

Official Journal

of the European Union

L 32



English edition

Legislation

Volume 60

7 February 2017

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Council Implementing Regulation (EU) 2017/199 of 6 February 2017 implementing Article 9(5) of Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo** 1
- ★ **Commission Implementing Regulation (EU) 2017/200 of 1 February 2017 concerning the classification of certain goods in the Combined Nomenclature** 15
- ★ **Commission Implementing Regulation (EU) 2017/201 of 6 February 2017 amending Regulation (EU) No 37/2010 to classify the substance fluralaner as regards its maximum residue limit ⁽¹⁾** 17
- Commission Implementing Regulation (EU) 2017/202 of 6 February 2017 establishing the standard import values for determining the entry price of certain fruit and vegetables 20

DECISIONS

- ★ **Council Implementing Decision (CFSP) 2017/203 of 6 February 2017 implementing Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo** 22
- ★ **Commission Implementing Decision (EU) 2017/204 of 3 February 2017 authorising Member States to provide for a temporary derogation from certain provisions of Council Directive 2000/29/EC in respect of ash wood originating or processed in the United States of America, and repealing Implementing Decision (EU) 2015/2416 recognising certain areas of the United States of America as being free from *Agrilus planipennis* Fairmaire (notified under document C(2017) 420)** 35

⁽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 Decision (EU) 2017/205 of 3 February 2017 amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States (notified under document C(2017) 503) ⁽¹⁾** 40
- ★ **Commission Decision (EU) 2017/206 of 6 February 2017 terminating an expiry review of the anti-dumping measures applicable to imports of certain polyethylene terephthalate originating in the People's Republic of China** 53

⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2017/199

of 6 February 2017

implementing Article 9(5) of Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1183/2005 of 18 July 2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo ⁽¹⁾, and in particular Article 9(5) thereof,

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

Whereas:

- (1) On 18 July 2005, the Council adopted Regulation (EC) No 1183/2005.
- (2) On 13 and 19 October 2016, the United Nations Security Council Committee, established pursuant to United Nations Security Council Resolution 1533 (2004), updated the identifying information relating to 21 persons and 1 entity subject to restrictive measures.
- (3) Annex I to Regulation (EC) No 1183/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1183/2005 is hereby amended as set out in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 193, 23.7.2005, p. 1.

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

Done at Brussels, 6 February 2017.

For the Council

The President

F. MOGHERINI

ANNEX

The entries concerning the persons and entities listed below are replaced by the following entries:

'(a) list of persons referred to in Articles 2 and 2a

1. **Eric BADEGE**

Date of Birth: 1971.

Nationality: Congolese.

Date of UN designation: 31 December 2012.

Address: Rwanda (as of early 2016)

Other information: He fled to Rwanda in March 2013 and is still living there as of early 2016.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Eric Badege was a Lieutenant Colonel and focal point for M23 in Masisi and commanded certain operations that destabilised parts of Masisi territory in North Kivu province. As a military commander of M23, Badege was responsible for serious violations involving the targeting of children or women in situations of armed conflict. After May 2012, Raia Mutomboki, under the command of M23, killed hundreds of civilians in a series of coordinated attacks. In August 2012, Badege carried out joint attacks which involved the indiscriminate killing of civilians. These attacks were jointly orchestrated by Badege and Colonel Makoma Semivumbi Jacques. Former M23 combatants claimed that M23 leaders summarily executed dozens of children who attempted to escape after being recruited as M23 child soldiers.

According to a 11 September 2012 report by Human Rights Watch (HRW), a Rwandan man, 18, who escaped after being forcibly recruited in Rwanda told HRW that he witnessed the execution of a 16-year old boy from his M23 unit who had tried to flee in June. The boy was captured and beaten to death by M23 fighters in front of the other recruits. An M23 commander who ordered his killing then allegedly told the other recruits "[h]e wanted to abandon us," as an explanation for why the boy had been killed. The report also states that witnesses claimed that at least 33 new recruits and other M23 fighters were summarily executed when they attempted to flee. Some were tied up and shot in front of other recruits as an example of the punishment they could receive. One young recruit told HRW, "[w]hen we were with M23, they said [we had a choice] and could stay with them or we could die. Lots of people tried to escape. Some were found and then that was immediately their death".

