set out in detail in recitals (149) and (169) below, the significant rise of prices has inter alia led the Commission to change the form of measures to balance the interests of all parties. Also, as already mentioned above, the Commission recalls that the injury is assessed on the basis of verified IP data, whereas post-IP data was only used in the framework of the Union interest analysis.
- (149) In view of the post-IP developments and to limit any possible serious impact on the users that are heavily dependent on the supply of the product concerned, in particular of the top end high permeability types, the Commission considered it in line with the Union interest to change the form of the measures and not to impose *ad valorem* duties but instead variable duties. If a duty in the form of an *ad valorem* duty would be imposed on top of the post-IP price increases, users would be harmed disproportionately, which would negatively impact their competitiveness vis-à-vis their competitors outside the Union in view of the increased demand and the shortage on the market of in particular high permeability types. In addition, the objective set out in the EcoDesign Regulation to ensure sufficient supply of high permeability product types, would be undermined by the imposition of measures in the form of an *ad valorem* duty in view of the increased demand of in particular high permeability product types.

## G. DEFINITIVE ANTI-DUMPING MEASURES

### 1. Injury elimination level (Injury margin)

- (150) Following provisional and final disclosure the Union industry contested the target profit used in order to determine the injury elimination level as set out in recital (245) of the provisional Regulation. This party argued again that a pre-tax profit margin of 14 % would be a reasonable and market-related profit level based on the pre-tax net profit margin achieved by the Union industry in 2010.
- (151) As explained in recital (243) of the provisional Regulation, the profit margin used to establish the injury elimination level corresponded to the profit margin the Union industry could reasonably expect to achieve under normal conditions of competition in the absence of dumped imports. This was the percentage used during the previous investigation when the Union industry's sales were profitable. As mentioned in recital (242) of the provisional Regulation, the average profit earned in 2010 was considered exceptionally high, taking into account the losses incurred from 2011 and the booming prices, even in 2010, of GOES on the world market. Therefore, it is considered reasonable to establish the target profit margin at a level of 5 %.
- (152) A Japanese exporting producer requested to be heard by the Hearing Officer for trade proceedings. The party challenged the application by the Commission of Article 2(9) for the injury calculations, stating that Article 2(9) appears under the dumping provisions of the basic Regulation and could not be used by analogy for calculating injury. This interested party also argued that the processing costs as a result of the slitting of the full coil by a related party on the Union market should not have been deducted and that the used post-importation costs were understated. This comment was reiterated following final disclosure. A Korean exporting producer had a similar request, arguing that the free circulation price should be based on the price actually charged by its related importers in the Union to the first independent customers in the Union.

- (153) The purpose of calculating an injury margin is to determine whether applying to the export price of the dumped imports a lower duty rate than the one based on the dumping margin would be sufficient to remove the injury caused by the dumped imports. This assessment should be based on the export price at the Union frontier level which is considered to be a level comparable to the Union industry ex-works price. In the case of export sales via related importers, by analogy with the approach followed for the dumping margin calculations, the export price is constructed on the basis of the resale price to the first independent customer duly adjusted pursuant to Article 2(9) of the basic Regulation. As the export price is an indispensable element in the injury margin calculation and as this Article is the only Article in the basic Regulation which gives guidance on the construction of the export price, the application of this Article by analogy is justified. Article 2(9) also provides the basis for the deduction of processing costs as adjustments for all costs, incurred between importation and resale, shall be made. Therefore, the Commission considered that the approach followed was accurate and rejected these claims.
- (154) Another Japanese exporting producer claimed that the information disclosed in the provisional disclosure does not allow commenting on the correctness and relevance of the Commission's findings of injury. In this context, on 27 May 2015 the Japanese exporting producer requested clarifications on and disclosure of certain information omitted. It also argued that the Commission's reply of 4 June 2015 failed to properly address the request and did not allow the company to comment on the correctness and relevance of the injury findings. Following final disclosure, this Japanese exporting producer reiterated its arguments and alleged that the Hearing Officer recommended to disclose further information. Secondly, the company claimed for some of its exported products in a form of a full, untrimmed coil for which the export prices represented the value of the full coil with trimmed edges, that the adjustments for physical differences to its export prices for the purpose of calculating the injury margin did not fully take into account the market value of trimmed coils (compared to untrimmed coils) and are therefore not in line with applicable rules and corresponding case law. A Korean exporting producer also argued that its rights of defence were breached since an insufficient explanation was provided on the comparison of the different product types in the provisional disclosure.
- (155) As regards first the request to disclose further information, the Commission considered that it could not be fully accepted since it is bound to protect the confidentiality of the other interested parties, in this case of Union producers. Since there are no other means to protect the confidentiality and, at the same time, to provide parties with meaningful information, the ranges as they were used in the provisional disclosure are considered by the Commission as appropriate. The disclosure was consequently providing all necessary information, balancing the right on meaningful information on the one hand and the protection of confidentiality on the other hand.
- (156) Concerning the specific comments from the Japanese exporting producer, following final disclosure, the minutes of the hearing with the Hearing Officer in trade proceedings rather refer to the diverging opinions between the Japanese exporting producer and the Commission services, leading to his recommendation to continue the discussions. The Hearing Officer in trade proceedings also suggested to verify the Commission's calculations as an alternative to disclosing confidential data. A follow-up meeting with the Japanese exporting producer was held on 30 July 2015 with the aim to clarify and provide some additional information. Furthermore, additional information (such as the target price of a certain product type, the total Union sales values and volumes) was disclosed in the final disclosure to this Japanese exporting producer. Finally, the Hearing Officer also verified the injury calculations and did not find any irregularities or errors. This was communicated by the Hearing Officer in trade proceedings to the Japanese exporting producer.
- (157) As regards second the adjustments for trimming, a reasonable adjustment could be made based on adjusting the weight (Full untrimmed coils versus Full coil with trimmed edges). Following the imposition of provisional anti-dumping measures, the level of this adjustment has been corrected though, since at the provisional stage the percentages used to adjust the weight were not fully accurate. The percentage of the yield loss which was used for making the adjustment was based on the evidence collected during the on spot investigation at the Japanese exporting producer. Following final disclosure, the Japanese exporting producer reiterated its comments.
- (158) The Commission considered that this corrected adjustment accurately reflected the difference in market value between trimmed coils and untrimmed coils. The calculation submitted by the Japanese exporting producer was not considered accurate, as the net weight of trimmed products in the calculation of the difference between average prices of trimmed and untrimmed coils was not taken into account.

- (159) The same Japanese exporting producer also argued that the provisional disclosure contained some errors. Indeed, some minor calculation errors were identified in the provisional disclosure which were corrected. As a result of these corrections and the correction explained in the previous recital, the injury margin for this Japanese company was amended to 39,0 %. As set out above, the calculations were reviewed by the Hearing Officer in trade proceedings.
- (160) The Russian exporting producer argued that the cost of production values of the Union industry which were used for the underselling calculations were for some product types unrealistically high, when comparing to nearly identical product types. Following final disclosure, this argument was reiterated, alleging irregularities in the Commission's undercutting and underselling calculations, and pointing to a significantly different cost of production for two similar types of the product concerned.
- (161) The Commission established however that the cost of production data of the Union industry were accurate. In particular, the two similar types, to which the Russian exporting producer referred, were analysed and compared to the cost of production of other types. Any difference in cost of production values of some product types when comparing to nearly identical product types could be explained by the different mix of Union producers producing these types.
- (162) In addition, the Russian exporting producer claimed that there is a lack of symmetry between dumping and injury calculations in terms of the treatment of non-primary grades. The claim pointed to the fact that, as set out in recital (147) of the provisional Regulation, Russian 'second and third choice' product concerned was not compared with Union industry 'first and second choice' products.
- (163) The Commission considered that the fact that, for the purposes of a fair comparison of product types, the non-primary grades were not compared to the Union industry products, did neither affect the accuracy of the dumping calculations nor the accuracy of the injury calculations. On the contrary, in the latter only similar product types were compared in order to ensure a fair comparison. This claim was therefore rejected.
- (164) The Chinese exporting producers claimed that the underselling calculations in the provisional disclosure were flawed, in particular because the calculations were allegedly based on the average Union prices that were provided in the provisional Regulation.
- (165) This claim was rejected. The Chinese exporting producer produced and sold in the Union only part of the product types, which were then compared to the same product types produced and sold by the Union producers for the purposes of the underselling calculations. No average Union prices were used in these calculations.
- (166) In the absence of any other comments regarding the injury elimination level, and apart from the change in injury margin for one Japanese producer from 34,2 % to 39 %, as set out in recital (159), the conclusions reached in recitals (241) to (246) of the provisional Regulation were confirmed.

Country	Company	Definitive injury margin
People's Republic of China	Baoshan Iron & Steel Co., Ltd., Shanghai;	32,9 %
	Wuhan Iron & Steel Co., Ltd., Wu- han	36,6 %
Japan	JFE Steel Corporation, Tokyo	39,0 %
	Nippon Steel & Sumitomo Metal Corporation, Tokyo	35,9 %

Country	Company	Definitive injury margin
Republic of Korea	POSCO, Seoul	37,2 %
Russian Federation	OJSC Novolipetsk Steel, Lipetsk; VIZ Steel, Ekaterinburg	21,6 %
United States of America	AK Steel Corporation, Ohio	22,0 %

## 2. Definitive measures

- (167) In view of the definitive conclusions reached with regard to dumping, injury, causation, and Union interest, anti-dumping measures should be imposed in order to prevent further injury to the Union industry resulting from the dumped exports.
- (168) Anti-dumping measures may take different forms. While the Commission has a large discretion when choosing the form of measures, the purpose remains to remove the effects of the injurious dumping. An ad valorem duty set in accordance with the lesser duty rule, ranging between 21,5 % and 39 % was established, as follows:

Country	Company	Dumping margin	Injury margin	<i>Ad valorem</i> anti-dumping duty
PRC	Baoshan Iron & Steel Co., Ltd, Shanghai	21,5 %	32,9 %	21,5 %
	Wuhan Iron & Steel Co., Ltd., Wuhan	54,9 %	36,6 %	36,6 %
	All other companies		36,6 %	36,6 %
Japan	JFE Steel Corporation, Tokyo	47,1 %	39,0 %	39,0 %
	Nippon Steel & Sumitomo Metal Corporation, Tokyo	52,2 %	35,9 %	35,9 %
	All other companies		39,0 %	39,0 %
Korea	POSCO, Seoul	22,5 %	37,2 %	22,5 %
	All other companies		37,2 %	22,5 %
Russia	OJSC Novolipetsk Steel, Lipetsk, VIZ Steel, Ekaterinburg	29,0 %	21,6 %	21,6 %
	All other companies		21,6 %	21,6 %
USA	AK Steel Corporation, Ohio	60,1 %	22,0 %	22,0 %
	All other companies		22,0 %	22,0 %

- (169) As set out above in recital (149), it is appropriate to change the form of the measures. On the basis of the specific facts of the case, the Commission considered that a variable duty under the form of a minimum import price (MIP) duty would be the most appropriate form of measures in this case. On the one hand, such MIP would allow the Union producers to recover from the effects of injurious dumping. It would be a safety net to enable them to return to a sustainable profitability and incentivise them to make the necessary investments to produce proportionally more of the high-permeability product types of the like product. On the other hand, such MIP should also prevent any adverse effect of undue price increases after the investigation period which could have a significant negative impact on the users' business. It would also accommodate the concerns of users as they fear a shortage of the product concerned, in particular types with a maximum core loss of 0,90 W/kg and below which are highly needed to meet the tier 1 efficiency targets of the EcoDesign Regulation. More generally, it would prevent serious disturbances in the supply of the Union market.
- (170) Where imports are made at a CIF Union border price equal to or above the MIP established, no duty would be payable. If imports are made at a price below the MIP, the definitive duty should be equal to the difference between the applicable MIP and the net free at Union frontier price, before duty. In no event should the amount of the duty be higher than the *ad valorem* duty rates set in recital (168) and in Article 1 of this Regulation.
- (171) Accordingly, if imports are made at a price below the MIP, the lower of the difference between the applicable MIP and the net free at Union frontier price, before duty, and the *ad valorem* duty rates as detailed in the last column of the table in recital (168) would be payable.
- (172) As set out in detail in recital (19) above, the investigation covered the product concerned, as defined in recital (9) and therefore one comprehensive injury analysis, causation analysis and Union interest analysis was carried out. At the same time, when deciding about the form of the measure, the Commission considered the differences in quality as follows. For the purposes of the effective application of the MIP, and on the basis of the information collected during the investigation, the Commission decided to establish three different categories of the product concerned that are distinguished on the basis of their maximum core loss. A separate MIP was calculated for each of the three categories. The three categories are as follows:
- Types with a maximum core loss not higher than 0,90 W/kg;
  - Types with a maximum core loss higher than 0,90 W/kg but not higher than 1,05 W/kg;
  - Types with a maximum core loss higher than 1,05 W/kg.
- (173) Types with a maximum core loss of 0,90 W/kg and below are the top subsection of the high permeability types of the product concerned. Types with a core loss higher than 0,90 W/kg up to and including 1,05 W/kg are not the top end but still high permeability types of the product concerned, which are mainly produced up to a maximum core loss of 1,05 W/kg. It also includes some of the better qualities of the conventional types of the product concerned. Types with a maximum core loss higher than 1,05 W/kg are mainly the conventional types of the product concerned. The core loss should be measured in Watts per kilogram at a frequency of 50 Hz and a magnetic induction of 1,7 Tesla.
- (174) A non-injurious price, or non-injurious MIP, had to be established in order to apply this rule. For the purpose of calculating the non-injurious price, account has been taken both of the dumping margins found and of the amounts of duties necessary to eliminate the injury sustained by Union industry as set out in the provisional Regulation.
- (175) The MIPs are equal to the weighted average of:
- Where duties are based on the injury elimination level: the cost of production during the investigation period of the Union producers and a profit (5 %) as regards the USA, Japanese, Russian and one Chinese exporting producer(s) and;
  - Where duties are based on the dumping margin: the normal value, including transport (to arrive at a CIF border Union price) as regards the Korean and one Chinese exporting producer.

(176) Based on this methodology, the MIPs are set at the following levels

Countries concerned	Product range	Minimum Import Price (EUR/tonne net product weight)
People's Republic of China, Japan, United States of America, Russian Federation, Republic of Korea	Products with a maximum core loss not higher than 0,9 W/kg	EUR 2 043
	Products with a maximum core loss higher than 0,9 W/kg but not higher than 1,05 W/kg	EUR 1 873
	Products with a maximum core loss higher than 1,05 W/kg	EUR 1 536

(177) Following final disclosure, the following comments were made by interested parties.

(178) First, a user association alleged that the MIP proposal creates a market distortion, by decoupling the price levels in the Union from the world prices. This user association claimed that the Commission was locking the prices on all types of GOES at a level significantly higher than the average price levels that the Commission had calculated for the IP plus the duty levels established in the provisional Regulation. This association did not see any legitimate need for measures. The association also alleged that the MIPs were too high, and therefore should be adapted by reducing them on a yearly basis by 5 %.

(179) Second, the Korean exporting producer also welcomed the proposal of a MIP which was considered to be more appropriate than ad valorem duties. Nevertheless, this exporting producer claimed that the Commission should revise its methodology and impose for each exporting producer MIPs that are set no higher than what is necessary to remove injurious dumping caused by the (Korean) exporting producer.

