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Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Implementing Regulation (EU) 2016/2301 of 8 December 2016 entering a name in the register of protected designations of origin and protected geographical indications (Olio di Calabria (PGI))** 1
- ★ **Commission Implementing Regulation (EU) 2016/2302 of 8 December 2016 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Pomodoro di Pachino (PGI))** 3
- ★ **Commission Implementing Regulation (EU) 2016/2303 of 19 December 2016 imposing a provisional anti-dumping duty on imports of certain concrete reinforcement bars and rods originating in the Republic of Belarus** 4
- ★ **Commission Implementing Regulation (EU) 2016/2304 of 19 December 2016 on the modalities, structure, periodicity and assessment indicators of the quality reports on data transmitted pursuant to Regulation (EU) No 549/2013 of the European Parliament and of the Council ⁽¹⁾** 27
- Commission Implementing Regulation (EU) 2016/2305 of 19 December 2016 establishing the standard import values for determining the entry price of certain fruit and vegetables 37
- Commission Implementing Regulation (EU) 2016/2306 of 19 December 2016 establishing the allocation coefficient to be applied to the quantities covered by the applications for import licences lodged from 1 to 7 December 2016 and determining the quantities to be added to the quantity fixed for the subperiod from 1 April to 30 June 2017 under the tariff quotas opened by Regulation (EC) No 533/2007 in the poultrymeat sector 39

⁽¹⁾ Text with EEA relevance

EN

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

The titles of all other acts are printed in bold type and preceded by an asterisk.

Commission Implementing Regulation (EU) 2016/2307 of 19 December 2016 establishing the allocation coefficient to be applied to the quantities covered by the applications for import licences lodged from 1 to 7 December 2016 and determining the quantities to be added to the quantity fixed for the subperiod from 1 April to 30 June 2017 under the tariff quotas opened by Regulation (EC) No 1385/2007 in the poultrymeat sector	42
Commission Implementing Regulation (EU) 2016/2308 of 19 December 2016 establishing the allocation coefficient to be applied to the quantities covered by the applications for import rights lodged from 1 to 7 December 2016 under the tariff quotas opened by Implementing Regulation (EU) 2015/2078 for poultrymeat originating in Ukraine	45

DIRECTIVES

★ Commission Directive (EU) 2016/2309 of 16 December 2016 adapting for the fourth time the Annexes to Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods to scientific and technical progress⁽¹⁾	48
---	----

DECISIONS

★ Council Decision (EU) 2016/2310 of 17 October 2016 on the position to be taken on behalf of the European Union within the Association Council set up by the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, as regards the adoption of EU-Jordan Partnership Priorities, including the Compact	50
★ Council Decision (EU) 2016/2311 of 8 December 2016 authorising certain Member States to accept, in the interest of the European Union, the accession of Kazakhstan to the 1980 Hague Convention on the Civil Aspects of International Child Abduction	53
★ Council Decision (EU) 2016/2312 of 8 December 2016 authorising the Republic of Austria and Romania to accept, in the interest of the European Union, the accession of Peru to the 1980 Hague Convention on the Civil Aspects of International Child Abduction	56
★ Council Decision (EU) 2016/2313 of 8 December 2016 authorising certain Member States to accept, in the interest of the European Union, the accession of the Republic of Korea to the 1980 Hague Convention on the Civil Aspects of International Child Abduction	59
★ Council Decision (CFSP) 2016/2314 of 19 December 2016 amending Decision (CFSP) 2015/778 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA)	62
★ Council Decision (CFSP) 2016/2315 of 19 December 2016 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine	65
★ Commission Implementing Decision (EU) 2016/2316 of 16 December 2016 amending Implementing Decision (EU) 2015/1849 on measures to prevent the introduction into and the spread within the Union of harmful organisms as regards certain vegetables originating in Ghana	66
★ Commission Implementing Decision (EU) 2016/2317 of 16 December 2016 amending Decision 2008/294/EC and Implementing Decision 2013/654/EU, in order to simplify the operation of mobile communications on board aircraft (MCA services) in the Union (notified under document C(2016) 8413)⁽¹⁾	67

⁽¹⁾ Text with EEA relevance

★ Commission Implementing Decision (EU) 2016/2318 of 16 December 2016 on a derogation from mutual recognition of the authorisations of biocidal products containing brodifacoum by Spain in accordance with Article 37 of Regulation (EU) No 528/2012 of the European Parliament and of the Council (notified under document C(2016) 8414)	72
★ Commission Implementing Decision (EU) 2016/2319 of 16 December 2016 confirming or amending the provisional calculation of the average specific emission of CO ₂ and specific emissions targets for manufacturers of passenger cars for the calendar year 2015 pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (notified under document C(2016) 8579)	74
★ Commission Implementing Decision (EU) 2016/2320 of 16 December 2016 confirming or amending the provisional calculation of the average specific emissions of CO ₂ and specific emissions targets for manufacturers of new light commercial vehicles for the calendar year 2015 pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council (notified under document C(2016) 8583)	96
★ Commission Implementing Decision (EU) 2016/2321 of 19 December 2016 on the format of the ready for recycling certificate issued in accordance with Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling ⁽¹⁾	112
★ Commission Implementing Decision (EU) 2016/2322 of 19 December 2016 on the format of the statement of completion of ship recycling required under Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling ⁽¹⁾	117
★ Commission Implementing Decision (EU) 2016/2323 of 19 December 2016 establishing the European List of ship recycling facilities pursuant to Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling ⁽¹⁾	119
★ Commission Implementing Decision (EU) 2016/2324 of 19 December 2016 on the format of the report of planned start of ship recycling required under Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling ⁽¹⁾	129
★ Commission Implementing Decision (EU) 2016/2325 of 19 December 2016 on the format of the certificate on the inventory of hazardous materials issued in accordance with Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling ⁽¹⁾	131

Corrigenda

★ Corrigendum to the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania for a period of four years (OJ L 315, 1.12.2015)	136
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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2301

of 8 December 2016

entering a name in the register of protected designations of origin and protected geographical indications (Olio di Calabria (PGI))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾ and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Italy's application to register the name 'Olio di Calabria' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of objection under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Olio di Calabria' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Olio di Calabria' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.5. Oils and fats (butter, margarine, oil, etc.), as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014. ⁽³⁾*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.⁽¹⁾ OJ L 343, 14.12.2012, p. 1.⁽²⁾ OJ C 304, 20.8.2016, p. 46.⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

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

Done at Brussels, 8 December 2016.

*For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission*

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2302**of 8 December 2016****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Pomodoro di Pachino (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission examined Italy's application for the approval of amendments to the specification for the protected geographical indication 'Pomodoro di Pachino', registered under Commission Regulation (EC) No 617/2003 ⁽²⁾, as amended by Commission Implementing Regulation (EU) No 675/2013 ⁽³⁾.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* ⁽⁴⁾ as required by Article 50(2)(a) of that Regulation.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Pomodoro di Pachino' (PGI) are hereby approved.*Article 2*This Regulation shall enter into force on the twentieth 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, 8 December 2016.

For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ Commission Regulation (EC) No 617/2003 of 4 April 2003 supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the Register of protected designations of origin and protected geographical indications provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (Carne dos Açores, Borrego do Nordeste Alentejano, Carne de Porco Alentejano, Pomodoro di Pachino, Uva da tavola di Mazzarrone) (OJ L 89, 5.4.2003, p. 3).

⁽³⁾ Commission Implementing Regulation (EU) No 675/2013 of 15 July 2013 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Pomodoro di Pachino (PGI)] (OJ L 194, 17.7.2013, p. 1).

⁽⁴⁾ OJ C 271, 26.7.2016, p. 5.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2303**of 19 December 2016****imposing a provisional anti-dumping duty on imports of certain concrete reinforcement bars and rods originating in the Republic of Belarus**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾, and in particular Article 7 thereof,

After consulting the Member States,

Whereas:

1. PROCEDURE**1.1. Initiation**

- (1) On 31 March 2016, the European Commission ('the Commission') initiated an anti-dumping investigation with regard to imports into the Union of certain concrete reinforcement bars and rods originating in the Republic of Belarus ('Belarus' or 'the country concerned') on the basis of Article 5 of Council Regulation (EC) No 1225/2009 ⁽²⁾ ('the basic Regulation'). The relevant Notice of Initiation was published in the *Official Journal of the European Union* ⁽³⁾ ('the Notice of Initiation').
- (2) The Commission initiated the investigation following a complaint lodged on 15 February 2016 by the European Steel Association ('the complainant') on behalf of producers representing 44 % of the total Union production of certain concrete reinforcement bars and rods. No other producer expressing either opposition or neutral position had come forward.
- (3) Therefore, the relevant thresholds as set out in the Article 5(4) of the basic Regulation ⁽⁴⁾ were met at the time of the initiation of the case. Once the investigation is opened, it is not necessary that the conditions for standing are met throughout the entire investigation. The Court has confirmed this for the situation where a company withdraws its support for the complaint ⁽⁵⁾; the same reasoning applies by analogy in a situation where the product scope changes.

1.2. Interested parties

- (4) In the Notice of Initiation, the Commission invited interested parties to come forward in order to participate in the investigation. In addition, the Commission specifically informed the complainant, other known Union producers, the one known Belarusian exporting producer and the authorities of the Republic of Belarus as well as known importers and users about the initiation of the investigation and invited them to participate.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ L 343, 22.12.2009, p. 51).

⁽³⁾ Notice of Initiation of an anti-dumping proceeding concerning imports of certain concrete reinforcement bars and rods originating in the Republic of Belarus (OJ C 114, 31.3.2016, p. 3).

⁽⁴⁾ 'An investigation shall not be initiated pursuant to paragraph 1 unless it has been determined, on the basis of an examination as to the degree of support for, or opposition to, the complaint expressed by Union producers of the like product, that the complaint has been made by, or on behalf of, the Union industry. The complaint shall be considered to have been made by, or on behalf of, the Union industry if it is supported by those Union producers whose collective output constitutes more than 50 % of the total production of the like product produced by that portion of the Union industry expressing either support for or opposition to the complaint. However, no investigation shall be initiated where Union producers expressly supporting the complaint account for less than 25 % of total production of the like product produced by the Union industry'.

⁽⁵⁾ Judgment of the Court (Grand Chamber) of 8 September 2015, Case C-511/13 P, Philips Lighting Poland S.A., Philips Lighting BV v Council of the European Union, Hangzhou Duralamp Electronics Co., Ltd, GE Hungary Ipari és Kereskedelmi Zrt. (GE Hungary Zrt.), Osram GmbH, European Commission.

- (5) Interested parties had an opportunity to comment on the initiation of the investigation and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.

1.3. Analogue country producers

- (6) In the Notice of Initiation, the Commission also informed interested parties that it envisaged South Africa or the United States of America ('the USA') as a third market-economy country ('the analogue country') within the meaning of Article 2(7)(a) of the basic Regulation. Interested parties had an opportunity to comment and to request a hearing with the Commission and/or the Hearing Officer in trade proceedings.

1.4. Sampling

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

1.4.1. Sampling of Union producers

- (8) In its Notice of Initiation, the Commission stated that it had provisionally selected a sample of Union producers on the basis of production and sales volume of the product under investigation and geographic location. This sample consisted of five Union producers. The sampled Union producers accounted for 22,4 % of the total Union production and 24,4 % of the total Union sales of the product concerned. The companies are located in France, Germany, Italy, Poland and Spain, covering a broad geographic variety. The Commission invited interested parties to comment on the provisional sample. No comments were received. Therefore, it was concluded that the sample is representative of the Union industry.

1.4.2. Sampling of unrelated importers

- (9) In order to decide whether sampling is necessary and, if so, to select a sample, the Commission requested unrelated importers to provide the information specified in the Notice of Initiation.
- (10) Six unrelated importers provided the requested information and agreed to be included in the sample. In accordance with Article 17(1) of the basic Regulation, the Commission selected a sample of three importers on the basis of the largest volume of imports into the Union. The three sampled companies accounted for 80 % of the unrelated imports of the product concerned originating in Belarus. In accordance with Article 17(2) of the basic Regulation, all known importers concerned were consulted on the selection of the sample. No comments were received.

1.5. Replies to the questionnaire

- (11) The Commission sent questionnaires to the five sampled Union producers, the cooperating exporting producer in the country concerned, one producer in the USA, selected as the analogue country as explained in recital 32 below, three sampled importers, eight users known at the moment of initiation of the investigation and to one additional user who made itself known at a late stage of the procedure.
- (12) Questionnaire replies were received from five sampled Union producers, the cooperating exporting producer in the country concerned, one producer in the USA ('the analogue country') and two unrelated importers.

1.6. Verification visits

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

(a) Union producers

- Celsa Huta Ostrowiec sp. z.o.o., Ostrowiec Swietokrzyski, Poland,
- Feralpi Sideruglica SpA, Lonato del Garda, Italy,

- Riva Acier SA, Gargenville, France,
- Certain macro data were also verified at the premises of the complainant (Brussels, Belgium);

(b) *Exporting producer in Belarus*

- Open Joint-Stock Company 'Byelorussian Steel Works — Management Company of "Byelorussian Metallurgical Company" Holding', Belarus ('BMZ');

(c) *Traders related to the exporting producer*

- Bel Kap Steel LLC, Miami (Fl), the USA,
- BMZ Polska Sp. z.o.o., Katowice, Poland,
- UAB 'Prekybos namai BMZ-Baltija', Šiauliai, Lithuania;

(d) *Producer in an analogue country*

- Commercial Metals Company, Dallas (TX), the USA.

1.7. Investigation period and period considered

- (14) The investigation of dumping and injury covered the period from 1 January 2015 to 31 December 2015 ('the investigation period' or 'IP'). The examination of trends relevant for the assessment of injury covered the period from 1 January 2012 to the end of the investigation period ('the period considered').

2. PRODUCT CONCERNED AND LIKE PRODUCT

2.1. Product concerned

- (15) The product concerned is certain concrete reinforcement bars and rods, made of iron or non-alloy steel, not further worked than forged, hot-rolled, hot-drawn or hot-extruded, but including those twisted after rolling and also those containing indentations, ribs, grooves or other deformations produced during the rolling process, originating in Belarus and currently falling within CN codes ex 7214 10 00, ex 7214 20 00, ex 7214 30 00, ex 7214 91 10, ex 7214 91 90, ex 7214 99 10, ex 7214 99 71, ex 7214 99 79 and ex 7214 99 95 ('the product concerned'). High fatigue performance iron or steel concrete reinforcing bars and rods are excluded.

2.2. Like product

- (16) The investigation showed that the product concerned and the product produced and sold on the domestic market of the USA, as well as the product produced by the Union industry and sold on the Union market have the same basic physical, chemical and technical characteristics and uses. They are therefore provisionally considered to be alike within the meaning of Article 1(4) of the basic Regulation.

2.3. Claims regarding product scope

- (17) The Belarusian exporting producer pointed to an alleged inconsistency in the product scope description between the complaint (referring to two CN codes) and the Notice of Initiation (referring to nine CN codes). It was claimed that for that reason the injury assessment in the complaint does not refer to the same scope as in the subsequent initiated proceeding. It further noted that the company only exported under the two CN codes mentioned in the complaint.
- (18) The complaint indeed mentioned two CN codes in the product description while the Notice of Initiation listed nine of them. The Commission notes that the CN codes provided in the Notice of Initiation are given for information purposes only, as clearly stated. It further notes that the investigation was opened based on the description of the product concerned provided in the complaint which in substance covers nine CN codes regardless of the reference and, therefore, the additional CN codes had no impact on the evidence provided in the Complaint. Therefore this claim of alleged inconsistency in the product description was rejected.

3. DUMPING

3.1. General remarks

- (19) According to Article 2(7)(a) of the basic Regulation, Belarus is not considered as a market-economy country. Therefore, the normal value in respect of Belarusian exports to the Union was determined on the basis of data obtained from a producer in a market-economy third country.
- (20) During the IP, imports from Belarus totalled around 488 000 tonnes with a market share of about 5 %. The main importing Member States were Germany, Lithuania, Poland and the Netherlands. The only known Belarusian manufacturer cooperated with the investigation and replied to the questionnaire. This manufacturer sold the product concerned to the Union directly or via related traders established in the Union and the USA.

3.2. Normal value

3.2.1. *Analogue country*

- (21) According to Article 2(7)(a) of the basic Regulation, normal value was determined on the basis of the price or constructed value in a market-economy third country. For this purpose, a market-economy third country had to be selected ('the analogue country').
- (22) As mentioned in recital 6, in the Notice of Initiation, the Commission had informed interested parties that it envisaged South Africa or the USA as a market-economy third for the purpose of establishing the normal value.
- (23) Comments on the proposed analogue countries were received from the sole Belarusian cooperating exporting producer. It claimed that neither South Africa nor the USA was an appropriate choice as an analogue country because, among other reasons, the production capacity, the actual production output, the production process in South Africa and the USA was different in comparison with the Belarusian producer. Moreover, this party claimed that the domestic producers in South Africa and the USA identified by the complainants were directly related to Union producers. Therefore, the objectiveness of the data collected in these countries from such producers may be questionable. This party proposed that Russia would constitute the most appropriate choice as the analogue country since the Russian steel bar industry has the most similar level of development compared to that of Belarus, production process is also based on metal scrap and the steel bar produced is similar in terms of quality and technical specifications. However, the Commission noted that the party did not provide any evidence, showing that South Africa or the USA producers were not using metal scrap for producing the product concerned or that in their cost structure the raw materials did not represent 60 %-70 % of the cost of production. In any event the Commission investigated the appropriateness of South Africa and the USA (as well as Brazil) as an analogue country. The details of these analyses were set out in recitals 28 to 34.
- (24) With the aim of selecting the market-economy third country, the Commission contacted all known producers not only in South Africa and the USA but also in Turkey, Ukraine, the Russian Federation, Bosnia and Herzegovina, Mexico, Korea, the Dominican Republic, Norway and Switzerland. The commission requested information regarding their domestic market and to report the type of products produced, the production capacity, the production output, the volume of domestic sales, to describe the production process, the type of raw material used, the share of raw materials, energy and labour costs in the total manufacturing costs of the product concerned, and finally their willingness to cooperate with the investigation.
- (25) In addition, the authorities of the above mentioned third countries were contacted.
- (26) The Russian authorities informed the Commission that none of the known Russian producers or their associations demonstrated interest in the current investigation. Therefore, in the absence of cooperation from any Russian producers, Russia could not be taken as analogue country.
- (27) Only three producers replied to the initial enquiry. They were located in Brazil, South Africa and the USA. The South African and the US producers were related with some of the complainants. The Brazilian producer was part of group of companies which had production facilities in various countries, including the USA, Mexico and the Dominican Republic. This producer was not related to the complainants.

- (28) The three replies were examined in relation to the complaint and the comments received. It was found that the domestic consumption in South Africa is relatively small, only around 435 000 tonnes, the production capacity of the South African producer is around 10 % of the Belarusian producer and the main raw material used is iron ore whereas the Belarusian exporting producer is using metal scrap. Therefore, the Commission decided to disregard South Africa as a potential analogue country.
- (29) Brazil has a domestic consumption of around 3,5 million tonnes and imports (around 95 % originating in Turkey), subject to an *ad valorem* duty of 12 %, represents around 5,5 % of the Brazilian consumption. The production process of the producer offering to cooperate is based on metal scrap and pig iron, whereas the Belarusian exporting producer uses mainly metal scrap and its production volume is around 50 % of the Belarusian producer.
- (30) The USA's domestic consumption was around 7,7 million tonnes. There were at least eight domestic producers. Imports restrictions were in force ⁽¹⁾ but imports represented nevertheless around 23 % of the total consumption, mainly originating from Turkey and Japan. The US producer used a similar production process than the Belarusian producer. Its production volume was around 52 % of that of the Belarusian producer.
- (31) On the basis of this analysis, the Commission considered that market situation found in Brazil and in the USA are sufficiently competitive. Therefore, the Commission decided to select Brazil and the USA as potential analogue country.
- (32) The analogue country questionnaires were sent to the two above mentioned cooperating producers. However, after having received the analogue country questionnaire, the Brazilian producer informed the Commission of its decision to withdraw its cooperation in the investigation. The Commission received an appropriate response from the USA producer.
- (33) The Commission observed that the USA cooperating producer was related with one of the complainants, as alleged by the Belarusian exporting producer. However, even if a producer in the analogue country is related to a Union producer, such a link does not invalidate or affect the determination of the normal value ⁽²⁾.
- (34) The Commission concluded at this stage of the proceeding that the USA is an appropriate analogue country under Article 2(7)(a) of the basic Regulation.

3.2.2. Normal value (analogue country)

- (35) The information received from the cooperating producer in the analogue country was used as a basis for the determination of the normal value, pursuant to Article 2(7)(a) of the basic Regulation.
- (36) First, the Commission examined whether, in accordance with Article 2(2) of the basic Regulation, the total volume of the sales of the like product to independent customers in the USA was representative. To this end, the total sales volume was compared to the total volume of the product concerned exported by the Belarusian exporting producer to the Union. On that basis, the Commission found that the like product was sold in representative quantities on the US market.
- (37) Second, the Commission identified the product types sold domestically by the producer in the analogue country that were identical or directly comparable with the types sold for export to the Union by the Belarusian exporting producer. It compared on a product type basis the sales volume in US with the exports by the Belarusian exporting producer to the Union. This comparison showed that all product types were sold in representative quantities in the US.

⁽¹⁾ Anti-dumping duties are in force against Belarus (115 %), China (133 %), Indonesia (60,4 %), Latvia (17 %), Mexico (20 % to 67 %), Moldova (232 %), Poland (47 % to 52 %), Turkey (3,64 %) and Ukraine (42 %). For more details please refer to the following investigations:

'Steel Concrete Reinforcing Bar from Belarus, China, Indonesia, Latvia, Moldova, Poland and Ukraine. Investigations Nos 731-TA-873-875, 878-880, and 882 (Second Review). Publication 4409, July 2013. U.S. International Trade Commission.' and 'Steel Concrete Reinforcing Bar from Mexico and Turkey. Investigations Nos 701-TA-502 and 731-TA-1227 (Final). Publication 4496. October 2014. U.S. International Trade Commission.'

⁽²⁾ Please refer also to Judgement in case C-687/13, point 67, request for a preliminary ruling from the Finanzgericht München — Germany, Fliesen-Zentrum Deutschland GmbH v Hauptzollamt Regensburg Fliesen-Zentrum, Judgment of the Court (Third Chamber) of 10 September 2015.

- (38) The Commission subsequently examined for the analogue country producer whether each type of the like product sold domestically could be considered as being sold in the ordinary course of trade pursuant to Article 2(4) of the basic Regulation. This was done by establishing for each product type the proportion of profitable sales to independent customers on the domestic market during the investigation period. The sales transactions were considered profitable where the unit price was equal or above the cost of production. The cost of production of each product type produced by the US producer during the investigation period was therefore determined.
- (39) Where the sales volume of a product type, sold at a net sales price equal to or above the calculated cost of production, represented more than 80 % of the total sales volume of that type, and where the weighted average sales price of that type was equal to or higher than the cost of production, normal value was based on the actual domestic price. This price was calculated as a weighted average of the prices of all domestic sales of that type made during the investigation period. For all product types sold by the analogue country producer, the volume of profitable sales of a product type represented 80 % or more of the total sales volume of that type.
- (40) Finally, all the product types exported from Belarus to the Union were also sold in the USA. Therefore, there was no need to construct the normal value for any product types exported.

3.3. Export price

- (41) The Belarusian cooperating exporting producer exported to the Union either through related traders located in Austria, Lithuania, Poland, Germany and the USA or sold directly to the first independent customers. As indicated in recital 13 above the three main related traders were verified on spot.
- (42) For the direct sales from exporting producer to the first independent customers, the export price was the price actually paid or payable for the product concerned when sold for export to the Union, in accordance with Article 2(8) of the basic Regulation.
- (43) For the sales made through related traders acting as an importer, the export price was established on the basis of the Article 2(9) of the basic Regulation. In this case, adjustments to the price were made for all costs incurred between importation and resale, including selling, general and administrative (SG&A) expenses (ranging from around 1 % to 2,5 %), and for a reasonable margin of profit for the traders involved in the sale (below 1 %).

3.4. Comparison

- (44) The Commission compared the normal value and the export price of the sampled exporting producer on an ex-works basis.
- (45) Where justified by the need to ensure a fair comparison, the Commission adjusted the normal value and/or the export price for differences affecting prices and price comparability, in accordance with Article 2(10) of the basic Regulation.
- (46) As regards export prices of the exporting producer, adjustments were made for transport, insurance and handling (ranging from around 4 % to 7,5 % depending on the related trader concerned or the exporting producer), credit cost and bank charges (ranging from 0 % to 1,5 % depending on related trader concerned or the exporting producer), representing in total about 8 % of the value of sales. Concerning domestic prices of the analogue country producer, adjustments were made for domestic transportation costs and handling (on average 5,3 % of the value of sales), as well as credit costs (at a yearly rate of 1,15 %).
- (47) The comparison was made for 100 % of the product types exported and sold in the Union by the Belarusian exporting producer and its related traders.

- (48) During a hearing held on 14 October 2016, the representatives of the Belarusian exporting producer claimed the normal value should be adjusted to reflect the average prices of scrap purchases and its consumption ratio in the production of the product concerned in Belarus.
- (49) The Commission, first, underlines that normal value has not been constructed, but was based only on sales, so that such an adjustment is excluded at the level of establishing normal value.
- (50) The Commission, second, understands that this company may have wanted to raise an issue of fair comparison and thus analysed this claim under Article 2(10)(k). The investigation showed that the Belarusian exporting producer purchased scrap material either from local suppliers or from Russian suppliers.
- (51) The Commission notes, that as a non-market economy country, prices and costs in Belarus are considered to be distorted. Thus, granting adjustments relaying on Belarusian prices and cost as well as on the resulting consumption ratio would mean using the distorted Belarusian price. Therefore, the Commission rejected this claim in this regard. Even if the Commission had to demonstrate actual distortion of Belarusian prices, the Commission observes that the complaint has established *prima facie* that such distortions exist, and the Belarusian exporter has not provided substantiated proof to counter those allegations.
- (52) With regard to scrap imported from Russia the Commission observed during the investigation that the price of the raw material in the USA and in the Russian Federation is similar ⁽¹⁾. Moreover, the investigation has shown that the US scrap consumption ratio is similar to the ones reported by the Belarusian exporting producer, i.e. between 60-70 %. Therefore, the Commission provisionally concluded that the scrap purchase price in the USA does not affect price comparability. The claim is provisionally rejected.

3.5. Dumping margins

- (53) For the cooperating exporting producer, the Commission compared the weighted average normal value of each type of the like product in the analogue country (see recital 47 above) with the weighted average export price of the corresponding type of the product concerned, in accordance with Article 2(11) and (12) of the basic Regulation. On this basis, the provisional weighted average dumping margins expressed as a percentage of the CIF Union frontier price, duty unpaid, is 58,4 %.
- (54) The level of cooperation is high because the imports of the cooperating exporting producer constituted the totality of the total exports to the Union during the investigation period. On this basis, the Commission decided to base the residual dumping margin at the level of the cooperating exporting producer with the highest dumping margin.
- (55) The provisional dumping margins, expressed as a percentage of the CIF Union frontier price, duty unpaid, are as follows:

Company	Provisional dumping margin
Open Joint-Stock Company 'Byelorussian Steel Works — Management Company of "Byelorussian Metallurgical Company" Holding', Belarus	58,4 %
All other companies	58,4 %

⁽¹⁾ Based on the information available, it appears that for April 2015, the price of the raw material imported by the Belarusian exporting producer was around 9 % more expensive compared to the US price.

4. UNION INDUSTRY

4.1. Definition of Union industry and Union production

- (56) The like product was manufactured by 31 Union producers. They are deemed to constitute the Union industry within the meaning of Article 4(1) and Article 5(4) of the basic Regulation and will hereinafter be referred to as the 'Union industry'.
- (57) All available information concerning the Union industry, such as information provided in the complaint, data collected from Union producers and their association before and after initiation of the investigation and the questionnaire responses of the sampled Union producers, was used in order to establish the total Union production for the investigation period.
- (58) On this basis, the total Union production was estimated to be around 12,7 million tonnes during the IP. This figure includes the production of all Union producers, both the sampled producers and the non-sampled producers, calculated on the basis of verified data submitted by the complainant.
- (59) As indicated in recital 8 above, the five Union producers included in the sample represent 22,4 % of the estimated total Union production of the like product. In this respect, it should be taken into account that the Union production of the product concerned is very fragmented, which is illustrated by the high number of Union producers mentioned in recital 56 and therefore the sample of five producers is representative for the Union industry.