Badege fled to Rwanda in March 2013 and was living there as of early 2016.

2. **Frank Kakolele BWAMBALE**

(*alias*: a) FRANK KAKORERE b) FRANK KAKORERE BWAMBALE c) AIGLE BLANC

Designation: FARDC General.

Nationality: Congolese.

Date of UN designation: 1 November 2005.

Address: Kinshasa, Democratic Republic of the Congo (as of June 2016)

Other information: Left the CNDP in January 2008. As of June 2011, resides in Kinshasa. Since 2010, Kakolele has been involved in activities apparently on behalf of the DRC government's Programme de Stabilisation et Reconstruction des Zones Sortant des Conflits Armés (STAREC), including participation in a STAREC mission to Goma and Beni in March 2011. DRC authorities arrested him in December 2013 in Beni, North Kivu Province, for allegedly blocking the DDR process. He left the DRC and lived in Kenya for some time, before being called back by the DRC Government to assist them with the situation in the Territory of Beni. He was arrested in October 2015 in the area of Mambasa for allegedly supporting a Mai Mai group, but no charges were brought and as of June 2016, he lived in Kinshasa.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Frank Kakolele Bwambale was the RCD-ML leader, exercising influence over policies and maintaining command and control over the activities of RCD-ML forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), responsible for trafficking of arms, in violation of the arms embargo. He left the CNDP in January 2008. Starting in 2010, Kakolele was involved in activities apparently on behalf of the DRC government's Programme de Stabilisation et Reconstruction des Zones Sortant des Conflits Armés (STAREC), including participation in a STAREC mission to Goma and Beni in March 2011.

He left the DRC and lived in Kenya for some time before being called back by the DRC Government to assist with the situation in the Territory of Beni. He was arrested in October 2015 near Mambasa for allegedly supporting a Mai Mai group, but no charges were brought. As of June 2016, Kakolele lived in Kinshasa.

3. **Gaston IYAMUREMYE**

(*alias*: a) Byiringiro Victor Rumuli, b) Victor Rumuri, c) Michel Byiringiro, d) Rumuli

Designation: a) FDLR Interim President, b) FDLR-FOCA 1st Vice-President; c) FDLR-FOCA Major General

Address: North Kivu Province, Democratic Republic of the Congo (as of June 2016)

Date of Birth: 1948.

Place of Birth: a) Musanze District, Northern Province, Rwanda, b) Ruhengeri, Rwanda.

Nationality: Rwandan.

Date of UN designation: 1 December 2010.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Gaston Iyamuremye is the 1st Vice-President of the FDLR, as well as the interim president. He also has the rank of Major General in the FDLR's armed wing, called FOCA. As of June 2016, Iyamuremye is in North Kivu province of the Democratic Republic of the Congo.

4. **Innocent KAINA**

(*alias* a): Colonel Innocent KAINA, b): India Queen

Designation: Former M23 Deputy Commander

Address: Uganda (as of early 2016)

Date of birth: November 1973.

Place of Birth: Bunagana, Rutshuru territory, Democratic Republic of the Congo.

Date of UN designation: 30 November 2012.

Other information: Became M23 deputy commander after the flight of Bosco Taganda's faction to Rwanda in March 2013. Fled to Uganda in November 2013. In Uganda as of early 2016.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Innocent Kaina was Sector and then Deputy Commander in the Mouvement du 23 Mars (M23). He was responsible for and committed serious violations of international law and human rights. In July 2007, the Garrison Military Tribunal of Kinshasa found Kaina responsible for crimes against humanity committed in the District of Ituri between May 2003 and December 2005. He was released in 2009 as part of the peace agreement between the Congolese government and the CNDP. Within the FARDC in 2009, he was guilty of executions, abductions and maiming in Masisi territory. As a commander under the orders of General Taganda, he initiated the ex-CNDP mutiny in Rutshuru territory in April 2012. He ensured the security of the mutineers out of Masisi. Between May and August 2012, he oversaw the recruitment and training of over 150 children for the M23 rebellion, shooting the boys who had tried to escape. In July 2012, he travelled to Berunda and Degho for mobilisation and recruitment activities for the M23. Kaina fled to Uganda in November 2013 and was still there as of early 2016.