(180) Third, another user alleged that the proposed MIPs are too high and in any case higher than the import prices during the IP period plus the ad valorem duty rates set in the final disclosure, at least for two of the countries (Korea and Russia) concerned. Moreover, this user alleged that the Commission should not accept all of the production costs as a basis for calculating the non-injurious level but rather accept any costs which would be borne by an effective and competitive GOES producer.

(181) Fourth, another user commented that it appreciated the choice of a minimum import price duty instead of *ad valorem* duties. However, it requested the Commission to consider establishing one or two MIP levels. In the case of two levels, the separation should reasonably be at the approximate cut-off point between conventional GOES and high permeability types.

(182) Fifth, the Union Industry supported a system of MIPs based upon the three product categories. However, the Union Industry opposed the methodology used for calculating these MIPs, since the result of the Commission's weighted average method was that the proposed MIPs are below the full injury elimination level and as such set at a too low level. It also claimed that the currently proposed MIPs are currently far below current market prices in the EU and third countries. Therefore, the Commission should revise its MIP calculations and base them entirely on the injury elimination levels for all exporting producers by adding a reasonable profit (for each type of the product concerned falling within the relevant product). Furthermore, the Union Industry reiterated its comment that the Commission should use a 14 % target profit which was the profit from the year 2010.

(183) Sixth, the American exporting producer expressed serious doubts as to the usefulness and adequateness of the Commission's MIPs proposal in view of the fact that market prices of the relevant product are currently much higher than the MIPs.

- (184) Seventh, another user stated that it rather supports the imposition of minimum import price (MIP) on the whole product scope as a compromise solution to accommodate the conflicting demands of the GOES and transformer industries. This user stated though that the MIPs are too high (in particular for the second and third category, when comparing to the IP sales prices, on which the ad valorem duties were added) and create a concrete danger for the Union transformer industry that it will have to pay duties before the Union industry is able to supply its needs.
- (185) Eight, the Russian exporting producer welcomed the proposal of the Commission to adopt a variable anti-dumping duty in the form of a MIP, instead of *ad valorem* duties. However, this exporting producer alleged that the currently proposed methodology of calculating three different MIPs (only based on different ranges of maximum core loss) without distinguishing neither between individual exporting producers nor between individual countries of origin, is in breach of article 9(5) of the basic Regulation. Therefore, this exporting producer claimed that this method does not assess anti-dumping duties at an 'appropriate amount', and discriminated against imports from Russia. Similarly, the Russian exporting producer also requested that the Commission should create a fourth category of the product for the purposes of the minimum import price calculation, which should contain exclusively off-grade or subgrade types of the product concerned with physical characteristics comparable to those of the 'second' and 'third choice' exported types. The Russian exporting producer alleged that the MIPs, based exclusively on maximum core loss, would leave the Russian producer, and ultimately Russia as the only source of supplies of 'second' and 'third choice' exported types, in a substantially different position from any of the exporting countries concerned.
- (186) The Commission analysed in detail all comments made, will further explain below the methodology used in view of these comments, and came to the following conclusions.
- (187) The methodology used by the Commission to calculate the three MIPs was the following. Like in any anti-dumping investigation, the Commission collected data for the IP, which were verified, in order to establish normal values per product type and non-injurious target prices for the Union Industry, also per product type. The target prices for the Union industry consisted of the cost of production to which a reasonable profit was added. On the basis of these data, the methodology as set out in recital (169) and following was applied. The levels of the MIPs are therefore directly based on verified data for the IP. In addition, the lesser duty rule was taken into account. Where the *ad valorem* duties were based on the dumping margin, the normal values, to which transport costs were added to arrive at a CIF border Union price, were used in the calculation of the MIPs. Where the *ad valorem* duties were based on the injury elimination level, the non-injurious target price for the Union industry was used. The MIPs were then calculated as a weighted average of the normal values and non-injurious target prices used. The weighing factor was established on the basis of the proportion of the volume of the imports to the Union from the companies where the *ad valorem* duty is based on the dumping margins and on the proportion of the volume of the imports from the companies where the *ad valorem* duty is based on the injury elimination level. Each MIP is a weighted average of the prices (normal value and target prices) of the different product types within each of the three product categories.
- (188) The three MIPs for the three different product categories apply to all exporting producers and to all countries concerned, if the CIF Union border price is equal to or above the MIP (in which case no duty is payable). When duties are payable, i.e. when export prices are below the MIP, the applicable duty rate would be the lower of the difference between the applicable MIP and the net, free-at-Union-frontier price, before duty and the *ad valorem* duty rates. Accordingly, individual duties apply to each exporting producer. In no event should the amount of the duty be higher than the *ad valorem* duty rates which are specific for each individual exporting producer of each country concerned. An alternative scenario, as suggested by several interested parties, would have been the introduction of different MIPs per exporting producer. However, this would mean at least 21 different MIPs (i.e. three 3 MIPs for the three different categories times the seven cooperating exporting producers), which would render the implementation of the measures very difficult, if not impractical, for customs authorities.
- (189) The MIPs were subsequently compared to the sales prices during the post IP period on the Union market. Data on these prices were obtained from the users and from the Union industry during the investigation following the provisional disclosure, as set out in recitals (5) and (6). This investigation revealed that overall the proposed MIPs, particularly the one for the high grades, for the three different product categories are below the post IP sales prices, in which case no duty would be payable. As set out in recitals (182) and (183), this finding of the investigation was corroborated by the statements of the Union industry, several users and the American exporting producer.

- (190) In view of the above, the Commission rejected all claims with regard to the methodology used and the level of the MIPs.
- (191) Concerning the allegation that the Commission is locking the prices, the Commission recalls that it has set three MIPs for three different product categories to remove the effects of injurious dumping and to prevent users from any adverse effect of undue price increases after the investigation period, as set out in recital (169) above. The Commission is not creating a market distortion for Union market prices which are generally above the proposed MIPs, as explained in recital (189). Moreover, the MIPs are not floor prices, so exporting producers, if they wish so, can still sell at prices below the MIPs. Therefore, exporting and Union producers still can compete with each other by differentiating their prices from each other, irrespective of the set MIPs.
- (192) Concerning the allegation that (one or) two MIPs would have been more appropriate than the three proposed MIPs, the Commission noted the objective price difference (about 170 euro per tonne, see recital (176) for the first and the second product category, all consisting of high permeability types of the product concerned. By having only 2 MIPs with a cut-off point between conventional and high permeability types of the product concerned, the price of the first product category (i.e. product types with a maximum core loss not higher than 0,9 W/kg) would basically be combined with the price of the second product category, which mainly consists also of high permeability types of the product concerned, though with a higher maximum core loss. If such a methodology would have been followed, the MIP of the top quality high permeability product types would become proportionally understated. Concerning the allegations that no individual duties apply to each exporting producer, reference is made to recital (187) above, which describes the methodology whereby individual duties apply in case an ad valorem duty has to be paid.
- (193) Concerning the allegation that the Commission should not accept all of the production costs as a basis for calculating the non-injurious level, but rather any costs borne by an effective and competitive producer, it is recalled that the calculation was based on verified data. In addition, as this claim was not substantiated and no alternative methodology was provided how such adjustment to the cost of production should be made, the Commission rejected it.
- (194) The suggestion to reduce every year the MIP by 5 % would not be in line with the objective of removing injurious dumping. Furthermore, no evidence was provided which would justify such reduction of 5 % annually.
- (195) Concerning the request to create a fourth product category, containing exclusively off-grade or subgrade types of the product concerned, the Commission considered that no clear benchmark is available to apply such further split. Also, the MIPs are based on a mixture of product types, irrespective of whether they were full or slit for example, and also irrespective of whether they were downgraded or not. The three different product categories are based on maximum core loss, which is an objective non-discriminatory criterion.
- (196) Two users also requested to limit the duration of the measures to a period shorter than five years, alleging that a safety net of more than 2-3 years is not required to provide the EU GOES industry with a sufficient incentive to invest into the production of high grade GOES.
- (197) However, the users did not substantiate their claim that a relatively short period of 2-3 years would be sufficient to invest and to achieve at least some return on investment. As set out in Article 11(2) of the basic Regulation, a definitive anti-dumping duty shall expire five year from its imposition.
- (198) In case of a change of market circumstances, the basic Regulation provides several options. If the change is lasting, Article 11(3) of the basic Regulation provides that a review of the need for a continued imposition of measures can be requested, provided that a reasonable period of time of at least one year has elapsed since the imposition of the definitive measure. If the change is temporary, pursuant to Article 14 (4) of the basic Regulation measures may be suspended where market conditions have temporarily changed to an extent that the injury would unlikely to resume as a result of the suspension. The Commission will assess expeditiously the merits of any duly motivated request made under one of those two provisions, so as to maintain a balanced level of protection against injurious dumping.



- (199) Finally, the claim of the Russian exporting producer that the MIP should not be exclusively based on core loss was not accepted for the following reason. Maximum core loss is an objective criterion to distinguish different types of the product concerned from each other, whereas the distinction between first and second quality types of the product concerned is rather a very subjective assessment, which would complicate any monitoring of the implementation of the measures. Furthermore, the MIP does distinguish between individual exporting producers and the countries concerned, as set out in detail in recital (187) above.
- (200) The individual company anti-dumping measures specified in this Regulation were established on the basis of the findings of this investigation. Therefore, they reflected the situation found during this investigation with respect to these companies. These measures are exclusively applicable to imports of the product concerned originating in the countries concerned and produced by the named legal entities. Imports of product concerned produced by any other company not specifically mentioned in the operative part of this Regulation, including entities related to those specifically mentioned, should be subject to the measures applicable to 'all other companies'. They should not be subject to any of the individual anti-dumping measures.
- (201) A company may request the application of these individual anti-dumping measures if it changes the name of its entity or sets up a new production or sales entity. The request must be addressed to the Commission <sup>(1)</sup>. The request must contain all the relevant information, including modification in the company's activities linked to production, domestic and export sales associated with, for example, the name change or the change in the production and sales entities. The Commission will update the list of companies with individual anti-dumping measures, if justified.
- (202) In order to minimise the risks of circumvention, it is considered that special measures are needed in this case to ensure the proper application of the anti-dumping measures. These special measures include the following: the presentation to the customs authorities of the Member States of a valid commercial invoice and a valid mill certificate which shall conform to the requirements set out in the Articles of this Regulation. Imports not accompanied by such an invoice and a mill certificate shall be made subject to the applicable ad valorem duty rate for all other companies without reference to the minimum import prices.
- (203) Should a change in the pattern of trade due to the imposition of measures within the meaning of Article 13(1) of the basic Regulation take place, an anti-circumvention investigation may be initiated and, provided the conditions are met, ad valorem duties may be imposed.
- (204) Furthermore, in order to best guard against any possible absorption of the measures, particularly between related companies, the Commission will immediately initiate a review under Article 12(1) of the basic Regulation and may subject importations to registration in accordance with Article 14(5) of the basic Regulation, should any evidence of such behaviour be provided.

### 3. No collection of the provisional duties

- (205) The provisional duties in the form of ad valorem duties ranging between 21,6 % and 35,9 % for the imports of the product concerned which applied during the period from 13 May 2015 to 13 November 2015 shall not be collected. The Commission considered that, in the specific circumstances of the case, collection of the provisional duties, that took a different form from the definitive duties, would not be in line with the Union interest, given that prices during this period were generally above those of the established MIPs.
- (206) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping duties. They were also granted a period of time within which they could make representations following this disclosure. The comments submitted by other parties were duly considered but were not such as to change the conclusions.

## H. UNDERTAKINGS

- (207) The Russian and the Korean exporting producer offered price undertakings in accordance with Article 8(1) of the basic Regulation. The Korean exporting producer subsequently withdrew its undertaking offer.

<sup>(1)</sup> European Commission, Directorate-General for Trade, Directorate H, 1049 Brussels, Belgium.

- (208) The Russian exporting producer exports two types of GOES ('prime' and 'non-prime' types, the latter with e.g. surface defects) all falling within the lowest product range (products with a maximum core loss higher than 1,05 W/kg). Within this product category, it requested two MIPs in addition to those established for the duty, to make a distinction between the two types of the product concerned it is exporting to the Union. The Russian exporting producer has a number of related companies in the Union, though it sold so far the product concerned exclusively via its related trader in Switzerland.
- (209) The Commission assessed this offer, against the background of the form of the measures, i.e. MIPs that were established for three categories of product types, applicable to all exporting producers from all countries concerned, as set out above in recitals (175) and (176). The undertaking offer differs substantially from this approach and would require a company specific measure.
- (210) The distinction between prime and non-prime products appeared to be highly subjective for the purpose of implementing measures as it is proposed to distinguish the two product types with reference to a Russian standard. The Commission considered that this makes the undertaking impracticable, even more so as this standard would be additional to the distinction between product types based on core loss.
- (211) Moreover, the multitude of product types (its entire product range of the product concerned) it is selling in the Union as well as its company structure makes the offer difficult to monitor for the Commission services, in particular against the background of the form of the measures, i.e. the overall MIPs that were established for the three categories of product types instead of the more common *ad valorem* duties. Finally, in this particular case, the overall Union interest and the impact on the users have already been taken into consideration by the overall MIPs as set out in detail in recitals (149) and (169). So this constitutes another reason for rejecting the offered price undertaking.
- (212) On the basis of the above, and for reasons of general policy, the Commission rejected the undertaking offer of the Russian exporting producer.
- (213) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation.

HAS ADOPTED THIS REGULATION:

#### Article 1

1. A definitive anti-dumping duty is imposed on imports of grain-oriented flat-rolled products of silicon-electrical steel, of a thickness of more than 0,16 mm, currently falling within CN codes ex 7225 11 00 (TARIC Codes 7225 11 00 11, 7225 11 00 15 and 7225 11 00 19) and ex 7226 11 00 (TARIC codes 7226 11 00 12, 7226 11 00 14, 7226 11 00 16, 7226 11 00 92, 7226 11 00 94 and 7226 11 00 96) and originating in the People's Republic of China, Japan, the Republic of Korea, the Russian Federation and the United States of America.

2. The amount of the definitive anti-dumping duty applicable to the product described in paragraph 1 and produced by the named legal entities as set out in paragraph 4 shall be the difference between the minimum import prices fixed in paragraph 3 and the net free-at-Union-frontier price, before duty, if the latter is lower than the former. No duty shall be collected where the net free-at-Union-frontier price is equal to or higher than the corresponding minimum import price fixed in paragraph 3. In no event shall the amount of the duty be higher than the *ad valorem* duty rates set in paragraph 4.

3. For the purpose of paragraph 2, the minimum import price set out in the table below shall apply. Where it is found, following post-importation verification, that the net free-at-Union-frontier price actually paid by the first independent customer in the Union (post-importation price) is below the net free-at-Union-frontier price, before duty, as resulting from the customs declaration, and the post-importation price is lower than the minimum import price, an amount of duty equivalent to the difference between the minimum import price set out in the table below and the post-importation price shall apply, unless the application of the *ad valorem* duty set out in paragraph 4 plus the post-importation price lead to an amount (price actually paid plus *ad valorem* duty) which remains below the minimum import price set out in the table below.