5. INJURY

5.1. Preliminary remark

- (60) The Belarusian exporting producer claimed that there was insufficient prima facie evidence of the existence of injury in the complaint, which therefore should not have been accepted. The argument hinges in particular on a wrongful presentation in the complaint of the alleged artificially low scrap procurement costs from which the exporting producer in question benefits. The Belarusian producer claimed that such misconception invalidated the complaint entirely.
- (61) As mentioned in recital 19 above, Belarus is a non-market economy country and, as a result, normal value was determined on the basis of the analogue country methodology. Therefore, no determination on whether scrap was procured at artificially low prices by the Belarusian producer was necessary. The Commission fails to see the substance or relevance of this claim and its relevance to the determination of injury to the EU industry.

5.2. Union consumption

- (62) Union consumption was established on the basis of the total sales volume of the Union industry on the Union market and the total imports. Union consumption decreased between years 2012 and 2013 but returned to its 2012 level in 2014 and moderately increased further in the IP. Union consumption increased overall by 3 % over the period considered.

	2012	2013	2014	IP
Consumption (in tonnes)	9 465 588	8 783 290	9 445 867	9 704 309
Index (2012 = 100)	100	93	100	103

Source: Eurostat, complaint and questionnaire replies.

5.3. Imports into the Union from the country concerned

5.3.1. Volume and market share of the imports concerned

- (63) During the period considered the imports into the Union from Belarus were found to have developed in terms of volume and market share as follows:

	2012	2013	2014	IP
Volume (tonnes)	173 664	155 012	260 774	488 759
Index (2012 = 100)	100	89	150	281
Market share on EU consumption (%)	1,8	1,8	2,8	5,0
Index (2012 = 100)	100	96	150	275

Source: Eurostat, complaint and questionnaire replies.

- (64) Import volumes from Belarus almost tripled over the period considered. The market share of imports from Belarus also increased over the period considered, from 1,8 % in 2012 to 5 % in the IP.

5.3.2. Prices of imports and price undercutting

- (65) The table below shows the average price of imports from Belarus:

	2012	2013	2014	IP
Average price in EUR/tonne	500	467	441	376
Index (2012 = 100)	100	93	88	75

Source: Eurostat.

- (66) The average import prices from Belarus decreased during the period considered, following a decrease of prices of scrap, which is used as raw material both in Belarus and in the Union. However, the 25 % decrease in the prices of Belarusian exports to the EU was sharper than the decrease in prices of the sampled Union producers and of average prices of other major exporters of the product concerned to the Union over the same period. As a result, in the IP, prices of imports from Belarus were lower than prices of the Union producers and average prices of imports from any of the other major third countries present on the market.
- (67) In order to determine whether there was price undercutting during the IP, and to what extent, the weighted average sales prices per product type of the sampled Union producers charged to unrelated customers on the Union market, adjusted to an ex-works level by deducting the actual delivery costs (0,5 %-5 %), commissions (0 %-1,5 %), discounts (0,9 %-2,3 %) and credit costs (0,2 %-0,5 %), were compared to the corresponding weighted average prices per product type of the dumped imports from the Belarusian producer to the first independent customer on the Union market, established on a CIF basis.
- (68) The result of the comparison, when expressed as a percentage of the sampled Union producers' turnover during the IP, showed an undercutting margin of 4,5 %. The lower prices of the dumped imports compared to the Union prices explain the significant increase in Belarusian import volume and in the market share held by the imports from Belarus from 2014 onwards.

- (69) The Belarusian exporting producer submitted certain documents for the comparison of the sales prices of the Polish and Belarusian producers with the aim to claim that Belarusian prices were actually higher in the IP than the prices of the Union producers. In this regard it is recalled that the undercutting calculations and micro indicators concerning price level are based on the data collected from the sampled Union producers while the data submitted by the Belarusian company referred to non-sampled Polish producers. Therefore, the submitted data have no influence on the Commission findings with regard to price undercutting and microeconomic indicator trends in the period considered as described in recital 83. Furthermore, these are aggregated data of all the sampled companies and all their unrelated sales transactions which are taken into account for establishing the undercutting and micro indicators trends. Nevertheless, the Commission confirms that during the IP Belarusian prices undercut each and every single sampled EU producer.

5.4. Economic situation of the Union industry

5.4.1. Preliminary remarks

- (70) In accordance with Article 3(5) of the basic Regulation, the examination of the impact of the dumped imports from Belarus on the Union industry included an evaluation of all economic indicators having a bearing on the state of the Union industry during the period considered.
- (71) As mentioned in recital 59, sampling was used for the examination of the possible injury suffered by the Union industry.
- (72) For the purpose of the injury analysis, the Commission distinguished between macroeconomic and microeconomic injury indicators. In this regard, the economic situation of the Union industry is assessed on the basis of (a) macroeconomic indicators, namely production, production capacity, capacity utilisation, sales volume, market share and growth, employment, productivity, magnitude of the actual dumping margin and recovery from past dumping, for which the data was collected at the level of the total Union industry; and on the basis of (b) microeconomic indicators, namely average unit prices, unit cost, profitability, cash flow, investments, return on investment and ability to raise capital, stocks and labour costs, for which the data was collected at the level of the sampled Union producers.
- (73) All available information concerning the Union industry including information provided in the complaint, data collected from the Union producers before and after the initiation of the investigation, and the questionnaire responses of the sampled Union producers, was used in order to establish the macroeconomic indicators and in particular the data pertaining to the non-sampled Union producers.
- (74) The microeconomic indicators were established on the basis of information provided by the sampled Union producers in their questionnaire replies.

5.4.2. Macroeconomic indicators

(a) Production, production capacity and capacity utilisation

- (75) The trends for Union production, production capacity and the utilisation of the capacity developed as follows during the period considered:

	2012	2013	2014	IP
Production volume (tonnes)	13 387 728	12 563 163	13 255 746	12 689 981
<i>Index (2012 = 100)</i>	100	94	99	95
Production capacity (tonnes)	18 848 442	19 038 334	19 168 491	18 897 474
<i>Index (2012 = 100)</i>	100	101	102	100

	2012	2013	2014	IP
Capacity utilisation (%)	71	66	69	67
<i>Index (2012 = 100)</i>	100	93	97	95

Source: Eurostat, complaint and questionnaire replies.

- (76) The Union production volume decreased 5 % during the period considered. Taking into account that production capacity remained constant during that period, the decrease in output resulted in a reduction of the capacity utilisation by 4 percentage points from 71 % in 2012 to 67 % in the IP.

(b) Sales volume, market share and growth

- (77) The sales of the Union producers included sales to related companies. These sales to related companies represented, over the period considered, around 10 % of the Union consumption. Sales volume, market share and growth were therefore assessed separately for related sales and free market (unrelated sales). With regard to related sales it is confirmed that they are directed to the related users not to the related trading companies therefore they are not double counted in the calculation of the total Union consumption.
- (78) The trends concerning sales volumes, market share and growth developed as follows during the period considered:

	2012	2013	2014	IP
Sales volume unrelated (<i>tonnes</i>)	7 734 058	7 189 883	7 192 146	7 237 285
<i>Index (2012 = 100)</i>	100	93	93	94
Market share unrelated sales (%)	82	82	76	75
<i>Index (2012 = 100)</i>	100	100	93	91
Sales volume related (<i>tonnes</i>)	888 325	735 632	1 091 819	1 012 318
<i>Index (2012 = 100)</i>	100	83	123	114
Market share related sales (%)	9	8	12	10
<i>Index (2012 = 100)</i>	100	89	123	111

Source: Eurostat, complaint and questionnaire replies.

- (79) The Union industry sales volume to unrelated customers decreased by 6 % in the period concerned, situation which is reflected also in the 7 percentage points decrease of market share between 2012 and the IP. This occurred in spite of an increase in consumption in the Union market during the same period. Rapid decrease in volumes of sales took place between 2012 and 2013 when the sales volume trend followed exactly the trend in consumption — and the Union industry was able to maintain the same market share. However, in the period between 2013 and the IP the situation changed completely. Union market grew by 10 % in this period while in the same time the Union industry lost 7 percentage points of its market share. At the same time the volume of Belarusian imports and their market share increased rapidly. This demonstrates that the Union industry could not benefit from the growth in Union consumption due to the increasing market share of dumped imports.

(c) Employment and productivity

- (80) In line with the decline in production and sales, it was observed that the level of the Union industry's employment also decreased by 2 % between 2012 and the IP. However, this reduction of employment did not result in increase in productivity, measured as output per person employed per year, as the drop in production volume in the period considered was deeper than the reduction in employment.

	2012	2013	2014	IP
Number of employees	5 363	5 133	5 282	5 239
<i>Index (2012 = 100)</i>	100	96	98	98
Productivity (MT/employee)	2 496	2 447	2 510	2 422
<i>Index (2012 = 100)</i>	100	98	101	97

Source: Complaint and questionnaire replies.

(d) Magnitude of the actual dumping margin and recovery from past dumping

- (81) The dumping margin of the Belarusian exporting producer is considerable (see recital 55 above). Given the volume, market share and prices of the dumped imports from Belarus, discussed above, the impact on the Union industry of the actual dumping margin cannot be considered to be negligible.
- (82) As no finding on dumped imports of the product concerned was made previously, the Union industry is not recovering from any past dumping practices regarding the product concerned.

5.4.3. Microeconomic indicators

(a) Average unit selling prices on the Union market and unit cost of production

- (83) The average sales prices of the sampled Union producers to unrelated customers have been depressed in the first part of the period considered (2012-2013) by the impact of the 'VAT fraud scheme' (see recitals 106 to 111). In the second part of the period considered (2014-IP), they have been depressed by the dumped imports from Belarus. During the period considered the prices in the Union decreased by 22 % from 2012 to the IP. The price decrease reflects a general lowering trend in the worldwide cost of the main raw material. However, due to the further price depression exerted by the dumped imports from Belarus, where the decrease in prices was deeper than only reflecting the raw material cost, the Union producers could not return prices depressed by the VAT fraud scheme to normal and undistorted levels, benefitting from the reduction in the costs of the main raw material, but had to keep prices lower than under normal competition.
- (84) In the period considered, the costs of the Union industry decreased by 20 % which was less than decrease in prices. This is explained by higher energy and labour costs. As a result, over the period considered profitability of the Union industry deteriorated.

	2012	2013	2014	IP
Average unit selling price in the Union to unrelated customers (EUR/tonne)	493	459	436	383
<i>Index (2012 = 100)</i>	100	93	88	78

	2012	2013	2014	IP
Unit cost of goods sold (EUR/tonne)	487	466	441	391
<i>Index (2012 = 100)</i>	100	96	91	80

Source: Questionnaire replies.

(b) Profitability, cash flow, investments, return on investments and ability to raise capital

- (85) During the period considered the Union producers' cash flow, investment, return on investment and their ability to raise capital developed as follows:

	2012	2013	2014	IP
Profitability of sales in the Union to unrelated customers (% of sales turnover)	1,3	– 1,6	– 1,2	– 2,1
Cash flow (EUR)	35 355 861	15 439 631	17 308 800	5 869 113
<i>Index (2012 = 100)</i>	100	44	49	17
Investments (EUR)	29 266 937	23 168 567	21 554 327	20 818 669
<i>Index (2012 = 100)</i>	100	79	74	71
Return on investments (%)	0,7	– 2,6	– 2,5	– 3,2

Source: Questionnaire replies.

- (86) The profitability of the sampled Union producers is expressed as the pre-tax net profit of the sales of the like product to customers in the Union as a percentage of the turnover of those sales. The sampled Union producers were profitable in 2012, but became loss-making from 2013 onwards. What is more, their profitability reaches its lowest level in the IP which correlates with the highest volumes of the imports from Belarus and its lowest price level in the whole period considered.
- (87) Cash flow, which is the ability of the industry to self-finance its activities, although positive throughout the whole period considered, deteriorated over the whole period considered.
- (88) The Union producers were still able to invest over the whole period considered but the evolution of profitability and cash flow adversely affected also investments which over the period considered decreased by 29 %. Furthermore, the return on investments is constantly negative from 2013 onwards following the trend in profitability.
- (89) In light of the above, it can be concluded that the financial performance of the sampled Union producers was negative during the IP.

(c) Stocks

- (90) The level of stocks of the sampled Union producers decreased by 25 % during the period considered. However, the ratio of stocks to the production volume remains stable in the period considered (1 % to 1,5 %) — the stock level follows decreasing trend in production volume.

	2012	2013	2014	IP
Closing stocks (tonnes)	184 632	161 698	188 050	138 491
<i>Index (2012 = 100)</i>	100	88	102	75

Source: Questionnaire replies.

(d) Labour costs

- (91) The average labour costs of the sampled Union producers increased modestly during the period considered. Labour costs represented less than 10 % of the total costs of production. Therefore labour costs do not represent a determining factor in the evolution of the cost of production.

	2012	2013	2014	IP
Average labour costs per employee (EUR)	47 109	47 468	49 305	49 541
<i>Index (2012 = 100)</i>	100	101	105	105

Source: Questionnaire replies.

5.5. Conclusion on injury

- (92) The investigation showed that the Union industry did not benefit from the increase in consumption during the period considered. To the contrary, the Union industry suffered a 6 % drop in the sales volumes in the period considered and its market share decreased by 6 percentage points (against the background of a 3 % increase of the total consumption). These trends are more clearly visible when the period from 2013 to the IP is taken into consideration, when import volumes from Belarus were growing rapidly and increasing its market share. Within the same period, the Union industry lost 7 percentage points of market share, in a scenario of increasing consumption (+10 %). The Union industry suffered also a 5 % decrease in production output in the period considered, which resulted in a drop of capacity utilisation from 71 % to 67 %.
- (93) Furthermore, due to increased unfair competition from dumped imports, the Union industry had to reduce its prices on average by 22 % in the period considered which has resulted in a decline from 1,3 % profit in 2012 to 2,1 % loss in the IP despite the reduction of costs and employment.
- (94) Finally, other financial indicators such as return on assets, cash flow and investments were also adversely affected in the period considered.
- (95) In light of the foregoing, it is provisionally concluded that the Union industry suffered material injury within the meaning of Article 3(5) of the basic Regulation.

6. CAUSATION

6.1. Introduction

- (96) In accordance with Article 3(6) and (7) of the basic Regulation, the Commission examined whether the dumped imports from Belarus had caused injury to the Union industry to a degree sufficient to be considered as material. Known factors other than the dumped imports, which could at the same time be injuring the Union industry, were also examined to ensure that the possible injury caused by these other factors was not attributed to the dumped imports.

6.2. Effect of the dumped imports

- (97) The investigation showed that the Union consumption increased by 3 % over the period considered and at the same time the volume of imports originating in Belarus increased significantly. Over the last 2 years of the period considered the volume of Belarusian imports and its share in the Union market increased by 175 %. The increase of dumped imports coincided with a drop in the market share of the Union industry.
- (98) With regard to the price pressure prevailing on the Union market during the period considered, it was found that the average import prices from Belarus were decreasing rapidly especially in the last 2 years of the period considered. In the IP, the level of prices of Belarusian imports was already lower than the average sales prices of the Union industry and sales prices of imports from the third countries present on the Union market.
- (99) Due to the price pressure exerted by the increasing volumes of Belarusian imports, the Union industry was not able to cover its costs.
- (100) Based on the above, it is concluded that the surge of dumped imports from Belarus at prices undercutting those of the Union industry caused material injury suffered by the Union industry.

6.3. Effect of other factors

6.3.1. *Export performance of the Union industry*

- (101) According to data of the sampled Union producers, export volumes to unrelated customers in third countries increased by 5 % during the period considered. Thus, it can be concluded that this part of sales activity of the Union industry could not be a cause of the material injury found.

6.3.2. *Sales to related parties*

- (102) Union industry sales to related parties increased by 14 % during the period considered at price levels which were consistently above those of sales to unrelated parties. Even though these prices are transfer prices, it can be concluded that this part of sales activity of the Union industry could not be the cause of the material injury found. On the contrary, the increase in these sales and the fact those prices are higher than prices to unrelated customers suggest that the injury suffered by the Union industry could have been even more substantial had it not been for these sales to related parties.
- (103) It should also be stressed that undercutting and underselling margins were established by comparing Belarus import prices with sales prices of the Union producers to unrelated customers. Thus, the sales to related companies did not affect the determination of undercutting and underselling.

6.3.3. Imports from third countries

Country		2012	2013	2014	IP
Norway	Volume (tonnes)	195 370	184 643	201 617	215 218
	Index (2012 = 100)	100	95	103	110
	Market share (%)	2,1	2,1	2,1	2,2
	Av. Price (EUR/tonne)	551	496	483	431
Bosnia and Herzegovina	Volume (tonnes)	47 702	79 207	105 910	116 927
	Index (2012 = 100)	100	166	222	245
	Market share (%)	0,5	0,9	1,1	1,2
	Av. Price (EUR/tonne)	566	479	455	415
Turkey	Volume (tonnes)	101 900	147 164	207 427	113 012
	Index (2012 = 100)	100	144	204	111
	Market share (%)	1,1	1,7	2,2	1,2
	Av. Price (EUR/tonne)	536	486	465	433
Ukraine	Volume (tonnes)	79 342	20 656	32 025	112 953
	Index (2012 = 100)	100	26	40	142
	Market share (%)	0,8	0,2	0,3	1,2
	Av. price	517	510	452	394
Rest of the World	Volume (tonnes)	245 225	271 092	354 150	407 837
	Index (2012 = 100)	100	111	144	166
	Market share (%)	2,6	3,1	3,7	4,2
	Av. Price (EUR/tonne)	697	645	573	502

(104) In the period considered the individual market shares of the third countries increased only marginally with the exception of Ukraine where the increase in market share was substantial in relative terms but still the market share of this country in absolute terms is negligible. It should be also noted that throughout the period considered the prices of imports from the third countries were on average always higher than the prices of the Union industry. The only exporting country with lower average prices than the Union industry was Belarus in the IP which was the same year when volumes of imports from Belarus increased most rapidly. Therefore, it is concluded that even if imports from third countries may have had some impact on the situation of the Union industry, imports from Belarus clearly remained the main cause of injury.

6.3.4. Costs evolution

- (105) The main cost factor in the production of the product concerned is iron and steel scrap. During the period concerned, the price of this raw material decreased globally. The Union producers producing billets from scrap experienced a decrease in the cost of raw material between 23 % and 32 % and Union producers using billets as raw material of around 24 %. According to the data from the sampled Union producers, the total cost of manufacturing of the product concerned decreased by 20 % in the period considered, the decrease in raw material prices was somewhat offset, mainly by higher labour cost (around 10 % on average). It can be therefore concluded that the costs evolution could not be a cause of the material injury found. On the other hand due to the price depression, mainly from dumped imports from Belarus, the Union industry could not benefit from decreasing costs and these cost savings were not reflected in its financial indicators.

6.3.5. Impact of so called 'VAT fraud scheme'

- (106) The Belarusian exporting producer claimed that one of the important factors affecting the performance of the Union industry in the period considered was the so-called 'VAT fraud scheme'. The scheme affected mainly the Polish market. In 2012, the Euro football championship was organised in this country and, at the time, the construction sector was booming and the demand for rebars was very high. Some unscrupulous traders allegedly operated in the market taking advantage of this opportunity and setting up a VAT carousel fraud. Shell companies were created in Poland purchasing rebar from another member State and reselling it in Poland with the local VAT charged on the invoice. However, these shell companies never accounted for the VAT collected. Allegedly due to the low prices on the Polish market caused by such fraudulent trading companies, the Polish producers lost market share and experienced financial losses.
- (107) Indeed, it was confirmed that the above described VAT fraud had a major impact on the rebar market in Poland. Many regular steelmakers faced a decline in their economic performance due to the market disruption. Some of the companies had even suspended rebar production for a couple of weeks at the beginning of January 2013 as a result of such illegal activities. However, it has to be stressed that there is no overlap between the VAT fraud scheme and the dumped imports from Belarus in terms of timing and impact. The fraud scheme ended when the Polish government applied reverse charge VAT mechanisms as from 1 October 2013. Its impact is visible in the sudden drop of the Union industry sales and production volumes in 2013. However, the situation went back to normal in 2014 while in the meantime the increased flow of dumped imports started adversely affecting the level of prices, market share and financial performance of the Union industry. Hence, the impact of the VAT fraud on the economic situation of the Polish manufacturers is limited to the years where import from Belarus into the Union market was relatively low in volume and relatively high priced. There was also no spill-over effect on the Polish rebar market when the fraudsters ceased their activities. These findings are actually confirmed by the additional submission (and supporting evidence) provided by the Belarusian exporting producer concerning the situation on the Polish market during and after the VAT fraud scheme was active. It is therefore manifest that this issue can be separated from the effects of the dumped imports and is not breaking the causal link between the dumped imports from Belarus and injury suffered by the Union industry.
- (108) The Belarusian exporting producer further claimed that as a result of the VAT fraud scheme described above, certain producing companies located in Latvia and Slovakia went bankrupted. The company indicates therefore that negative trends in the production and sales volumes of the Union industry are caused by the disappearance of certain companies from the market which is not linked with the export activity of the Belarusian exporting producer.
- (109) With regard to this claim, it should be stressed that the estimation of the macro indicators shown in the recitals 75 to 82 did not take into account the companies which did not exist in the IP. For the companies which did not receive questionnaires, information relevant to macro indicators was estimated on the basis of the actual production output in the IP. Thus, disappearance of the companies in question from the market is not reflected in the indicators showing the negative development of production and sales volumes of the Union industry. It should be stressed that if they were taken into account the overall injury picture would have been even worse.
- (110) Finally, the Belarusian exporting producer in question claims that the volumes and import prices of imports from this country in the years 2014 and the IP are not representative of the 'normal' sales strategy of the company. The company claims that its increased export activity in the Union in these years was a result of the gap between demand and supply of the product concerned on the markets of Poland and the Baltic States, which resulted from the disturbances caused by the VAT frauds. The company claims that the Commission should investigate

volumes and level of prices of imports from Belarus in the post IP period. The company claims that such investigation of post-IP data was found justified by the Commission in the recent proceeding concerning imports of grain oriented electrical steel ('GOES').

- (111) With regard to the above it is first noted that the existence of a gap between demand and supply of the product concerned is not confirmed by the findings of the investigation. The VAT fraud scheme indeed adversely affected the performance of the producers in Poland in 2013 but its impact was linked with the low level of prices of the product concerned sold by the fraudulent trading companies, not with shortages of supply. After October 2013 this adverse effect was removed as explained in recital 107. The Union producers located in Poland could then freely use their available capacity of production (over 40 %) to supply the customers both in Poland and in Baltic States. Their failure to increase their sales and market share in the year 2014 and IP resulted from competition of sharply increasing dumped imports from Belarus. Secondly, it is noted that the claim to examine post IP data came very late in the procedure. The Commission will collect post-IP data and consider whether or not review of post-IP developments is appropriate in this case at the definitive stage of the investigation. However, already at this stage it should be noted that circumstances in this proceeding cannot be seen as similar to those in the referred GOES investigation.

6.4. Conclusion on causation

- (112) It has been demonstrated that there was a substantial increase in the volume and market share of the dumped imports originating in Belarus in the period considered. In addition, it was found that these imports were undercutting the prices charged by the Union industry on the Union market in the IP.
- (113) Increase in volume and market share of the dumped imports from Belarus coincided with the deterioration of the financial situation of the Union industry, which is especially visible as of 2014. Thus, despite the recovery in consumption, the Union industry was unable to increase its sales and prices, and consequently financial indicators such as profitability remained negative.
- (114) The examination of the other known factors which could have caused injury to the Union industry revealed that these factors were not such as to break the causal link established between the dumped imports from Belarus and the injury suffered by the Union industry.
- (115) Based on the above analysis, which has distinguished and separated the effects of all known factors on the situation of the Union industry from the injurious effects of the dumped imports, it is provisionally concluded that the dumped imports from Belarus have caused material injury to the Union industry within the meaning of Article 3(6) of the basic Regulation.

7. UNION INTEREST

7.1. General considerations

- (116) In accordance with Article 21 of the basic Regulation, it has been examined whether, despite the provisional finding of injurious dumping, compelling reasons exist for concluding that it is not in the Union interest to adopt measures in this particular case. The analysis of the Union interest was based on an appreciation of all the various interests involved, including those of the Union industry, importers, and users.

7.2. Interest of the Union industry

- (117) The Union industry is composed of more than 65 producers, located in different Member States of the Union, and employing directly more than 4 600 people in relation to the like product during the IP.
- (118) It has been established that the Union industry suffered material injury caused by the dumped imports from Belarus. It is recalled that the Union industry could not fully benefit from the growing consumption and the financial situation of the Union industry remained fragile.
- (119) It is expected that the imposition of anti-dumping duties will restore fair trade conditions on the Union market, allowing the Union industry to align its prices of the like product to the costs of production.

- (120) It can also be expected that the imposition of measures will enable the Union industry to regain at least part of the market share lost during the period considered, with a positive impact on its profitability and overall financial situation. The imposition of measures would enable the industry to maintain and further develop its efforts to be cost efficient.
- (121) Should measures not be imposed, further losses in market share could be expected and the Union industry's profitability would deteriorate.
- (122) It is, therefore, provisionally concluded that the imposition of anti-dumping measures on imports originating in Belarus would be in the interest of the Union industry.

7.3. Interest of users and importers

- (123) Cooperation of the users of the product concerned was low. Out of eight known users contacted upon the initiation of the procedure only one company was interested in cooperating. However, even this company failed to reply to the user questionnaire sent by the Commission.
- (124) In the case of importers there were six companies which replied to the sampling questionnaire included in the Notice of Initiation. Three of these companies, representing 81 % of the volume of imports of the product concerned reported by the respondents, were subsequently chosen to the sample.
- (125) Only two out of three sampled importers replied to the questionnaires sent by the Commission. One of them indicated that the company in question is not just an importer of the product concerned but actually a user and should be treated as such in the procedure.
- (126) The importer started to procure the product concerned during the IP of which 78 % was imported from Belarus and it did so with a small profit margin. That illustrates that this importer banked on the opportunity of low import prices from Belarus and created a new customer base. The actions of this importer can therefore not be considered as responding to established trade flows. It will therefore look for other trade opportunities when the market situation changes after the imposition of measures.
- (127) The user made losses on the sales of downstream finished products containing rebars. The latter were procured circa half from the Union industry, a third from Belarus and the rest from third countries such as China and Turkey. This user therefore sources where appropriate in terms of price, availability and quality. The proportion of purchases from Belarus may be affected by the intended measures and somewhat limiting or altering the choice of procured rebars, but does not seem to affect this user fundamentally. The cause of the losses seems structural and unrelated to the raw material sourcing from Belarus.
- (128) Both companies, despite their apparently different role in the procedure, raised nevertheless the same point against the imposition of the measures: (a) insufficient capacity of the Union producers to satisfy the demand of the Union market; (b) insufficient range of products produced by the Union producers; and (c) difficulties in switching between suppliers as allegedly different Member States require different homologation certificates for the product concerned.
- (129) The first claim is not supported by the provisional findings — capacity utilisation of the Union industry is at the level of 67 % which leaves much more free capacity than the whole imports of Belarus to the Union.
- (130) The second claim was not substantiated. On the other hand questionnaire replies of the sampled Union producers show clearly that they are producing and selling the full range of product types.
- (131) With regard to the third claim, it should be stressed that Union producers are already supplying various Member States without any apparent difficulty.

- (132) One other cooperating, not sampled, importer raised in his separate submission the issue of the cartel allegedly existing among the Union producers. However, the company did not provide any documents supporting this claim. The issue of alleged cartel agreement was subsequently raised by the Belarusian exporting producer. The Commission is assessing the information provided by the Belarusian exporting producer. However, as this came very late in the procedure, this point cannot be addressed and concluded at this stage. In any event, it is noted that information provided by the company seems to relate to accusations potentially involving only one company which is included in the sample of the Union producers. Furthermore, the verification procedure in question initiated by the Italian Competition Authority is not yet concluded ⁽¹⁾. The Commission will investigate this claim in more details at the definitive stage of the investigation.
- (133) Finally, one other user, who did not make himself known to the Commission at an earlier stage of the procedure, submitted a user questionnaire reply at the end of the provisional stage of the investigation. The submission came very late in the procedure for the provisional stage of the investigation and therefore could not be analysed and addressed at this stage. The Commission will examine and analyse this questionnaire reply in detail at the definitive stage of the investigation.
- (134) Taken the above into consideration, the Commission takes at this point in time the view that the overall impact on users and importers, and the possible restrictive effects on competition are limited.

7.4. Conclusion on Union interest

- (135) In view of the above, it is provisionally concluded that overall, based on the information concerning the Union interest, there are no compelling reasons against the imposition of measures on imports of the product concerned from Belarus.
- (136) Any negative effects on the unrelated users and importers are mitigated by the availability of alternative sources of supply.
- (137) Moreover, when considering the overall impact of the anti-dumping measures on the Union market, the positive effects, in particular on the Union industry, appear to outweigh the potential negative impacts on the other interest groups.

8. PROPOSAL FOR PROVISIONAL ANTI-DUMPING MEASURES

- (138) In view of the conclusions reached with regard to dumping, injury, causation and Union interest, provisional anti-dumping measures should be imposed in order to prevent further injury being caused to the Union industry by the dumped imports.

8.1. Injury elimination level

- (139) For the purpose of determining the level of these measures, account was taken of the dumping margins found and the amount of duty necessary to eliminate the injury suffered by the Union industry.
- (140) When calculating the amount of duty necessary to remove the effects of the injurious dumping, it was considered that any measure should allow the Union industry to cover its costs of production and obtain a profit before tax that could be reasonably achieved by an industry of this type under normal conditions of competition, i.e. in the absence of dumped imports, on sales of the like product in the Union.
- (141) In order to determine the target profit, the Commission considered the profits made on unrelated sales which are used for the purpose of determining the injury elimination level.

⁽¹⁾ Provvedimento n. 25674 del 21/10/2015;
Provvedimento n. 26085 del 21/06/2016;
Provvedimento n. 2671 del 14/09/2016.

- (142) Within the whole period considered only in 2012 the Union industry was profitable but the minimal profit of 1,3 % achieved in that year was affected by the impact of the 'VAT fraud scheme' and subsequent price depression as explained in recitals 83 and 106 to 111. Therefore, the profit achieved in 2012 cannot be considered a reasonable 'target profit' which would enable financial recovery and encourage investments.
- (143) The target profit proposed by the complainant amounted to 9,9 % and was based on the target profit used in the recent antidumping case against the imports of closely related steel product i.e. wire rods. However, the Commission considers it more appropriate to use the target profit based on the findings of the more recent case concerning high fatigue performance steel concrete reinforcement bars i.e. 4,8 %. It is noted that this profit margin, unlike the one proposed by the complainant, was achieved in 2012 that is within the period considered in this case. Furthermore, the two products are very similar, are produced partially by the same companies and with the use of the same production lines.
- (144) On this basis, the injury elimination level was calculated as a comparison of the weighted average price of the dumped imports, as established for the price undercutting calculations in recital 68 above, and the non-injurious price of the Union industry for the like product.
- (145) Any difference resulting from this comparison was then expressed as a percentage of the average total CIF import price.

8.2. Provisional measures

- (146) In the light of the foregoing, it is considered that, in accordance with Article 7(2) of the basic Regulation, provisional anti-dumping duties should be imposed in respect of imports of rebars originating in Belarus at the level of the lower of the dumping and the injury margins, in accordance with the lesser duty rule.
- (147) On the basis of the above, the provisional anti-dumping duty rates have been established by comparing the injury margins, dumping margins. Consequently, the proposed anti-dumping duties are as follows:

Company	Injury margin (%)	Dumping margin (%)	Provisional anti-dumping duty rate (%)
BMZ	12,5	58,4	12,5
All other companies	12,5	58,4	12,5

- (148) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission ⁽¹⁾ forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with, for example, that name change or that change in the production and sales entities. If appropriate, the Regulation will accordingly be amended by updating the list of companies benefiting from individual duty rates.
- (149) In order to ensure a proper enforcement of the anti-dumping duty, the residual duty level should not only apply to the non-cooperating exporting producers but also to those producers which did not have any exports to the Union during the IP.

9. FINAL PROVISION

- (150) In the interests of sound administration, the Commission will invite the interested parties to submit written comments and/or to request a hearing with the Commission and/or the Hearing Officer in trade proceedings within a fixed deadline.

⁽¹⁾ European Commission, Directorate-General for Trade, Directorate H, CHAR 04/039, 1049 Brussels, Belgium.

- (151) The findings concerning the imposition of provisional duties are provisional and may be amended at the definitive stage of the investigation.

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is imposed on imports of certain concrete reinforcement bars and rods, made of iron or non-alloy steel, not further worked than forged, hot-rolled, hot-drawn or hot-extruded, but including those twisted after rolling and also those containing indentations, ribs, grooves or other deformations produced during the rolling process. High fatigue performance iron or steel concrete reinforcing bars and rods are excluded. The product is originating in Belarus and is currently falling within CN codes ex 7214 10 00, ex 7214 20 00, ex 7214 30 00, ex 7214 91 10, ex 7214 91 90, ex 7214 99 10, ex 7214 99 71, ex 7214 99 79 and ex 7214 99 95 (TARIC codes: 7214 10 00 10, 7214 20 00 20, 7214 30 00 10, 7214 91 10 10, 7214 91 90 10, 7214 99 10 10, 7214 99 71 10, 7214 99 79 10, 7214 99 95 10).

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

Company	Provisional anti-dumping duty rate (%)	TARIC additional code
BMZ- Open Joint-Stock Company 'Byelorussian Steel Works — Management Company of "Byelorussian Metallurgical Company" Holding'	12,5	C197
All other companies	12,5	C999

3. The release for free circulation in the Union of the product referred to in paragraph 1 shall be subject to the provision of a security deposit equivalent to the amount of the provisional duty.

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

Article 2

1. Within 25 calendar days of the date of entry into force of this Regulation, interested parties may:

- (a) request disclosure of the essential facts and considerations on the basis of which this Regulation was adopted;
- (b) submit their written comments to the Commission; and
- (c) request a hearing with the Commission and/or the Hearing Officer in trade proceedings.

2. Within 25 calendar days of the date of entry into force of this Regulation, the parties referred to in Article 21(4) of Regulation (EU) 2016/1036 may comment on the application of the provisional measures.

Article 3

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

Article 1 shall apply for a period of 6 months.

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

Done at Brussels, 19 December 2016.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2304**of 19 December 2016****on the modalities, structure, periodicity and assessment indicators of the quality reports on data transmitted pursuant to Regulation (EU) No 549/2013 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 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union ⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Regulation (EU) No 549/2013 sets up the European System of Accounts 2010 (the 'ESA 2010') which establishes a programme setting out the time limits by which Member States are to transmit to the Commission the accounts and tables to be compiled in accordance with the methodology set out in that Regulation.
- (2) Pursuant to Article 4 of Regulation (EU) No 549/2013, the data covered by that Regulation is subject to the quality criteria set out in Article 12(1) of Regulation (EC) No 223/2009 of the European Parliament and of the Council ⁽²⁾. Member States are to provide the Commission with a report on the quality of the transmitted data on national and regional accounts.
- (3) Temporary derogations were granted to Member States pursuant to the Commission Implementing Decision 2014/403/EU ⁽³⁾. Therefore, the content of the quality reports that the Commission requires Member States to submit should be adapted in accordance with those derogations. The requirement to provide quality reports should be phased in gradually by 2021 to allow Member States time to complete the major adaptations necessary for the introduction of ESA 2010 in the national statistical systems.
- (4) In accordance with Article 4(3) of Regulation (EU) No 549/2013 and for the purposes of applying the quality criteria referred to in Article 4(1) of that Regulation, the modalities, structure, periodicity and assessment indicators of the quality reports to be provided by Member States should be defined by the Commission by means of implementing acts.
- (5) As the information in the quality reports on national and regional accounts should be based on the European Statistical System standards on quality reporting published by the Commission (Eurostat), the Annex to this Regulation should be drawn up in line with those standards. Information about the ESA 2010 implementation already provided by Member States should be reused by the Commission and should not be requested in the quality reports.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The quality report on national and regional accounts referred to in Article 4(2) of Regulation (EU) No 549/2013 shall cover the data sent by Member States in accordance with the ESA 2010 transmission programme as laid down in Annex B to Regulation (EU) No 549/2013 in the year preceding the report.

⁽¹⁾ OJ L 174, 21.5.2013, p. 1.

⁽²⁾ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics (OJ L 87, 31.3.2009, p. 164).

⁽³⁾ Commission Implementing Decision 2014/403/EU of 26 June 2014 on granting derogations to Member States with respect to the transmission of statistics pursuant to Regulation (EU) No 549/2013 of the European Parliament and of the Council concerning the European system of national and regional accounts in the European Union (OJ L 195, 2.7.2014, p. 1).

Member States shall provide the quality report on an annual basis.

Article 2

The modalities, structure and assessment indicators of the quality reports on national and regional accounts referred to in Article 1 shall be those set out in the Annex.

Article 3

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

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

Done at Brussels, 19 December 2016.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

Modalities, structure and assessment indicators of the quality reports to be provided by Member States

1. Introduction

The quality report on national and regional accounts shall contain both quantitative indicators and qualitative descriptions of the quality of the data sent the previous year. The Commission (Eurostat) shall provide to Member States the results of the quantitative indicators, calculated on the basis of the data provided. Member States shall interpret and comment on them, in accordance with their compilation methodology and statistical production process.

2. Modalities

- Before 15 February 2017 and every year thereafter, the Commission (Eurostat) shall supply the Member States with draft documents for quality reports partially pre-filled with all the quantitative assessment indicators specified in Section 4.
- Every year, not later than 31 May, Member States shall provide the Commission (Eurostat) with the completed quality report.

3. Structure

Each Member State shall submit a single quality report covering all the tables of the ESA 2010 transmission programme as set out in Annex B to Regulation (EU) No 549/2013.

The quality reports shall include information on all the quality criteria laid down in Article 12(1) of Regulation (EC) No 223/2009. The information shall be presented according to the following structure:

- Relevance
- Accuracy and reliability
- Timeliness and punctuality
- Accessibility and clarity
- Coherence and comparability

Information about the ESA 2010 implementation already provided by Member States shall be reused by the Commission and shall not be requested in the quality reports.

4. Assessment indicators

4.1. Quantitative indicators

The quality report shall contain the following quantitative indicators:

No	Indicator	Definition (*)	Variable and/or table of the ESA 2010 transmission programme	Reference period (*)	Quality criteria	Implementation from
1.	Data completeness rate	Ratio of the number of data cells provided by Member States to the number of data cells required by ESA 2010 transmission programme not covered by derogations	All tables, quarterly and annual data	1995 until the latest year and quarter	Relevance	2017

No	Indicator	Definition (*)	Variable and/or table of the ESA 2010 transmission programme	Reference period (*)	Quality criteria	Implementation from
2.	Revision rates of quarterly data	Revision rate for key quarterly variables between the first and the latest transmissions and average revision rate in subsequent transmissions since the first transmission	Seasonally and calendar adjusted gross domestic product volume (Table 1) Seasonally adjusted total employment in thousands of persons (Table 1) Non-seasonally adjusted gross disposable income of households and non-profit institutions serving households (Table 801) Non-seasonally adjusted final consumption expenditure by households and non-profit institutions serving households (Table 801) Non-seasonally adjusted gross value added of non-financial corporations (Table 801) Non-seasonally adjusted gross fixed capital formation of non-financial corporations (Table 801)	Available quarters of the latest three years	Accuracy and reliability	2019 2019 2021 2021 2021 2021
3.	Revision rates of annual data	Average revision rates for key annual variables in subsequent transmissions since the first transmission	Table 1: Gross domestic product (current prices and volumes), Gross value added (current prices) Table 1 (current prices): Compensation of employees, Gross operating surplus and gross mixed income Table 1 (current prices): Final consumption expenditure of households and non-profit institutions serving households Final consumption expenditure of government Gross fixed capital formation Exports of goods and services Imports of goods and services	Latest five years	Accuracy and reliability	2019

No	Indicator	Definition (*)	Variable and/or table of the ESA 2010 transmission programme	Reference period (*)	Quality criteria	Implementation from
			Table 1 (thousands of persons): Total employment Employees Table 2 (current prices): Government expenditure Government revenue Table 7 (current prices): Total financial sector liabilities (non-consolidated) Table 7 (current prices): Debt of non-financial corporations (consolidated) Debt of households and non-profit institutions serving households (consolidated) Table 10: Gross value added in current prices, employment in persons (t + 12 months) Compensation of employees in current prices (t + 24 months) (NUTS 2 (!)) Table 13 (current prices): Net disposable income of households (NUTS 2)			
4.	Punctuality — delivery dates	First delivery date and delivery date of validated data for each table of the ESA 2010 transmission programme for all transmissions due in the latest year	All tables, quarterly and annual data	Latest year	Timeliness and punctuality	2017
5.	Coherence — internal within and between tables	Average and maximum absolute difference showing the extent to which statistics are consistent within a given data set, i.e. all the appropriate arithmetic and accounting identities are observed, no unexplained changes and consistent with integrity rules	Gross domestic product, current prices (quarterly and annual data): Within table 1 (gross domestic product according to production, expenditure and income approaches)	Latest five years	Coherence and comparability	2017

No	Indicator	Definition (*)	Variable and/or table of the ESA 2010 transmission programme	Reference period (*)	Quality criteria	Implementation from
			Gross value added, current prices (annual data): Between tables 1 and 3 Compensation of employees, current prices (annual data): Between tables 1 and 3 Gross fixed capital formation, current prices (annual data): Between tables 1 and 3 and tables 1 and 22 Exports of goods and services, current prices (quarterly and annual data): Within table 1 (taken from expenditure components of gross domestic product and from the detailed exports breakdown) Imports of goods and services, current prices (quarterly and annual data): Within table 1 (taken from expenditure components of gross domestic product and from the detailed imports breakdown) Total employment, employees and self-employed (annual data, thousands of persons): Between tables 1 and 3			
6.	Coherence — annual and sum of quarterly data	The extent to which annual and quarterly statistics are reconcilable	(For all variables except employment, reconciliation is tested between annual and the sum of four quarters data; for employment — between annual and the average of four quarters data) Gross domestic product, current prices, non-seasonally adjusted (table 1) Total employment in thousands of persons, non-seasonally adjusted (table 1)	Latest five years	Coherence and comparability	2017

No	Indicator	Definition (*)	Variable and/or table of the ESA 2010 transmission programme	Reference period (*)	Quality criteria	Implementation from
			Gross operating surplus for non-financial corporations sector (tables 8/801, current prices) Gross disposable income for households and non-profit institutions serving households sectors (tables 8/801, current prices)			
7.	Coherence — totals and sum of components	The extent to which the sum of sub-components is equal to a total	Gross domestic product, current prices, non-seasonally adjusted, total and sum of expenditure components (quarterly and annual data), table 1 Gross value added, current prices, total and NACE Rev. 2 ⁽²⁾, level A*10 breakdowns (quarterly and annual data), table 1 Total employment in thousands of persons, non-seasonally adjusted, total and sum of employees and self-employed (quarterly and annual data), table 1 Total employment, in thousands of persons, total and sum of NACE Rev. 2, level A*10 breakdowns (annual data), table 1	Latest five years	Coherence and comparability	2017
8.	Coherence — main aggregates and non-financial accounts by sector	Differences between main aggregates data and corresponding data in non-financial accounts by sector	Gross domestic product, current prices, non-seasonally adjusted (quarterly and annual data): Between tables 1 and 8/801 Final consumption expenditure for households and non-profit institutions serving households sectors, current prices, non-seasonally adjusted (quarterly and annual data): Between tables 1 and 8/801 Gross fixed capital formation, current prices (annual data): Between tables 1 and 8	Latest five years	Coherence and comparability	2021

No	Indicator	Definition (*)	Variable and/or table of the ESA 2010 transmission programme	Reference period (*)	Quality criteria	Implementation from
			Compensation of employees, current prices (annual data): Between tables 1 and 8			
9.	Coherence — main aggregates and regional accounts	Differences between main aggregates data and corresponding data in regional accounts	Gross value added, current prices (annual data): Between total of table 1 and sum of NUTS 2 regions of tables 10 and 12 Employment in thousands of persons (annual data): Between total of table 1 and sum of NUTS 2 regions of tables 10 and 12	Latest five years	Coherence and comparability	2021
10.	Coherence — main aggregates and supply and use tables	Differences between main aggregates data and corresponding data in supply and use tables	(all data in current prices, annual data) Gross value added: Between tables 1 and 16 Taxes less subsidies on products: Between tables 1 and 15 Final consumption expenditure, final consumption expenditure of households, final consumption expenditure of general government, final consumption expenditure of non-profit institutions serving households: Between tables 1 and 16 Gross capital formation, gross fixed capital formation, changes in inventories, acquisitions less disposals of valuables: Between tables 1 and 16 Exports of goods and services: Between tables 1 and 16 Imports of goods and services: Between tables 1 and 15	Latest five years	Coherence and comparability	2021

No	Indicator	Definition (*)	Variable and/or table of the ESA 2010 transmission programme	Reference period (*)	Quality criteria	Implementation from
			Compensation of employees: Between tables 1 and 16 Gross operating surplus and gross mixed income: Between tables 1 and 16			
11.	Coherence — main aggregates and government finance statistics	Differences between main aggregates data and corresponding data in government finance statistics	(all data in current prices) Individual consumption expenditure (annual data): Between tables 1 and 2 Collective consumption expenditure (annual data): Between tables 1 and 2 Taxes on products (annual data): Between tables 1 and 9	Latest five years	Coherence and comparability	2021
12.	Coherence — non-financial accounts by sector and government finance statistics	Differences between non-financial accounts by sector data and corresponding data in government finance statistics	Net lending and net borrowing, government sector, current prices (annual data): Between tables 8 and 2	Latest five years	Coherence and comparability	2021
13.	Coherence — non-financial accounts by sector and financial accounts by sector	Differences between non-financial accounts by sector data and corresponding data in financial accounts by sector	Net lending and net borrowing, all sectors, current prices (annual data): Between tables 8 and 6	Latest five years	Coherence and comparability	2019

(*) Unless otherwise specified, quantitative indicators are calculated based on the most recent vintage of Member States' data published at Eurostat's website.

(¹) Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

(²) Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1).

4.2. Qualitative information

The quality report shall contain the following qualitative information:

No	Indicator	Definition	Quality criteria	Implementation from
1.	Data revision policy	Metadata on national data revision policy containing: — links to existing metadata published nationally; — brief information about benchmark revisions and/or major routine revisions and their impacts on gross domestic product.	Accuracy and reliability	2017
2.	Documentation on methodology	List of national publications on the data sources used and methodology applied containing the titles of these publications and links to them, if available	Accessibility and clarity	2017
3.	Length of comparable time series over time	Metadata on the length of comparable time series over time containing: — links to existing metadata published nationally; — brief information about the length of comparable time series, breaks in the time series and explanations for the breaks.	Coherence and comparability	2021

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2305**of 19 December 2016****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 19 December 2016.

*For the Commission,
On behalf of the President,*

Jerzy PLEWA

Director-General

Directorate-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	96,7
	SN	241,4
	TN	269,5
	TR	113,9
	ZZ	180,4
0707 00 05	MA	79,2
	TR	155,8
	ZZ	117,5
0709 93 10	MA	151,9
	TR	168,6
	ZZ	160,3
0805 10 20	IL	126,4
	TR	67,1
	ZZ	96,8
0805 20 10	MA	69,4
	ZZ	69,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	110,0
	JM	129,1
	MA	74,5
	TR	75,3
	ZZ	97,2
	AR	76,7
0805 50 10	TR	85,6
	ZZ	81,2
0808 10 80	US	132,4
	ZZ	132,4
0808 30 90	CN	101,3
	ZZ	101,3

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

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2306**of 19 December 2016**

establishing the allocation coefficient to be applied to the quantities covered by the applications for import licences lodged from 1 to 7 December 2016 and determining the quantities to be added to the quantity fixed for the subperiod from 1 April to 30 June 2017 under the tariff quotas opened by Regulation (EC) No 533/2007 in the poultrymeat sector

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 188 thereof,

Whereas:

- (1) Commission Regulation (EC) No 533/2007 ⁽²⁾ opened annual tariff quotas for imports of poultrymeat products.
- (2) For some quotas, the quantities covered by the applications for import licences lodged from 1 to 7 December 2016 for the subperiod from 1 January to 31 March 2017 exceed those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested, calculated in accordance with Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽³⁾.
- (3) The quantities covered by the applications for import licences lodged from 1 to 7 December 2016 for the subperiod from 1 January to 31 March 2017 are, for some quotas, less than those available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod.
- (4) In order to ensure the efficient management of the measure, 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

1. The quantities covered by the applications for import licences lodged under Regulation (EC) No 533/2007 for the subperiod from 1 January to 31 March 2017 shall be multiplied by the allocation coefficient set out in the Annex to this Regulation.
2. The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 533/2007, to be added to the subperiod from 1 April to 30 June 2017, are 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*.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 533/2007 of 14 May 2007 opening and providing for the administration of tariff quotas in the poultrymeat sector (OJ L 125, 15.5.2007, p. 9).

⁽³⁾ Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

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

Done at Brussels, 19 December 2016.

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

ANNEX

Order No	Allocation coefficient — applications lodged for the subperiod from 1 January to 31 March 2017 (%)	Quantities not applied for, to be added to the quantities available for the subperiod from 1 April to 30 June 2017 (kg)
09.4067	1,396651	—
09.4068	—	2 142 507
09.4069	0,146909	—
09.4070	—	1 335 750

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/2307
of 19 December 2016**

establishing the allocation coefficient to be applied to the quantities covered by the applications for import licences lodged from 1 to 7 December 2016 and determining the quantities to be added to the quantity fixed for the subperiod from 1 April to 30 June 2017 under the tariff quotas opened by Regulation (EC) No 1385/2007 in the poultrymeat sector

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 188 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1385/2007 ⁽²⁾ opened annual tariff quotas for imports of poultrymeat products.
- (2) For some quotas, the quantities covered by the applications for import licences lodged from 1 to 7 December 2016 for the subperiod from 1 January to 31 March 2017 exceed those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested, calculated in accordance with Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽³⁾.
- (3) The quantities covered by the applications for import licences lodged from 1 to 7 December 2016 for the subperiod from 1 January to 31 March 2017 are, for some quotas, less than those available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod.
- (4) In order to ensure the efficient management of the measure, 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

1. The quantities covered by the applications for import licences lodged under Regulation (EC) No 1385/2007 for the subperiod from 1 January to 31 March 2017 shall be multiplied by the allocation coefficient set out in the Annex to this Regulation.
2. The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 1385/2007, to be added to the subperiod from 1 April to 30 June 2017, are set out in the Annex to this Regulation.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 1385/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 774/94 as regards opening and providing for the administration of certain Community tariff quotas for poultrymeat (OJ L 309, 27.11.2007, p. 47).

⁽³⁾ Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

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, 19 December 2016.

For the Commission,

On behalf of the President,

Jerzy PLEWA

Director-General

Directorate-General for Agriculture and Rural Development

ANNEX

Order No	Allocation coefficient — applications lodged for the subperiod from 1 January to 31 March 2017 (%)	Quantities not applied for, to be added to the quantities available for the subperiod from 1 April to 30 June 2017 (kg)
09.4410	0,146563	—
09.4411	0,147907	—
09.4412	0,151103	—
09.4420	0,151492	—
09.4421	—	150 047
09.4422	0,151515	—

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2308**of 19 December 2016****establishing the allocation coefficient to be applied to the quantities covered by the applications for import rights lodged from 1 to 7 December 2016 under the tariff quotas opened by Implementing Regulation (EU) 2015/2078 for poultrymeat originating in Ukraine**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 188(1) and (3) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2015/2078 ⁽²⁾ opened annual tariff quotas for imports of poultrymeat products originating in Ukraine.
- (2) For the quota with order number 09.4273, the quantities covered by the applications for import licences lodged from 1 to 7 December 2016 for the subperiod from 1 January to 31 March 2017 exceed those available. The extent to which import rights may be allocated should therefore be determined and an allocation coefficient laid down to be applied to the quantities applied for, calculated in accordance with Article 6(3) in conjunction with Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽³⁾.
- (3) In order to ensure efficient management of the measure, 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 quantities covered by the applications for import rights lodged under Implementing Regulation (EU) 2015/2078 for the subperiod from 1 January to 31 March 2017 shall be multiplied by the allocation coefficient 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*.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Implementing Regulation (EU) 2015/2078 of 18 November 2015 opening and providing for the administration of Union import tariff quotas for poultrymeat originating in Ukraine (OJ L 302, 19.11.2015, p. 63).

⁽³⁾ Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

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

Done at Brussels, 19 December 2016.

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

ANNEX

Order No	Allocation coefficient — applications lodged for the subperiod from 1 January to 31 March 2017 (%)
09.4273	8,891706
09.4274	—

DIRECTIVES

COMMISSION DIRECTIVE (EU) 2016/2309

of 16 December 2016

adapting for the fourth time the Annexes to Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods to scientific and technical progress

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods ⁽¹⁾, and in particular Article 8(1) thereof,

Whereas:

- (1) Section I.1 of Annex I, Section II.1 of Annex II and Section III.1 of Annex III to Directive 2008/68/EC refer to provisions set out in international agreements on the inland transport of dangerous goods by road, rail and inland waterways as defined in Article 2 of that Directive.
- (2) The provisions of these international agreements are updated every two years. Consequently, the last amended versions of these agreements shall apply as from 1 January 2017, with a transitional period up to 30 June 2017.
- (3) Section I.1 of Annex I, Section II.1 of Annex II and Section III.1 of Annex III to Directive 2008/68/EC should therefore be amended accordingly.
- (4) The measures provided for in this Directive are in accordance with the opinion of the Committee on the transport of dangerous goods,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 2008/68/EC

Directive 2008/68/EC is amended as follows:

1. In Annex I, Section I.1 is replaced by the following:

I.1. ADR

Annexes A and B to the ADR, as applicable with effect from 1 January 2017, it being understood that “contracting party” is replaced by “Member State” as appropriate.;

2. In Annex II, Section II.1 is replaced by the following:

II.1. RID

Annex to the RID, appearing in Appendix C to the COTIF, as applicable with effect from 1 January 2017, it being understood that “RID Contracting State” is replaced by “Member State” as appropriate.;

⁽¹⁾ OJ L 260, 30.9.2008, p. 13.

3. In Annex III, Section III.1 is replaced by the following:

III.1. ADN

Annexed Regulations to the ADN, as applicable with effect from 1 January 2017, as well as Articles 3(f), 3(h), 8(1), 8(3) of the ADN, it being understood that “contracting party” is replaced by “Member State” as appropriate.’.

Article 2

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2017 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

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, 16 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

DECISIONS

COUNCIL DECISION (EU) 2016/2310

of 17 October 2016

on the position to be taken on behalf of the European Union within the Association Council set up by the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, as regards the adoption of EU-Jordan Partnership Priorities, including the Compact

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 in conjunction with Article 218(9) thereof,

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

Whereas:

- (1) The Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part ⁽¹⁾ (the 'Agreement') was signed on 24 November 1997 and entered into force on 1 May 2002.
- (2) A Joint Communication by the High Representative and by the European Commission of 18 November 2015 on the Review of the European Neighbourhood Policy has been welcomed by the Council Conclusions of 14 December 2015, where, inter alia, the Council confirmed the intention to start a new phase of engagement with partners in 2016 which could lead to the setting of new partnership priorities, where appropriate, focused on agreed priorities and interests.
- (3) The shared goal of the Union and Jordan for a common area of peace, prosperity and stability necessitates working together, particularly through co-ownership and differentiation, and taking account of Jordan's key role in the region.
- (4) While addressing the most urgent challenges, the Union and Jordan continue to pursue the core objectives of their long-term partnership and to enhance the stability and resilience of the country and the region as well as sustained and knowledge-based economic growth and social development in accordance with the rule of law and based on democratic governance.
- (5) The position of the Union within the Association Council set up by the Agreement should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the European Union within the Association Council set up by the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, as regards the adoption of EU-Jordan Partnership Priorities, including the Compact, shall be based on the draft Decision of the EU-Jordan Association Council attached to this Decision.

⁽¹⁾ Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part (OJ L 129, 15.5.2002, p. 3).

Article 2

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

Done at Luxembourg, 17 October 2016.