Countries concerned	Product range	Minimum Import Price (EUR/tonne net product weight)
People's Republic of China, Japan, United States of America, Russian Federation, Republic of Korea	Products with a maximum core loss not higher than 0,9 W/kg	EUR 2 043
	Products with a maximum core loss higher than 0,9 W/kg but not higher than 1,05 W/kg	EUR 1 873
	Products with a maximum core loss higher than 1,05 W/kg	EUR 1 536

4. For the purpose of paragraph 2, the ad valorem duty rates set out in the table below shall apply.

Company	Ad Valorem Duty	TARIC additional code
Baoshan Iron & Steel Co., Ltd., Shanghai, PRC	21,5 %	C039
Wuhan Iron & Steel Co., Ltd., Wuhan, PRC	36,6 %	C056
JFE Steel Corporation, Tokyo, Japan	39,0 %	C040
Nippon Steel & Sumitomo Metal Corporation, Tokyo, Japan	35,9 %	C041
POSCO, Seoul, Republic of Korea	22,5 %	C042
OJSC Novolipetsk Steel, Lipetsk; VIZ Steel, Ekaterinburg, Russian Federation	21,6 %	C043
AK Steel Corporation, Ohio, United States of America	22,0 %	C044

5. The rate of the definitive anti-dumping duty applicable to the product described in paragraph 1 and produced by any other company not specifically mentioned in paragraph 4 shall be the ad valorem duty as set out in the table below.

Company	Ad Valorem Duty	TARIC additional code
All other Chinese companies	36,6 %	C999
All other Japanese companies	39,0 %	C999
All other Korean companies	22,5 %	C999
All other Russian companies	21,6 %	C999
All other American companies	22,0 %	C999

6. The application of the measures for the companies mentioned in paragraph 4 shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice and a mill certificate, which shall conform to the requirements as set out in respectively Annexes I and II. If neither the mill certificate nor the invoice is presented, the duty applicable to all other companies shall apply. This mill certificate shall list the actual maximum core loss for each coil in Watts per kilogram at a frequency of 50 Hz and a magnetic induction of 1,7 Tesla.

7. For the individually named producers and in cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value pursuant to Article 145 of 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), the minimum import price set out above shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable. The duty payable will then be equal to the difference between the reduced minimum import price and the reduced net, free-at-Union-frontier price, before customs clearance.

8. For all other companies and in cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value pursuant to Article 145 of Regulation (EEC) No 2454/93, the amount of the anti-dumping duty, calculated on the basis of paragraph 2 above, shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable.

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

#### *Article 2*

The amounts secured by way of the provisional anti-dumping duty pursuant to Regulation (EU) No 763/2015 shall be released.

#### *Article 3*

This Regulation shall enter into force on the day following 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, 29 October 2015.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

## ANNEX I

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(6):

- The name and function of the official of the entity issuing the commercial invoice.
- The following declaration: 'I, the undersigned, certify that the (volume) and (core loss) of the grain oriented electrical steel sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in (country concerned). I declare that the information provided in this invoice is complete and correct.'

Date and signature

\_\_\_\_\_

## ANNEX II

A declaration signed by an official of the entity issuing the mill certificate, in the following format, must appear on the valid mill certificate referred to in Article 1(6):

- The name and function of the official of the entity issuing the commercial invoice.
- The following declaration: 'I, the undersigned, certify that the grain oriented electrical steel sold for export to the European Union covered by the mill certificate, showing the measurement of the maximum core loss in Watts per kilogram at a frequency of 50 Hz and a magnetic induction of 1,7 Tesla, and the size in mm was manufactured by (company name and address) (TARIC additional code) in (country concerned). I declare that the information provided in this mill certificate is complete and correct.'

Date and signature

\_\_\_\_\_

**COMMISSION IMPLEMENTING REGULATION (EU) 2015/1954****of 29 October 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 <sup>(1)</sup>,

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 <sup>(2)</sup>, 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, 29 October 2015.

For the Commission,  
On behalf of the President,  
Jerzy PLEWA

*Director-General for Agriculture and Rural Development*

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<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> 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 <sup>(1)</sup>	Standard import value
0702 00 00	AL	48,7
	MA	91,4
	MK	57,3
	TR	96,8
	ZZ	73,6
0707 00 05	AL	52,3
	TR	103,7
	ZZ	78,0
0709 93 10	MA	98,1
	TR	144,0
	ZZ	121,1
0805 50 10	AR	130,2
	TR	107,6
	UY	83,2
	ZA	133,8
	ZZ	113,7
0806 10 10	BR	277,9
	EG	218,0
	LB	234,5
	MK	68,5
	PE	75,0
	TR	176,6
	ZZ	175,1
	ZZ	175,1
0808 10 80	AL	23,1
	AR	137,9
	CL	93,3
	NZ	159,6
	ZA	123,1
	ZZ	107,4
0808 30 90	TR	136,2
	ZZ	136,2

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

# DIRECTIVES

## COMMISSION IMPLEMENTING DIRECTIVE (EU) 2015/1955

of 29 October 2015

amending Annexes I and II to Council Directive 66/402/EEC on the marketing of cereal seed

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed <sup>(1)</sup>, and in particular Article 21b thereof,

Whereas:

- (1) The past years an increasing number of hybrid varieties of barley produced by the technique of cytoplasmic male sterility have been listed in the Common Catalogue of Varieties of Agricultural Plant Species pursuant to Article 17 of Directive 2002/53/EC <sup>(2)</sup>.
- (2) Cytoplasmic male sterility (CMS) has been accepted worldwide as a breeding technique for the production of hybrid varieties of barley. It encompasses a genetic system which naturally occurs in the cytoplasm of plants. That genetic system can be introduced into plants by means of crossing. On the basis of that technique, the genetic diversity of two or more parent lines can be combined. Therefore the performance of those varieties, in areas such as disease resistance and yields, can be improved. In view of that technical development it is appropriate to establish specific conditions for hybrid varieties of barley.
- (3) Taking into account the technical similarities with the production of seeds of hybrids of rye and the needs of the users of the seed of hybrids of barley, it is appropriate to set out conditions for that seed similar to the conditions applying for the seeds of hybrids of rye.
- (4) Experience has shown that the specific blend production system applied in the field, in combination with the weather related risks during the flowering period, would require a reduction of the varietal purity standard to 85 %, in the case the CMS technique is applied, allowing stable seed production under less favourable weather conditions. Therefore it is appropriate to allow a lower level of varietal purity than required for other hybrids.
- (5) Annexes I and II to Directive 66/402/EEC should therefore be amended accordingly.
- (6) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DIRECTIVE:

### Article 1

#### Amendments to Directive 66/402/EEC

Annexes I and II to Directive 66/402/EEC are amended in accordance with the Annex to this Directive.

<sup>(1)</sup> OJ L25, 11.7.1966, p. 2309/66.

<sup>(2)</sup> Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1).



*Article 2***Transposition**

1. Member States shall adopt and publish, by 30 June 2016 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 July 2016.

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

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

*Article 3***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 4***Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 29 October 2015.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

## ANNEX

Annexes I and II to Directive 66/402/EEC are amended as follows:

(1) Annex I is amended as follows:

(a) The first sentence of point 5 is replaced by the following: 'Crops to produce certified seed of hybrids of *Avena nuda*, *Avena sativa*, *Avena strigosa*, *Oryza sativa*, *Triticum aestivum*, *Triticum durum*, *Triticum spelta* and self-pollinating *xTriticosecale* and crops to produce certified seed of hybrids of *Hordeum vulgare* by means of a technique other than Cytoplasmic Male Sterility (CMS).'

(b) The following point is inserted after point 5:

'5a. Crops to produce basic and certified seed of hybrids of *Hordeum vulgare* by means of the technique of CMS:

(a) The crop shall conform to the following standards as regards distances from neighbouring sources of pollen which may result in undesirable foreign pollination:

Crop	Minimum distance
For the production of basic seed	100 m
For the production of certified seed	50 m

(b) The crop shall have sufficient varietal identity and purity as regards the characteristics of the components.

In particular the crop shall conform to the following standards:

(i) The percentage by number of plants which are obviously not being true to type shall not exceed:

- for the crops used to produce basic seed, 0,1 % for the maintainer and the restorer line and 0,2 % for the CMS female component,
- for the crops used to produce certified seed, 0,3 % for the restorer and the CMS female component and 0,5 % in case the CMS female component is a single hybrid.

(ii) The level of male sterility of the female component shall be at least:

- 99,7 % for crops used to produce basic seed,
- 99,5 % for crops used to produce certified seed.

(iii) The requirements of points (i) and (ii) shall be examined in official post-control test.

(c) Certified seed may be produced in mixed cultivation of a female male-sterile component with a male component which restores fertility.'

(2) Annex II is amended as follows:

(a) Point 1.C is replaced by the following:

**'C. Hybrids of *Avena nuda*, *Avena sativa*, *Avena strigosa*, *Hordeum vulgare*, *Oryza sativa*, *Triticum aestivum*, *Triticum durum*, *Triticum spelta*, and self-pollinating *xTriticosecale***

The minimum varietal purity of the seed of the category certified seed shall be 90 %.

In case of *Hordeum vulgare* produced by means of CMS, it shall be 85 %. Impurities other than the restorer shall not exceed 2 %.

The minimum varietal purity shall be examined in official post-control test on an appropriate proportion of samples.'

(b) The title of point 1.E of Annex II is replaced by the following:

**'E. Hybrids of *Secale cereale* and CMS-hybrids of *Hordeum vulgare*'.**

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# DECISIONS

## COUNCIL IMPLEMENTING DECISION (EU) 2015/1956

of 26 October 2015

**fixing the date of effect of Decision 2008/633/JHA concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences <sup>(1)</sup>, and in particular Article 18(2) thereof,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) Decision 2008/633/JHA provides that it is to take effect from a date to be determined by the Council once the Commission has informed the Council that Regulation (EC) No 767/2008 of the European Parliament and of the Council <sup>(2)</sup> has entered into force and is fully applicable.
- (2) By letter of 2 July 2013, the Commission informed the Council that Regulation (EC) No 767/2008 had entered into force and had been fully applicable as from 27 September 2011.
- (3) The conditions for triggering the exercise by the Council of its implementing powers pursuant to Decision 2008/633/JHA have been met and an implementing decision fixing the date of effect of Decision 2008/633/JHA should therefore be adopted.
- (4) This Decision replaces Council Decision 2013/392/EU <sup>(3)</sup>, which was annulled by a judgment of the Court of Justice of the European Union ('the Court') <sup>(4)</sup>. In that judgment, the Court maintained the effects of Decision 2013/392/EU until the entry into force of a new act intended to replace it. Therefore, as of the date of entry into force of this Decision, Decision 2013/392/EU ceases to produce effects.
- (5) In order to ensure the continuity of access rights for consultation of the VIS by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences, the date from which Decision 2008/633/JHA took effect should be maintained as set out in Article 1 of Decision 2013/392/EU.
- (6) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* <sup>(5)</sup> which fall within the area referred to in Article 1, point H, of Council Decision 1999/437/EC <sup>(6)</sup>.

<sup>(1)</sup> OJ L 218, 13.8.2008, p. 129.

<sup>(2)</sup> Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

<sup>(3)</sup> Council Decision 2013/392/EU of 22 July 2013 fixing the date of effect of Decision 2008/633/JHA concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 198, 23.7.2013, p. 45).

<sup>(4)</sup> Judgment of the Court of Justice of 16 April 2015, *Parliament v Council*, C-540/13, ECLI:EU:C:2015:224.

<sup>(5)</sup> OJ L 176, 10.7.1999, p. 36.

<sup>(6)</sup> Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

- (7) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* <sup>(1)</sup> which fall within the area referred to in Article 1, point H, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC <sup>(2)</sup>.
- (8) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* <sup>(3)</sup> which fall within the area referred to in Article 1, point H, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU <sup>(4)</sup>.
- (9) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Decision whether it will implement it in its national law.
- (10) This Decision constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part in accordance with Council Decision 2000/365/EC <sup>(5)</sup>. The United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (11) This Decision constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part in accordance with Council Decision 2002/192/EC <sup>(6)</sup>. Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (12) This Decision should not affect the position of the Member States in respect of which Regulation (EC) No 767/2008 has not yet been put into effect. In particular, it should not affect the application of Article 6 of Decision 2008/633/JHA with regard to those Member States,

HAS ADOPTED THIS DECISION:

#### Article 1

Decision 2008/633/JHA shall take effect from 1 September 2013, as set out in Article 1 of Decision 2013/392/EU.

#### Article 2

Decision 2013/392/EU shall cease to produce effects from 31 October 2015, without prejudice to the date of effect of Decision 2008/633/JHA, as set out in Article 1 of Decision 2013/392/EU.

<sup>(1)</sup> OJ L 53, 27.2.2008, p. 52.

<sup>(2)</sup> Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

<sup>(3)</sup> OJ L 160, 18.6.2011, p. 21.

<sup>(4)</sup> Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

<sup>(5)</sup> Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

<sup>(6)</sup> Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

*Article 3*

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

Done at Luxembourg, 26 October 2015.

*For the Council*  
*The President*  
C. DIESCHBOURG

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**COUNCIL DECISION (CFSP) 2015/1957**  
**of 29 October 2015**  
**amending Decision 2012/642/CFSP concerning restrictive measures against Belarus**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 15 October 2012, the Council adopted Decision 2012/642/CFSP <sup>(1)</sup>.
- (2) On the basis of a review of Decision 2012/642/CFSP, the restrictive measures against Belarus should be extended until 29 February 2016.
- (3) The information relating to certain persons and entities on the list of persons and entities subject to restrictive measures as set out in the Annex to Decision 2012/642/CFSP should be updated.
- (4) Following the judgment of the General Court of 6 October 2015 in Case T-276/12, *Y. Chyzh and others v Council* <sup>(2)</sup>, there are no longer grounds for keeping four entities on the list of persons and entities subject to restrictive measures as set out in the Annex to Decision 2012/642/CFSP.
- (5) Furthermore, the Council considers that the restrictive measures imposed on certain persons and entities designated under Decision 2012/642/CFSP should be suspended until 29 February 2016.
- (6) Decision 2012/642/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Council Decision 2012/642/CFSP is hereby amended as follows:

- (1) Article 8 is replaced by the following:

*'Article 8*

1. This Decision shall apply until 29 February 2016.
  2. The measures referred to in Article 3(1) and Article 4, in so far as they apply to persons or entities listed in Annex II, shall be suspended until 29 February 2016.
  3. This Decision shall be kept under constant review and shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.;
- (2) the Annex is hereby amended as set out in Annex I to this Decision and the term 'Annex' shall be replaced by 'Annex I' throughout Decision 2012/642/CFSP, except for Article 6(1), in which the term 'the Annex' shall be replaced by the term 'Annexes I and II';
- (3) the text of Annex II to this Decision shall be added as Annex II to Decision 2012/642/CFSP.

<sup>(1)</sup> Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus (OJ L 285, 17.10.2012, p. 1).

<sup>(2)</sup> Judgment of the General Court (First Chamber) of 6 October 2015: *Yury Aleksandrovich Chyzh v Council*, T-276/12, ECLI:EU:T:2015:748 (not yet published in the *Reports of Cases*).

*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, 29 October 2015.