For the Council

The President

F. MOGHERINI

DRAFT

DECISION No 1/2016 OF THE 12th EU-JORDAN ASSOCIATION COUNCIL
of ...
agreeing on EU-Jordan Partnership Priorities

THE EU-JORDAN ASSOCIATION COUNCIL,

Having regard to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part,

Whereas:

- (1) The Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part (the 'Agreement') was signed on 24 November 1997 and entered into force on 1 May 2002.
- (2) Article 91 of the Agreement gives the Association Council the power to take decisions for the purposes of attaining the objectives of the Agreement and to make appropriate recommendations.
- (3) Article 101 of the Agreement states that the Parties are to take any general or specific measures required to fulfil their obligations under the Agreement and are to see to it that the objectives set out in the Agreement are attained.
- (4) The Review of the European Neighbourhood Policy proposed a new phase of engagement with partners, allowing for a greater sense of ownership by both sides.
- (5) The EU and Jordan have agreed to consolidate their partnership by agreeing on a set of priorities for the period 2016-2018, with the aim of supporting and strengthening Jordan's resilience and stability while seeking to address the impact of the protracted conflict in Syria.
- (6) The Parties to the Agreement have agreed on the text of the EU-Jordan Partnership Priorities, including the Compact, which will support the implementation of the Agreement, focusing on cooperation in relation to commonly identified shared interests,

HAS ADOPTED THIS DECISION:

Article 1

The Association Council recommends that the Parties implement the EU-Jordan Partnership Priorities, including the Compact, which are set out in the Annex to this Decision.

Article 2

The Association Council decides that the EU-Jordan Action Plan, which entered into force in October 2012, is replaced by the EU-Jordan Partnership Priorities, including the Compact.

Article 3

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

Done at ...,

For the EU-Jordan Association Council
The President

COUNCIL DECISION (EU) 2016/2311**of 8 December 2016****authorising certain Member States to accept, in the interest of the European Union, the accession of Kazakhstan to the 1980 Hague Convention on the Civil Aspects of International Child Abduction**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(3) in conjunction with Article 218 thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The European Union has set as one of its aims the promotion of the protection of the rights of the child, as stated in Article 3 of the Treaty on European Union. Measures for the protection of children against wrongful removal or retention are an essential part of that policy.
- (2) The Council adopted Regulation (EC) No 2201/2003 ⁽²⁾ ('Brussels IIa Regulation'), which aims to protect children from the harmful effects of wrongful removal or retention and to establish procedures to ensure their prompt return to the state of their habitual residence, as well as to secure the protection of rights of access and rights of custody.
- (3) The Brussels IIa Regulation complements and reinforces the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction ('the 1980 Hague Convention') which establishes, at international level, a system of obligations and cooperation among contracting states and between central authorities and aims to ensure the prompt return of wrongfully removed or retained children.
- (4) All Member States of the Union are party to the 1980 Hague Convention.
- (5) The Union encourages third states to accede to the 1980 Hague Convention and supports the correct implementation of the 1980 Hague Convention by participating, along with the Member States, *inter alia*, in the special commissions organised on a regular basis by the Hague Conference on private international law.
- (6) A common legal framework applicable between Member States of the Union and third states could be the best solution to sensitive cases of international child abduction.
- (7) The 1980 Hague Convention stipulates that it applies between the acceding state and such contracting states as have declared their acceptance of the accession.
- (8) The 1980 Hague Convention does not allow regional economic integration organisations such as the Union to become party to it. Therefore, the Union cannot accede to that Convention, nor can it deposit a declaration of acceptance of an acceding state.
- (9) Pursuant to Opinion 1/13 of the Court of Justice of the European Union, declarations of acceptance under the 1980 Hague Convention fall within the exclusive external competence of the Union.

⁽¹⁾ Opinion of the European Parliament of 5 October 2016 (not yet published in the Official Journal).

⁽²⁾ Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (OJ L 338, 23.12.2003, p. 1).

- (10) Kazakhstan deposited its instrument of accession to the 1980 Hague Convention on 3 June 2013. The 1980 Hague Convention entered into force for Kazakhstan on 1 September 2013.
- (11) Only the Kingdom of the Netherlands has already accepted the accession of Kazakhstan to the 1980 Hague Convention. An assessment of the situation in Kazakhstan has led to the conclusion that those Member States that have not yet accepted the accession of Kazakhstan, are in a position to accept, in the interest of the Union, the accession of Kazakhstan under the terms of the 1980 Hague Convention.
- (12) The Member States that have not yet accepted the accession of the Kazakhstan should therefore be authorised to deposit their declarations of acceptance of accession of Kazakhstan in the interest of the Union in accordance with the terms set out in this Decision. The Kingdom of the Netherlands which has already accepted the accession of Kazakhstan to the 1980 Hague Convention should not deposit a new declaration of acceptance as the existing declaration remains valid under public international law.
- (13) The United Kingdom and Ireland are bound by the Brussels IIa Regulation and are taking part in the adoption and application of this Decision.
- (14) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to 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,

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States that have not yet done so are hereby authorised to accept the accession of Kazakhstan to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction ('the 1980 Hague Convention') in the interest of the Union.
2. Member States referred to in paragraph 1 shall, no later than 9 December 2017, deposit a declaration of acceptance of the accession of Kazakhstan to the 1980 Hague Convention in the interest of the Union worded as follows:

 '[Full name of MEMBER STATE] declares that it accepts the accession of Kazakhstan to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, in accordance with Council Decision (EU) 2016/2311'.
3. Each Member State shall inform the Council and the Commission of the deposit of its declaration of acceptance of the accession of Kazakhstan and communicate to the Commission the text of the declaration within 2 months of its deposit.

Article 2

The Member State which deposited its declaration of acceptance of the accession of Kazakhstan to the 1980 Hague Convention prior to the date of adoption of this Decision, shall not deposit a new declaration.

Article 3

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

Article 4

This Decision is addressed to all Member States with the exception of the Kingdom of the Netherlands and the Kingdom of Denmark.

Done at Brussels, 8 December 2016.

For the Council
The President
L. ŽITŇANSKÁ

COUNCIL DECISION (EU) 2016/2312**of 8 December 2016****authorising the Republic of Austria and Romania to accept, in the interest of the European Union, the accession of Peru to the 1980 Hague Convention on the Civil Aspects of International Child Abduction**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(3) in conjunction with Article 218 thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The European Union has set as one of its aims the promotion of the protection of the rights of the child, as stated in Article 3 of the Treaty on European Union. Measures for the protection of children against wrongful removal or retention are an essential part of that policy.
- (2) The Council adopted Regulation (EC) No 2201/2003 ⁽²⁾ ('Brussels IIa Regulation'), which aims to protect children from the harmful effects of wrongful removal or retention and to establish procedures to ensure their prompt return to the state of their habitual residence, as well as to secure the protection of rights of access and rights of custody.
- (3) The Brussels IIa Regulation complements and reinforces the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction ('the 1980 Hague Convention') which establishes, at international level, a system of obligations and cooperation among contracting states and between central authorities and aims to ensure the prompt return of wrongfully removed or retained children.
- (4) All Member States of the Union are party to the 1980 Hague Convention.
- (5) The Union encourages third states to accede to the 1980 Hague Convention and supports the correct implementation of the 1980 Hague Convention by participating, along with the Member States, inter alia, in the special commissions organised on a regular basis by the Hague Conference on private international law.
- (6) A common legal framework applicable between Member States of the Union and third states could be the best solution to sensitive cases of international child abduction.
- (7) The 1980 Hague Convention stipulates that it applies between the acceding state and such contracting states as have declared their acceptance of the accession.
- (8) The 1980 Hague Convention does not allow regional economic integration organisations such as the Union to become party to it. Therefore, the Union cannot accede to that Convention, nor can it deposit a declaration of acceptance of an acceding state.

⁽¹⁾ Opinion of the European Parliament of 5 October 2016 (not yet published in the Official Journal).

⁽²⁾ Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (OJ L 338, 23.12.2003, p. 1).

- (9) Pursuant to Opinion 1/13 of the Court of Justice of the European Union, declarations of acceptance under the 1980 Hague Convention fall within the exclusive external competence of the Union.
- (10) Peru deposited its instrument of accession to the 1980 Hague Convention on 28 April 2001. The 1980 Hague Convention entered into force for Peru on 1 August 2001.
- (11) All Member States, with the exception of the Republic of Austria, the Kingdom of Denmark and Romania, have already accepted the accession of Peru to the 1980 Hague Convention. An assessment of the situation in Peru has led to the conclusion that the Republic of Austria and Romania are in a position to accept, in the interest of the Union, the accession of Peru under the terms of the 1980 Hague Convention.
- (12) The Republic of Austria and Romania should therefore be authorised to deposit their declarations of acceptance of accession of Peru in the interest of the Union in accordance with the terms set out in this Decision. The other Member States of the Union which have already accepted the accession of Peru to the 1980 Hague Convention should not deposit new declarations of acceptance as the existing declarations remain valid under public international law.
- (13) The United Kingdom and Ireland are bound by the Brussels IIa Regulation and are taking part in the adoption and application of this Decision.
- (14) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to 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,

HAS ADOPTED THIS DECISION:

Article 1

1. The Republic of Austria and Romania are hereby authorised to accept the accession of Peru to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction ('the 1980 Hague Convention') in the interest of the Union.
2. Member States referred to in paragraph 1 shall, no later than 9 December 2017, deposit a declaration of acceptance of the accession of Peru to the 1980 Hague Convention in the interest of the Union worded as follows:

 '[Full name of MEMBER STATE] declares that it accepts the accession of Peru to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, in accordance with Council Decision (EU) 2016/2312'.
3. Both Member States shall inform the Council and the Commission of the deposit of its declaration of acceptance of the accession of Peru and communicate to the Commission the text of the declaration within two months of its deposit.

Article 2

Those Member States which deposited their declarations of acceptance of the accession of Peru to the 1980 Hague Convention prior to the date of adoption of this Decision, shall not deposit new declarations.

Article 3

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

Article 4

This Decision is addressed to the Republic of Austria and Romania.

Done at Brussels, 8 December 2016.

For the Council
The President
L. ŽITŇANSKÁ

COUNCIL DECISION (EU) 2016/2313**of 8 December 2016****authorising certain Member States to accept, in the interest of the European Union, the accession of the Republic of Korea to the 1980 Hague Convention on the Civil Aspects of International Child Abduction**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(3) in conjunction with Article 218 thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The European Union has set as one of its aims the promotion of the protection of the rights of the child, as stated in Article 3 of the Treaty on European Union. Measures for the protection of children against wrongful removal or retention are an essential part of that policy.
- (2) The Council adopted Regulation (EC) No 2201/2003 ⁽²⁾ ('Brussels IIa Regulation'), which aims to protect children from the harmful effects of wrongful removal or retention and to establish procedures to ensure their prompt return to the state of their habitual residence, as well as to secure the protection of rights of access and rights of custody.
- (3) The Brussels IIa Regulation complements and reinforces the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction ('the 1980 Hague Convention') which establishes, at international level, a system of obligations and cooperation among contracting states and between central authorities and aims to ensure the prompt return of wrongfully removed or retained children.
- (4) All Member States of the Union are party to the 1980 Hague Convention.
- (5) The Union encourages third states to accede to the 1980 Hague Convention and supports the correct implementation of the 1980 Hague Convention by participating, along with the Member States, inter alia, in the special commissions organised on a regular basis by the Hague Conference on private international law.
- (6) A common legal framework applicable between Member States of the Union and third states could be the best solution to sensitive cases of international child abduction.
- (7) The 1980 Hague Convention stipulates that it applies between the acceding state and such contracting states as have declared their acceptance of the accession.
- (8) The 1980 Hague Convention does not allow regional economic integration organisations such as the Union to become party to it. Therefore, the Union cannot accede to that Convention, nor can it deposit a declaration of acceptance of an acceding state.
- (9) Pursuant to Opinion 1/13 of the Court of Justice of the European Union, declarations of acceptance under the 1980 Hague Convention fall within the exclusive external competence of the Union.

⁽¹⁾ Opinion of the European Parliament of 5 October 2016 (not yet published in the Official Journal).

⁽²⁾ Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (OJ L 338, 23.12.2003, p. 1).

- (10) The Republic of Korea deposited its instrument of accession to the 1980 Hague Convention on 13 December 2012. The 1980 Hague Convention entered into force for the Republic of Korea on 1 March 2013.
- (11) Several Member States have already accepted the accession of the Republic of Korea to the 1980 Hague Convention. An assessment of the situation in the Republic of Korea has led to the conclusion that those Member States that have not yet accepted the accession of the Republic of Korea, are in a position to accept, in the interest of the Union, the accession of the Republic of Korea under the terms of the 1980 Hague Convention.
- (12) The Member States that have not yet accepted the accession of the Republic of Korea should therefore be authorised to deposit their declarations of acceptance of accession of the Republic of Korea in the interest of the Union in accordance with the terms set out in this Decision. The Czech Republic, Ireland and the Republic of Lithuania which have already accepted the accession of the Republic of Korea to the 1980 Hague Convention should not deposit new declarations of acceptance as the existing declarations remain valid under public international law.
- (13) The United Kingdom and Ireland are bound by the Brussels IIa Regulation and are taking part in the adoption and application of this Decision.
- (14) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to 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,

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States that have not yet done so are hereby authorised to accept the accession of the Republic of Korea to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction ('the 1980 Hague Convention') in the interest of the Union.

2. Member States referred to in paragraph 1 shall, no later than 9 December 2017, deposit a declaration of acceptance of the accession of the Republic of Korea to the 1980 Hague Convention in the interest of the Union worded as follows:

'[Full name of MEMBER STATE] declares that it accepts the accession of the Republic of Korea to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, in accordance with Council Decision (EU) 2016/2313'.

3. Each Member State shall inform the Council and the Commission of the deposit of its declaration of acceptance of the accession of the Republic of Korea and communicate to the Commission the text of the declaration within two months of its deposit.

Article 2

Those Member States which deposited their declarations of acceptance of the accession of the Republic of Korea to the 1980 Hague Convention prior to the date of adoption of this Decision, shall not deposit new declarations.

Article 3

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

Article 4

This Decision is addressed to all Member States with the exception of the Czech Republic, the Kingdom of Denmark, Ireland and the Republic of Lithuania.

Done at Brussels, 8 December 2016.

For the Council
The President
L. ŽITŇANSKÁ

COUNCIL DECISION (CFSP) 2016/2314**of 19 December 2016****amending Decision (CFSP) 2015/778 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 42(4) and 43(2) thereof,

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

Whereas:

- (1) On 18 May 2015, the Council adopted Decision (CFSP) 2015/778 ⁽¹⁾.
- (2) On 20 June 2016, the Council adopted Decision (CFSP) 2016/993 ⁽²⁾ which amended Decision (CFSP) 2015/778 by adding two supporting tasks to EUNAVFOR MED operation SOPHIA's mandate, namely capacity building and training of the Libyan Coast Guard and Navy, and contributing to information sharing and the implementation of the United Nations (UN) arms embargo on the high seas off the coast of Libya.
- (3) The vetting of possible trainees from the Libyan Coast Guard and Navy should be made more efficient by exchanging information with INTERPOL, the International Criminal Court and the United States of America as well as with Member States, the United Nations Support Mission in Libya (UNSMIL), the European Police Office (EUROPOL) and the European Border and Coast Guard Agency (Frontex).
- (4) Information exchange in the context of implementing the UN arms embargo on the high seas off the coast of Libya should be authorised up to the level 'SECRET UE/EU SECRET'.
- (5) The possibility should be introduced for EUNAVFOR MED operation SOPHIA to exchange information with INTERPOL in the context of the fight against trafficking in human beings or the arms embargo.
- (6) In addition, the Political and Security Committee (PSC) should be empowered to authorise the High Representative of the Union for Foreign Affairs and Security Policy (HR) to exchange information with relevant third States and international organisations as necessary to meet the operational needs of EUNAVFOR MED operation SOPHIA.
- (7) The HR should be authorised to delegate the authorisations to release classified information and to conclude the arrangements to that effect referred to in Decision (CFSP) 2015/778.
- (8) The necessity for EUNAVFOR MED operation SOPHIA to comply with applicable law when it collects, stores and exchanges personal data and evidence should be emphasised.
- (9) Decision (CFSP) 2015/778 should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision (CFSP) 2015/778 is amended as follows:

- (1) in Article 2, paragraph 4 is replaced by the following:

'4. EUNAVFOR MED operation SOPHIA may collect and store, in accordance with applicable law, personal data concerning persons taken on board ships participating in EUNAVFOR MED operation SOPHIA related to characteristics likely to assist in their identification, including fingerprints, as well as the following particulars, with the

⁽¹⁾ Council Decision (CFSP) 2015/778 of 18 May 2015 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA) (OJ L 122, 19.5.2015, p. 31).

⁽²⁾ Council Decision (CFSP) 2016/993 of 20 June 2016 amending Decision (CFSP) 2015/778 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA) (OJ L 162, 21.6.2016, p. 18).

exclusion of other personal data: surname, maiden name, given names and any alias or assumed name; date and place of birth, nationality, sex, place of residence, profession and whereabouts; driving licenses, identification documents and passport data. It may transmit such data and data related to the vessels and equipment used by such persons to the relevant law enforcement authorities of Member States and/or to competent Union bodies.;

(2) in Article 2a, paragraph 5 is replaced by the following:

‘5. Insofar as required by the supporting task referred to in paragraph 1, EUNAVFOR MED operation SOPHIA may collect, store and exchange with Member States, competent Union bodies, UNSMIL, EUROPOL, INTERPOL, Frontex, the International Criminal Court and the United States of America the information, including personal data, gathered for the purpose of the vetting procedures on possible trainees, provided that they have given their consent in writing. Moreover, EUNAVFOR MED operation SOPHIA may collect and store necessary medical information and biometric data on trainees provided that they have given their consent in writing.;

(3) in Article 2b, paragraph 1 is replaced by the following:

‘1. As part of its supporting task to contribute to the implementation of the UN arms embargo on the high seas off the coast of Libya, EUNAVFOR MED operation SOPHIA shall gather and exchange information with relevant partners and agencies through the mechanisms in the planning documents in order to contribute to a comprehensive maritime situational awareness in the agreed Area of Operation as defined in the relevant planning documents. Where such information is classified up to “SECRET UE/EU SECRET”, it may be exchanged with relevant partners and agencies in accordance with Council Decision 2013/488/EU (*) and based on arrangements concluded at the operational level in accordance with Article 12(9) of this Decision, and in full respect of the principles of reciprocity and inclusiveness. Classified information received shall be handled by EUNAVFOR MED operation SOPHIA without any distinction between its staff and solely on the basis of operational requirements.

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

(4) in Article 2b, paragraph 3 is replaced by the following:

‘3. In accordance with the relevant UN Security Council Resolutions, including UNSCR 2292 (2016), EUNAVFOR MED operation SOPHIA may, in the course of inspections carried out in accordance with paragraph 2, collect and store evidence directly related to the carriage of items prohibited under the arms embargo on Libya. It may transmit such evidence to the relevant law enforcement authorities of Member States and/or to competent Union bodies in accordance with applicable law.;

(5) Article 12 is replaced by the following:

‘Article 12

Release of Information

1. The HR shall be authorised to release to designated third States, international organisations and international agencies, as appropriate and in accordance with the needs of EUNAVFOR MED operation SOPHIA, any EU non-classified documents connected with the deliberations of the Council relating to the operation and covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure (*). The PSC shall designate on a case-by-case basis the third States, international organisations and international agencies concerned.

2. The HR shall be authorised to release to designated third States, international organisations and international agencies, as appropriate and in accordance with the needs of EUNAVFOR MED operation SOPHIA, and in full respect of the principles of reciprocity and inclusiveness, EU classified information generated for the purposes of the operation, in accordance with Decision 2013/488/EU, as follows:

(a) up to the level provided in the applicable Security of Information Agreements concluded between the Union and the third State concerned; or

(b) up to the “CONFIDENTIEL UE/EU CONFIDENTIAL” level in other cases.

The PSC shall designate on a case-by-case basis the third States, international organisations and international agencies concerned.

3. Classified information received shall be handled by EUNAVFOR MED operation SOPHIA without any distinction between its staff and solely on the basis of operational requirements.

4. The HR shall also be authorised to release to the UN, in accordance with the operational needs of EUNAVFOR MED operation SOPHIA, EU classified information up to “RESTREINT UE/EU RESTRICTED” level which are generated for the purposes of EUNAVFOR MED operation SOPHIA, in accordance with Decision 2013/488/EU.
5. The HR shall be authorised to release to INTERPOL relevant information, including personal data, in accordance with the operational needs of EUNAVFOR MED operation SOPHIA.
6. Pending the conclusion of an agreement between the Union and INTERPOL, EUNAVFOR MED operation SOPHIA may exchange such information with the National Central Bureaux of INTERPOL of the Member States, in accordance with arrangements to be concluded between the EU Operation Commander and the Head of the relevant National Central Bureau.
7. In the event of specific operational need, the HR shall be authorised to release to legitimate Libyan authorities any EU classified information up to “RESTREINT UE/EU RESTRICTED” level generated for the purposes of EUNAVFOR MED operation SOPHIA, in accordance with Decision 2013/488/EU.
8. The HR shall be authorised to conclude the arrangements necessary to implement the provisions on information exchange in this Decision.
9. The HR may delegate the authorisations to release information as well as the ability to conclude the arrangements referred to in this Decision to EEAS officials, to the EU Operation Commander or to the EU Force Commander in accordance with section VII of Annex VI to Decision 2013/488/EU.

(*) Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).'

Article 2

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

Done at Brussels, 19 December 2016.

For the Council
The President
L. SÓLYMOS

COUNCIL DECISION (CFSP) 2016/2315**of 19 December 2016****amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine**

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 from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 31 July 2014, the Council adopted Decision 2014/512/CFSP ⁽¹⁾.
- (2) On 19 March 2015, the European Council agreed that the necessary measures would be taken to clearly link the duration of the restrictive measures to the complete implementation of the Minsk agreements, bearing in mind that the complete implementation was foreseen for 31 December 2015.
- (3) On 1 July 2016, the Council renewed Decision 2014/512/CFSP until 31 January 2017 in order to enable it to further assess the implementation of the Minsk agreements.
- (4) Having assessed the implementation of the Minsk agreements, Decision 2014/512/CFSP should be renewed for a further 6 months in order to enable the Council to further assess their implementation.
- (5) Decision 2014/512/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The first subparagraph of Article 9(1) of Decision 2014/512/CFSP is replaced by the following:

- ‘1. This Decision shall apply until 31 July 2017.’.

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, 19 December 2016.

For the Council
The President
M. LAJČÁK

⁽¹⁾ Council Decision 2014/512/CFSP of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 229, 31.7.2014, p. 13).

**COMMISSION IMPLEMENTING DECISION (EU) 2016/2316
of 16 December 2016**

**amending Implementing Decision (EU) 2015/1849 on measures to prevent the introduction into
and the spread within the Union of harmful organisms as regards certain vegetables originating in
Ghana**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular the third sentence of Article 16(3), thereof,

Whereas:

- (1) Commission Implementing Decision (EU) 2015/1849 ⁽²⁾ prohibits the introduction into the territory of the Union of plants, other than seeds, of *Capsicum* L., *Lagenaria* Ser., *Luffa* Mill., *Momordica* L. and *Solanum* L., other than *S. lycopersicum* L., originating in Ghana.
- (2) That prohibition is limited in time. It applies until the end of the year 2016. The audit carried out in Ghana in September 2016 revealed that the shortcomings in the phytosanitary export certification system of that third country persist. Consequently, it is appropriate to extend that prohibition until 31 December 2017.
- (3) Implementing Decision (EU) 2015/1849 should therefore be amended accordingly.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Article 2 of Implementing Decision (EU) 2015/1849 is replaced by the following:

'Article 2

Article 1 shall apply until 31 December 2017.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 December 2016.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ Commission Implementing Decision (EU) 2015/1849 of 13 October 2015 on measures to prevent the introduction into and the spread within the Union of harmful organisms as regards certain vegetables originating in Ghana (OJ L 268, 15.10.2015, p. 33).

COMMISSION IMPLEMENTING DECISION (EU) 2016/2317**of 16 December 2016****amending Decision 2008/294/EC and Implementing Decision 2013/654/EU, in order to simplify the operation of mobile communications on board aircraft (MCA services) in the Union***(notified under document C(2016) 8413)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) ⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Commission Decision 2008/294/EC ⁽²⁾ sets technical and operational conditions necessary to allow the use of GSM, UMTS and LTE on board aircraft (MCA services) in the European Union.
- (2) Current legislation requires the presence of a Network Control Unit (NCU) as part of MCA equipment on board airplanes to prevent mobile terminals on board aircraft from attempting to register with terrestrial mobile communications networks.
- (3) The Commission gave a mandate on 7 October 2015 to the European Conference of Postal and Telecommunications Administrations ('the CEPT'), pursuant to Article 4(2) of Decision No 676/2002/EC, to undertake technical studies regarding the need to keep the usage of the NCU mandatory on-board MCA enabled aircraft.
- (4) Following that mandate, the CEPT adopted on 17 November 2016 its Report 63 which concluded that it is possible to make the use of an NCU optional for GSM and LTE systems considering that MCA operations without NCU guarantee a reasonable protection against interference for terrestrial networks.
- (5) In accordance with the conclusions of the CEPT Report, it is no longer necessary to actively prevent through an NCU the connection of mobile terminals to terrestrial mobile networks operating in the band 2 570-2 690 MHz. Article 2 of Commission Implementing Decision 2013/654/EU ⁽³⁾ therefore becomes obsolete and should be deleted.
- (6) However, with regard to UMTS systems, the CEPT concluded that an NCU remains necessary to prevent connections between terrestrial UMTS networks and user equipment on board aircraft. Studies showed that such connections could cause a partial and temporary reduction in capacity for the connecting and neighbouring cells on the ground. The other solution to attenuate signals entering and leaving the cabin and to prevent unwanted connections is to add sufficient shielding to the aircraft fuselage.
- (7) MCA technical specifications should remain under review in order to ensure that they always match technological progress.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Radio Spectrum Committee,

⁽¹⁾ OJ L 108, 24.4.2002, p. 1.

⁽²⁾ Commission Decision 2008/294/EC of 7 April 2008 on harmonised conditions of spectrum use for the operation of mobile communication services on aircraft (MCA services) in the Community (OJ L 98, 10.4.2008, p. 19).

⁽³⁾ Commission Implementing Decision 2013/654/EU of 12 November 2013 amending Decision 2008/294/EC to include additional access technologies and frequency bands for mobile communications services on aircraft (MCA services) (OJ L 303, 14.11.2013, p. 48).

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2008/294/EC is replaced by the text in the Annex to this Decision

Article 2

Article 2 of Implementing Decision 2013/654/EU is deleted.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 16 December 2016.

For the Commission
Günther H. OETTINGER
Member of the Commission

ANNEX

1. Frequency bands and systems allowed for MCA Services

Table 1

Type	Frequency	System
GSM 1 800	1 710-1 785 MHz (uplink) 1 805-1 880 MHz (downlink)	GSM complying with the GSM Standards as published by ETSI, in particular EN 301 502, EN 301 511 and EN 302 480, or equivalent specifications.
UMTS 2 100 (FDD)	1 920-1 980 MHz (uplink) 2 110-2 170 MHz (downlink)	UMTS complying with the UMTS Standards as published by ETSI, in particular EN 301 908-1, EN 301 908-2, EN 301 908-3 and EN 301 908-11, or equivalent specifications.
LTE 1 800 (FDD)	1 710-1 785 MHz (uplink) 1 805-1 880 MHz (downlink)	LTE complying with LTE Standards, as published by ETSI, in particular EN 301 908-1, EN 301 908-13, EN 301 908-14, and EN 301 908-15, or equivalent specifications.

2. Prevention of connection of mobile terminals to ground networks

Mobile terminals receiving within the frequency bands listed in Table 2 must be prevented from attempting to register with UMTS mobile networks on the ground:

- by the inclusion, in the MCA system, of a Network Control Unit (NCU), which raises the noise floor inside the cabin in mobile receive bands, and/or
- by aircraft fuselage shielding to further attenuate the signal entering and leaving the fuselage.

Table 2

Frequency bands (MHz)	Systems on the ground
925-960 MHz	UMTS (and GSM, LTE)
2 110-2 170 MHz	UMTS (and LTE)

MCA operators may also decide to implement an NCU in the other frequency bands listed in Table 3.

Table 3

Frequency bands (MHz)	Systems on the ground
460-470 MHz	LTE ⁽¹⁾
791-821 MHz	LTE
1 805-1 880 MHz	LTE and GSM
2 620-2 690 MHz	LTE
2 570-2 620 MHz	LTE

⁽¹⁾ On a national level, administrations could use LTE technology for different applications such as BB-PPDR, BB-PMR or Mobile Networks.

3. Technical parameters

(a) Equivalent isotropic radiated power (e.i.r.p.), outside the aircraft, from the NCU/aircraft BTS/aircraft Node B

Table 4

The total e.i.r.p., outside the aircraft, from the NCU/aircraft BTS/aircraft Node B must not exceed:

Height above ground (m)	Maximum e.i.r.p. of the System outside the aircraft in dBm/channel		
	NCU	Aircraft BTS/Aircraft Node B	Aircraft BTS/Aircraft Node B and NCU
	Band: 900 MHz	Band: 1 800 MHz	Band: 2 100 MHz
	Channel Bandwidth = 3,84 MHz	Channel Bandwidth = 200 kHz	Channel Bandwidth = 3,84 MHz
3 000	– 6,2	– 13,0	1,0
4 000	– 3,7	– 10,5	3,5
5 000	– 1,7	– 8,5	5,4
6 000	– 0,1	– 6,9	7,0
7 000	1,2	– 5,6	8,3
8 000	2,3	– 4,4	9,5

(b) Equivalent isotropic radiated power (e.i.r.p.), outside the aircraft, from the on-board terminal

Table 5

The e.i.r.p., outside the aircraft, from the mobile terminal must not exceed:

Height above ground (m)	Maximum e.i.r.p., outside the aircraft, from the GSM mobile terminal in dBm/200 kHz	Maximum e.i.r.p., outside the aircraft, from the LTE mobile terminal in dBm/5 MHz	Maximum e.i.r.p., outside the aircraft, from the UMTS mobile terminal in dBm/3,84 MHz
	GSM 1 800 MHz	LTE 1 800 MHz	UMTS 2 100 MHz
3 000	– 3,3	1,7	3,1
4 000	– 1,1	3,9	5,6
5 000	0,5	5	7
6 000	1,8	5	7
7 000	2,9	5	7
8 000	3,8	5	7

When MCA operators decide to implement an NCU in the frequency bands listed in Table 3, the maximum values indicated in Table 6 apply for the total e.i.r.p. outside the aircraft, from the NCU/aircraft BTS/aircraft Node B, in conjunction with the values mentioned in Table 4.

Table 6

Height above ground (m)	Maximum e.i.r.p. outside the aircraft, from the NCU/aircraft BTS/aircraft Node B			
	460-470 MHz	791-821 MHz	1 805-1 880 MHz	2 570-2 690 MHz
	dBm/1,25 MHz	dBm/10 MHz	dBm/200 kHz	dBm/4,75 MHz
3 000	– 17,0	– 0,87	– 13,0	1,9
4 000	– 14,5	1,63	– 10,5	4,4
5 000	– 12,6	3,57	– 8,5	6,3
6 000	– 11,0	5,15	– 6,9	7,9
7 000	– 9,6	6,49	– 5,6	9,3
8 000	– 8,5	7,65	– 4,4	10,4

(c) Operational requirements

- I. The minimum height above ground for any transmission from an MCA system in operation must be 3 000 metres.
- II. The aircraft BTS, while in operation, must limit the transmit power of all GSM mobile terminals transmitting in the 1 800 MHz band to a nominal value of 0 dBm/200 kHz at all stages of communication, including initial access.
- III. The aircraft Node B, while in operation, must limit the transmit power of all LTE mobile terminals transmitting in the 1 800 MHz band to a nominal value of 5 dBm/5 MHz at all stages of communication.
- IV. The aircraft Node B, while in operation, must limit the transmit power of all UMTS mobile terminals transmitting in the 2 100 MHz band to a nominal value of -6 dBm/3,84 MHz at all stages of communication and the maximum number of users should not exceed 20.

COMMISSION IMPLEMENTING DECISION (EU) 2016/2318**of 16 December 2016****on a derogation from mutual recognition of the authorisations of biocidal products containing brodifacoum by Spain in accordance with Article 37 of Regulation (EU) No 528/2012 of the European Parliament and of the Council***(notified under document C(2016) 8414)***(Only the Spanish text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular Article 37(2)(b) thereof,

Whereas:

- (1) The company Syngenta Crop Protection AG ('the applicant') submitted complete applications to Spain for mutual recognition of authorisations granted by Ireland in respect of rodenticides containing the active substance brodifacoum ('the products'). Ireland authorised the products as a rodenticide for use indoors, outdoors around buildings and in sewers by professionals and trained professionals, as well as for use indoors and outdoors around buildings by the general public.
- (2) Pursuant to Article 37(2) of Regulation (EU) No 528/2012, Spain proposed the applicant to adjust the terms and conditions of the authorisations to be granted in Spain and proposed restricting the use of the products to trained professionals and indoors only. The objective of such restrictions is the protection of the environment referred to in Article 37(1)(a) of Regulation (EU) No 528/2012 by preventing primary and secondary poisoning incidents in non-target animals as a result of the hazardous properties of brodifacoum, which render it potentially persistent, liable to bioaccumulation and toxic, or very persistent and very liable to bioaccumulation.
- (3) The applicant disagreed with the proposed restrictions and considered that those measures are not sufficiently justified on the grounds laid down in Article 37(1) of Regulation (EU) No 528/2012. As a result, on 18 April 2016 Spain informed the Commission in accordance with the second subparagraph of Article 37(2) of that Regulation.
- (4) In line with the conditions imposed on the approval of brodifacoum in Commission Directive 2010/10/EU ⁽²⁾, authorisations of biocidal products containing brodifacoum are subject to all appropriate and available risk mitigation measures in order to limit the risk of primary and secondary exposure of non-target animals, as well as the long term effects of the substance on the environment. Those measures may include, amongst others, the restriction to professional use only or restrictions regarding the area of use of the products.
- (5) The Commission notes that the proposal by Spain is part of a national set of risk mitigation measures for anticoagulant rodenticides, which was communicated to the Commission in 2012 in the context of discussions on the risk mitigation measures applied by Member States during the authorisation of anticoagulant rodenticide biocidal products.
- (6) Concerning the restriction to trained professionals only, the Commission notes that that user category is considered to be in possession of the required knowledge, skills and competencies enabling it to consider the risks of using rodenticides to non-target animals. That user category is therefore considered to be able to decide which rodenticide is necessary to control an infestation with the lowest impact on the environment.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.⁽²⁾ Commission Directive 2010/10/EU of 9 February 2010 amending Directive 98/8/EC of the European Parliament and of the Council to include brodifacoum as an active substance in Annex I thereto (OJ L 37, 10.2.2010, p. 44).

- (7) Regarding the proposed restriction to indoors only, it avoids the exposure to brodifacoum of non-target animals such as small mammals living around buildings, resulting in a reduction of primary poisoning incidents. As a consequence, the restriction may contribute to the reduction of secondary poisoning of predators consuming the contaminated animals.
- (8) The proposed derogation is consistent with the specific provisions laid down in Directive 2010/10/EU, which leave to the Member States a certain level of discretion to apply the appropriate and available risk mitigation measures as a condition for the authorisation of products containing brodifacoum. The proposed derogation is justified in order to protect the environment, particularly as it aims to prevent or reduce primary and secondary poisoning of non-target organisms. The Commission therefore considers that the proposed derogation from mutual recognition fulfils the condition referred to in Article 37(1)(a) of Regulation (EU) No 528/2012.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DECISION:

Article 1

1. The derogation from mutual recognition proposed by Spain for the products referred to in paragraph 2 is justified on the grounds of the protection of the environment, as referred to in Article 37(1)(a) of Regulation (EU) No 528/2012.
2. Paragraph 1 applies to the products identified by the following case numbers, as provided for by the Register for Biocidal Products:
 - (a) BC-KC011180-73;
 - (b) BC-VM011322-40.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 16 December 2016.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2016/2319**of 16 December 2016****confirming or amending the provisional calculation of the average specific emission of CO₂ and specific emissions targets for manufacturers of passenger cars for the calendar year 2015 pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council***(notified under document C(2016) 8579)***(Only the Bulgarian, Dutch, English, French, German, Italian, and Swedish texts are authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles ⁽¹⁾, and in particular the second subparagraph of Article 8(5) thereof,

Whereas:

- (1) In accordance with Regulation (EC) No 443/2009, the Commission is required to calculate each year the average specific emissions of CO₂ and the specific emissions target for each manufacturer of passenger cars in the Union as well as for each pool of manufacturers. On the basis of that calculation, the Commission is to determine whether manufacturers and pools have complied with their specific emissions targets.
- (2) The detailed data to be used for the calculation of the average specific emissions and the specific emissions targets is based on Member States' registrations of new passenger cars during the preceding calendar year.
- (3) All Member States submitted the 2015 data to the Commission in accordance with Article 8(2) of Regulation (EC) No 443/2009. Where, as a result of the verification of the data by the Commission, it was evident that certain data were missing or manifestly incorrect, the Commission contacted the Member States concerned and, subject to the agreement of those Member States, adjusted or completed the data accordingly. Where no agreement could be reached with a Member State, the provisional data of that Member State was not adjusted.
- (4) On 13 April 2016, the Commission published the provisional data and notified 97 manufacturers of the provisional calculations of their average specific emissions of CO₂ in 2015 and their specific emissions targets. Manufacturers were asked to verify the data and to notify the Commission of any errors within three months of receipt of the notification. 44 manufacturers submitted notifications of errors within the given time limit.
- (5) For the remaining 53 manufacturers that did not notify any errors in the datasets or respond otherwise, the provisional data and provisional calculations of the average specific emissions and the specific emissions targets should be confirmed. For four manufacturers all vehicles reported in the provisional dataset were outside the scope of Regulation (EC) No 443/2009.
- (6) The Commission has verified the errors notified by the manufacturers and the respective reasons for their correction, and the dataset has been confirmed or amended.
- (7) In the case of records with missing or incorrect identification parameters, such as the type, variant, version code or the type approval number, the fact that manufacturers cannot verify or correct those records should be taken into account. As a consequence, it is appropriate to apply an error margin to the CO₂ emissions and mass values of those records.
- (8) The error margin should be calculated as the difference between the distances to the specific emissions target expressed as the specific emissions target subtracted from the average specific emissions calculated including and excluding those registrations that cannot be verified by the manufacturers. Regardless of whether that difference is positive or negative, the error margin should always improve the manufacturer's position with regard to its specific emission target.

⁽¹⁾ OJ L 140, 5.6.2009, p. 1.

- (9) In accordance with Article 10(2) of Regulation (EC) No 443/2009, a manufacturer should be considered as compliant with its specific emissions target referred to in Article 4 of that Regulation where the average emissions indicated in this Decision are lower than the specific emissions target, expressed as a negative distance to target. Where the average emissions exceed the specific emissions target, an excess emission premium is to be imposed, unless the manufacturer concerned benefits from an exemption from that target or is a member of a pool and the pool complies with its specific emissions target. On that basis, two manufacturers are considered to exceed their specific emissions target for 2015.
- (10) On 3 November 2015 the Volkswagen Group made a statement to the effect that irregularities had been found when determining type approval CO₂ levels of some of their vehicles. While that issue has been thoroughly investigated, the Commission nevertheless finds that further clarifications are needed from the Volkswagen pool as a whole as well as a confirmation by the relevant national type approval authorities of the absence of any such irregularities. As a consequence the values for the Volkswagen pool and its members (Audi AG, Audi Hungaria Motor Kft., Bugatti Automobiles S.A.S., Dr Ing. h.c. F. Porsche AG, Quattro GmbH, Seat S.A., Skoda Auto A.S., and Volkswagen AG) cannot be confirmed or amended.
- (11) The Commission reserves the right to revise the performance of a manufacturer as confirmed or amended by this Decision, should the relevant national authorities confirm the existence of irregularities in the CO₂ emission values used for the purpose of determining the manufacturer's compliance with the specific emissions target.
- (12) The provisional calculation of the average specific emissions of CO₂ from new passenger cars registered in 2015, the specific emissions targets and the difference between those two values should be confirmed or amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The values relating to the performance of manufacturers, as confirmed or amended for each manufacturer of passenger cars and for each pool of such manufacturers in respect of the 2015 calendar year in accordance with Article 8(5) of Regulation (EC) No 443/2009, are specified in the Annex to this Decision.

Article 2

This Decision is addressed to the following individual manufacturers and pools formed in accordance with Article 7 of Regulation (EC) No 443/2009:

- (1) ALFA Romeo S.P.A.
C.so Giovanni Agnelli 200
10135 Torino
Italy
- (2) Alpina Burkard Bovensiepen GmbH & Co., KG
Alpenstraße 35-37
86807 Buchloe
Germany
- (3) Aston Martin Lagonda Ltd
Gaydon Engineering Centre
Banbury Road
Gaydon
Warwickshire
CV35 0DB
United Kingdom

-
- (4) Automobiles Citroen
Route de Gizy
78943 Vélizy-Villacoublay
Cedex
France
- (5) Automobiles Peugeot
Route de Gizy
78943 Vélizy-Villacoublay
Cedex
France
- (6) AVTOVAZ JSC
Represented in the Union by:
LADA France S.A.S.
13, Route Nationale 10
78310 Coignieres
France
- (7) Bentley Motors Ltd
Berliner Ring 2
38436 Wolfsburg
Germany
- (8) BLUECAR SAS
31-32 quai de Dion Bouton
92800 Puteaux
France
- (9) BLUECAR ITALY S.R.L.
Foro Bonaparte 54
20121 Milano (MI)
Italy
- (10) Bayerische Motoren Werke AG
Petuelring 130
80788 München
Germany
- (11) BMW M GmbH
Petuelring 130
80788 München
Germany
- (12) BYD AUTO INDUSTRY COMPANY LIMITED
Represented in the Union by:
BYD Europe B.V.
's-Gravelandseweg 256
3125 BK Schiedam
The Netherlands

(13) Caterham Cars Ltd

2 Kennet Road
Dartford
Kent
DA1 4QN
United Kingdom

(14) Chevrolet Italia S.p.A.

Bahnhofplatz 1 IPC 39-12
65423 Rüsselsheim
Germany

(15) FCA US LLC

Represented in the Union by:

Fiat Chrysler Automobiles
Building 5 — Ground floor — Room A8N
C.so Settembrini, 40
10135 Torino
Italy

(16) CNG-Technik GmbH

Niehl Plant, building Imbert 479
Henry-Ford-Straße 1
50735 Köln
Germany

(17) Automobile Dacia SA

Guyancourt
1 avenue du Golf
78288 Guyancourt Cedex
France

(18) Daihatsu Motor Co. Ltd

Represented in the Union by:

Toyota Motor Europe
Avenue du Bourget, 60
1140 Brussels
Belgium

(19) Daimler AG

Zimmer 229
Mercedesstr 137/1
70546 Stuttgart
Germany

(20) DFSK MOTOR CO. LTD

Represented in the Union by:

Giotti Victoria S.r.l.

Pisana Road, 11/a

50021 Barberino Val D'Elsa (Firenze)

Italy

(21) Donkervoort Automobielen BV

Pascallaan 96

8218 NJ Lelystad

The Netherlands

(22) Dr Motor Company Srl

S.S. 85, Venafrana km 37.500

86070 Macchia d'Isernia

Italy

(23) Ferrari S.p.A.

Via Emilia Est 1163

41122 Modena

Italy

(24) FCA Italy S.p.A.

Building 5 — Ground floor — Room A8N

C.so Settembrini, 40

10135 Torino

Italy

(25) Ford Motor Company of Brazil Ltda.

Represented in the Union by:

Ford Werke GmbH

Niehl Plant, building Imbert 479

Henry-Ford-Straße 1

50735 Köln

Germany

(26) Ford India Private Ltd

Represented in the Union by:

Ford Werke GmbH

Niehl Plant, building Imbert 479

Henry-Ford-Straße 1

50735 Köln

Germany

(27) Ford Motor Company of Australia Ltd

Represented in the Union by:

Ford Werke GmbH
Niehl Plant, building Imbert 479
Henry-Ford-Straße 1
50735 Köln
Germany

(28) Ford Motor Company

Niehl Plant, building Imbert 479
Henry-Ford-Straße 1
50735 Köln
Germany

(29) Ford Werke GmbH

Niehl Plant, building Imbert 479
Henry-Ford-Straße 1
50735 Köln
Germany

(30) Fuji Heavy Industries Ltd

Represented in the Union by:

Subaru Europe NV/SA
Leuvensesteenweg 555 B/8
1930 Zaventem
Belgium

(31) General Motors Company

Represented in the Union by:

Adam Opel AG
Bahnhofplatz 1 IPC 39-12
65423 Rüsselsheim
Germany

(32) GM Korea Company

Represented in the Union by:

Adam Opel AG
Bahnhofplatz 1 IPC 39-12
65423 Rüsselsheim
Germany

(33) Great Wall Motor Company Ltd

Represented in the Union by:

Great Wall Motor Europe Technical Center GmbH
Otto-Hahn-Str. 5
63128 Dietzenbach
Germany

(34) Honda Automobile (China) Co., Ltd

Represented in the Union by:

Aalst Office

Wijngaardveld 1 (Noord V)

B-9300 Aalst

Belgium

(35) Honda Motor Co., Ltd

Represented in the Union by:

Aalst Office

Wijngaardveld 1 (Noord V)

B-9300 Aalst

Belgium

(36) Honda Turkiye A.S.

Represented in the Union by:

Aalst Office

Wijngaardveld 1 (Noord V)

B-9300 Aalst

Belgium

(37) Honda of the UK Manufacturing Ltd

Aalst Office

Wijngaardveld 1 (Noord V)

B-9300 Aalst

Belgium

(38) Hyundai Motor Company

Represented in the Union by:

Hyundai Motor Europe GmbH

Kaiserleipromenade 5

63067 Offenbach

Germany

(39) Hyundai Motor Europe GmbH

Kaiserleipromenade 5

63067 Offenbach

Germany

(40) Hyundai Motor Manufacturing Czech s.r.o.

Kaiserleipromenade 5

63067 Offenbach

Germany

(41) Hyundai Motor India Ltd

Represented in the Union by:

Hyundai Motor Europe GmbH
Kaiserleipromenade 5
63067 Offenbach
Germany

(42) Hyundai Assan Otomotiv Sanayi Ve Ticaret A.S.

Represented in the Union by:

Hyundai Motor Europe GmbH
Kaiserleipromenade 5
63067 Offenbach
Germany

(43) Isuzu Motors Limited

Represented in the Union by:

Isuzu Motors Europe NV
Bist 12
B-2630 Aartselaar
Belgium

(44) IVECO S.p.A.

Via Puglia 35
10156 Torino
Italy

(45) Jaguar Land Rover Ltd

Abbey Road
Whitley
Coventry
CV3 4LF
United Kingdom

(46) Jiangling Motor Holding Co. Ltd

Represented in the Union by:

LWMC Europe BV
Berenbroek 3
5707 DB Helmond
The Netherlands

(47) KIA Motors Corporation

Represented in the Union by:

Kia Motors Europe GmbH
Theodor-Heuss-Allee 11
60486 Frankfurt am Main
Germany

-
- (48) KIA Motors Slovakia s.r.o.
Kia Motors Europe GmbH
Theodor-Heuss-Allee 11
60486 Frankfurt am Main
Germany
- (49) Koenigsegg Automotive AB
Valhall Park
262 74 Ängelholm
Sweden
- (50) KTM-Sportmotorcycle AG
Stallhofnerstrasse 3
5230 Mattighofen
Austria
- (51) LADA Automobile GmbH
Erlengrund 7-11
21614 Buxtehude
Germany
- (52) LADA France S.A.S.
13, Route Nationale 10
78310 Coignières
France
- (53) Automobili Lamborghini S.p.A.
via Modena 12
40019 Sant'Agata Bolognese (BO)
Italy
- (54) Litex Motors AD
3 Lachezar Stanchev Str., 2nd floor,
1706 Sofia
Bulgaria
- (55) Lotus Cars Ltd
Hethel
Norwich
Norfolk
NR14 8EZ
United Kingdom
- (56) Magyar Suzuki Corporation Ltd
Legal Department
Suzuki Allee 7
64625 Bensheim
Germany

(57) Mahindra & Mahindra Ltd

Represented in the Union by:

Mahindra Europe S.r.l.

Via Cancelliera 35

00040 Ariccia (Roma)

Italy

(58) Maruti Suzuki India Ltd

Represented in the Union by:

Suzuki Deutschland GmbH

Legal Department

Suzuki Allee 7

64625 Bensheim

Germany

(59) Maserati S.p.A.

Viale Ciro Menotti 322

41122 Modena

Italy

(60) Mazda Motor Corporation

Represented in the Union by:

Mazda Motor Europe GmbH

European R & D Centre

Hiroshimastr 1

61440 Oberursel/Ts

Germany

(61) McLaren Automotive Ltd

Chertsey Road

Woking

Surrey

GU21 4YH

United Kingdom

(62) Mercedes-AMG GmbH

Mercedesstr 137/1

Zimmer 229 HPC F 403

70327 Stuttgart

Germany

(63) MG Motor UK Ltd

International HQ

Q Gate

Low Hill Lane

Birmingham

B31 2BQ

United Kingdom

- (64) Micro-Vett S.r.l
Via Lago Maggiore, 48
36077 Altavilla Vicentina (VI)
Italy
- (65) Mitsubishi Motors Corporation MMC
Represented in the Union By:
Mitsubishi Motors Europe B.V. MME
Mitsubishi Avenue 21
6121 SH Born
The Netherlands
- (66) Mitsubishi Motors Europe B.V. MME
Mitsubishi Avenue 21
6121 SH Born
The Netherlands
- (67) Mitsubishi Motors Thailand Co., Ltd MMTh
Represented in the Union by:
Mitsubishi Motors Europe B.V. MME
Mitsubishi Avenue 21
6121 SH Born
The Netherlands
- (68) Morgan Technologies Ltd
Pickersleigh Road
Malvern Link
Worcestershire
WR14 2LL
United Kingdom
- (69) National Electric Vehicle Sweden A.B.
Saabvägen 5
SE-461 38 Trollhättan
Sweden
- (70) Nissan International SA
Represented in the Union by:
Renault Nissan Representation Office
Av des Arts 40
1040 Brussels
Belgium
- (71) Adam Opel AG
Bahnhofplatz 1IPC 39-12
65423 Rüsselsheim
Germany

(72) Pagani Automobili S.p.A.
Via dell' Artigianato 5
41018 San Cesario sul Panaro (Modena)
Italy

(73) PERODUA Manufacturing SDN BHD
Represented in the Union by:
Perodua UK Limited
Suite 7 Queensgate House
18 Cookham Road
Maidenhead
Berkshire
SL6 8BD
United Kingdom

(74) PGO Automobiles
ZA de la pyramide
30380 Saint-Christol-les-Alès
France

(75) Radical Motorsport Ltd
24 Ivatt Way Business Park
Westwood
Peterborough
PE3 7PG
United Kingdom

(76) Renault S.A.S.
Guyancourt
1 avenue du Golf
78288 Guyancourt Cedex
France

(77) Renault Trucks
99 Route de Lyon TER L10 0 01
69802 Saint-Priest Cedex
France

(78) Rolls-Royce Motor Cars Ltd
Petuelring 130
80788 München
Germany

(79) Secma S.A.S.
Rue Denfert-Rochereau
59580 Aniche
France

(80) SsangYong Motor Company

Represented in the Union by:

SsangYong Motor Europe Office
Herriotstrasse 1
60528 Frankfurt am Main
Germany

(81) Suzuki Motor Corporation

Represented in the Union by:

Suzuki Deutschland GmbH
Legal Department
Suzuki Allee 7
64625 Bensheim
Germany

(82) Suzuki Motor Thailand Co. Ltd

Represented in the Union by:

Suzuki Deutschland GmbH
Legal Department
Suzuki Allee 7
64625 Bensheim
Germany

(83) Tata Motors Ltd

Represented in the Union by:

Tata Motors European Technical Centre Plc.
International Automotive Research Centre
University of Warwick
Coventry
CV4 7AL
United Kingdom

(84) Tazzari GL S.p.A.

VIA Selice Provinciale 42/E
40026 Imola
Bologna
Italy

(85) Tesla Motors Ltd

Represented in the Union by:

Tesla Motors NL
7-9 Atlasstraat
5047 RG Tilburg
The Netherlands

- (86) Toyota Motor Europe NV/SA
Avenue du Bourget 60
1140 Brussels
Belgium
- (87) Volvo Car Corporation
VAK building
Assar Gabrielssons väg
405 31 Göteborg
Sweden
- (88) Westfield Sports Cars
Unit 1 Gibbons Industrial Park
Dudley Road
Kingswinford
DY6 8XF
United Kingdom
- (89) Wiesmann GmbH
An der Lehmkuhle 87
48249 Dülmen
Germany
- (90) Pool for: BMW Group
Petuelring 130
80788 München
Germany
- (91) Pool for: Daimler AG
Mercedesstr 137/1
Zimmer 229
70546 Stuttgart
Germany
- (92) Pool for: FCA Italy S.p.A.
Building 5 — Ground floor — Room A8N
C.so Settembrini, 40
10135 Torino
Italy
- (93) Pool for: Ford-Werke GmbH
Niehl Plant, building Imbert 479
Henry Ford Strasse 1
50725 Köln
Germany
- (94) Pool for: General Motors
Bahnhofplatz 1 IPC 39-12
65423 Rüsselsheim
Germany

- (95) Pool for: Honda Motor Europe Ltd
470 London Road Slough
Berkshire
SL3 8QY
United Kingdom
- (96) Pool for: Hyundai
Hyundai Motor Europe GmbH
Kaiserleipromenade 5
63067 Offenbach
Germany
- (97) Pool for: Kia
Theodor-Heuss-Allee 11
60486 Frankfurt am Main
Germany
- (98) Pool for: Mitsubishi Motors
Mitsubishi Avenue 21
6121 SH Born
The Netherlands
- (99) Pool Renault
1 Avenue du Golf
78288
Guyancourt Cedex
France
- (100) Suzuki Pool
Suzuki Allee 7
64625 Bensheim
Germany
- (101) Pool for: Tata Motors Ltd, Jaguar Cars Ltd, Land Rover
Abbey Road
Whitley
Coventry
CV3 4LF
United Kingdom
- (102) Pool for: Toyota-Daihatsu Group
Avenue du Bourget 60
1140 Brussels
Belgium

Done at Brussels, 16 December 2016.