*For the Council*  
*The President*  
J. ASSELBORN

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## ANNEX I

I. The following entities are deleted from the list set out in Part B (Entities) of the Annex to Decision 2012/642/CFSP:

8.	LLC Triple Metal Trade
10.	JV LLC Triple-Techno
18.	MSSFC Logoysk
19.	Triple-Agro ACC

II. The entries for the following persons set out in Part A of the Annex to Decision 2012/642/CFSP are replaced by the following:

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
4.	Alinikau Siarhei Aliaksandravich (Alinikau Siarhey Alyaksandravich) Aleinikov Sergei Aleksandrovich	АЛИНИКАЎ, Сяргей Аляксандравич	АЛЕЙНИКОВ, Сергей Александрович	Address: Исправительное учреждение 'Исправительная колония № 17' управления Департамента исполнения наказаний МВД Республики Беларусь по Могилевской области, г. Шклов, Могилевская область	Major, head of operative unit of penal colony IK-17 in Shklov. Exerted pressure on political prisoners by denying their right to correspondence and meetings, issued orders to subject them to a stricter criminal regime, searches, and made threats in order to extort confessions. He was directly responsible for violating the human rights of political prisoners and opposition activists in 2011-2012 by using excessive force against them. His actions constituted a direct violation of the international commitments of Belarus in the field of human rights.
7.	Ananich, Liliia Stanislavauna (Ananich, Lilia Stanislavauna; Ananich, Liliya Stanislavauna) Ananich, Liliia Stanislavovna (Ananich, Lilia Stanislavovna; Ananich, Liliya Stanislavovna)	АНАНИЧ, Лілія Станіславаўна	АНАНИЧ, Лилия Станиславовна	DOB: 1960 Place of birth: Leonovo, district of Borisov, region of Minsk ID: 4020160A013PB7 Address: 220004, г. Минск, пр. Победителей, 11 Минис- терство информации Belarus	Minister of Information since 30.6.2014, former First Deputy Minister of Information. She has played a major role since 2003 in promoting state propaganda, which provokes, supports and justifies the repression of the democratic opposition and of civil society, and by suppressing the freedom of the media. Democratic opposition and civil society are systematically highlighted in a negative and derogatory way using falsified information.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
10.	Atabekau, Khazalbek Bakhtibekavich  Atabekov, Khazalbek Bakhtibekovich	АТАБЕКАЎ, Хазалбек Бакхібекавіч	АТАБЕКОВ, Хазалбек Бахтибекович (АТАБЕКОВ, Кхазалбек Бахтибекович)	Address: Главное Управление Командующего Внутренними Войсками 220028 г. Минск, ул. Маяковского, 97	Colonel, Deputy Head of Department of fight training of the Ministry of Interior's troops, former commander of a special brigade of Interior Troops in the Uruchie suburb of Minsk. He commanded his unit during the crackdown on the post-election protest demonstration in Minsk on 19 December 2010 where an excessive use of force was applied. His actions constituted a direct violation of the international commitments of Belarus in the field of human rights.
11.	Badak Ala Mikalaeuna Bodak Alla Nikolaevna	БАДАК, Ала Мікалаеўна	БОДАК, Алла Николаевна	DOB: 30.8.1967 Passport Number: SP0013023 Address: 220004, г.Минск, ул. Коллекторная, 10 Министерство юстиции (10 Kollektornaya str.) Belarus	Deputy Minister of Justice, in charge of the supervision of, and control over, the Legal Bar, formerly in charge of legal support to the institutions that draft legislative and regulatory acts.  She was responsible for the role and the action of the Ministry of Justice and the judiciary of Belarus, which are major instruments of repression of the population, by elaborating laws that are repressive towards civil society and the democratic opposition.
12.	Bakhmatau, Ihar Andreevich  Bakhmatov, Igor Andreevich	БАХМАТАЎ, Ігар Андрэвіч	БАХМАТОВ, Игорь Андреевич		Has been actively involved in the repression of civil society in Belarus. As a former Deputy Head of the KGB, in charge of the staff and the organisation of their tasks, he was responsible for the repressive activity of the KGB against civil society and democratic opposition. Reassigned to the reserve forces in May 2012.
16.	Barouski Aliaksandr Genadzevich  Borovski Aleksandr Gennadievich	БАРОЎСКІ, Аляксандр Генадзевіч	БОРОВСКИЙ, Александр Геннадиевич	Address: Прокуратура Октябрьского района 220039 г.Минск, ул.Авакяна, 32	Deputy Prosecutor of the Oktiabrski (Kastrichnitski) District of Minsk. He dealt with the case of Pavel Vinogradov, Dmitri Drozd, Ales Kirkevich and Vladimir Homichenko. The accusation presented by him had a clear and imminent political motivation and was a clear violation of the Code of Criminal Procedure. It was based on an incorrect classification of the events of 19 December 2010, not sustained by evidence, proof or testimonies of witnesses.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
17.	Barsukou, Aliaksandr Piatrovich Barsukov, Aleksandr Petrovich	БАРСУКОЎ, Аляксандр Пятровіч	БАРСУКОВ, Александр Петрович	DOB: 29.4.1965 Address: Беларусь, 220007 г. Минск, переулок Добромысленский, 5 ГУВД Минского Горисполкома	General, Chief of Minsk police. Since his appointment as Chief of Minsk police on 21 October 2011, he has been responsible, as commander, for the repression of approximately a dozen peaceful protesters in Minsk, who were later convicted for breaking the law on mass events. For several years he commanded police action against street protests of the opposition.
22.	Bileichyk, Aliaksandr Uladzimiravich Bileichik, Aleksandr Vladimirovich (Bileychik, Aleksandr Vladimirovich)	БІЛЕЙЧЫК, Аляксандр Уладзіміравіч	БИЛЕЙЧИК, Александр Владимирович	DOB: 1964	Former first Deputy Minister of Justice (until December 2014), in charge of the judicial services, the civil status and the notaries' services. His functions include the supervision of, and control over, the Legal Bar. He has played a major role in almost systematically debaring lawyers who defended political prisoners.
25.	Bulash, Ala Biukbalauna Bulash, Alla Biukbalovna	БУЛАШ, Ала Бюкбалаўна	БУЛАШ, Алла Бюкбаловна		Former Deputy President of the Kas-trichnitski District Court of Minsk in charge of criminal matters and former judge of the Oktiabrski (Kas-trichnitski) District Court of Minsk. She dealt with the case of Pavel Vinogradov, Dmitri Drozd, Ales Kirkevich, Andrei Protasenia and Vladimir Homichenko. Her way of conducting the trial was a clear violation of the Code of Criminal Procedure. She sustained the use of evidence and testimonies irrelevant to the accused.
28.	Busko, Ihar Iauhenavich (Busko, Ihar Yauhenavich) Busko, Igor Evgenievich (Busko, Igor Yevgenyevich)	БУСЬКО, Ігар Яўгенавіч	БУСЬКО, Игорь Евгеньевич	Address: КГБ 210623, г. Минск, праспект Независимости, 17	Deputy Head of the KGB, former Head of the KGB of the Region of Brest. Responsible for the repressive activity of the KGB against civil society and democratic opposition in the region of Brest and in Belarus.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
31.	Charkas, Tatsiana Stanislavauna (Cherkas, Tatsiana Stanislavauna) Cherkas, Tatiana Stanislavovna	ЧАРКАС, (ЧЭРКАС) Таццяна Станіславаўна	ЧЕРКАС, Татьяна Станиславовна	Address: Суд Партизанского района г. Минска 220027, г. Минск, ул. Семашко, 33	President of the Partizanski District court of Minsk, former Deputy President of the Frunzenski District court of Minsk, former judge of the Frunzenski District court of Minsk, dealing with the cases of protestors Aleksandr Otroshchenkov (sentenced to 4 years of restricted imprisonment), Aleksandr Molchanov (3 years) and Dmitri Novik (3,5 years of restricted imprisonment). Responsible for implementing the politically-motivated administrative and criminal sanctions against representatives of civil society.
38.	Davydzka, Henadz Branislavavich Davydko, Gennadi Bronislavovich	ДАВИДЗЬКА, Генадзь Браніслававіч	ДАВЫДЬКО, Геннадий Брониславович	DOB: 29.9.1955, Senno, Vitebsk region Address: Белтеле-радиокомпания, ул. Макаенка, 9, Минск, 220807, Беларусь	President of the State Radio-TV company since 28 December 2010. Describing himself as an authoritarian democrat, he was responsible for promoting state propaganda on TV, propaganda which supported and justified the repression of the democratic opposition and of civil society after the elections in December 2010. Democratic opposition and civil society are systematically highlighted in a negative and derogatory way using falsified information.
40.	Dysko, Henadz Iosifavich Dysko, Gennadi Iosifovich	ДЫСКО, Генадзь Іосіфавіч	ДЫСКО, Геннадий Иосифович	DOB: 22.3.1964 POB: Oshmiany, Hrodna region Address: 210601 г. Витебск, ул. Жесткова, 14а (ul. Zhestkova, 14a Vitebsk)	Head prosecutor of the Region of Vitebsk since October 2006. Responsible for the repression of civil society following the December 2010 elections. This includes responsibility for cases against Siarhei Kavalenka and Andrei Haidukow.
41.	Dzemiantsei, Vasil Ivanavich (Dzemyantsey, Vasil Ivanovich) Dementei, Vasili Ivanovich (Dementey, Vasili Ivanovich)	ДЗЕМЯНЦЕЙ, Васіль Іванавіч	ДЕМЕНТЕЙ, Василий Иванович	DOB: 20.9.1954 POB: Chashniki district, Vitebsk region ID: 3200954E045PB4 Address: Гродненская региональная таможня 230003, г. Гродно, ул. Карского, 53	Head of the Hrodna regional Customs committee (since 22 April 2011), former First deputy Chairman of the KGB (2005-2007), former Deputy Head of the State Customs Committee (2007-2011). Responsible for the repressive activity of the KGB against civil society and the democratic opposition, in particular in 2006-2007.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
42.	Dziadkou, Leanid Mikalaevich Dedkov, Leonid Nikolaevich	ДЗЯДКОЎ, Леанід Мікалаевіч	ДЕДКОВ, Леонид Николаевич	DOB: 10.1964 ID: 3271064M000PB3	Former Deputy Head of the KGB (2010-July 2013), in charge of foreign intelligence. He shared responsibility for the repressive activity of the KGB against civil society and democratic opposition.
48.	Halavanau, Viktor Ryhoravich Golovanov, Viktor Grigorievich	ГАЛАВАНАЎ, Віктар Рыгоравіч	ГОЛОВАНОВ, Виктор Григорьевич	DOB: 15.12.1952, Borisov Address: ul. Oktyabrskaya, 5 Minsk	Rector of the private 'Belarus Institute of Law'. As former Minister of Justice, his services elaborated laws that are repressive towards civil society and the democratic opposition. He also denied or deprived registration for NGOs and political parties and he ignored unlawful acts undertaken by the security services against the population.
50.	Herasimenka, Henadz Anatolievich Gerasimenko, Gennadi Anatolievich	ГЕРАСИМЕНКА, Генадзь Анатольевіч	ГЕРАСИМЕНКО, Геннадий Анатольевич	Address: 'Институт национальной безопасности Республики Беларусь' 220034, г. Минск, ул.3. Бядули, 2	Deputy Head of the Institute of National Security (KGB school) and former Head of the KGB of the District of Vitebsk. Responsible for the repressive activity of the KGB against civil society and democratic opposition in the region of Vitebsk.
54.	Hrachova, Liudmila Andreeuna (Hrachova, Lyudmila Andreyeuna) Gracheva, Liudmila Andreevna (Grachova, Lyudmila Andreyevna; Grachiova, Ludmila Andreevna)	ГРАЧОВА, Людміла Андрэеўна	ГРАЧЕВА, Людмила Андреевна	Address: Суд Ленинского района города Минска ул. Семашко, 33 220027, г. Минск	Former judge and Deputy President of the Leninski District Court of Minsk. She dealt with the case of ex-presidential candidates Nikolai Statkevich and Dmitri Uss, as well as political and civil society activists Andrei Pozniak, Aleksandr Klaskovski, Aleksandr Kvetkevich, Artiom Gribkov and Dmitri Bulanov. Her way of conducting the trial was a clear violation of the Code of Criminal Procedure. She sustained the use of evidence and testimonies irrelevant to the accused.
55.	Hureeu Siarhei Viktaravich (Hureyeu Siarhey Viktaravich) Gureev Sergei Viktorovich, (Gureyev Sergey Viktorovich)	ГУРЭЭЎ, Сяргей Віктаравіч	ГУРЕЕВ, Сергей Викторович		Has been actively involved in the repression of civil society in Belarus. As a former Deputy Minister of Interior and Head of Preliminary Investigation, he was responsible for the violent suppression of protests and violations of human rights during investigation proceedings in relation to the December 2010 elections. Joined the reserve forces in February 2012. Currently a General in the reserve forces .

	Names Transcription of Be- larusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
60.	Iaruta, Viktar Heorhevich (Yaruta, Viktar Heorhevich) Iaruta, Viktor Gueorguievich (Yaruta, Viktor Gueorguievich)	ЯРУТА, Віктар Георгіевіч	ЯРУТА, Виктор Георгиевич		Head of the KGB Board on State Communications. Responsible for the repressive activity of the KGB against civil society and democratic opposition.
61.	Iasianovich, Leamid Stanislavovich (Yasianovich, Leamid Stanislavovich) Iasenovich, Leonid Stanislavovich (Yasenovich, Leonid Stanislavovich)	ЯСЯНОВІЧ, Леанід Станіслававіч	ЯСЕНОВИЧ, Леонид Станиславович	DOB: 26.11.1961 POB: Buchani, Vitebsk district Address: Glavnoye Upravlenie Yus- titsy Míngorispolkoma 220030 Minsk Prospekt Nezavisimosti 8 Passport Number: MP0515811	First Deputy Head of the Main Jus- tice Department at the Minsk City Administration. Former Deputy Pre- sident of the Minsk Central District Court, former Judge of the Minsk Central District Court. On 6 Au- gust 2006, he sentenced the civil so- ciety activists of the Civic Initiative 'Partnership' to jail for having moni- tored the presidential elections in 2006. Nikolai Astreiko was sen- tenced to 2 years in jail, Timofei Dranchuk to 1 year, Aleksandr Sha- laiko and Enira Bronitskaya to 6 months. In 2007, 2010, 2011 and 2012, he sentenced several acti- vists to days in jail; particularly on 20 December 2010, he sentenced Andrei Luhin, Serhey Krauchanka and Stanislau Fedorau to 10 days in jail, and Volha Chernykh to 12 days in jail. On 21 December 2010, he sentenced Mykalai Dzemidenka to 15 days in jail. On 20 December 2011, he sentenced two activists who participated in an action on the anniversary of the events of 19 December 2010, Vassil Parfen- kau and Siarhey Pavel respectively to 15 and 12 days in jail.  On 6 September 2012, he sentenced Aliaksey Tseply to 5 days in jail for alleged resistance to policeman, whereas he was distributing an op- position newspaper in central Minsk.  His way of conducting the trials was a clear violation of the Code of Criminal Procedure.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
62.	Iauseev, Ihar Uladzimiravich (Yauseev, Ihar Uladzimiravich; Yauseyev, Ihar Uladzimiravich) Evseev, Igor Vladimirovich (Yevseev, Igor Vladimirovich; Yevseyev, Igor Vladimirovich)	ЯЎСЭЕЎ, Ігар Уладзіміравіч	ЕВСЕЕВ, Игорь Владимирович	DOB: 1968 Address: Minsk 220073 Kalvariiskaya 29	Head of the regional Minsk police (since March or April 2015), former Head of the regional Vitebsk police, police general (since 2013). Former Deputy Head of Minsk Police and Head of the Minsk anti-riot (OMON) operation team. He commanded the troops that put down the peaceful demonstrations on 19 December 2010 and personally took part in the brutality, for which he received an award and an acknowledgement letter from President Lukashenka in February 2011. In 2011, he also commanded the troops that repressed several other protests by political activists and peaceful citizens in Minsk.
63.	Ihnatovich-Mishneva, Liudmila Ignatovich-Mishneva, Liudmila	ІГНАТОВІЧ-МІШНЕВА Людміла	ИГНАТОВИЧ-МИШНЕВА Людмила		Prosecutor in Minsk dealing in 2011 with the dismissal of the appeal against the sentence of Dmitri Dashkevich and Eduard Lobov, activists of the Molodoi Front (Young Front). The trial was a clear violation of the Code of Criminal Procedure.
66.	Kachanau Uladzimir Uladzimiravich Kachanov Vladimir Vladimirovich	КАЧАНАУ, Уладзімір Уладзіміравіч	КАЧАНОВ, Владимир Владимирович	Address: 220004, г.Минск, ул. Коллекторная, 10 Министерство юстиции (10 Kollektornaya str.) Belarus	Aide/Advisor to the Minister of Justice. As the aide to the Minister of Justice, he was responsible for the role and the action of the Ministry of Justice and the judiciary of Belarus, by elaborating laws that are repressive towards civil society and the democratic opposition, supervising the work of the judges and prosecutors, denying or depriving registration for NGOs and political parties, taking decisions against lawyers who defended political prisoners, as well as deliberately ignoring the unlawful acts undertaken by the security services against the population.
67.	Kadzin, Raman Viktaravich Kadin, Roman Viktorovich	КАДЗІН, Раман Віктаравіч	КАДИН, Роман Викторович	DOB: 17.7.1977 Present passport: MP3260350	Commanding officer of Weaponry and Technical Supply of the Motorised Patrol Service. In February 2011, he received an award and an acknowledgement letter from President Lukashenka for his active participation and implementation of orders during the repression of the 19 December 2010 demonstrations.