For the Commission
Miguel ARIAS CAÑETE
Member of the Commission

ANNEX

Table 1

Values relating to the performance of manufacturers confirmed or amended in accordance with the second subparagraph of Article 8(5) of Regulation (EC) No 443/2009

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average specific emissions of CO ₂ (100 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ emissions (100 %)
ALFA ROMEO SPA	P3	18 961	116,269	128,395	– 12,126	– 12,127	1 336,89	116,269
ALPINA BURKARD BOVENSIEPEN GMBH E CO. KG	DMD	690	172,174				1 873,54	172,174
ASTON MARTIN LAGONDA LTD	D	1 449	312,204	310,000	2,204	2,178	1 833,65	312,241
AUTOMOBILES CITROEN		618 570	105,713	124,141	– 18,428	– 18,428	1 243,79	105,768
AUTOMOBILES PEUGEOT		857 421	103,659	124,904	– 21,245	– 21,245	1 260,49	103,712
AVTOVAZ JSC	P10	905	202,287	124,300	77,987	77,987	1 247,28	202,287
BENTLEY MOTORS LTD	D	2 251	290,891	298,000	– 7,109	– 7,156	2 491,43	290,891
BLUECAR SAS		934	0,000	127,529	– 127,529	– 127,529	1 317,92	0,000
BLUECAR ITALY SRL		258	0,000	124,882	– 124,882	– 124,882	1 260,00	0,000
BAYERISCHE MOTOREN WERKE AG	P1	886 972	124,883	138,988	– 14,105	– 14,196	1 568,67	125,554
BMW M GMBH	P1	11 335	197,640	148,016	49,624	48,975	1 766,23	197,642
BYD AUTO INDUSTRY COMPANY LIMITED		9	0,000	179,493	– 179,493	– 179,493	2 455,00	0,000
CATERHAM CARS LIMITED	DMD	103	149,282				626,17	149,282
CHEVROLET ITALIA SPA	P5	3	131,667	130,731	0,936	0,936	1 388,00	131,667
FCA US LLC	P3	99 453	158,760	148,516	10,244	10,131	1 777,17	158,768
CNG-TECHNIK GMBH	P4	18 375	115,794	122,176	– 6,382	– 6,413	1 200,80	115,892
AUTOMOBILE DACIA SA	P10	378 487	122,694	122,337	0,357	0,357	1 204,33	122,694
DAIMLER AG	P2	800 292	124,079	138,620	– 14,541	– 14,795	1 560,62	124,623

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average specific emissions of CO ₂ (100 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ emissions (100 %)
DFSK MOTOR CO. LTD	DMD	3	184,000				1 251,33	184,000
DONKervoort Automobielen BV	DMD	5	178,000				865,00	178,000
DR MOTOR COMPANY SRL	DMD	435	145,848				1 187,63	145,848
FERRARI SPA	D	2 250	299,448	295,000	4,448	4,448	1 696,77	299,448
FCA ITALY SPA	P3	703 652	116,300	120,249	– 3,949	– 3,953	1 158,63	116,300
FORD MOTOR COMPANY	P4	3 521	252,307	146,403	105,904	105,790	1 730,93	252,307
FORD-WERKE GMBH	P4	993 376	117,701	128,204	– 10,503	– 10,508	1 332,69	117,701
FUJI HEAVY INDUSTRIES LTD	ND	29 538	159,924	164,616	– 4,692	– 4,692	1 622,52	159,924
GENERAL MOTORS COMPANY	P5	1 383	281,883	154,339	127,544	127,544	1 904,58	282,343
GM KOREA COMPANY	P5	1 391	126,398	125,077	1,321	1,321	1 264,27	126,398
GREAT WALL MOTOR COMPANY LIMITED	DMD	62	184,113				1 745,19	184,113
HONDA AUTOMOBILE CHINA CO. LTD	P6	380	124,718	119,495	5,223	5,223	1 142,13	124,718
HONDA MOTOR CO. LTD	P6	19 845	119,878	125,749	– 5,871	– 5,871	1 278,98	119,878
HONDA TURKIYE AS	P6	691	155,174	126,494	28,680	28,680	1 295,28	155,174
HONDA OF THE UK MANUFACTURING LTD	P6	104 589	133,387	133,699	– 0,312	– 0,312	1 452,94	133,387
HYUNDAI MOTOR COMPANY	P7	64 425	134,125	136,218	– 2,093	– 2,093	1 508,07	134,232
HYUNDAI ASSAN OTOMOTIV SANAYI VE TICARET AS	P7	155 198	113,524	116,604	– 3,080	– 3,080	1 078,87	113,524
HYUNDAI MOTOR MANUFACTURING CZECH SRO	P7	236 926	134,525	133,738	0,787	0,787	1 453,80	134,525
HYUNDAI MOTOR EUROPE GMBH	P7	5	97,800	118,529	– 20,729	– 20,729	1 121,00	97,800

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average specific emissions of CO ₂ (100 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ emissions (100 %)
HYUNDAI MOTOR INDIA LTD	P7	1 156	114,454	117,769	– 3,315	– 3,315	1 104,37	114,454
ISUZU MOTORS LTD	DMD	13	209,462				2 054,08	209,462
JAGUAR LAND ROVER LIMITED	P12/ND	172 731	164,029	178,025	– 13,996	– 13,996	1 996,54	164,029
JIANGLING MOTOR HOLDING CO. LTD	DMD	1	137,000				1 355,00	137,000
KIA MOTORS CORPORATION	P8	228 169	120,295	127,138	– 6,843	– 6,843	1 309,37	121,589
KIA MOTORS SLOVAKIA SRO	P8	151 870	137,690	133,038	4,652	4,652	1 438,48	137,690
KOENIGSEGG AUTOMOTIVE AB	DMD	2	370,500				1 397,50	370,500
KTM-SPORTMOTORCYCLE AG	DMD	33	191,788				904,55	191,788
LADA AUTOMOBILE GMBH	DMD	900	216,190				1 285,00	216,190
LADA FRANCE SAS	P10	1	179,000	129,452	49,548	49,548	1 360,00	179,000
AUTOMOBILI LAMBORGHINI SPA	D	693	317,201	325,000	– 7,799	– 7,920	1 663,87	317,201
LITEX MOTORS AD	DMD	25	180,120				1 724,60	180,120
LOTUS CARS LIMITED	DMD	694	203,032				1 187,26	203,032
MAGYAR SUZUKI CORPORATION LTD	P11/ND	125 532	120,485	123,114	– 2,629	– 2,630	1 160,99	120,485
MAHINDRA & MAHINDRA LTD	DMD	410	177,888				1 896,87	177,888
MARUTI SUZUKI INDIA LTD	P11/ND	5 278	97,890	123,114	– 25,224	– 25,224	931,84	97,890
MASERATI SPA	D	5 336	195,311	255,000	– 59,689	– 59,689	1 973,32	195,311
MAZDA MOTOR CORPORATION	ND	194 752	126,779	129,426	– 2,647	– 2,647	1 362,10	126,779
MCLAREN AUTOMOTIVE LIMITED	D	325	267,446	275,000	– 7,554	– 7,554	1 526,25	267,446

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average specific emissions of CO ₂ (100 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ emissions (100 %)
MERCEDES-AMG GMBH	P2	3 832	208,663	144,858	63,805	63,712	1 697,11	208,685
MG MOTOR UK LIMITED	D	3 114	133,934	146,000	– 12,066	– 12,066	1 309,64	133,934
MICRO-VETT SRL		1	0,000	128,263	– 128,263	– 128,263	1 334,00	0,000
MITSUBISHI MOTORS CORPORATION MMC	P9	95 403	104,631	142,028	– 37,397	– 37,402	1 635,19	113,834
MITSUBISHI MOTORS EUROPE BV MME	P9	1	125,000	113,457	11,543	11,543	1 010,00	125,000
MITSUBISHI MOTORS THAILAND CO. LTD MMTH	P9	27 831	96,744	109,703	– 12,959	– 12,974	927,87	96,804
MORGAN TECHNOLOGIES LTD	DMD	427	193,948				1 086,30	193,948
NATIONAL ELECTRIC VEHICLE SWEDEN	DMD	129	200,000				1 614,00	200,000
NISSAN INTERNATIONAL SA		548 682	113,778	129,730	– 15,952	– 15,952	1 366,10	115,106
ADAM OPEL AG	P5	915 120	126,775	130,695	– 3,920	– 3,920	1 387,20	126,785
PAGANI AUTOMOBILI SPA	DMD	1	349,000				1 487,00	349,000
PERODUA MANUFACTURING SDN BHD	DMD	2	137,000				1 010,00	137,000
PGO AUTOMOBILES	DMD	19	174,158				1 007,16	174,158
RADICAL MOTORSPORT LTD	DMD	4	314,500				1 073,50	314,500
RENAULT SAS	P10	984 980	105,304	125,023	– 19,719	– 19,719	1 263,09	106,191
RENAULT TRUCKS	DMD	22	183,000				2 209,68	183,000
ROLLS-ROYCE MOTOR CARS LTD	P1	553	331,461	181,335	150,126	150,076	2 495,30	331,461
SECMA SAS	DMD	35	132,600				658,00	132,600
SSANGYONG MOTOR COMPANY	D	13 225	165,625	180,000	– 14,375	– 14,375	1 704,98	165,625

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average specific emissions of CO ₂ (100 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ emissions (100 %)
SUZUKI MOTOR CORPORATION	P11/ND	12 654	164,370	123,114	41,256	41,256	1 161,70	164,370
SUZUKI MOTOR THAILAND CO. LTD	P11/ND	25 442	96,326	123,114	– 26,788	– 26,788	882,30	96,326
TATA MOTORS LIMITED	P12/ND	315	185,238	178,025	7,213	7,213	2 068,79	185,238
TAZZARI GL SPA		2	0,000	99,838	– 99,838	– 99,838	712,00	0,000
TESLA MOTORS LTD		9 284	0,000	167,440	– 167,440	– 167,440	2 191,26	0,000
TOYOTA MOTOR EUROPE NV SA	P13	585 317	108,264	127,386	– 19,122	– 19,257	1 314,81	108,309
VOLVO CAR CORPORATION		266 318	120,670	145,148	– 24,478	– 24,478	1 703,46	121,828
WESTFIELD SPORTS CARS	DMD	2	177,500				715,00	177,500
WIESMANN GMBH	DMD	5	281,800				1 423,00	281,800

Table 2

Values relating to the performance of pools confirmed or amended in accordance with the second subparagraph of Article 8(5) of Regulation (EC) No 443/2009

A	B	C	D	E	F	G	H	I
Pool names	Pool	Number of registrations	Average specific emissions of CO ₂ (100 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ emissions (100 %)
BMW GROUP	P1	898 860	125,921	139,128	– 13,207	– 13,368	1 571,73	126,589
DAIMLER AG	P2	804 124	124,48	138,650	– 14,170	– 14,424	1 561,27	125,023
FCA ITALY SPA	P3	822 066	121,436	123,857	– 2,421	– 2,439	1 237,57	121,437
FORD-WERKE GMBH	P4	1 015 279	118,133	128,158	– 10,025	– 10,034	1 331,69	118,135
GENERAL MOTORS	P5	917 897	127,008	130,722	– 3,714	– 3,714	1 387,8	127,018
HONDA MOTOR EUROPE LTD	P6	125 505	131,344	132,359	– 1,015	– 1,015	1 423,63	131,344
HYUNDAI	P7	457 710	127,297	128,237	– 0,940	– 0,940	1 333,42	127,312

A	B	C	D	E	F	G	H	I
Pool names	Pool	Number of registrations	Average specific emissions of CO ₂ (100 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ emissions (100 %)
KIA	P8	380 039	127,201	129,496	– 2,295	– 2,295	1 360,97	128,023
MITSUBISHI MOTORS	P9	123 235	103,033	134,727	– 31,694	– 31,701	1 475,44	109,988
RENAULT	P10	1 364 373	110,163	124,277	– 14,114	– 14,114	1 246,78	110,833
SUZUKI POOL	P11/ND	168 906	119,428	129,426	– 9,998	– 9,999	1 111,9	119,428
TATA MOTORS LTD, JAGUAR CARS LTD, LAND ROVER	P12/ND	173 046	164,067	178,025	– 13,958	– 13,958	1 996,67	164,067
TOYOTA-DAIHATSU GROUP	P13	585 317	108,264	127,386	– 19,122	– 19,257	1 314,81	108,309

Explanatory notes to Tables 1 and 2

Column A:

Table 1: 'Manufacturer name' means the name of the manufacturer as notified to the Commission by the manufacturer concerned or, where no such notification has taken place, the name registered by the registration authority of the Member State.

Table 2: 'Pool name' means the name of the pool declared by the pool manager.

Column B:

'D' means that a derogation relating to a small volume manufacturer has been granted in accordance with Article 11(3) of Regulation (EC) No 443/2009 with effect for the calendar year 2015;

'ND' means that a derogation relating to a niche manufacturer has been granted in accordance with Article 11(4) of Regulation (EC) No 443/2009 with effect for the calendar year 2015;

'DMD' means that a *de minimis* exemption applies in accordance with Article 2(4) of Regulation (EC) No 443/2009, i.e. a manufacturer which together with all its connected undertakings was responsible for fewer than 1 000 new registered vehicles in 2015 does not have to meet a specific emissions target;

'P' means that the manufacturer is a member of a pool (listed in table 2) formed in accordance with Article 7 of Regulation (EC) No 443/2009 and the pooling agreement is valid for calendar year 2015.

Column C:

'Number of registrations' means the total number of new cars registered by Member States in a calendar year, not counting those registrations that relate to records where the values for mass and/or CO₂ are missing and those records which the manufacturer does not recognise. The number of registrations reported by Member States may otherwise not be changed.

Column D:

'Average specific emissions of CO₂ (100 %)' means the average specific emissions of CO₂ that have been calculated on the basis of 100 % of the vehicles attributed to the manufacturer. Where appropriate, the average specific emissions of CO₂ take into account the errors notified to the Commission by the manufacturer concerned. The records used for the calculation includes those that contain a valid value for mass and CO₂ emissions. The average specific emissions of CO₂ include emission reductions resulting from the provisions on super-credits in Article 5 of Regulation (EC) No 443/2009, the use of E85 in Article 6 of that Regulation or eco-innovations in Article 12 of that Regulation.

Column E:

'Specific emissions target' means the emissions target calculated on the basis of the average mass of all vehicles attributed to a manufacturer applying the formula set out in Annex I to Regulation (EC) No 443/2009.

Column F:

'Distance to target' means the difference between the average specific emissions specified in column D and the specific emissions target in column E. Where the value in column F is positive the average specific emissions exceed the specific emissions target.

Column G:

'Distance to target adjusted' means that where the values in this column are different from those in column F, the values in that column have been adjusted to take into account an error margin. The error margin only applies if the manufacturer has notified the Commission of records with the error code B as set out in Article 9(3) of Commission Regulation (EU) No 1014/2010 ⁽¹⁾. The error margin is calculated in accordance with the following formula:

Error = absolute value of [(AC1 – TG1) – (AC2 – TG2)]

AC1 = the average specific emissions of CO₂ including the unidentifiable vehicles (as set out in column D);

TG1 = the specific emissions target including the unidentifiable vehicles (as set out in column E);

AC2 = the average specific emissions of CO₂ excluding the unidentifiable vehicles;

TG2 = the specific emissions target excluding the unidentifiable vehicles.

Column I:

'Average CO₂ emissions (100 %)' means the average specific emissions of CO₂ that have been calculated on the basis of 100 % of the vehicles attributed to the manufacturer. Where appropriate, the average specific emissions of CO₂ take into account the errors notified to the Commission by the manufacturer concerned. The records used for the calculation includes those that contain a valid value for mass and CO₂ emission but exclude emission reductions resulting from the provisions on super-credits in Article 5 of Regulation (EC) No 443/2009, the use of E85 in Article 6 of that Regulation or eco-innovations in Article 12 of that Regulation.

⁽¹⁾ Commission Regulation (EU) No 1014/2010 of 10 November 2010 on monitoring and reporting of data on the registration of new passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ L 293, 11.11.2010, p. 15).

COMMISSION IMPLEMENTING DECISION (EU) 2016/2320**of 16 December 2016****confirming or amending the provisional calculation of the average specific emissions of CO₂ and specific emissions targets for manufacturers of new light commercial vehicles for the calendar year 2015 pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council***(notified under document C(2016) 8583)***(Only the Dutch, English, Estonian, French, German, Italian, Portuguese, Spanish and Swedish texts are authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO₂ emissions from light-duty vehicles ⁽¹⁾, and in particular Article 8(6) thereof,

Whereas:

- (1) In accordance with Regulation (EU) No 510/2011, the Commission is required to calculate each year the average specific emissions of CO₂ and the specific emissions target for each manufacturer of light commercial vehicles in the Union. On the basis of that calculation, the Commission is to determine whether manufacturers and pools of manufacturers have complied with their specific emissions targets.
- (2) Pursuant to Article 4 of Regulation (EU) No 510/2011 the average specific emissions of manufacturers for 2015 are calculated in accordance with the third paragraph of that Article and take into account 75 % of the manufacturer's new light commercial vehicles registered in that year.
- (3) The detailed data to be used for the calculation of the average specific emissions and the specific emissions targets is based on Member States' registrations of new light commercial vehicles during the preceding calendar year. Where light commercial vehicles are type-approved in a multi-stage process, the manufacturer of the base vehicle take responsibility for the CO₂ emissions of the completed vehicle.
- (4) All Member States submitted the 2015 data the Commission in accordance with Article 8(2) of Regulation (EU) No 510/2011. Where, as a result of the verification of the data by the Commission, it was evident that certain data were missing or manifestly incorrect, the Commission contacted the Member States concerned and, subject to the agreement of those Member States, adjusted or completed the data accordingly. Where no agreement could be reached with a Member State, the provisional data of that Member State were not adjusted.
- (5) On 17 May 2016, the Commission published the provisional data and notified 60 manufacturers of the provisional calculations of their average specific emissions of CO₂ in 2015 and their specific emissions targets. Manufacturers were asked to verify the data and to notify the Commission of any errors within three months of receipt of the notification. 21 manufacturers submitted notifications of errors.
- (6) For the remaining 39 manufacturers that did not notify any errors in the datasets or respond otherwise, the provisional data and provisional calculations of the average specific emissions and the specific emissions targets should be confirmed.
- (7) The Commission has verified the errors notified by the manufacturers and the respective reasons for their correction and the dataset has been confirmed or amended.
- (8) In the case of records without matching vehicle identification numbers and with missing or incorrect identification parameters, such as type, variant, version code or type-approval number, the fact that manufacturers cannot verify or correct those records should be taken into account. As a consequence, it is appropriate to apply an error margin to the CO₂ emissions and mass values in those records.

⁽¹⁾ OJ L 145, 31.5.2011, p. 1.

- (9) The error margin should be calculated as the difference between the distances to the specific emissions target expressed as the specific emissions targets subtracted from the average specific emissions calculated including and excluding those registrations that cannot be verified by the manufacturers. Regardless of whether that difference is positive or negative, the error margin should always improve the manufacturer's position with regard to its specific emissions target.
- (10) In accordance with Article 10(2) of Regulation (EU) No 510/2011, a manufacturer should be considered as compliant with its specific emissions target referred to in Article 4 of that Regulation where the average emissions indicated in this Decision are lower than the specific emissions target, expressed as a negative distance to target. Where the average emissions exceed the specific emissions target, an excess emission premium are to be imposed, unless the manufacturer concerned benefits from an exemption from that target or is a member of a pool and the pool complies with its specific emissions target.
- (11) On 3 November 2015 the Volkswagen Group made a statement to the effect that irregularities had been found when determining type approval CO₂ levels of some of their vehicles. While that issue has been thoroughly investigated, the Commission nevertheless finds that further clarifications are needed from the Volkswagen pool as a whole as well as a confirmation by the relevant national type approval authorities of the absence of any such irregularities. As a consequence the values for the Volkswagen pool and its members (Audi AG, Dr Ing. h.c.F. Porsche AG, Quattro GmbH, Seat SA, Skoda Auto A.S. and Volkswagen AG) cannot be confirmed or amended.
- (12) The Commission reserves the right to revise the performance of a manufacturer as confirmed or amended by this Decision, should the relevant national authorities confirm the existence of irregularities in the CO₂ emission values used for the purpose of determining the manufacturer's compliance with the specific emissions target.
- (13) The provisional calculation of the average specific emissions of CO₂ from new light commercial vehicles registered in 2015, the specific emissions targets and the difference between those two values should be confirmed or amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The values relating to the performance of manufacturers, as confirmed or amended for each manufacturer of light commercial vehicles and for each pool of manufacturers of light commercial vehicles in respect of the 2015 calendar year in accordance with Article 8(6) of Regulation (EU) No 510/2011, are specified in the Annex to this Decision.

Article 2

This Decision is addressed to the following individual manufacturers and pools formed in accordance with Article 7 of Regulation (EU) No 510/2011:

- (1) ALFA Romeo SpA
C.so Giovanni Agnelli 200
10135 Torino (TO)
Italy
- (2) Automobiles Citroen
Route de Gizy
78943 Vélizy-Villacoublay
Cedex France
- (3) Automobiles Peugeot
Route de Gizy
78943 Vélizy-Villacoublay
Cedex France

(4) Avtovaz JSC

Represented in the Union by:

LADA France S.A.S.
13, Route Nationale 10
78310 Coignieres
France

(5) Bluecar SAS

31-32 quai de Dion Bouton
92800 Puteaux
France

(6) Bayerische Motoren Werke AG

Petuelring 130
80788 München
Germany

(7) BMW M GmbH

Petuelring 130
80788 München
Germany

(8) FCA US LLC

Represented in the Union by:

Fiat Chrysler Automobiles
Building 5 — Ground floor — Room A8N
C.so Settembrini, 40
10135 Torino (TO)
Italy

(9) CNG-Technik GmbH

Niehl Plant, building Imbert 479
Henry-Ford-Straße 1
50735 Köln
Germany

(10) Comarth Engineering S.L.

Carril Alejandrino 79
ES-30570 Beniajan — Murcia
Spain

(11) Automobile Dacia SA

Guyancourt
1 avenue du Golf
78288 Guyancourt Cedex
France

- (12) Daimler AG
Mercedesstr. 137/1 Zimmer 229
HPC F403
70327 Stuttgart
Germany
- (13) DFSK Motor Co., Ltd
Represented in the Union by:
Giotti Victoria Srl
Sr.l. Pissana Road 11/a
50021 Barberino Val D' Elsa (FI)
Italy
- (14) Esagono Energia S.r.l.
Via Puecher 9
20060 Pozzuolo Martesana (MI)
Italy
- (15) FCA Italy SpA
Building 5 — Ground floor — Room A8N
C.so Settembrini, 40
10135 Torino (TO)
Italy
- (16) Ford Motor Company of Australia Ltd
Represented in the Union by:
Ford Werke GmbH
Niehl Plant, building Imbert 479
Henry-Ford-Straße 1
50735 Köln
Germany
- (17) Ford Motor Company
Niehl Plant, building Imbert 479
Henry-Ford-Straße 1
50735 Köln
Germany
- (18) Ford Werke GmbH
Niehl Plant, building Imbert 479
Henry-Ford-Straße 1
50735 Köln
Germany

(19) Fuji Heavy Industries Ltd

Represented in the Union by:

Subaru Europe NV/SA

Leuvensesteenweg 555 B/8

1930 Zaventem

Belgium

(20) Mitsubishi Fuso Truck & Bus Corporation

Represented in the Union by:

Daimler AG,

Mercedesstr. 137/1 Zimmer 229

HPC F403

70327 Stuttgart

Germany

(21) Mitsubishi Fuso Truck Europe SA

Represented in the Union by:

Daimler AG,

Mercedesstr. 137/1 Zimmer 229

HPC F403

70327 Stuttgart

Germany

(22) LLC Automobile Plant Gaz

Poe 2

Lähte Tartumaa

60502

Estonia

(23) General Motors Company

Adam Opel AG

Bahnhofsplatz 1 IPC 39-12

65423 Rüsselsheim

Germany

(24) GAC Gonow Auto Co. Ltd

Represented in the Union by:

Autorimessa Monte Mario SRL

Via della Muratella, 797

00054 Maccarese (RM)

Italy

(25) Great Wall Motor Company Ltd

Represented in the Union by:

Great Wall Motor Europe Technical Center GmbH
Otto-Hahn-Str. 5
63128 Dietzenbach
Germany

(26) Honda Motor Co., Ltd

Represented in the Union by:

Aalst Office
Wijngaardveld 1 (Noord V)
B-9300 Aalst
Belgium

(27) Honda of the UK Manufacturing Ltd

Aalst Office
Wijngaardveld 1 (Noord V)
B-9300 Aalst
Belgium

(28) Hyundai Motor Company

Represented in the Union by:

Hyundai Motor Europe GmbH
Kaiserleipromenade 5
63067 Offenbach
Germany

(29) Hyundai Assan Otomotiv Sanayi Ve Ticaret A.S.

Represented in the Union by:

Hyundai Motor Europe GmbH
Kaiserleipromenade 5
63067 Offenbach
Germany

(30) Hyundai Motor Manufacturing Czech s.r.o.

Kaiserleipromenade 5
63067 Offenbach
Germany

(31) Isuzu Motors Limited

Represented in the Union by:

Isuzu Motors Europe NV
Bist 12
2630 Aartselaar
Belgium

- (32) IVECO SpA
Via Puglia 35
10156 Torino (TO)
Italia
- (33) Jaguar Land Rover Limited
Abbey Road
Whitley
Coventry
CV3 4LF
United Kingdom
- (34) KIA Motors Corporation
Represented in the Union by:

Kia Motors Europe GmbH
Theodor-Heuss-Allee 11
60486 Frankfurt am Main
Germany
- (35) KIA Motors Slovakia s.r.o.
Theodor-Heuss-Allee 11
60486 Frankfurt am Main
Germany
- (36) LADA Automobile GmbH
Erlengrund 7-11
21614 Buxtehude
Germany
- (37) Magyar Suzuki Corporation Ltd
Legal Department Suzuki-Allee 7
64625 Bensheim
Germany
- (38) Mahindra & Mahindra Ltd
Represented in the Union by:

Mahindra Europe S.r.l.
Via Cancelliera 35
00040 Ariccia (RM)
Italy
- (39) Mazda Motor Corporation
Represented in the Union by:

Mazda Motor Europe GmbH
European R & D Centre
Hiroshimastr. 1
D-61440 Oberursel/Ts
Germany

(40) M.F.T.B.C.

Represented in the Union by:

Daimler AG,
Mercedesstr. 137/1 Zimmer 229
HPC F403
70327 Stuttgart
Germany

(41) Mitsubishi Motors Corporation MMC

Represented in the Union by:

Mitsubishi Motors Europe BV MME
Mitsubishi Avenue 21
6121 SG Born
The Netherlands

(42) Mitsubishi Motors Thailand Co., Ltd MMTh

Represented in the Union by:

Mitsubishi Motors Europe BV MME
Mitsubishi Avenue 21
6121 SG Born
The Netherlands

(43) Nissan International SA

Represented in the Union by:

Renault Nissan Representation Office
Av. des Arts 40
1040 Bruxelles
Belgium

(44) Adam Opel AG

Bahnhofplatz 1 IPC 39-12
65423 Rüsselsheim
Germany

(45) Piaggio & C SpA

Viale Rinaldo Piaggio 25
56025 Pontedera (PI)
Italy

(46) Renault S.A.S.

Guyancourt
1 avenue du Golf
78288 Guyancourt Cedex
France

- (47) Renault Trucks
99 Route de Lyon TER L10 0 01
69802 Saint Priest Cedex
France
- (48) SAIC MAXUS Automotive Co. Ltd (SAIC Motor Commercial Vehicle Co. Ltd)
Represented in the Union by:
SAIC Luc, SARL
President Building
37A avenue J.F. Kennedy
1855 Luxembourg
Luxembourg
- (49) SsangYong Motor Company
Represented in the Union by:
SsangYong Motor Europe Office
Herriotstrasse 1
60528 Frankfurt am Main
Germany
- (50) StreetScooter GmbH
Jülicher Straße 191
52070 Aachen
Germany
- (51) Suzuki Motor Corporation
Represented in the Union by:
Suzuki Deutschland GmbH
Legal Department Suzuki-Allee 7
64625 Bensheim
Germany
- (52) Tata Motors Limited
Represented in the Union by:
Tata Motors European Technical Centre plc
Internal Automotive Research Centre
University of Warwick
Coventry
CV4 7AL
United Kingdom
- (53) Toyota Motor Europe NV/SA
Avenue du Bourget 60
1140 Brussels
Belgium

- (54) Toyota Caetano Portugal SA
Avenida Vasco de Gama 1410
4431-956 Vila Nova de Gaia
Portugal
- (55) Volvo Car Corporation
VAK building Assar Gabrielssons väg
SE-405 31 Göteborg
Sweden
- (56) Pool for: Daimler AG
Mercedesstr. 137/1
Zimmer 229
70546 Stuttgart
Germany
- (57) Pool for: FCA Italy SpA
Building 5 — Ground floor — Room A8N
C.so Settembrini, 40
10135 Torino (TO)
Italy
- (58) Pool for: Ford-Werke GmbH
Neihl Plant, building Imbert 479
Henry-Ford-Straße 1
50735 Köln
Germany
- (59) Pool for: General Motors
Bahnhofplatz 1 IPC 39-12
65423 Rüsselsheim
Germany
- (60) Pool for: Kia
Theodor-Heuss-Allee 11
60486 Frankfurt am Main
Germany
- (61) Pool for: Mitsubishi Motors
Mitsubishi Avenue 21
6121 SG Born
The Netherlands

(62) Pool Renault
1 Avenue du Golf
78288
Guyancourt Cedex
France

Done at Brussels, 16 December 2016.

For the Commission
Miguel ARIAS CAÑETE
Member of the Commission

ANNEX

Table 1

Values relating to the performance of manufacturers confirmed or amended in accordance with Article 8(6) of Regulation (EU) No 510/2011

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average specific emissions of CO ₂ (75 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ emissions (100 %)
ALFA ROMEO SPA		9	111,833	147,482	– 35,649	– 35,649	1 410,11	128,000
AUTOMOBILES CITROEN		145 739	133,123	164,595	– 31,472	– 31,472	1 594,12	149,771
AUTOMOBILES PEUGEOT		147 199	133,424	165,947	– 32,523	– 32,523	1 608,66	151,046
AVTOVAZ JSC	P7	23	209,471	136,757	72,714	72,714	1 294,78	211,957
BLUECAR SAS		236	0,000	137,697	– 137,697	– 137,697	1 304,89	0,000
BAYERISCHE MOTOREN WERKE AG		537	125,376	173,786	– 48,410	– 48,410	1 692,95	135,836
BMW M GMBH		348	133,253	185,755	– 52,502	– 52,502	1 821,64	140,974
FCA US LLC	P2	943	197,222	207,485	– 10,263	– 10,276	2 055,30	210,082
CNG-TECHNIK GMBH	P3	659	118,526	155,176	– 36,650	– 36,650	1 492,84	121,299
COMARTH ENGINEERING SL		3	0,000	92,509	– 92,509	– 92,509	819,00	0,000
AUTOMOBILE DACIA SA	P7	23 348	120,846	135,495	– 14,649	– 14,655	1 281,22	132,506
DAIMLER AG	P1	132 571	177,569	211,675	– 34,106	– 34,216	2 100,36	189,404
DFSK MOTOR CO LTD	DMD	287	162,572				1 150,46	168,010
ESAGONO ENERGIA SRL		14	0,000	133,987	– 133,987	– 133,987	1 265,00	0,000
FCA ITALY SPA	P2	130 731	145,481	173,839	– 28,358	– 28,371	1 693,52	157,915
FORD MOTOR COMPANY OF AUSTRALIA LIMITED	P3	23786	224,791	221,618	3,173	3,173	2 207,27	235,541
FORD MOTOR COMPANY	P3	48	186,639	215,917	– 29,278	– 29,676	2 145,97	205,583
FORD-WERKE GMBH	P3	199 794	157,473	191,136	– 33,663	– 33,664	1 879,51	170,806
FUJI HEAVY INDUSTRIES LTD		62	152,783	169,848	– 17,065	– 17,065	1 650,60	157,065

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average specific emissions of CO ₂ (75 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ emissions (100 %)
MITSUBISHI FUSO TRUCK & BUS CORPORATION	P1	500	235,821	265,154	– 29,333	– 29,494	2 675,40	238,206
MITSUBISHI FUSO TRUCK EUROPE SA	P1	3	235,000	276,432	– 41,432	– 41,432	2 796,67	237,667
LLC AUTOMOBILE PLANT GAZ	DMD	13	285,000				2 218,08	285,000
GENERAL MOTORS COMPANY	P4	10	280,000	256,933	23,067	23,067	2 587,00	302,100
GONOW AUTO CO LTD	D	65	157,333	175,000	– 17,667	– 17,667	1 194,15	177,246
GREAT WALL MOTOR COMPANY LIMITED	DMD	217	197,179				1 851,72	204,065
HONDA MOTOR CO LTD		4	145,333	161,376	– 16,043	– 16,043	1 559,50	153,750
HONDA OF THE UK MANUFACTURING LTD		97	120,722	166,185	– 45,463	– 45,463	1 611,22	133,588
HYUNDAI MOTOR COMPANY		1375	189,669	211,403	– 21,734	– 21,734	2 097,43	198,119
HYUNDAI ASSAN OTOMOTIV SANAYI VE		118	109,693	111,275	– 1,582	– 1,582	1 020,78	110,788
HYUNDAI MOTOR MANUFACTURING CZECH SRO		232	119,494	160,712	– 41,218	– 41,218	1 552,37	140,629
ISUZU MOTORS LIMITED		12 765	194,373	209,025	– 14,652	– 14,652	2 071,86	201,294
IVECO SPA		31 685	211,664	229,635	– 17,971	– 17,971	2 293,47	219,356
JAGUAR LAND ROVER LIMITED	D	18 460	258,906	276,930	– 18,024	– 18,024	2 044,31	267,932
KIA MOTORS CORPORATION	P5	460	110,509	141,711	– 31,202	– 31,202	1 348,05	121,196
KIA MOTORS SLOVAKIA SRO	P5	327	117,331	151,588	– 34,257	– 34,257	1 454,26	126,994
LADA AUTOMOBILE GMBH	DMD	55	216,000				1 232,45	216,164
MAGYAR SUZUKI CORPORATION LTD		72	116,370	133,814	– 17,444	– 17,444	1 263,14	119,833

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average specific emissions of CO ₂ (75 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ emissions (100 %)
MAHINDRA & MAHINDRA LTD	DMD	215	204,311				2 016,34	208,544
MAZDA MOTOR CORPORATION	DMD	323	149,533				1 797,72	167,241
MFTBC	P1	33	236,000	264,418	– 28,418	– 28,418	2 667,48	239,364
MITSUBISHI MOTORS CORPORATION MMC	P6/D	940	162,221	210,000	– 47,779	– 47,779	1 915,75	179,735
MITSUBISHI MOTORS THAILAND CO LTD MMTH	P6/D	15226	189,604	210,000	– 20,396	– 20,396	1 948,99	194,682
NISSAN INTERNATIONAL SA		38 535	127,710	187,288	– 59,578	– 59,578	1 838,13	176,384
ADAM OPEL AG	P4	91 895	149,226	178,934	– 29,708	– 29,708	1 748,30	160,767
PIAGGIO & C SPA	D	2 621	117,812	155,000	– 37,188	– 37,188	1 099,63	146,263
RENAULT SAS	P7	214 368	121,899	171,206	– 49,307	– 49,307	1 665,20	148,006
RENAULT TRUCKS		7 334	198,444	226,246	– 27,802	– 27,802	2 257,03	210,868
SAIC MOTOR COMMERCIAL VEHICLE CO LTD	DMD	63	250,000				2 181,90	250,000
SSANGYONG MOTOR COMPANY	D	711	196,533	210,000	– 13,467	– 13,467	2 055,36	199,992
STREETSCOOTER GMBH		237	0,000	147,216	– 147,216	– 147,216	1 407,25	0,000
SUZUKI MOTOR CORPORATION	DMD	337	136,849				1 201,79	143,650
TATA MOTORS LIMITED		53	196,000	202,176	– 6,176	– 6,176	1 998,21	196,000
TOYOTA MOTOR EUROPE NV SA		32 764	178,014	193,955	– 15,941	– 16,108	1 909,82	188,484
TOYOTA CAETANO PORTUGAL SA	DMD	42	245,839				1 870,16	250,762
VOLVO CAR CORPORATION		751	116,297	169,633	– 53,336	– 53,336	1 648,29	127,759

Table 2

Values relating to the performance of pools confirmed or amended in accordance with Article 8(6) of Regulation (EU) No 510/2011

A	B	C	D	E	F	G	H	I
Pool name	Pool	Number of registrations	Average specific emissions of CO ₂ (75 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ emissions (100 %)
DAIMLER AG	P1	133 107	177,711	211,891	– 34,180	– 34,291	2 102,68	189,600
FCA ITALY SPA	P2	131 674	145,707	174,080	– 28,373	– 28,385	1 696,11	158,288
FORD-WERKE GMBH	P3	224 287	161,830	194,269	– 32,439	– 32,440	1 913,19	177,533
GENERAL MOTORS	P4	91 906	149,228	178,942	– 29,714	– 29,714	1 748,39	160,782
KIA	P5	787	113,330	145,815	– 32,485	– 32,485	1 392,18	123,605
MITSUBISHI MOTORS	P6/D	16 167	187,871	210,000	– 22,129	– 22,129	1 947,06	193,813
POOL RENAULT	P7	237 739	121,542	167,696	– 46,154	– 46,158	1 627,46	146,490

Explanatory notes to Tables 1 and 2

Column A:

Table 1: 'Manufacturer name' means the name of the manufacturer as notified to the Commission by the manufacturer concerned or, where no such notification has taken place, the name registered by the registration authority of the Member State.

Table 2: 'Pool name' means the name of the pool declared by the pool manager.

Column B:

'D' means that a derogation relating to a small volume manufacturer has been granted in accordance with Article 11(3) of Regulation (EU) No 510/2011 with effect for the calendar year 2015.

'DMD' means that a *de minimis* exemption applies in accordance with Article 2(4) of Regulation (EU) No 510/2011, i.e. a manufacturer which together with all its connected undertakings was responsible for fewer than 1 000 new registered vehicles in 2015 does not have to meet a specific emissions target.

'P' means that the manufacturer is a member of a pool (listed in Table 2) formed in accordance with Article 7 of Regulation (EU) No 510/2011 and the pooling agreement is valid for the calendar year 2015.

Column C:

'Number of registrations' means the total number of new light commercial vehicles registered by Member States in a calendar year, not counting those registrations that relate to records where the values for mass or CO₂ are missing and those records which the manufacturer does not recognise. The number of registrations reported by Member States may otherwise not be changed.

Column D:

'Average specific emissions of CO₂ (75 %)' means the average specific emissions of CO₂ that have been calculated on the basis of the 75 % lowest emitting vehicles in the manufacturer's fleet in accordance with the third paragraph of Article 4 of Regulation (EU) No 510/2011. Where appropriate, the average specific emissions of CO₂ take into account the errors notified to the Commission by the manufacturer concerned. The records used for the calculation include those that contain a valid value for mass and CO₂ emissions. The average specific emissions of CO₂ include emission reductions resulting from the provisions on super-credits in Article 5 of Regulation (EU) No 510/2011, the use of E85 in Article 6 of that Regulation or eco-innovations in Article 12 of that Regulation.

Column E:

'Specific emissions target' means the emissions target calculated on the basis of the average mass of all vehicles attributed to a manufacturer applying the formula set out in Annex I to Regulation (EU) No 510/2011.

Column F:

'Distance to target' means the difference between the average specific emissions of CO₂ specified in column D and the specific emissions target in column E. Where the value in column F is positive, the average specific emissions of CO₂ exceed the specific emissions target.

Column G:

'Distance to target adjusted' means that where the values in this column are different from those in column F, the values in that column have been adjusted to take into account an error margin. The error margin is calculated in accordance with the following formula:

$$\text{Error} = \text{absolute value of } [(AC1 - TG1) - (AC2 - TG2)]$$

AC1 = the average specific emissions of CO₂ including the unidentifiable vehicles (as set out in column D);

TG1 = the specific emissions target including the unidentifiable vehicles (as set out in column E);

AC2 = the average specific emissions of CO₂ excluding the unidentifiable vehicles;

TG2 = the specific emissions target excluding the unidentifiable vehicles.

Column I:

'Average CO₂ emissions (100 %)' means the average specific emissions of CO₂ that have been calculated on the basis of 100 % of the vehicles attributed to the manufacturer. Where appropriate, the average specific emissions of CO₂ take into account the errors notified to the Commission by the manufacturer concerned. The records used for the calculation include those that contain a valid value for mass and CO₂ emissions but exclude emission reductions resulting from the provisions on super-credits in Article 5 of Regulation (EU) No 510/2011, the use of E85 in Article 6 of that Regulation or eco-innovations in Article 12 of that Regulation.

COMMISSION IMPLEMENTING DECISION (EU) 2016/2321**of 19 December 2016****on the format of the ready for recycling certificate issued in accordance with Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling****(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 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC ⁽¹⁾, and in particular Article 9(9) thereof,

Whereas:

- (1) Regulation (EU) No 1257/2013 lays down requirements for ship owners, administrations and recognised organisations regarding the issuance, endorsement, extension and presence on board of ready for recycling certificates.
- (2) In accordance with the requirements of Article 6(2)(c) of Regulation (EU) No 1257/2013, ships destined to be recycled are to hold a ready for recycling certificate.
- (3) Pursuant to Article 7 of Regulation (EU) No 1257/2013, a ship-specific ship recycling plan is to be developed prior to any recycling of a ship. The ship recycling plan is to address any ship-specific considerations that are not covered in the ship recycling facility plan or that require special procedures.
- (4) Pursuant to Article 8 of Regulation (EU) No 1257/2013, ships are to be subject to surveys by officers of administrations or of recognised organisations authorised by the administrations. The surveys aim to confirm that the inventories of hazardous materials comply with the applicable requirements of the Regulation.
- (5) Pursuant to Article 9(9) of Regulation (EU) No 1257/2013, after successful completion of a final survey, the administration or a recognised organisation authorised by it are to issue a ready for recycling certificate. That certificate is to be supplemented by the inventory of hazardous materials and the ship recycling plan. The format of the ready for recycling certificate must be consistent with Appendix 4 to the International Convention for the Safe and Environmentally Sound Recycling of Ships adopted in Hong Kong on 15 May 2009 ('Hong Kong Convention').
- (6) The measures provided for in this Decision are in accordance with the opinion of the Ship Recycling Regulation Committee established under Article 25 of Regulation (EU) No 1257/2013,

HAS ADOPTED THIS DECISION:

Article 1

Ready for recycling certificates issued in accordance with Article 9(9) and endorsed in accordance with Article 10(5) of Regulation (EU) No 1257/2013 shall comply with the format set out in the Annex to this Decision.

⁽¹⁾ OJ L 330, 10.12.2013, p. 1.

Article 2

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

Done at Brussels, 19 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

READY FOR RECYCLING CERTIFICATE

**under Regulation (EU) No 1257/2013 of the European Parliament and of the Council
on ship recycling**

(Note: This certificate shall be supplemented by the inventory of hazardous materials and the ship recycling plan)

(Official seal)

(State)

Issued under the provisions of Regulation (EU) No 1257/2013 under the authority of the Government of

.....
(Name of State)

by
(Full designation of the person or organisation authorised
under the provisions of Regulation (EU) No 1257/2013)

Particulars of the ship

Name of Ship	
Distinctive number or letters	
Port of registry	
Gross tonnage	
IMO number	
Name and address of shipowner	
IMO registered owner identification number	
IMO company identification Number	
Date of construction	

Particulars of the ship recycling facility(ies)

Name of ship recycling facility	
Distinctive recycling company identity number ⁽¹⁾	
Full address	
Date of expiry of the inclusion of the ship recycling facility on the European List	

⁽¹⁾ Identity number as indicated in the European List.

Particulars of the inventory of hazardous materials

Inventory of hazardous materials identification/verification number:

Note: In accordance with Article 9(9) of Regulation (EU) No 1257/2013, the inventory of hazardous materials is annexed to the ready for recycling certificate. The inventory of hazardous materials should be compiled on the basis of the standard format shown in the guidelines developed by the International Maritime Organization, supplemented, where applicable, by guidelines on aspects specific to Regulation (EU) No 1257/2013, such as substances listed in that Regulation but not in the Hong Kong Convention.

Particulars of the ship recycling plan

Ship recycling plan identification/verification number:

Note: In accordance with Article 9(9) of Regulation (EU) No 1257/2013, the ship recycling plan is annexed to the ready for recycling certificate.

THIS IS TO CERTIFY:

1. that the ship has been surveyed in accordance with Article 8 of Regulation (EU) No 1257/2013;
2. that the ship has a valid inventory of hazardous materials in accordance with Article 5(7) of Regulation (EU) No 1257/2013;
3. that the ship recycling plan was compiled in accordance with Article 7(2) of Regulation (EU) No 1257/2013; and
4. that the ship recycling facility(ies) where this ship is to be recycled is listed in the European list in accordance with Article 16 of Regulation (EU) No 1257/2013.

This certificate is valid until (dd/mm/yyyy)
(Date)

Issued at
(Place of issue of certificate)

(dd/mm/yyyy)
(Date of issue) (Signature of duly authorised official issuing the certificate)

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL
REACHING THE PORT OF THE SHIP RECYCLING FACILITY FOR A PERIOD
OF GRACE WHERE ARTICLE 10(5) APPLIES (*)**

This certificate shall, in accordance with Article 10(5) of Regulation (EU) No 1257/2013 on ship recycling, be accepted as valid for a single point to point voyage

from the port of:

to the port of:

Signed:
(Signature of duly authorised official)

Place:

Date: (dd/mm/yyyy)

(Seal or stamp of the authority, as appropriate)

(*) This page of the endorsement shall be reproduced and added to the certificate as considered necessary by the Administration.

COMMISSION IMPLEMENTING DECISION (EU) 2016/2322**of 19 December 2016****on the format of the statement of completion of ship recycling required under Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling****(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 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC ⁽¹⁾, and in particular point (b) of Article 13(3) thereof,

Whereas:

- (1) Regulation (EU) No 1257/2013 lays down requirements for ship recycling companies, ship recycling facilities and operators of ship recycling facilities regarding the recycling of ships flying the flag of a Member State of the Union.
- (2) Pursuant to Article 13(2)(c) of Regulation (EU) No 1257/2013, the operator of a ship recycling facility is to send, within 14 days of the date of the total or partial recycling in accordance with the ship recycling plan, a statement of completion to the administration which issued the ready for recycling certificate for the ship. The format of the statement of completion must be consistent with Appendix 7 to the International Convention for the Safe and Environmentally Sound Recycling of Ships adopted in Hong Kong on 15 May 2009 ('Hong Kong Convention').
- (3) Pursuant to Article 3(6) of Regulation (EU) No 1257/2013, 'ship recycling' means the activity of complete or partial dismantling of a ship. A statement of completion of recycling is therefore needed in the event of partial dismantling. The format of the statement of completion refers to a single ship recycling facility. In the event of dismantling of a single ship taking place across several facilities, a separate statement of completion is required for each facility involved in the process.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Ship Recycling Regulation Committee established under Article 25 of Regulation (EU) No 1257/2013,

HAS ADOPTED THIS DECISION:

Article 1

Statements of completion of ship recycling required under Article 13(2)(c) of Regulation (EU) No 1257/2013 shall comply with the format set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 19 December 2016.

For the Commission

The President

Jean-Claude JUNCKER

⁽¹⁾ OJ L 330, 10.12.2013, p. 1.

ANNEX

STATEMENT OF COMPLETION OF SHIP RECYCLING
under Regulation (EU) No 1257/2013 of the European Parliament and of the Council
on ship recycling

This document is a statement of completion of ship recycling for

.....
(Name of the ship when it was received for recycling/at the point of deregistration)

Particulars of the ship as received for recycling

Distinctive number or letters	
Port of Registry	
Gross tonnage	
IMO number	
Name and address of shipowner	
IMO registered owner identification number	
IMO company identification number	
Date of construction	

THIS CONFIRMS THAT:

The ship has been recycled in accordance with the ship recycling plan and with Regulation (EU) No 1257/2013 at

.....
(Name and location of the authorised ship recycling facility)

and that the recycling of the ship in accordance with Regulation (EU) No 1257/2013 was completed on

(dd/mm/yyyy)
(Date of completion)

Issued at
(Place of issue of the statement of completion)

on (dd/mm/yyyy)
(Date of issue)

(Signature of the operator or authorised representative of the ship recycling facility)

COMMISSION IMPLEMENTING DECISION (EU) 2016/2323
of 19 December 2016
establishing the European List of ship recycling facilities pursuant to Regulation (EU)
No 1257/2013 of the European Parliament and of the Council on ship recycling
(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 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC ⁽¹⁾, and in particular Article 16 thereof,

Whereas:

- (1) Pursuant to Article 16(1) of Regulation (EU) No 1257/2013, the Commission is to adopt implementing acts to establish a European List of ship recycling facilities which are located in the Union and have been notified by the Member States in accordance with Article 14(3) of that Regulation and of ship recycling facilities located in a third country and whose inclusion is based on an assessment of the information and supporting evidence provided or gathered in accordance with Article 15 of the same Regulation.
- (2) Member States have notified a total of 18 ship recycling facilities located in the Union as compliant with the relevant requirements of Regulation (EU) No 1257/2013. In accordance with Article 16(1)(a) of that Regulation, those facilities should be included in the European List of ship recycling facilities.
- (3) As regards ship recycling facilities located in a third country for which an application for inclusion in the European List has been submitted to the Commission in accordance with Article 15 of Regulation (EU) No 1257/2013, the assessment of the relevant information and supporting evidence provided or gathered is still ongoing. The Commission is to adopt implementing acts pertaining to those ship recycling facilities located outside the Union once the assessment is finalised.
- (4) The information to be included in the European List is listed in the second subparagraph of Article 16(2) of Regulation (EU) No 1257/2013. In order to reflect those requirements, the European List should be structured in accordance with that provision. Pursuant to Article 16(3) of that Regulation, the European List is to also indicate the date of expiry of the inclusion of the ship recycling facility.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Ship Recycling Regulation Committee established under Article 25 of Regulation (EU) No 1257/2013,

HAS ADOPTED THIS DECISION:

Article 1

The European List of ship recycling facilities pursuant to Article 16(1) of Regulation (EU) No 1257/2013 shall be established as set out in the Annex to this Decision.

⁽¹⁾ OJ L 330, 10.12.2013, p. 1.

Article 2

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

Done at Brussels, 19 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

EUROPEAN LIST OF SHIP RECYCLING FACILITIES PURSUANT TO ARTICLE 16(1) OF REGULATION (EU) No 1257/2013

Ship recycling facilities located in a Member State of the Union

Name of the facility	Method of recycling	Type and size of ships that can be recycled	Limitations and conditions under which the ship recycling facility operates, including as regards hazardous waste management	Details on the explicit or tacit procedure for the approval of the ship recycling plan by the competent authority ⁽¹⁾	Maximum annual ship recycling output, calculated as the sum of the weight of ships expressed in LDT that have been recycled in a given year in that facility ⁽²⁾	Date of expiry of inclusion in the European List ⁽³⁾
BELGIUM						
NV Galloo Recycling Ghent Scheepzatestraat 9 9000 Gent Belgium Phone: +32 92512521 Email: peter.wyntin@galloo.com	Alongside (wet berth), slope	All types of ships as defined in Article 3(1) of Regulation (EU) No 1257/2013 Maximum ship dimensions: Length: 265 meters Width: 36 meters Draught: 12,5 meters		Tacit approval, with a maximum review period of 30 days	34 000 ⁽⁴⁾	31 March 2020
DENMARK						
Fornæs ApS Rolshøjvej 12-16 8500 Grenå Denmark www.fornaes.dk	Dismantling by quay and subsequent scrapping on impermeable floors with effective drainage systems	All types of ships as defined in Article 3(1) of Regulation (EU) No 1257/2013 Maximum ship dimensions: Length: 150 meters Width: 25 meters Draught: 6 meters GT: 10 000	The municipality of Norddjurs has the right to allocate Hazardous waste for environmentally approved reception facilities.	Tacit approval, maximum review period of 2 weeks	30 000 ⁽⁵⁾	30 June 2021

Name of the facility	Method of recycling	Type and size of ships that can be recycled	Limitations and conditions under which the ship recycling facility operates, including as regards hazardous waste management	Details on the explicit or tacit procedure for the approval of the ship recycling plan by the competent authority ⁽¹⁾	Maximum annual ship recycling output, calculated as the sum of the weight of ships expressed in LDT that have been recycled in a given year in that facility ⁽²⁾	Date of expiry of inclusion in the European List ⁽³⁾
Smedegaarden A/S Vikingkaj 5 6700 Esbjerg Denmark www.smedegaarden.net	Dismantling by quay and subsequent scrapping on impermeable floors with effective drainage systems	All types of ships as defined in Article 3(1) of Regulation (EU) No 1257/2013 Maximum ship dimensions: Length: 170 meters Width: 40 meters Draught: 7,5 meters		Tacit approval, maximum review period of 2 weeks	20 000 ⁽⁶⁾	15 September 2021
FRANCE						
GARDET & DE BEZENAC Recycling/Groupe BAUDELET ENVIRONNEMENT — GIE MUG 616, Boulevard Jules Durand 76600 Le Havre France Phone: +33 235557750 Email: p.dupalut@gardet-bezenac.com	Floating and slipway	All types of vessels as defined in Article 3(1) of Regulation (EU) No 1257/2013 Maximum ship dimensions: Length: 150 meters Width: 18 meters LDT: 7 000	Environmental limitations are defined in the prefectoral authorisation.	Explicit approval — The competent authority for the approval decision is the Ministry of environment.	16 000 ⁽⁷⁾	30 December 2021
Grand Port Maritime de Bordeaux 152, Quai de Bacalan — CS 41320 — 33082 Bordeaux Cedex France Phone: +33 556905800 Email: p-brocart@bordeaux-port.fr	Alongside, drydock	All types of vessels as defined in Article 3(1) of Regulation (EU) No 1257/2013 Maximum ship dimensions (drydock): Length: 240 meters Width: 37 meters Depth: 17 meters	Environmental limitations are defined in the prefectoral authorisation.	Explicit approval — The competent authority for the approval decision is the Ministry of environment.	18 000 ⁽⁸⁾	21 October 2021

Name of the facility	Method of recycling	Type and size of ships that can be recycled	Limitations and conditions under which the ship recycling facility operates, including as regards hazardous waste management	Details on the explicit or tacit procedure for the approval of the ship recycling plan by the competent authority ⁽¹⁾	Maximum annual ship recycling output, calculated as the sum of the weight of ships expressed in LDT that have been recycled in a given year in that facility ⁽²⁾	Date of expiry of inclusion in the European List ⁽³⁾
Les Recycleurs bretons Zone Industrielle de Kerbriant — 29 610 Plouigneau Plouigneau France Phone: +33 611747401 Email: Jm.abiven@recycleurs-bretons.fr	Alongside, dry-dock	All types of vessels as defined in Article 3(1) of Regulation (EU) No 1257/2013 Maximum ship dimensions (drydock): Length: 225 meters Width: 34 meters Depth: 27 meters	Environmental limitations are defined in the prefectural authorisation.	Explicit approval — The competent authority for the approval decision is the Ministry of environment.	5 500 ⁽⁹⁾	24 May 2021

LATVIA

A/S 'Tosmares kuģubūvētava' Ģenerāļa Baloža street 42/44, Liepāja, LV-3402 Latvia Phone: +371 63401919 Email: shipyard@tosmare.lv	Ship dismantling (wet berth and dry dock)	All types of ships as defined in Article 3(1) of Regulation (EU) No 1257/2013 Maximum ship dimensions: Length: 165 m Width: 22 m Depth: 7 m DWT: 14 000 GT: 200-12 000 Weight: 100-5 000 tonnes LDT: 100-5 000	See national permit No LI-10-IB-0024.	Explicit approval — written notification in 30 working days	0 ⁽¹⁰⁾	11 June 2020
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Name of the facility	Method of recycling	Type and size of ships that can be recycled	Limitations and conditions under which the ship recycling facility operates, including as regards hazardous waste management	Details on the explicit or tacit procedure for the approval of the ship recycling plan by the competent authority ⁽¹⁾	Maximum annual ship recycling output, calculated as the sum of the weight of ships expressed in LDT that have been recycled in a given year in that facility ⁽²⁾	Date of expiry of inclusion in the European List ⁽³⁾
LITHUANIA						
UAB APK Minijos 180 (berth 133A), LT 93269, Klaipėda, Lithuania Phone: +370 46365776 Fax +370 46365776 Email: uab.apk@gmail.com	Alongside (wet berth)	All types of ships as defined in Article 3(1) of Regulation (EU) No 1257/2013 Maximum ship dimensions: Length: 130 meters Width: 35 meters Depth: 10 meters GT: 3 500	See national permit No TL-KL.1-15/2015	Explicit approval — written notification in 30 working days	1 500 ⁽¹¹⁾	17 March 2020
UAB Armar Minijos 180 (berth 127A), LT 93269, Klaipėda, Lithuania Phone: +370 68532607 Email: armar.uab@gmail. il.com; albatrosas33@gmail.com	Alongside (wet berth)	All types of ships as defined in Article 3(1) of Regulation (EU) No 1257/2013 Maximum ship dimensions: Length: 80 meters Width: 16 meters Depth: 6 meters GT: 1 500	See national permit No TL-KL.1-16/2015	Explicit approval — written notification in 30 working days	3 910 ⁽¹²⁾	17 March 2020
UAB Vakarų refonda Minijos 180(berth 129, 130, 131A, 131, 132, 133A), LT 93269, Klaipėda, Lithuania Phone: +370 46483940/483891 Fax +370 46483891 Email: refonda@wsy.lt	Alongside (wet berth)	All types of ships as defined in Article 3(1) of Regulation (EU) No 1257/2013 Maximum ship dimensions: Length: 230 meters Width: 55 meters Depth: 14 meters GT: 70 000	See national permit No (11.2)-30-161/2011/TL-KL.1-18/2015	Explicit approval — written notification in 30 working days	20 140 ⁽¹³⁾	21 May 2020

Name of the facility	Method of recycling	Type and size of ships that can be recycled	Limitations and conditions under which the ship recycling facility operates, including as regards hazardous waste management	Details on the explicit or tacit procedure for the approval of the ship recycling plan by the competent authority ⁽¹⁾	Maximum annual ship recycling output, calculated as the sum of the weight of ships expressed in LDT that have been recycled in a given year in that facility ⁽²⁾	Date of expiry of inclusion in the European List ⁽³⁾
THE NETHERLANDS						
Keppel-Verolme Prof. Gerbrandyweg 25 3197 KK Rotterdam-Botlek The Netherlands Phone: +31 181234353 Email: mzoethout@keppelverolme.nl	Shipbreaking	Maximum ship dimensions: Length: 405 meters Width: 90 meters Depth: 11,6 meters	The site has a permit to operate; this permit contains limitations and conditions to operate in an environmental sound manner.	Explicit approval	52 000 ⁽¹⁴⁾	21 July 2021
Scheepsrecycling Nederland B.V. Havenweg 1; 3295 XZ s-Gravendeel Postbus 5234; 3295 ZJ s-Gravendeel The Netherlands Phone: +31 786736055 Email: info@sloperij-nederland.nl	Shipbreaking	Maximum ship dimensions: Length: 200 meters Width: 33 meters Depth: 6 meters Height: 45 meters (Botlek-bridge) Recycling operations start on water to make the hull lighter; the winch to haul ships on the ramp can pull 2 000 tonnes.	The site has a permit to operate; this permit contains limitations and conditions to operate in an environmental sound manner.	Explicit approval	9 300 ⁽¹⁵⁾	27 September 2021
POLAND						
ALMEX Sp. Z o.o. ul. Ks. Stanisława Kujota 1 70-605 Szczecin Poland	Piers and recycling plots on land-sea interface	Any type of vessel. Maximum ship dimensions: Length: 120 meters Width: 20 meters Depth: 6 meters DWT: 6 000 GT: 2 500 LDT: 2 500	See permit WOŚ. II.7243.7.4.2014.IB	Explicit approval (details to be provided in early 2017 once new domestic legislation enters into force)	4 000 ⁽¹⁶⁾	30 June 2017