	Names Transcription of Be- larusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
68.	Kakunin, Aliaksandr Aliaksandravich (Kakunin, Aliaxandr Aliaxandravich) Kakunin, Aleksandr Aleksandravich (Kakunin, Alexandr Alexandrovich) Alexander Aleksandrovich Kakunin Alexander Aleksandrovich Kakunin (Александр Александрович Какунин, Аляксандр, Аляксандровіч Какунін)	КАКУНИН Александр Александрович	КАКУНІН Аляксандр, Аляксандровіч	Address: Исправительная колония № 2 213800, г. Бобруйск, ул. Сикорского, 1	Head of penal colony IK-2 in Bobruisk, responsible for inhumane treatment of political prisoners A. Sannikau and A. Beliatski in penal colony IK-2 in Bobruisk. Opposition activists were tortured, denied access to lawyers and placed in the solitary confinement in the penal colony under his supervision. Kakunin put pressure on A. Beliatski and A. Sannikau in order to force them to sign an appeal for pardon.
69.	Kalach, Uladzimir Viktaravich Kalach, Vladimir Viktorovich	КАЛАЧ, Уладзімір Віктаравіч	КАЛАЧ, Владимир Викторович		Head of the KGB of the region and city of Minsk and former Deputy Head of the KGB for Minsk. Responsible for the repressive activity of the KGB civil society and the democratic opposition in Minsk.
73.	Kanapliou, Uladzimir Mikalaevich Konoplev, Vladimir Nikolaevich	КАНАПЛЕЎ, Уладзімір Мікалаевіч	КОНОПЛЕВ, Владимир Николаевич	DOB: 3.1.1954 POB: Akulintsi, Mohilev region ID: 3030154A124PB9 Address: 220114, Filimonova Str., 55/2, Minsk, Belarus	Has close ties with President Lukashenka with whom he worked closely during the 1980s and mainly in 1990s. Deputy Head of the National Olympic Committee (Head is Alexander Lukashenka). Head of the Handball federation, re-elected in 2014. Former Chairman of the Lower House of the Parliament. He was one of the main actors in the fraudulent presidential election in 2006.



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80.	Kazheunikau Andrey Kozhevnikov Andrey	КАЖЭЎНІКАЎ, Андрэй	КОЖЕВНИКОВ, Андрей		Head of the Investigative Committee of the Minsk Oktiabrsky district, former public prosecutor of the case against ex-presidential candidates Vladimir Neklyayev, Vitaly Rimashevsky, members of Neklyayev's campaign team Andrei Dmitriev, Aleksandr Feduta and Sergei Vozniak, as well as Young Front deputy chairperson Anastasia Polozhanka. The accusation presented by him had a clear and imminent political motivation and it was a clear violation of the Code of Criminal Procedure. It was based on an incorrect classification of the events of 19 December 2010, and not sustained by evidence, proof or testimonies of witnesses.
83.	Kharyton, Aliaksandr Khariton, Aleksandr	ХАРЫТОН, Аляксандр	ХАРИТОН, Александр	Address: 220004, г.Минск, ул. Коллекторная, 10 Минис- терство юстиции (10 Kollektornaya str.) Belarus	Senior Consultant of the Division of Social Organisations, Parties and NGOs of the Ministry of Justice. He has taken an active part in the repression of civil society and of the democratic opposition since 2001, by personally refusing to register NGOs and political parties, which in many cases has led to their abolition.
89.	Kisialiou, Anatol Siamionovich Kiselev, Anatoli Semenovich (Kiselyov, Anatoli Semyonovich)	КИСЯЛЕЎ, Анатоль Сяменавіч	КИСЕЛЕВ, Анатолий Семенович	Address: Брестский областной ко- митет профсоюза работни- ков государственных учреждений 224005, г. Брест, ул. К. Маркса, 19	Former Head of the Regional Election Commission of the Brest region for the presidential election of 2010. Head of the Regional Election Commission of the Brest region for the local elections in March 2014. Head of the pro-regime regional trade union organisation. As Chairman of a Regional Electoral Commission, he was responsible for the violations of international electoral standards in the presidential elections on 19 December 2010 and for falsifications in the local elections of March 2014 in the Brest region.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
94.	Kornau, Uladzimir Uladzimiravich Kornov, Vladimir Vladimirovich	КОРНАЎ, Уладзімір Уладзіміравіч	КОРНОВ, Владимир Владимирович	Address: Суд Советского района г. Минска 220113, г. Минск, Ло- гойский тракт, 3	Head of the Sovetski District Court of Minsk, former judge at the City Court of Minsk who authorised the rejection of Byalyatski's appeal. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation to the 19 December 2010 elections and the crackdown on civil society and on the democratic opposition.
95.	Korz, Ivan Aliakseevich Korz, Ivan Alekseevich	КОРЖ, Иван Аляксеевіч	КОРЖ, Иван Алексеевич	Address: KGB Training Centre Бядулі 2, 220034, Минск	Major General, appointed as the Head of the KGB Training Center, former Head of the KGB of the Region of Hrodna. Responsible for the repressive activity of the KGB against civil society and democratic opposition in the region of Hrodna.
101.	Kryshtapovich, Leu Eustafievich (Kryshtapovich, Leu Yeustafievich) Krishtapovich, Lev Evstafievich (Krishtapovich, Lev Yevstafievich)	КРЫШТАПОВІЧ, Леў Еўстаф’евіч	КРИШТАПОВИЧ, Лев Евстафьевич	DOB: 1949 POB: Pekalin, Smolevichi district, Minsk region Address: Научно-исследовательский отдел Белорусского госу- дарственного университета культуры Minsk	Head of the Scientific Research Department of the State Culture and Arts University (since September 2014). Former Deputy Director of the Information and Analytical Centre of the President's Administration which acts as one of the main sources of state propaganda, supporting and justifying the repression of the democratic opposition and of civil society.
104.	Kuliashou, Anatol Nilavich Kuleshov, Anatoli Nilovich	КУЛЯШОЎ, Анатоль Нілавіч	КУЛЕШОВ, Анатолий Нилович	DOB: 25.7.1959 POB: Ali-Bairamly, Azer- bajjan ID: 3250759A066PB3 Address: 220030 Minsk, K. Marx st. 3	Advisor in the Department for the fight against organised crime, terrorism and drugs, cooperation in the area of safety and new challenges and threats of the CIS Executive Committee. Has been actively involved in the repression of civil society in Belarus. In his former role as Minister of Interior he commanded the troops of the Ministry of Interior that brutally repressed the peaceful demonstrations on 19 December 2010 and showed some pride for this responsibility. Assigned to the army reserve forces in January 2012.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
105.	Kuzniatsou, Ihar Nikonavich Kuznetsov, Igor Nikonovich	КУЗНЯЦОЎ, Ігар Ніконавiч	КУЗНЕЦОВ, Игорь Никонович		Major General, former Head of KGB Training Centre, former Head of the KGB in the Minsk region and in Minsk city, sent to the reserve forces. As the person responsible for preparing and training KGB staff, he was responsible for the repressive activity of the KGB against civil society and the democratic opposition. In relation to his previous functions, he was responsible for the same repressive activity of the KGB in Minsk city and in the region of Minsk.
110.	Laptionak, Ihar Mikalaevich Laptionok, Igor Nikolaevich	ЛАПЦЕНАК, Ігар Мікалаевiч	ЛАПТЕНОК, Игорь Николаевич	DOB: 31.8.1947, POB: Minsk Address: 220034, г. Минск, ул. Фрунзе, 5	Member of the Board of the pro-regime Union of Writers. Responsible for organising and implementing the dissemination of falsified information through the state-controlled media. As former Deputy Minister of Information, he played a major role in promoting state propaganda which supports and justifies the repression of the democratic opposition and of civil society. Democratic opposition and civil society have been systematically highlighted in a negative and derogatory way using falsified and untrue information.
112.	Lazavik, Mikalai Ivanavich Lozovik, Nikolai Ivanovich	ЛАЗАВІК, Мікалай Іванавiч	ЛОЗОВИК, Николай Иванович	DOB: 18.1.1951 Nevinyanu, Minsk region (Невiнянн Вiлейскаго р-на Мiнскай обл) ID: 3180151H004PB2 Address: 220010, г.Минск, ул.Со- ветская, 11	Secretary of the Central Election Commission of Belarus. Since 2000 he has been one of the main actors involved in the falsifications in fraudulent elections and referenda, in particular in 2004, 2006, 2008, 2010, 2012, 2014.
113.	Lemiashonak, Anatol Ivanavich Lemeshenok, Anatoli Ivanovich	ЛЕМЯШОНАК, Анатоль Іванавiч	ЛЕМЕШЕНОК, Анатолій Иванович	DOB: 14.5.1947 Address: 220013, г. Минск, ул. Б. Хмельницкого 10а	President of the pro-regime Belarusian Union of Journalists. Editor-in-Chief of 'Respublika', newspaper of the Council of Ministers. In his position he is one of the most vocal and influential members of the state propaganda machine in the printed press. He has supported and justified the repression of the democratic opposition and of civil society, which are systematically highlighted in a negative and derogatory way using falsified information, particularly after the presidential elections in 2010.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
116.	Liushtyk, Siarhei Anatolievich (Lyushtyk, Siarhey Anatolyevich) Liushtyk, Sergei Anatolievich (Lyushtyk, Sergey Anatolyevich)	ЛЮШТЫК, Сяргей Анатольевіч	ЛЮШТЫК, Сергей Анатольевич	Address: Суд Первомайского района г. Минска 220012, г. Минск, ул. Толбухина, 9	Judge at Pervomaiski District Court of Minsk. In 2010-2011 he fined or sentenced the following representatives of civil society for their peaceful protests: a) 2011.7.14, Struy Vitali, 10 daily base units (35 000 BLR); b) 2011.7.4, Shalamitski Paval, 10 days in prison; c) 2010.12.20, Sikirytskaya Tatsyana, 10 days in prison; d) 2010.12.20, Dranchuk Yuliya, 13 days in prison; e) 2010.12.20, Lapko Mikalay, 12 days in prison; f) 2010.12.20, Pramatoraw Vadzim, 12 days in prison.  Repeatedly imposed prison terms and large fines against those involved in peaceful protests and, as a result, he was responsible for the repression of civil society and of the democratic opposition in Belarus. On 24 July 2012, even after his inclusion in the sanction list, he fined for malicious hooliganism opposition activist, Andrej Molchan, who had been severely beaten by two policemen.
117.	Lomats, Zianon Kuzmich Lomat, Zenon Kuzmich	ЛОМАЦЬ, Зянон Кузьміч	ЛОМАТЬ, Зенон Кузьмич	DOB: 27.1.1944, Karabani, Minsk region	Has actively undermined democracy in Belarus. In his former role as President of the State Control Committee (until 28 December 2010) he was one of the main persons involved in the case of Ales Byalyatski, one of the most prominent human rights defenders, Chief of the Belarusian Human Rights Centre 'Vyasna', Vice President of FIDH. A. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation to the 19 December 2010 elections and the crackdown on civil society and on the democratic opposition.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
118.	Lapatka, Aliaksandr Aliaksandravich (Lapatka, Aliaxandr Aliaxandravich) Lopatko, Aleksandr Aleksandrovich (Lopatko, Alexandr Alexandrovich)	ЛОПАТКО Александр Александрович	ЛАПАТКА Александр Александрович	Address: Исправительная колония № 9 213410, г. Горки, ул. Добролюбова, 16	Head of penal colony IK-9 in Horki, responsible for inhumane treatment of D. Dashkevich, including tortures and denial of access to legal representatives. Lopatko had a key position in the penal colony where Dashkevich was held and where psychological pressure, including denial of sleep and isolation, was applied to political prisoners including Mr Dashekevich.
119.	Lukashenka, Aliaksandr Ryhoravich Lukashenko, Aleksandr Grigorievich	ЛУКАШЭНКА, Аляксандр Рыгоравіч	ЛУКАШЕНКО, Александр Григорьевич	DOB: 30.8.1954 POB: Копус, Vitebsk district Address: Резиденция Президента Республики Беларусь г. Минск, ул.Кирова, д. 43	President of the Republic of Belarus.
121.	Lukashenka, Viktar Aliaksandravich Lukashenko, Viktor Aleksandrovich	ЛУКАШЭНКА, Віктар Аляксандравіч	ЛУКАШЕНКО, Виктор Александрович	DOB: 28.11.1975 Address: Адміністрацыя прэзідэнта Рэспублікі Беларусь 220016, Минск, Маркса 38	Assistant/Aid to the President in National Security Affairs. In May 2013, appointed co-supervisor of the Belarusian-Russian Commission on Potash Exports by his father. As one of his closest collaborators, he has played a key role in the repressive measures implemented against the democratic opposition and civil society. As a key member of the State Security Council, he was responsible for the coordination of repressive measures against the democratic opposition and civil society, in particular in the crackdown of the demonstration on 19 December 2010.
122.	Lukomski, Aliaksandr Valiantsinavich Lukomski, Aleksandr Valentinovich	ЛУКОМСКІ, Аляксандр Валянцінавіч	ЛУКОМСКИЙ, Александр Валентинович	DOB: 12.8.1971 ID: 3120871A074PB7	Commander of the Special Regiment of the Ministry of Interior of the City of Minsk.