Name of the facility	Method of recycling	Type and size of ships that can be recycled	Limitations and conditions under which the ship recycling facility operates, including as regards hazardous waste management	Details on the explicit or tacit procedure for the approval of the ship recycling plan by the competent authority ⁽¹⁾	Maximum annual ship recycling output, calculated as the sum of the weight of ships expressed in LDT that have been recycled in a given year in that facility ⁽²⁾	Date of expiry of inclusion in the European List ⁽³⁾
PORTUGAL						
Navalria — Docas, Construções e Reparações Navais Porto Comercial, Terminal Sul, Apartado 39, 3811-901 Aveiro Portugal	Dry dock dismantling, decontamination and dismantling on an horizontal plane and inclined plane, according to the ship's size	Nominal capacity of the horizontal plane: 700 tonnes Nominal capacity of the inclined plane: 900 tonnes		Conditions applied to the activity are defined in specifications annexed to Title (AL n.º 5/2015/CCDRC, of 26 January 2016	1 900 tonnes ⁽¹⁷⁾	26 January 2020
SPAIN						
DDR VESSELS XXI, S.L. Port of 'El Musel' Gijón Spain Phone: +34 630144416 Email: abarredo@ddr-vessels.com	Dismantling ramp	All types of vessel, except nuclear Maximum ship dimensions: Length: 84,95 meters (Ships up to 169,9 meters which can operate a zero rollover or negative ramp movement may be accepted depending on the outcome of a detailed feasibility study)	The limitations are included in the integrated environmental authorisation.	No express procedure defined yet.	0 ⁽¹⁸⁾	28 July 2020

Name of the facility	Method of recycling	Type and size of ships that can be recycled	Limitations and conditions under which the ship recycling facility operates, including as regards hazardous waste management	Details on the explicit or tacit procedure for the approval of the ship recycling plan by the competent authority ⁽¹⁾	Maximum annual ship recycling output, calculated as the sum of the weight of ships expressed in LDT that have been recycled in a given year in that facility ⁽²⁾	Date of expiry of inclusion in the European List ⁽³⁾
UNITED KINGDOM						
Able UK Limited Teesside Environmental Reclamation and Recycling Centre Graythorp Dock Tees Road Hartlepool Cleveland TS25 2DB United Kingdom Phone: +44 1642806080 Email: info@ableuk.com	Ship dismantling and associated treatment authorised with dry dock and wet berth	Any vessel within the dimensions authorised within the permit. Maximum ship dimensions: Length: 337,5 meters Beam: 120 meters Draft: 6,65 meters	The facility has a Ship Recycling Facility Plan that meets the requirements of the EU Regulations. The site is authorised by way of a permit (Reference EPR/VP3296ZM) that limits the operations and places conditions on the operator of the facility.	The approval mechanism is via a joint competent authority (Environment Agency and Health and Safety Executive) agreement on the Ship Recycling Facility Plan that is formally authorised via a variation of an existing Environmental Permit.	66 340 ⁽¹⁹⁾	6 October 2020
Harland and Wolff Heavy Industries Limited Queen's Island Belfast BT3 9DU United Kingdom Phone: +44 2890458456 Email: trevor.hutchinson@harland-wolff.com	Ship dismantling and associated treatment authorised with dry dock, and wet berth	Any vessels with the dimensions detailed in the agreed Working Plan. Maximum ship dimensions: The main dock (the largest) is 556 m × 93 m × 1,2 m DWT, and can take vessels up to this size. This largest dry dock is 1,2 million DWT.	The facility has a Ship Recycling Facility Plan that meets the requirements of the EU Regulations. The site is authorised by way of a waste management licence, authorisation number LN/07/21/V2 that limits the operations and places conditions on the operator of the facility.	The approval mechanism is via a joint competent authority agreement between The Northern Ireland Environment Agency (NIEA) and The Health and Safety Executive for Northern Ireland (HSENI) on the Ship Recycling Facility Plan that is formally authorised via the modification of an existing waste management licence (WML).	13 200 ⁽²⁰⁾	3 August 2020

Name of the facility	Method of recycling	Type and size of ships that can be recycled	Limitations and conditions under which the ship recycling facility operates, including as regards hazardous waste management	Details on the explicit or tacit procedure for the approval of the ship recycling plan by the competent authority ⁽¹⁾	Maximum annual ship recycling output, calculated as the sum of the weight of ships expressed in LDT that have been recycled in a given year in that facility ⁽²⁾	Date of expiry of inclusion in the European List ⁽³⁾
Swansea Drydock Ltd Prince of Wales Dry Dock Swansea Wales SA1 1LY United Kingdom Phone: +44 1792654592 Email: info@swanseadrydocks.com	Ship dismantling and associated treatment authorised with dry dock, and wet berth	Any vessel within the dimensions authorised within the permit. Maximum ship dimensions: Length: 200 meters Beam: 27 meters Draft: 7 meters	Site has a Ship Recycling Facility Plan that meets with the requirements of EU Regulations. The site is authorised by way of a permit (Reference EPR/UP3298VL) that limits the operations and places conditions on the operator of the facility.	The approval mechanism is via a joint competent authority (Natural Resources Wales and Health and Safety Executive) agreement on the Ship Recycling Facility Plan that is formally authorised via a variation of an existing Environmental Permit	7 275 ⁽²¹⁾	2 July 2020

⁽¹⁾ As referred to in Article 7(3) of Regulation (EU) No 1257/2013 on ship recycling

⁽²⁾ Pursuant to Article 32(1) of Regulation (EU) No 1257/2013 on ship recycling, 'the maximum annual ship recycling output is determined by selecting the highest value occurring in the preceding 10-year period for each ship recycling facility, or, in the case of a newly authorised ship recycling facility, the highest annual value achieved at that facility'.

⁽³⁾ The date of expiry of inclusion in the European List corresponds to the date of expiry of the permit or authorisation granted to the facility in the Member State.

⁽⁴⁾ According to the information submitted, the theoretical maximum annual ship recycling capacity of the facility is 50 000 LDT per year.

⁽⁵⁾ See note 4.

⁽⁶⁾ See note 4.

⁽⁷⁾ According to the information submitted, the theoretical maximum annual ship recycling capacity of the facility is 18 000 LDT per year.

⁽⁸⁾ According to the information submitted, the theoretical maximum annual ship recycling capacity of the facility is 23 000 LDT per year.

⁽⁹⁾ According to the information submitted, the theoretical maximum annual ship recycling capacity of the facility is 10 000 LDT per year.

⁽¹⁰⁾ According to the information submitted, the theoretical maximum annual ship recycling capacity of the facility is 15 000 LDT per year.

⁽¹¹⁾ According to its permit, the facility is authorised to recycle a maximum 30 000 LDT per year.

⁽¹²⁾ According to its permit, the facility is authorised to recycle a maximum 6 000 LDT per year.

⁽¹³⁾ According to its permit, the facility is authorised to recycle a maximum 45 000 LDT per year.

⁽¹⁴⁾ According to its permit, the theoretical maximum annual ship recycling capacity of the facility is 100 000 tonnes per year.

⁽¹⁵⁾ According to the information submitted, the theoretical maximum annual ship recycling capacity of the facility is 45 000 LDT per year.

⁽¹⁶⁾ See note 9.

⁽¹⁷⁾ No information on theoretical maximum annual ship recycling capacity was provided.

⁽¹⁸⁾ According to the information submitted, the theoretical maximum annual ship recycling capacity of the facility is 60 000 LDT per year.

⁽¹⁹⁾ According to its permit, the facility is authorised to recycle a maximum of 230 000 tonnes per year.

⁽²⁰⁾ According to its permit, the facility is authorised to recycle a maximum of 300 000 tonnes per year.

⁽²¹⁾ According to its permit, the facility is authorised to recycle a maximum of 74 999 tonnes per year.

Abbreviations:

DWT Deadweight Tonnage

GT Gross Tonnage

LDT Light Displacement Tonnage

COMMISSION IMPLEMENTING DECISION (EU) 2016/2324**of 19 December 2016****on the format of the report of planned start of ship recycling required under Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling****(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 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC ⁽¹⁾, and in particular point (a) of Article 13(3) thereof,

Whereas:

- (1) Regulation (EU) No 1257/2013 lays down requirements for ship recycling companies, ship recycling facilities and operators of ship recycling facilities regarding the recycling of ships flying the flag of a Member State of the Union.
- (2) Pursuant to Article 13(2)(b) of Regulation (EU) No 1257/2013, the operator of a ship recycling facility is required to report to the administration that the ship recycling facility is ready in every respect to start the recycling of the ship. The format of the reports must be consistent with Appendix 6 to the International Convention for the Safe and Environmentally Sound Recycling of Ships adopted in Hong Kong on 15 May 2009 ('Hong Kong Convention').
- (3) Pursuant to Article 3(6) of Regulation (EU) No 1257/2013, 'ship recycling' means the activity of complete or partial dismantling of a ship. A report of planned start of ship recycling is therefore needed in the event of partial dismantling. The format of the report of planned start of ship recycling refers to a single ship recycling facility. In the event of dismantling of a single ship taking place across several facilities, a separate report of planned start of ship recycling is required from each facility involved in the process.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Ship Recycling Regulation Committee established under Article 25 of Regulation (EU) No 1257/2013.

HAS ADOPTED THIS DECISION:

Article 1

Reports of planned start of ship recycling required under Article 13(2)(b) of Regulation (EU) No 1257/2013 shall comply with the format set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 19 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ OJ L 330, 10.12.2013, p. 1.

ANNEX

REPORT OF PLANNED START OF SHIP RECYCLING

**under Regulation (EU) No 1257/2013 of the European Parliament and of the Council
on ship recycling**

The
(Name of ship recycling facility)

located at
(Full ship recycling facility address)

listed in the European List established pursuant to Regulation (EU) No 1257/2013

hereby reports that the ship recycling facility is ready in every respect to start the recycling of the
vessel
(IMO number)

The ready for recycling certificate was issued under the authority of the Government of

.....
(Name of State)

by
(Full designation of the person or organisation authorised under the provisions of Regulation (EU) No 1257/2013)

on (dd/mm/yyyy)
(Date of issue)

.....
(Signature of the operator or authorised representative of the ship recycling facility)

COMMISSION IMPLEMENTING DECISION (EU) 2016/2325**of 19 December 2016****on the format of the certificate on the inventory of hazardous materials issued in accordance with Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling****(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 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC ⁽¹⁾, and in particular Article 9(1) thereof,

Whereas:

- (1) Regulation (EU) No 1257/2013 lays down requirements for ship owners, administrations and recognised organisations regarding the development, surveying and certification of inventories of hazardous materials found in ships.
- (2) In accordance with the requirements of Article 5 of Regulation (EU) No 1257/2013, ships are to have on board an inventory of hazardous materials.
- (3) Pursuant to Article 32 of Regulation (EU) No 1257/2013, the obligation to have on board an inventory of hazardous materials is to apply to existing ships from 31 December 2020, to new ships not later than 31 December 2018 and to ships going for recycling from the date of publication of the European List published in accordance with Regulation (EU) No 1257/2013.
- (4) Pursuant to Article 8 of Regulation (EU) No 1257/2013, ships are to be subject to surveys by officers of administrations or of recognised organisations authorised by administrations. The surveys aim to confirm that the inventory of hazardous materials complies with the applicable requirements of the Regulation.
- (5) Pursuant to Article 9(1) of Regulation (EU) No 1257/2013, after successful completion of an initial or renewal survey, the administration or a recognised organisation authorised by it is to issue an inventory certificate. The format of the inventory certificate must be consistent with Appendix 3 to the International Convention for the Safe and Environmentally Sound Recycling of Ships adopted in Hong Kong on 15 May 2009 ('Hong Kong Convention').
- (6) The measures provided for in this Decision are in accordance with the opinion of the Ship Recycling Regulation Committee established under Article 25 of Regulation (EU) No 1257/2013,

HAS ADOPTED THIS DECISION:

Article 1

Inventory certificates issued and endorsed in accordance with Article 9 of Regulation (EU) No 1257/2013 shall comply with the format set out in the Annex to this Decision.

⁽¹⁾ OJ L 330, 10.12.2013, p. 1.

Article 2

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

Done at Brussels, 19 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

CERTIFICATE ON INVENTORY OF HAZARDOUS MATERIALS

under Regulation (EU) No 1257/2013 of the European Parliament and of the Council
on ship recycling

(Note: This certificate shall be supplemented by Part I of the inventory of hazardous materials)

(Official seal)

(State)

Issued under the provisions of Regulation (EU) No 1257/2013 under the authority of the Government of

.....
(Name of State)

by
(Full designation of the person or organisation authorised
under the provisions of Regulation (EU) No 1257/2013)

Particulars of the ship

Name of Ship	
Distinctive number or letters	
Port of registry	
Gross tonnage	
IMO number	
Name and address of shipowner	
IMO registered owner identification number	
IMO company identification Number	
Date of construction	

Particulars of Part I of the inventory of hazardous materials

Part I of the inventory of hazardous materials identification/verification number:

Note: In accordance with Article 9(1) of Regulation (EU) No 1257/2013, Part I of the inventory of hazardous materials is annexed to this certificate. Part I of the inventory of hazardous materials should be compiled on the basis of the standard format shown in the guidelines developed by the International Maritime Organization, supplemented, where applicable, by guidelines on aspects specific to Regulation (EU) No 1257/2013, such as substances listed in that Regulation but not in the Hong Kong Convention.

THIS IS TO CERTIFY:

That the ship has been surveyed in accordance with Article 8 of Regulation (EU) No 1257/2013; and that the survey shows that Part I of the inventory of hazardous materials fully complies with the applicable requirements of that Regulation.

Completion date of survey on which this certificate is based: (dd/mm/yyyy)

This certificate is valid until (dd/mm/yyyy)

Issued at
(Place of issue of certificate)

(dd/mm/yyyy)
(Date of issue) (Signature of duly authorised official issuing the certificate)

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT TO EXTEND THE CERTIFICATE IF VALID FOR
LESS THAN 5 YEARS WHERE ARTICLE 9(5) APPLIES (*)**

The ship complies with the relevant provisions of Regulation (EU) No 1257/2013 on ship recycling, and this certificate shall, in accordance with Article 9(5) of that Regulation, be accepted as valid until

(dd/mm/yyyy):

Signed:
(Signature of duly authorised official)

Place:

Date: (dd/mm/yyyy)

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT WHERE THE RENEWAL SURVEY HAS BEEN COMPLETED
AND ARTICLE 9(4) APPLIES (*)**

The ship complies with the relevant provisions of Regulation (EU) No 1257/2013 on ship recycling, and this certificate shall, in accordance with Article 9(4) of that Regulation, be accepted as valid until (dd/mm/yyyy):

Signed:
(Signature of duly authorised official)

Place:

Date: (dd/mm/yyyy)

(Seal or stamp of the authority, as appropriate)

**ENDORSEMENT TO EXTEND THE VALIDITY OF THE CERTIFICATE UNTIL
REACHING THE PORT OR ANCHORAGE OF SURVEY OR FOR A PERIOD OF
GRACE WHERE ARTICLE 9(7) OR 9(8) APPLIES (*)**

This certificate shall, in accordance with Article 9(7) or 9(8) (**) of Regulation (EU) No 1257/2013 on ship recycling, be accepted as valid until (dd/mm/yyyy):

Signed:
(Signature of duly authorised official)

Place:

Date: (dd/mm/yyyy)

(Seal or stamp of the authority, as appropriate)

ENDORSEMENT FOR ADDITIONAL SURVEY WHERE ARTICLE 9(2) APPLIES (*)

At an additional survey conducted in accordance with Article 8(6) of Regulation (EU) No 1257/2013 on ship recycling, the ship was found to comply with the relevant provisions of that Regulation.

Signed:
(Signature of duly authorised official)

Place:

Date: (dd/mm/yyyy)

(Seal or stamp of the authority, as appropriate)

(*) This page of the endorsement at survey shall be reproduced and added to the certificate as considered necessary by the Administration.

(**) Delete as appropriate.

CORRIGENDA**Corrigendum to the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania for a period of four years**

(Official Journal of the European Union L 315 of 1 December 2015)

1. On page 37, Annex 1, Appendix 1, Fishing Category 1, Section 1 (Fishing zone):

for: '...

- (a) North of latitude 19°00'00"N, the line joining the following points:

20°46'30"N	17°03'00"W
20°40'00"N	17°08'30"W
20°10'12"N	17°16'12"W
19°35'24"N	16°51'00"W
19°19'12"N	16°45'36"W
19°19'12"N	16°41'24"W
19°00'00"N	16°22'00"W

- (b) South of latitude 19°00'00"N as far as 17°50'00"N, at 9 nautical miles calculated from the low-water mark.

- (c) South of latitude 17°50'00"N, at 6 nautical miles calculated from the low-water mark.

...',

read: '...

- (a) North of latitude 19°00,00 N, the line joining the following points:

20°46,30 N	17°03,00 W
20°40,00 N	17°08,30 W
20°10,12 N	17°16,12 W
19°35,24 N	16°51,00 W
19°19,12 N	16°45,36 W
19°19,12 N	16°41,24 W
19°00,00 N	16°22,00 W

- (b) South of latitude 19°00,00 N as far as 17°50,00 N, at 9 nautical miles calculated from the low-water mark.

- (c) South of latitude 17°50,00 N, at 6 nautical miles calculated from the low-water mark.

...'.

2. On pages 38-39, Annex 1, Appendix 1, Fishing Category 2, Section 1 (Fishing zone):

for: '(a) North of latitude 19°15'60" N, west of the line joining the following points:

20°46'30"N	17°03'00"W
20°36'00"N	17°11'00"W

20°36'00"N	17°36'00"W
20°03'00"N	17°36'00"W
19°45'70"N	17°03'00"W
19°29'00"N	16°51'50"W
19°15'60"N	16°51'50"W
19°15'60"N	16°49'60"W

(b) South of latitude 19°15'60"N as far as latitude 17°50'N, west of the 18-nautical mile line from the low-water mark.

(c) South of latitude 17°50'N: west of the 12-nautical mile line from the low-water mark.

...';

read: '(a) North of latitude 19°15,60 N, west of the line joining the following points:

20°46,30 N	17°03,00 W
20°36,00 N	17°11,00 W
20°36,00 N	17°36,00 W
20°03,00 N	17°36,00 W
19°45,70 N	17°03,00 W
19°29,00 N	16°51,50 W
19°15,60 N	16°51,50 W
19°15,60 N	16°49,60 W

(b) South of latitude 19°15,60 N as far as latitude 17°50,00 N, west of the 18-nautical mile line from the low-water mark.

(c) South of latitude 17°50,00 N: west of the 12-nautical mile line from the low-water mark.

.....'

3. On page 40, Annex 1, Appendix 1, Fishing Category 3, Section 1 (Fishing zone):

for: '(a) North of latitude 19°48'50"N: 3 miles from the Cap Blanc — Cap Timiris baseline;

(b) South of latitude 19°48'50"N as far as latitude 19°21'N: west of longitude 16°45'W

(c) South of latitude 19°21'N from the 3-nautical mile line from the low-water mark.

....',

read: '(a) North of latitude 19°48,50 N: 3 miles from the Cap Blanc — Cap Timiris baseline;

(b) South of latitude 19°48,50 N as far as latitude 19°21,00 N: west of longitude 16°45,00 W

(c) South of latitude 19°21,00 N from the 3-nautical mile line from the low-water mark.

.....'

4. On page 42, Annex 1, Appendix 1, Fishing Category 4, Section 1 (Fishing zone):

for: ‘(a) North of latitude 19°21’N: west of the 30-nautical mile line from the Cap Blanc — Cap Timiris baseline

(b) South of latitude 19°21’N: west of the 30-nautical mile line from the low-water mark.

...’;

read: ‘(a) North of latitude 19°21,00 N: west of the 30-nautical mile line from the Cap Blanc — Cap Timiris baseline

(b) South of latitude 19°21,00 N: west of the 30-nautical mile line from the low-water mark.

...’.

5. On page 43, Annex 1, Appendix 1, Fishing Category 5, Section 1 (Fishing zone):

for: ‘Surface longliners

(a) North of latitude 19°21’N: west of the 30-nautical mile line from the Cap Blanc — Cap Timiris baseline

(b) South of latitude 19°21’N: west of the 30-nautical mile line from the low-water mark.

Pole-and-line tuna vessels

(a) North of latitude 19°21’N: west of the 15-nautical mile line from the Cap Blanc — Cap Timiris baseline

(b) South of latitude 19°21’N: west of the 12-nautical mile line from the low-water mark.

Live-bait fishing

(a) North of latitude 19°48’50”N: west of the 3-nautical mile line from the Cap Blanc — Cap Timiris baseline

(b) South of latitude 19°48’50”N as far as latitude 19°21’N: west of longitude 16°45’W

(c) South of latitude 19°21’N: west of the 3-nautical mile line from the low-water mark.

...’;

read: ‘Surface longliners

(a) North of latitude 19°21,00 N: west of the 30-nautical mile line from the Cap Blanc — Cap Timiris baseline

(b) South of latitude 19°21,00 N: west of the 30-nautical mile line from the low-water mark.

Pole-and-line tuna vessels

(a) North of latitude 19°21,00 N: west of the 15-nautical mile line from the Cap Blanc — Cap Timiris baseline

(b) South of latitude 19°21,00 N: west of the 12-nautical mile line from the low-water mark.

Live-bait fishing

- (a) North of latitude 19°48,50 N: west of the 3-nautical mile line from the Cap Blanc — Cap Timiris baseline
 - (b) South of latitude 19°48,50 N as far as latitude 19°21,00 N: west of longitude 1°45,00 W
 - (c) South of latitude 19°21,00 N: west of the 3-nautical mile line from the low-water mark.
- ...

6. On pages 44-45, Annex 1, Appendix 1, Fishing Category 6, Section 1 (Fishing zone):

for: '... (a) North of latitude 19°00'00" N, the line joining the following points:

20°46'30" N	17°03'00" W
20°36'00" N	17°11'00" W
20°36'00" N	17°30'00" W
20°21'50" N	17°30'00" W
20°10'00" N	17°35'00" W
20°00'00" N	17°30'00" W
19°45'00" N	17°05'00" W
19°00'00" N	16°34'50" W
19°00'00" N	16°39'50" W

- (b) South of latitude 19°00'00" N as far as 17°30'00" N, at 20 nautical miles calculated from the low-water mark.
- (c) South of latitude 17°30'00" N, the line joining the following points:

17°30'00" N	16°17'00" W
17°12'00" N	16°23'00" W
16°36'00" N	16°42'00" W
16°13'00" N	16°40'00" W
16°04'00" N	16°41'00" W

...;

read: '... (a) North of latitude 19°00,00 N, the line joining the following points:

20°46,30 N	17°03,00 W
20°36,00 N	17°11,00 W
20°36,00 N	17°30,00 W
20°21,50 N	17°30,00 W
20°10,00 N	17°35,00 W
20°00,00 N	17°30,00 W
19°45,00 N	17°05,00 W
19°00,00 N	16°34,50 W
19°00,00 N	16°39,50 W

- (b) South of latitude 19°00,00 N as far as 17°30 N, at 20 nautical miles calculated from the low-water mark.

(c) South of latitude 17°30 N, the line joining the following points:

17°30,00 N	16°17,00 W
17°12,00 N	16°23,00 W
16°36,00 N	16°42,00 W
16°13,00 N	16°40,00 W
16°04,00 N	16°41,00 W

...;

7. On page 46, Annex 1, Appendix 1, Fishing Category 7, Section 1 (Fishing zone):

for: '...

(a) North of latitude 19°00'00"N, the line joining the following points:

20°46'30"N	17°03'00"W
20°36'00"N	17°11'00"W
20°36'00"N	17°30'00"W
20°21'50"N	17°30'00"W
20°10'00"N	17°35'00"W
20°00'00"N	17°30'00"W
19°45'00"N	17°05'00"W
19°00'00"N	16°34'50"W
19°00'00"N	16°39'50"W

(b) South of latitude 19°00'00" N as far as 17°30'00" N, at 20 nautical miles calculated from the low-water mark.

(c) South of latitude 17°30'00" N, the line joining the following points:

17°30'00"N	16°17'00"N
17°12'00"N	16°23'00"N
16°36'00"N	16°42'00"N
16°13'00"N	16°40'00"N
16°04'00"N	16°41'00"N

...;

read: '...

(a) North of latitude 19°00,00 N, the line joining the following points:

20°46,30 N	17°03,00 W
20°36,00 N	17°11,00 W
20°36,00 N	17°30,00 W
20°21,50 N	17°30,00 W
20°10,00 N	17°35,00 W
20°00,00 N	17°30,00 W
19°45,00 N	17°05,00 W
19°00,00 N	16°34,50 W
19°00,00 N	16°39,50 W

(b) South of latitude 19°00,00 N as far as 17°30 N, at 20 nautical miles calculated from the low-water mark.

(c) South of latitude 17°30 N, the line joining the following points:

17°30,00 N	16°17,00 W
17°12,00 N	16°23,00 W
16°36,00 N	16°42,00 W
16°13,00 N	16°40,00 W
16°04,00 N	16°41,00 W

...’.

8. On page 49, Annex 1, Appendix 2 (Limits of the Mauritanian Fishing Zone):

for:

‘Southern boundary	16°04 N	19°33.5 W
Coordinates	16°17 N	19°32.5 W
Coordinates	16°28.5 N	19°32.5 W
Coordinates	16°38 N	19°33.2 W
Coordinates	17°00 N	19°32.1 W
Coordinates	17°06 N	19°36.8 W
Coordinates	17°26.8 N	19°37.9 W
Coordinates	17°31.9 N	19°38 W
Coordinates	17°44.1 N	19°38 W
Coordinates	17°53.3 N	19°38 W
Coordinates	18°02.5 N	19°42.1 W
Coordinates	18°07.8 N	19°44.2 W
Coordinates	18°13.4 N	19°47 W
Coordinates	18°18.8 N	19°49 W
Coordinates	18°24 N	19°51.5 W
Coordinates	18°28.8 N	19°53.8 W
Coordinates	18°34.9 N	19°56 W
Coordinates	18°44.2 N	20°00 W
Coordinates	19°00 N	19°43 W
Coordinates	19°23 N	20°01 W
Coordinates	19°30 N	20°04 W
Coordinates	20°00 N	20°14.5 W
Coordinates	20°30 N	20°25.5 W
Northern boundary	20°46 N	20°04.5 W’

read:

‘Southern boundary	16°04 N	19°33,5 W
Coordinates	16°17 N	19°32,5 W
Coordinates	16°28,5 N	19°32,5 W
Coordinates	16°38 N	19°33,2 W
Coordinates	17°00 N	19°32,1 W
Coordinates	17°06 N	19°36,8 W
Coordinates	17°26,8 N	19°37,9 W
Coordinates	17°31,9 N	19°38 W

Coordinates	17°44,1 N	19°38 W
Coordinates	17°53,3 N	19°38 W
Coordinates	18°02,5 N	19°42,1 W
Coordinates	18°07,8 N	19°44,2 W
Coordinates	18°13,4 N	19°47 W
Coordinates	18°18,8 N	19°49 W
Coordinates	18°24 N	19°51,5 W
Coordinates	18°28,8 N	19°53,8 W
Coordinates	18°34,9 N	19°56 W
Coordinates	18°44,2 N	20°00 W
Coordinates	19°00 N	19°43 W
Coordinates	19°23 N	20°01 W
Coordinates	19°30 N	20°04 W
Coordinates	20°00 N	20°14,5 W
Coordinates	20°30 N	20°25,5 W
Northern boundary	20°46 N	20°04,5 W