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					He commanded the troops that repressed a peaceful demonstration on 19 December 2010, for which he received an award and an acknowledgement letter from President Lukashenka in February 2011. In June 2011, he also commanded troops that repressed peaceful citizens in Minsk. On 7 May 2014, the regiment under his command received a special recognition flag from the Ministry of Internal Affairs.
124.	Makei, Uladzimir Uladzimiravich (Makey, Uladzimir Uladzimiravich) Makei, Vladimir Vladimirovich (Makey, Vladimir Vladimirovich)	МАКЕЙ, Уладзімір Уладзіміравіч	МАКЕЙ, Владимир Владимирович	DOB: 5.8.1958, Hrodna region ID: 3050858A060PB5 Address: Ministry of Foreign Affairs ул.Ленина, 19, Минск 220030	Minister for Foreign Affairs, former Head of the President's Administration. As Head of the President's Administration, he was considered to be the second most powerful person in the regime and, as such, was responsible for organising fraudulent elections in 2008 and 2010 and for the subsequent repression of peaceful demonstrators.
127.	Maslakou, Valery Anatolievich Maslakov, Valeri Anatolievich	МАСЛАКОЎ, Валерый Анатольевіч	МАСЛАКОВ, Валерий Анатольевич	Address: КГБ 210623, г. Минск, проспект Независимости, 17	Head of the KGB Board of military counter-intelligence. Responsible for the repressive activity of the KGB against civil society and the democratic opposition.
133.	Miklashevich, Piotr Piatrovich Miklashevich, Petr Petrovich	МІКЛАШЭВІЧ, Пётр Пятровіч	МИКЛАШЕВИЧ, Петр Петрович	DOB: 18.10.1954 POB: Kosuta, Minsk region Address: ul. Gvardeiskaya, 16-17	Head of the Constitutional Court and former Prosecutor General who has been active in the repression of civil society and of the democratic opposition. In his previous capacity, he was one of the main persons involved in the repression of the democratic opposition and of civil society from 2004 to 2008. Since his appointment to the Constitutional Court in 2008, he has faithfully implemented the repressive policies of the regime and has validated repressive laws even when they violated the constitution.
135.	Morozau, Viktor Mikalaevich Morozov, Viktor Nikolaevich	МАРОЗАЎ, Віктар Мікалаевіч	МОРОЗОВ, Виктор Николаевич	Address: Прокуратура Гродненской области г.Гродно, 230012, ул.До- ватора, 2а	Prosecutor of the region of Hrodna. Responsible for the repression of civil society following the December 2010 elections.

	Names Transcription of Be- larusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
136.	<p>Motyl, Tatsiana Iaraslavauna (Motyl, Tatsiana Yaraslavauna)</p> <p>Motyl, Tatiana Iaroslavovna (Motyl, Tatyana Yaroslavovna)</p>	<p>МОТЫЛЬ, Таццяна Яраславаўна</p>	<p>МОТЫЛЬ, Татьяна Ярославовна</p>	<p>Address: Суд Московского района г. Минска 220042, г. Минск, Прос- пект газеты 'Правда', 27</p>	<p>Judge at the Moskovski Rayon Court of the city of Minsk.</p> <p>She was directly involved in the ju- dicial repression of peaceful demon- strators on 19 December 2010. On 10 January 2011, she sentenced Young Front activist, Yulian Misiu- kevich, to 12 days in jail and, on 21 January 2011 and 31 January 2011 respectively, she sentenced political activist, Usevalad Shasharin, and civil society activist, Tsimafei Atranchankau, each to 9 days in jail.</p> <p>She also sentenced on 27 December 2010 and 20 January 2011 respect- ively human rights defender, Mikhail Matskevich, to 10 days in jail and civil society activist, Valer Siadou, to 12 days in jail for their participation in an action in support of political prisoners. She was also directly in- volved in the judicial repression of civil society activists in 2011. On 4 and 7 July 2011, she sentenced An- ton Glinisty and Andrei Ignatchyk to 10 days in jail. She has also been directly involved in the judicial re- pression of political activists in 2012.</p> <p>On 22 February 2012, she sen- tenced the prominent political acti- vist, Pavel Vinogradau, to 10 days in jail, on whom she also imposed, on 10 April 2012, a preventive po- lice supervision for two years. On 23 March 2012, she sentenced poli- tical activists Mikhas Kostka and Anastasia Shuleika of 'Revolution through social networks' to 5 days in jail.</p> <p>On 21 April 2012, she sentenced the latter again to 10 days in jail.</p> <p>On 24, 25 and 26 May 2012, she sentenced Young Front activists, Uladzimir Yaromenak, Zmitser Kre- menetski and Raman Vasiliev to 10, 10 and 12 days in jail respectively.</p>

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
					On 22 June 2012, she sentenced the Euroradio journalist, Paval Sverdlov, to 15 days in jail. On 18 July 2012, she sentenced the activist Katsiarina Halitskaya to 10 days in jail. On 8 and 9 November 2012, she sentenced again Young Front activists, Uladzimir Yaromenak and Raman Vasiliev to 15 days in jail. On 7 May 2013, she sentenced the activist Aliaksandr Yarashevich to 12 days in jail. Her way of conducting the trials was a clear violation of the Code of Criminal Procedure. She sustained the use of evidence and testimonies irrelevant to the accused. On 6 August 2014 she sentenced activist Oleg Korol to 10 days of administrative detention without giving him a chance to speak in court; instead she stated: 'I know that you admit your guilt'.
137.	Navumau, Uladzimir Uladzimiravich  Naumov, Vladimir Vladimirovich	НАВУМАЎ, Уладзімір Уладзіміравіч	НАУМОВ, Владимир Владимирович	DOB: 7.2.1956, POB: Smolensk (Russia)	Failed to take action to investigate the case of the unresolved disappearances of Yuri Zakharenko, Viktor Gonchar, Anatoly Krasovski and Dmitri Zavadski in Belarus in 1999-2000. Former Minister of Interior and also former Head of the President's Security Service. As a Minister of Interior he was responsible for the repression over the peaceful demonstrations until his retirement on 6 April 2009 for health reasons.  Received a residence in the Drozdy nomenklatura district in Minsk from the Presidential Administration. In October 2014, was awarded the Order 'For Merit' III degree by President Lukashenka.
142.	Padabed, Iury Mikalaevich (Padabed, Yury Mikalaevich) Podobed, Iuri Nikolaevich (Podobed, Yuri Nikolaevich)	ПАДАБЕД, Юрый Мікалаевіч	ПОДОБЕД, Юрий Николаевич	DOB: 5.3.1962, POB: Slutsk (Minsk Region) Address: ul. Beruta, 15-62 (2 korp) ID: 3050362A050PB2 Passport: MP2272582	Head of the security service of the holding company Triple of Yuri Chizh, former Head of the Unit for Special Purposes, Ministry of Interior. As a commander of internal anti-riot troops he was directly responsible for and was directly involved in the violent repression of peaceful demonstrations, notably in 2004 and 2008.



	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
148.	Piakarski, Aleh Anatolievich Pekarski, Oleg Anatolievich	ПЯКАРСКІ, Алег Анатольевіч	ПЕКАРСКИЙ, Олег Анатольевич	ID: 3130564A041PB9	Has been actively involved in the repression of civil society in Belarus. As former first Deputy Minister of Interior (until December 2012), he was responsible for the repression of civil society following the December 2010 elections. Colonel in the reserve forces.
152.	Praliaskouski, Aleh Vitoldavich Proleskovski, Oleg Vitoldovich (Proleskovsky, Oleg Vitoldovich)	ПРАЛЯСКОЎСКИ, Алег Вітольдавіч	ПРОЛЕСКОВСКИЙ, Олег Витольдович	DOB: 1.10.1963 POB: Zagorsk (Sergijev Posad/ Russia)	Former Minister of Information (left office in June 2014), former Deputy Head of the President's Administration, former Head of the General Directorate for Ideology in the President's Administration, former Director of the Centre of Analysis and Information of the President's Administration.  He has been one of the main sources and voices of state propaganda and ideological support for the regime. He has been promoted to the position of Minister, and has since continued to be a vocal propagandist and supporter of the acts of the regime towards the democratic opposition and civil society.
156.	Radzkou, Aliaksandr Mikhailovich Radkov, Aleksandr Mikhailovich	РАДЗЬКОЎ, Аляксандр Міхайлавіч	РАДЬКОВ, Александр Михайлович	DOB: 1.7.1951 POB: Votnia, Mohilev region ID: 3010751M102PB0	Former Adviser to President Lukashenka (since 18 May 2015), former First Deputy Head of the President's Administration, former Minister of Education.  He closed down the European Humanity University, ordered the repression of opposition students, and organised students in order to force them to vote for the regime. He played an active role in organising fraudulent elections in 2008, 2010 and 2012, and in the subsequent repression of peaceful demonstrators in 2008 and 2010. He is very close to President Lukashenka. He is the Head of Belaya Rus, the main ideological and political organisation of the regime.

	Names Transcription of Be- larusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
161.	Rusak, Viktar Uladzimiravich Rusak, Viktor Vladimirovich	РУСАК, Віктар Уладзіміравіч	РУСАК, Виктор Владимирович	DOB: 4.5.1955 POB: Minsk Address: Палата прадставітэлей Нацыянальнага сабра- ня Рэспублікі Беларусь 220010, Рэспубліка Бе- ларусь, г. Мінск, ул. Со- ветская, 11	Member of the Lower Chamber of the Parliament, Deputy Chairman of Standing Committee on National security, Deputy Head of the Committee on National Security. Former Head of the KGB Board on Economic Security. He was responsible for the represive activity of the KGB against civil society and democratic opposition.
163.	Saikouski Valeri Yosifavich Saikovski Valeri Yosifovich	САЙКОЎСКІ, Валерыі Іосіфавіч	САЙКОВСКИЙ, Валерий Иосифович	DOB: 1977 Address: 220035 Minsk, ul. Sa- perov. 7	Appointed Deputy Head of Minsk Division of the Investigation Committee in January 2012. As Public Prosecutor of the Pervomaiski District of Minsk, he dealt with the trial of Ales Byalyatski, one of the most prominent human rights defenders, Chief of the Belarusian HR Centre 'Vyasna', Vice President of FIDH. The accusation presented by the prosecutor in the trial had a clear and imminent political motivation and was a clear violation of the Code of Criminal Procedure. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation to the 19 December 2010 elections and the crackdown on civil society and on the democratic opposition.
166.	Sauko, Valery Iosifavich Savko, Valeri Iosifovich	САЎКО, Валерыі Іосіфавіч	САВКО, Валерий Иосифович	Address: 230023 Hrodna, vul. Ozheshko, 1	Head of the Hrodna branch of the pro-regime trade union. Former Head of Regional Election Commission (REC) of Hrodna Region for the presidential election of 2010 and the local elections of March 2014. As Chairman of a Regional Electoral Commission, he was responsible for the violations of international electoral standards in the residential elections on 19 December 2010, and for the falsifications in the local elections of March 2014 in the Hrodna region.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
167.	Shaev, Valiantsin Piatrovich (Shayeu, Valyantsin Piatrovich) Shaev, Valentin Petrovich (Shayev, Valentin Petrovich)	ШАЕЎ Валянцін Пятровіч	ШАЕВ, Валентин Петрович	Address: 220034 Minsk, vul. Frunze, 19	Member of the Security Council, Head of the Investigation Committee, former Deputy Head of the Investigation Committee, former Prosecutor of the region of Homel. Responsible for the repression of civil society following the December 2010 elections.
168.	Shahrai, Ryta Piatrouna Shagrai, Rita Petrovna	ШАГРАЙ, Рыта Пятроўна	ШАГРАЙ, Рита Петровна	Address: Суд Заводского района г. Минска 220107, г. Минск, пр. Партизанский, 75А	President of the Zavodskoy District court of the city of Minsk (since 2014), former Deputy President at the Partizanski District court of the city of Minsk, former judge at the Oktiabrski District Court of the city of Minsk. She was directly involved in the judicial repression of peaceful demonstrators on 19 December 2010. On 20 December 2010, she sentenced civil society activists, Ales Sobal, Maksim Hrishel and Kastantsin Chufistau, to 10 days in jail, and Siarhei Kardymon to 15 days in jail. On 7 July 2011, she sentenced the activist Artur Zauharodny to 13 days in jail. On 12 October 2012 she sentenced the activists Aleh Korban and Uladzimir Siarheeu to 5 days in jail. Her way of conducting the trials was a clear violation of the Code of Criminal Procedure. She sustained the use of evidence and testimonies irrelevant to the accused.
169.	Shamionau Vadzim Iharavich Shamenov Vadim Igorevich (Shamyonov Vadim Igorevich)	ШАМЁНАЎ, Вадзім Ігаравіч	ШАМЁНОВ, Вадим Игоревич	Address: Исправительная колония № 17 213004, г. Шклов, ул. 1-я Заводская д. 8	Captain, head of operative unit of penal colony IK-17 in Shklov. Exerted pressure on political prisoners, denying their right to correspondence, and made threats in order to extort confessions. Directly responsible for violating the human rights of political prisoners and opposition activists by the use of cruel, inhuman and degrading treatment or punishment. His actions constituted a direct violation of the international commitments of Belarus in the field of human rights.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
173.	Sheiman, Viktor Uladzimiravich (Sheyman, Viktor Uladzimiravich) Sheiman, Viktor Vladimirovich (Sheyman, Viktor Vladimirovich)	ШЭЙМАН, Віктар Уладзіміравіч	ШЕЙМАН, ВИКТОР Владимирович	DOB: 26.5.1958, POB: Hrodna region Address: Управление Делами Президента ул. К.Маркса, 38 220016, г. Минск	Head of the Management Department of the President's Administration. Responsible for the unresolved disappearances of Yuri Zakharenko, Viktor Gonchar, Anatoly Krasovski and Dmitri Zavadski in Belarus in 1999-2000. Former Secretary of the Security Council. Sheiman remains a Special Assistant/Aid to the President.
174.	Shastakou, Iury Valerievich (Shastakou, Yury Valerievich) Shestakov, Iuri Valerievich (Shestakov, Yuri Valerievich)	ШАСТАКОЎ, Юрый Валер'евіч	ШЕСТАКОВ, Юрий Валерьевич	Address: Суд Московского района г. Минска 220042, г. Минск, Проспект газеты 'Правда', 27	Judge and Deputy President at the Moskovski Rayon Court of the city of Minsk. He was directly involved in the judicial repression of peaceful demonstrators on 19 December 2010. On 20 and 27 December 2010, he sentenced civil society activists Ilya Vasilievich, Nadzeya Chayukhova, Tatsiana Radzetskaya, Siarhei Kanapatski and Volha Damarad to 10 days in jail. On 20 December 2011 he sentenced the activist Siarhei Kanapatski for the commemoration of the repression on 19 December 2010. His way of conducting the trials was a clear violation of the Code of Criminal Procedure. He sustained the use of evidence and testimonies irrelevant to the accused.
175.	Shuhaeu, Siarhei Mikhailavich (Shuhayeu, Siarhei Mikhailavich) Shugaev, Sergei Mikhailovich (Shugayev, Sergey Mikhailovich)	ШУТАЕЎ, Сяргей Михайлавіч	ШУТАЕВ, Сергей Михайлович	Address: КГБ 210623, г. Минск, проспект Независимости, 17	Head of the KGB Counter-Intelligence Division and former Deputy Head of the KGB Counter-Intelligence Board. Responsible for the repressive activity of the KGB against civil society and the democratic opposition.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
177.	Shykarou, Uladzislau Aleksandravich Shikarov, Vladislav Aleksandrovich	ШЫКАРОЎ, Уладзіслаў Аляксандравіч	ШИКАРОВ, Владислав Александрович	Address: Суд Железнодорожного района города Витебска 210001, г. Витебск, ул. Кирова,16	Judge of the Zheleznodorozhny District Court of Vitebsk. He sentenced several protesters during the appeal trial, despite the fact that they were not found guilty by the Court of First Instance. Responsible for implementing the politically-motivated administrative and criminal sanctions against representatives of civil society, including the political activist Siarhei Kavalenka.
179.	Siankevich, Eduard Aliaksandravich Senkevich, Eduard Aleksandrovich	СЯНЬКЕВІЧ, Эдуард Аляксандравіч	СЕНЬКЕВИЧ, Эдуард Александрович	DOB: 15.4.1952 POB: Slonim, Hrodna region Address: Палата прадставіцеляў Нацыянальнага сабраўня Рэспублікі Беларусь 220010, Рэспубліка Беларусь, г. Мінск, ул. Советская, 11	Member of the Lower Chamber of the Parliament, Deputy Head of the Permanent Committee on Law, former Prosecutor of the region of Mohilev. Responsible for the repression of civil society following the December 2010 elections.
180.	Siarheenka, Ihar Piatrovich Sergeenko, Igor Petrovich (Sergeyenko, Igor Petrovich)	СЯРГЕЕНКА, Ігар Пятровіч	СЕРГЕЕНКО, Игорь Петрович	DOB: 14.1.1963 POB: Stolitsa, Vitebsk region Address: КГБ 210623, г. Минск, проспект Незавісímасці, 17	First Deputy Head of the KGB, former Head of the KGB of the Mohilev region. Responsible for the repressive activity of the KGB against civil society and democratic opposition in the region of Mohilev and in Belarus.
184.	Sirenka, Viktor Ivanavich Sirenko, Viktor Ivanovich	СІРЭНКА, Віктар Іванавіч	СИРЕНКО, Виктор Иванович	DOB: 4.3.1962 POB: Borisov, Minsk region ID: 3040362B062PB7 Passport number: MP2249974 (issued on 30.3.2007) Address: ул. Лобанка, 81, кв. 19, 220000, г. Минск	Deputy Governor of the Minsk region (since January 2015), former Head of the Committee for Health Care of Minsk City and former Chief Surgeon of the Minsk Emergency Hospital. He did not oppose the kidnapping of the presidential candidate, Nekliayev, who was transported to his hospital after being severely beaten on 19 December 2010 and, by failing to call the police, cooperated with the unknown perpetrators. Such inaction led him to be promoted. As Head of the Committee for Health Care of Minsk City he was responsible for supervising use of labour-sanitary institutions in the suppression of human rights.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
187.	Slizheuski, Aleh Leanidavich Slizhevski, Oleg Leonidovich	СЛІЖЭЎСКІ, Алег Леанідавіч	СЛИЖЕВСКИЙ, Олег Леонидович	DOB: 16.8.1972 POB: Hrodna Address: 220004, г.Минск, ул. Коллекторная, 10 Мініс- терство юстицы (10 Kollektornaya str.) 220004 Minsk Belarus	Minister of Justice, Member of the Central Election Commission (CEC) and former Head of Division of Social organisations and political parties in the Ministry of Justice. As a Member of the CEC, he was responsible for the violations of international electoral standards which have occurred in elections since 2007. With his positions in the Ministry of Justice and the control he exercises over the judiciary, he has taken an active part in the repression of civil society and of the democratic opposition, by refusing registration of NGOs and political parties, which in many cases has led to their abolition.
188.	Smalenski, Mikalai Zinouevich Smolenski, Nikolai Zinovievich	СМАЛЕНСКІ, Мікалай Зіноўевіч	СМОЛЕНСКИЙ, Николай Зиновьевич		Deputy Head of CIS Anti-terrorism Centre and former Deputy Head of the KGB, in charge of staff and the organisation of their tasks. Responsible for the repressive activity of the KGB against civil society and democratic opposition.
196.	Talstashou, Aliaksandr Alehovich Tolstashov, Aleksandr Olegovich	ТАЛСТАШОЎ, Аляксандр Алегавіч	ТОЛСТАШОВ, Александр Олегович	Address: КГБ 210623, г. Минск, проспект Независимости, 17	Head of the KGB Board on Protection of the Constitutional Order and Fight Against Terrorism. Responsible for the repressive activity of the KGB against civil society and democratic opposition.
201.	Traulka Pavel Traulko Pavel	ТРАУЛЬКА, Павел	ТРАУЛЬКО, Павел	Address: 220034, г. Минск, ул. Фрунзе, 5	Lieutenant Colonel, former operative of the military counter-intelligence of the KGB (currently head of the press service of the Investigative Committee of Belarus). He falsified evidence and used threats in order to extort confessions from opposition activists in the KGB detention centre in Minsk after the crackdown on the post-election protest demonstration in Minsk on 19 December 2010. He was directly responsible for the use of cruel, inhuman and degrading treatment or punishment and for denying the right to a fair trial. His actions constituted a direct violation of the international commitments of Belarus in the field of human rights.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
202.	Trutka, Iury Igorevich (Trutka, Yury Igorevich) Trutko, Iury (Yurij, Yuri) Igorevich	ТРУТКА, Юрый Ігаравіч	ТРУТКО, Юрий Игоревич	Address: Исправительная колония № 2 213800, г. Бобруйск, ул. Сикорского, 1 Ul. Sikorskogo 1 213800 Bobruisk	Deputy Head of penal colony IK-2 in Bobruisk, responsible for inhumane and cruel treatment of political prisoners A. Sannikau and A. Beliatski in penal colony IK-2 in Bobruisk. Opposition activists were tortured, denied access to legal representation and placed in the solitary confinement in the penal colony under his supervision. Trutko put pressure on A. Beliatski and A. Sannikau in order to force them to sign an appeal for pardon.
204.	Tsertsel, Ivan Stanislavovich Tertel, Ivan Stanislavovich	ЦЕРЦЕЛЬ, Іван Станіслававіч	ТЕРТЕЛЬ, Иван Станиславович	Address: КГБ 210623, г. Минск, проспект Независимости, 17	Deputy Head of the KGB, in charge of economic crime and the fight against corruption. Responsible for the repressive activity of the KGB against civil society and the democratic opposition.
207.	Tushynski Ihar Heraninavich Tushynski Igor Geroninovich	ТУШЫНСКИЙ, Ігар Геранінавіч	ТУШИНСКИЙ, Игорь Геронинович	Address: 220004, г. Минск, ул. Коллекторная, 10 Министерство юстиции (10 Kollektornaya str.) 220004 Minsk Belarus	Deputy Minister of Justice in charge of legal support to the institutions that draft legislative and regulatory acts on economic issues and in charge of the registration of legal entities. Responsible for the role and the action of the Belarusian Ministry of Justice and of the judiciary, which are major instruments of repression of the population, by imposing state propaganda in the judiciary, which provokes, and justifies the repression of the democratic opposition and of civil society, by denying or depriving registration for NGOs and political parties.
209.	Utsiurun, Andrei Aliaksandravich (Utsiurun, Andrey Aliaksandravich; Utsyurun, Andrei Aliaksandravich) Vtiurin, Andrei Aleksandrovich (Vtiurin, Andrey Aleksandrovich; Vtyurin, Andrei Aleksandrovich)	УЦЮРЫН, Андрэй Аляксандравіч	ВТЮРИН, Андрей Александрович	DOB: 1971, Penza (Russia)	Deputy Head of the Security Council of the Republic of Belarus (since 2014). Former Head of the Security Service of the President. Under his supervision, several members of his service took part in interrogations of political activists after the demonstrations on 19 December 2010.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Names (Belarusian spelling)	Names (Russian spelling)	Identifying Information	Reasons for listing
210.	Vakulchyk, Valery Paulavich Vakulchik, Valeri Pavlovich	ВАКУЛЬЧЫК, Валерый Паўлавіч	ВАКУЛЬЧИК, Валерий Павлович	DOB: 19.6.1964, Brest region Address: КГБ 210623, г. Минск, проспект Независимости, 17	Head of the KGB, former Head of the Investigation Committee, former Chief of the Operational and Analytical Centre of the President's Administration, responsible for telecommunications, including monitoring, filtering, controlling and intervening different communication channels, for example the internet. As Head of the KGB, he is responsible for the repressive activity of the KGB against civil society and democratic opposition.
216.	Vehera, Viktor Paulavich Vegera, Viktor Pavlovich	ВЕГЕРА, Віктар Паўлавіч	ВЕГЕРА, Виктор Павлович		Former First Deputy Head of the KGB, in charge of counter-intelligence. Retired since 1 April 2013 and sent to reserve forces.  Responsible for the repressive activity of the KGB against civil society and democratic opposition. He was the initiator of the case of the political prisoner Ales Byaliatski, one of the most prominent human rights defenders, Chief of the Belarusian Human Rights Centre 'Vyasna', Vice President of FIDH. A. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation to the 19 December 2010 elections and the crackdown on civil society and on the democratic opposition.



## ANNEX II

**Persons and entities referred to in Article 8(2)**

## A. Persons

1.	Alinikau Siarhei Aliaksandravich
2.	Ananich, Liliia Stanislavauna
3.	Arlau Aliaksey
4.	Atabekau, Khazalbek Bakhtibekavich
5.	Badak Ala Mikalaeuna
6.	Bakhmatau, Ihar Andreevich
7.	Bandarenka Siarhei Uladzimiravich
8.	Barouski Aliaksandr Genadzevich
9.	Barsukou, Aliaksandr Piatrovich
10.	Barysionak, Anatol Uladzimiravich
11.	Bazanau, Aliaksandr Viktaravich
12.	Bileichyk, Aliaksandr Uladzimiravich
13.	Bortnik, Siarhei Aliaksandrovich
14.	Brysina, Zhanna Leanidauna
15.	Bulash, Ala Biukbalauna
16.	Bushchyk, Vasil Vasilievich
17.	Busko, Ihar Iauhenavich
18.	Bychko, Aliaksei Viktaravich
19.	Charhinets, Mikalai Ivanavich
20.	Charkas, Tatsiana Stanislavauna
21.	Charnyshou, Aleh Anatolievich
22.	Chatviartkova, Natallia Alexeuna
23.	Chubkavets Kiryl Chubkovets Kirill
24.	Davydzka, Henadz Branislavavich
25.	Dysko, Henadz Iosifavich
26.	Dzemiantsei, Vasil Ivanavich
27.	Dziadkou, Leanid Mikalaevich

28.	Esman, Valery Aliksandravich
29.	Farmahei, Leanid Kanstantsinovich
30.	Haidukevich Valery Uladimiravich
31.	Halavanau, Viktar Ryhoravich
32.	Harbatouski, Yury Aliksandravich
33.	Herasimenka, Henadz Anatolievich
34.	Herasimovich, Volha Ivanauna
35.	Hermanovich, Siarhei Mikhailavich
36.	Hihin, Vadzim Frantsavich
37.	Hrachova, Liudmila Andreeuna
38.	Hureeu Siarhei Viktaravich
39.	Iakubovich, Pavel Izotavich
40.	Iancheuski, Usevalad Viachaslavavich
41.	Iarmoshyna, Lidziia Mikhailauna
42.	Iaruta, Viktar Heorhevich
43.	Iasianovich, Leanid Stanislavavich
44.	Iauseev, Ihar Uladimiravich
45.	Ihnatovich-Mishneva, Liudmila
46.	Ipatau, Vadzim Dzmitryevich
47.	Ivanou, Siarhei
48.	Kachanau Uladimir Uladimiravich
49.	Kadzin, Raman Viktaravich
50.	Kakunin, Aliksandr Aliksandravich
51.	Kalach, Uladimir Viktaravich
52.	Kamarouskaya, Volha Paulauna
53.	Kamisarau, Valery Mikalayeich
54.	Kanapliou, Uladimir Mikalaevich
55.	Karovina, Natallia Uladzimiraua
56.	Karpenka, Ihar Vasilievich
57.	Katsuba, Sviatlana Piatrouna

58.	Kavaliou, Aliaksandr Mikhailavich
59.	Kazak, Viktor Uladzimiravich
60.	Kazheunikau Andrey
61.	Kaziatka, Iury Vasilevich
62.	Kharyton, Aliaksandr
63.	Khatkevich, Iauhen Viktaravich
64.	Khmaruk, Siargei Konstantinovich
65.	Khrobastau, Uladzimir Ivanavich
66.	Khrypach, Siarhei Fiodaravich
67.	Khvainitskaya, Zhanna Anatolyeuna
68.	Kisialiou, Anatol Siamionavich
69.	Kochyk, Aliaksandr Vasilyevich
70.	Kolas, Alena Piatrovna
71.	Konan, Viktor Aliaksandravich
72.	Kornau, Uladzimir Uladzimiravich
73.	Korzh, Ivan Aliakseevich
74.	Krasheuski, Viktor
75.	Krasouskaya, Zinaida Uladzimiraua
76.	Kryshtapovich, Leu Eustafievich
77.	Kuklis, Mikalai Ivanovich
78.	Kuliashou, Anatol Nilavich
79.	Kuzniatsou, Ihar Nikonavich
80.	Lapko, Maksim Fiodaravich
81.	Lapo, Liudmila Ivanauna
82.	Laptsionak, Ihar Mikalaevich
83.	Lashyn, Aliaksandr Mikhailavich
84.	Lazavik, Mikalai Ivanavich
85.	Lemiashonak, Anatol Ivanavich
86.	Liabedzik, Mikhail Piatrovich
87.	Liaskouski, Ivan Anatolievich

88.	Liushchyk, Siarhei Anatolievich
89.	Lomats, Zianon Kuzmich
90.	Lapatka, Aliaksandr Aliaksandravich
91.	Lukashenka, Aliaksandr Ryhoravich
92.	Lukashenka, Dzmitry Aliaksandravich
93.	Lukashenka, Viktor Aliaksandravich
94.	Lukomski, Aliaksandr Valiantsinavich
95.	Lutau Dzmitry Mikhailavich
96.	Makei, Uladzimir Uladzimiravich
97.	Maladtsova, Tatsiana
98.	Maslakou, Valery Anatolievich
99.	Mazouka Anzhalka Mikhailauna
100.	Mazouka, Kiryl Viktoravich
101.	Miklashevich, Piotr Piatrovich
102.	Mitrakhovich, Iryna Aliakseeuna
103.	Morozau, Viktor Mikalaevich
104.	Motyl, Tatsiana Iaraslavauna
105.	Nazaranka, Vasil Andreyevich
106.	Niakrasava, Alena Tsimafeeuna
107.	Padabed, Iury Mikalaevich
108.	Piakarski, Aleh Anatolievich
109.	Praliaskouski, Aleh Vitoldavich
110.	Pratasavitskaia, Natallia Uladzimirauna
111.	Putsyla, Uladzimir Ryhoravich
112.	Pykina, Natallia Mikhailauna
113.	Radzkou, Aliaksandr Mikhailavich
114.	Rakhmanava, Maryna Iurievna
115.	Ravinskaia, Tatsiana Uladzimirauna
116.	Rusak, Viktor Uladzimiravich
117.	Rybakou, Aliaksei Vasilievich

118.	Saikouski Valeri Yosifavich
119.	Sanko Ivan Ivanavich
120.	Sauko, Valery Iosifavich
121.	Shaeu, Valiantsin Piatrovich
122.	Shahrai, Ryta Piatrouna
123.	Shamionau Vadzim Iharavich
124.	Shastakou Maksim Aliksandravich
125.	Shchurok, Ivan Antonavich
126.	Shastakou, Iury Valerievich
127.	Shuhaeu, Siarhei Mikhailavich
128.	Shved, Andrei Ivanavich
129.	Shykarou, Uladzislau Aleksandravich
130.	Shylko, Alena Mikalaeuna
131.	Siankevich, Eduard Aliksandravich
132.	Siarheenka, Ihar Piatrovich
133.	Simakhina, Liubou Siarheeuna
134.	Simanau Aliksandr Anatolievich
135.	Simanouski Dmitri Valerevich
136.	Sirenka, Viktor Ivanavich
137.	Slizheuski, Aleh Leanidavich
138.	Smalenski, Mikalai Zinouevich
139.	Stsiapurka, Uladzimir Mikhailavich
140.	Stuk, Aliaksei Kanstantsinavich
141.	Sukharenka, Stsiapan Mikalavich
142.	Sukhau Dzmitri Viachaslavavich
143.	Svistunova, Valiantsina Mikalaeuna
144.	Talstashou, Aliksandr Alehavich
145.	Traulka Pavel
146.	Trutka, Iury Igorevich
147.	Tsertsel, Ivan Stanislavavich

148.	Tupik, Vera Mikhailauna
149.	Tushynski Ihar Heraninavich
150.	Unukevich, Tamara Vasileuna
151.	Utsiurn, Andrei Aliaksandravich
152.	Vakulchyk, Valery Paulavich
153.	Valchkova, Maryiana Leanidauna
154.	Vasilevich, Ryhor Aliakseevich
155.	Vehera, Viktor Paulavich
156.	Volkau, Siarhei Mikhailavich
157.	Yakunchykhin, Aliaksandr Anatolyevich
158.	Yarmalitski, Siarhei Uladzimiravich
159.	Zaharouski, Anton Uladzimiravich
160.	Zaitsau, Vadzim Iurievich
161.	Zaitsava, Viktoryia Henadzeuna
162.	Zakharau, Aliaksei Ivanavich
163.	Zapasnik, Maryna Sviataslavauna
164.	Zhadobin, Iury Viktoravich
165.	Zhuk, Alena Siamionauna
166.	Zhuk, Dzmitry Aliaksandravich
167.	Zhukouskaia, Zhanna Aliakseeuna
168.	Zhukouski, Siarhei Kanstantsinavich
169.	Zimouski Aliaksandr Leanidavich
170.	Volkau, Vitaliy Mikalaevic

## B. Entities

1.	Beltechexport
2.	Beltech Holding
3.	Spetspriborservice

**COMMISSION DELEGATED DECISION (EU) 2015/1958****of 1 July 2015****on the applicable systems to assess and verify constancy of performance of geosynthetics and related products pursuant to Regulation (EU) No 305/2011 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC <sup>(1)</sup>, and in particular Article 60(h) thereof,

Whereas:

- (1) The procedure for attesting the conformity of geosynthetics and related products with the applicable technical specifications has been established in Commission Decision 96/581/EC <sup>(2)</sup>.
- (2) Decision 96/581/EC does not lay down detailed criteria for the choice of systems to assess and verify constancy of performance for the reaction to fire of geosynthetics and related products.
- (3) The systems set out in Annex V to Regulation (EU) No 305/2011 should be more adequately chosen to assess the performance of geosynthetics and related products. This should enable manufacturers to access the internal market more efficiently, thus contributing to greater competitiveness of the construction industry as a whole.
- (4) Decision 96/581/EC should therefore be repealed and replaced in the interest of clarity and transparency,

HAS ADOPTED THIS DECISION:

*Article 1*

This Decision applies to the geosynthetics and related products set out in Annex I.

*Article 2*

The geosynthetics and related products referred to in Article 1 shall be assessed and verified for constancy of performance in relation to their essential characteristics in accordance with the systems specified in Annex II.

*Article 3*

Decision 96/581/EC is repealed.

References to the repealed Decision shall be construed as references to this Decision.

<sup>(1)</sup> OJ L 88, 4.4.2011, p. 5.<sup>(2)</sup> Commission Decision 96/581/EC of 24 June 1996 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards geotextiles (OJ L 254, 8.10.1996, p. 59).

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*Article 4*

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

Done at Brussels, 1 July 2015.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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*ANNEX I***PRODUCTS COVERED**

This Decision applies to:

1. Geosynthetics (membranes and textiles) used for separation, protection, drainage, filtration, or soil reinforcement
  2. Geocomposites used for separation, protection, drainage, filtration, or soil reinforcement
  3. Geogrids used for separation, protection, drainage, filtration, or soil reinforcement
  4. Geomembranes used for separation, protection, drainage, filtration, or soil reinforcement
  5. Geonets used for separation, protection, drainage, filtration, or soil reinforcement
-



## ANNEX II

**SYSTEMS OF ASSESSMENT AND VERIFICATION OF CONSTANCY OF PERFORMANCE**

For the products covered by this Decision, taking into account their essential characteristics, the systems for Assessment and Verification of Constancy of Performance apply as follows:

Table 1

**For all essential characteristics except for reaction to fire**

Products	Essential characteristics	Applicable system for Assessment and Verification of Constancy of Performance as set out in Annex V to Regulation (EU) No 305/2011
Geosynthetics (membranes and textiles), geocomposites, geogrids, geomembranes and geonets used for separation, protection, drainage, filtration, or soil reinforcement	For all essential characteristics except reaction to fire	2+

Table 2

**For reaction to fire only**

For all products indicated in the first column of Table 1, the systems for Assessment and Verification of Constancy of Performance are determined, depending on their subfamilies, as follows:

Product subfamilies	Applicable systems for Assessment and Verification of Constancy of Performance as set out in Annex V to Regulation (EU) No 305/2011
Products for which a clearly identifiable stage in their production process results in an improvement of their reaction to fire performance (e.g. by adding fire retardants or limiting of organic materials)	1
Products for which an applicable European legal base exists to classify their reaction to fire performance without testing	4
Products not belonging to the subfamilies indicated in rows 1 and 2	3

**COMMISSION DELEGATED DECISION (EU) 2015/1959****of 1 July 2015****on the applicable systems to assess and verify constancy of performance of wastewater engineering products pursuant to Regulation (EU) No 305/2011 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC <sup>(1)</sup>, and in particular Article 60(h) thereof,

Whereas:

- (1) The procedure for attesting the conformity of wastewater engineering products with the applicable technical specifications has been established in Commission Decision 97/464/EC <sup>(2)</sup>.
- (2) Decision 97/464/EC does not lay down detailed criteria for the choice of systems to assess and verify constancy of performance for the reaction to fire of wastewater engineering products, notably manhole tops and gully tops.
- (3) The systems set out in Annex V to Regulation (EU) No 305/2011 should be more adequately chosen to assess the performance of wastewater engineering products. This should enable manufacturers to access the internal market more efficiently, thus contributing to greater competitiveness of the construction industry as a whole.
- (4) Decision 97/464/EC should be repealed and replaced in the interest of clarity and transparency,

HAS ADOPTED THIS DECISION:

*Article 1*

This Decision applies to the wastewater engineering products set out in Annex I.

*Article 2*

The wastewater engineering products referred to in Article 1 shall be assessed and verified for constancy of performance in relation to their essential characteristics in accordance with the systems specified in Annex II.

*Article 3*

Decision 97/464/EC is repealed.

References to the repealed Decision shall be construed as references to this Decision.

<sup>(1)</sup> OJ L 88, 4.4.2011, p. 5.<sup>(2)</sup> Commission Decision 97/464/EC of 27 June 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards waste water engineering products (OJ L 198, 25.7.1997, p. 33).

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*Article 4*

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

Done at Brussels, 1 July 2015.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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*ANNEX I***PRODUCTS COVERED**

This Decision applies to:

1. back-flow devices: air admittance valve ventilating pipework;
  2. kits for wastewater pumping station and effluent lifting plants;
  3. kits and elements for wastewater treatment plants and on-site treatment equipment;
  4. septic tanks;
  5. prefabricated drainage channels;
  6. manholes and inspection chambers;
  7. step irons, ladders and handrails for manholes and inspection chambers;
  8. separators;
  9. manhole covers and gully tops.
-

## ANNEX II

## SYSTEMS OF ASSESSMENT AND VERIFICATION OF CONSTANCY OF PERFORMANCE

For the products covered by this Decision, taking into account their essential characteristics, the systems for assessment and verification of constancy of performance apply as follows:

Table 1

**For all essential characteristics except reaction to fire**

Products	Essential Characteristics	Applicable systems for assessment and verification of constancy of performance as set out in Annex V to Regulation (EU) No 305/2011
Back-flow devices: air admittance valve ventilating pipework	For all essential characteristics except reaction to fire	4
Kits for wastewater pumping station and effluent lifting plants		3
Kits and elements for wastewater treatment plants and on-site treatment equipment		3
Septic tanks		3
Prefabricated drainage channels		3
Manholes and inspection chambers		4
Step irons, ladders and handrails for manholes and inspection chambers		4
Separators		4
Manhole covers and gully tops		1

Table 2

**For reaction to fire only**

For all products indicated in the first column of Table 1, the systems for Assessment and Verification of Constancy of Performance are determined, depending on their subfamilies, as follows:

Product subfamilies	Applicable systems for assessment and verification of constancy of performance as set out in Annex V to Regulation (EU) No 305/2011
Products for which a clearly identifiable stage in their production process results in an improvement of their reaction to fire performance (e.g. by adding fire retardants or limiting organic materials)	1
Products for which an applicable European legal base exists to classify their reaction to fire performance without testing	4
Products not belonging to the subfamilies indicated in rows 1 and 2	3

**COMMISSION IMPLEMENTING DECISION (EU) 2015/1960****of 29 October 2015****on the establishment of the annual priority lists for 2016 for the development of network codes and guidelines****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 <sup>(1)</sup> ('Electricity Regulation') and in particular Article 6(1) thereof,

Having regard to Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to natural gas transmission networks and repealing Regulation (EC) No 1775/2005 <sup>(2)</sup> ('Gas Regulation'), and in particular Article 6(1) thereof,

Whereas:

- (1) The development and implementation of network codes and guidelines is an important action to be taken in order to fully integrate the internal energy market. The Third energy package <sup>(3)</sup> has created an institutional framework for the development of network codes with a view to harmonising, where necessary, the technical, operational and market rules governing the electricity and gas grids. For this purpose the Agency for the Cooperation of Energy Regulators ('ACER'), the European Network of Transmission System Operators ('ENTSOs') and the Commission work in close cooperation with all relevant stakeholders.
- (2) The areas in which network codes can be developed are set out in Articles 8(6) of the Electricity Regulation and the Gas Regulation. Despite the possibility to develop network codes the Commission may also decide to develop guidelines in the areas set out in Article 18(1), (2), (3) of the Electricity Regulation and Article 23(1) of the Gas Regulation. In accordance with Articles 6(1) of the Electricity Regulation and the Gas Regulation the Commission should first establish an annual priority list identifying the areas to be included in the development of network codes.
- (3) Harmonised *gas* rules on congestion management procedures, capacity allocation, balancing and interoperability and data exchange have already been adopted and published in the past three years. Harmonised *electricity* rules on capacity allocation and congestion management have already been adopted and published in July 2015.
- (4) In the public consultation <sup>(4)</sup> the majority of stakeholders supported the prioritization of the work already started and emphasised the importance of a proper and well-coordinated implementation of adopted network codes and guidelines whereby a structured involvement of stakeholders is ensured.
- (5) Acknowledging the responses of stakeholders and having regard to the various actions needed to ensure the full integration of the internal energy market and the fact that the implementation of network codes and guidelines will require significant resources from all relevant parties including the European Commission, ACER, ENTSOs and stakeholders, no new areas were added to the annual priority lists. In order to be able to integrate the forthcoming CEN standard on H-gas quality into the network code on interoperability and data exchange its

<sup>(1)</sup> OJ L 211, 14.8.2009, p. 15.

<sup>(2)</sup> OJ L 211, 14.8.2009, p. 36.

<sup>(3)</sup> The Third Energy Package consists of Directive 2009/72/EC of the European Parliament and of the Council (OJ L 211, 14.8.2009, p. 55), Directive 2009/73/EC of the European Parliament and of the Council (OJ L 211, 14.8.2009, p. 94), Directive 2003/55/EC of the European Parliament and of the Council (OJ L 176, 15.7.2003, p. 57), Regulation (EC) No 714/2009, Regulation (EC) No 715/2009 and Regulation (EC) No 713/2009 of the European Parliament and of the Council (OJ L 211, 14.8.2009, p. 1).

<sup>(4)</sup> The responses are published under <http://ec.europa.eu/energy/en/consultations/consultation-establishment-annual-priority-lists-development-network-codes-and>.

amendment was introduced into the *gas* annual priority list for 2016. Harmonised rules on requirements for grid connection applicable to generators were reinserted to the *electricity* annual priority list for 2016 as the final adoption of this network code will take place in the beginning of 2016.

HAS ADOPTED THIS DECISION:

#### *Article 1*

This Decision establishes the annual priority lists for 2016 for the development of network codes and guidelines for electricity and gas.

#### *Article 2*

The annual priority list for 2016 for the development of harmonised electricity rules shall be the following:

- network connection rules:
  - rules on requirements for grid connection applicable to generators (Commission continuing adoption phase after Committee voting in 2015),
  - demand connection (Commission continuing adoption phase after Committee voting in 2015),
  - rules on high-voltage direct current transmission system connection (Commission continuing adoption phase after Committee voting in 2015),
- rules regarding system operations (Commission continuing adoption phase after Committee voting in 2015),
- rules for longer term (forward) capacity allocation (Commission continuing adoption phase after Committee voting in 2015),
- balancing rules including network-related reserve power (finalise network code and start Commission adoption phase),
- rules on emergency & restoration (finalise network code and start Commission adoption phase),
- rules regarding harmonised transmission tariff structures (ACER to prepare framework guideline depending on the results of ACER's scoping activity and decisions taken as part of the energy market design initiative).

#### *Article 3*

The annual priority list for 2016 for the development of harmonised gas rules shall be the following:

- rules regarding harmonised transmission tariff structures (start Commission adoption phase),
- rules regarding an EU-wide market-based approach on the allocation of 'new build' gas transmission capacity (start Commission adoption phase),
- rules regarding forthcoming CEN standard on H-gas quality (draft amendment proposal to the network code on interoperability and data exchange rules and start Commission adoption phase).

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*Article 4*

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

Done at Brussels, 29 October 2015.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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