6. **Germain KATANGA**

Nationality: Congolese.

Date of birth: 28 April 1978.

Place of birth: Mambasa, Ituri Province, Democratic Republic of the Congo

Address: Democratic Republic of the Congo (in prison)

Date of UN designation: 1 November 2005.

Other information: Appointed General in the FARDC in December 2004. Handed over by the Government of the DRC to the International Criminal Court on 18 October 2007. Initially convicted on 23 May 2014 by the ICC to 12 years in prison for war crimes and crimes against humanity, the ICC Appeals Chamber reduced his sentence and determined that Katanga's sentence should be completed on 18 January 2016. Although he was detained in the Netherlands for the duration of his trial, Katanga was transferred to a DRC prison in December 2015 and charged for other crimes previously committed in Ituri.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Germain Katanga was the Commander of the FRPI. He was involved in weapons transfers, in violation of the arms embargo. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children in Ituri from 2002 to 2003. He was appointed General in the FARDC in December 2004. He was handed over by the Government of the DRC to the International Criminal Court on 18 October 2007. Initially convicted on 23 May 2014 by the ICC to 12 years in prison for war crimes and crimes against humanity, ICC Appeals Chamber reduced his sentence and determined that his sentence should be completed on 18 January 2016. Although he was detained in the Netherlands for the duration of his trial, Katanga was transferred to a DRC prison in December 2015 and charged for crimes previously committed in Ituri.

7. **Thomas LUBANGA**

Place of Birth: Ituri, Democratic Republic of the Congo.

Nationality: Congolese.

Address: Democratic Republic of the Congo (in prison)

Date of UN designation: 1 November 2005.

Other information: Arrested in Kinshasa in March 2005 for UPC/L involvement in human rights abuses violations. Transferred to the ICC on 17 March 2006. Convicted by the ICC in March 2012 and sentenced to 14 years in prison. On 1 December 2014, ICC appeals judges upheld Lubanga's conviction and sentence. Transferred to a prison facility in the DRC on 19 December 2015 to serve out his sentence of imprisonment.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Thomas Lubanga was the President of the UPC/L, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children in Ituri from 2002 to 2003. He was arrested in Kinshasa in March 2005 for UPC/L involvement in human rights abuses violations and transferred to the ICC by the DRC authorities on 17 March 2006. He was convicted by the ICC in March 2012 and sentenced to 14 years in prison. On 1 December 2014, ICC appeals judges upheld the conviction and sentence. He was transferred to a prison facility in the DRC on 19 December 2015 to serve out his sentence of imprisonment.

9. **Khawa Panga MANDRO**

(*alias*: a) Kawa Panga, b) Kawa Panga Mandro, c) Kawa Mandro, d) Yves Andoul Karim, e) Mandro Panga Kahwa, f) Yves Khawa Panga Mandro, g) Chief Kahwa, h) Kawa

Date of Birth: 20 August 1973.

Place of Birth: Bunia, Democratic Republic of the Congo.

Address: Uganda (as of May 2016)

Nationality: Congolese.

Date of UN designation: 1 November 2005.

Other information: Placed in prison in Bunia in April 2005 for sabotage of the Ituri peace process. Arrested by Congolese authorities in October 2005, acquitted by the Court of Appeal in Kisangani, subsequently transferred to the judicial authorities in Kinshasa on new charges of crimes against humanity, war crimes, murder, aggravated assault and battery. In August 2014, a DRC military court in Kisangani convicted him of war crimes and crimes against humanity, sentenced him to 9 years in prison, and ordered him to pay approximately \$ 85 000 to his victims. He served his sentence and resides in Uganda as of May 2016.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Khawa Panga Mandro was the President of PUSIC, one of the armed groups and militia referred to in paragraph 20 of Res. 1493 (2003) involved in arms trafficking, in violation of the arms embargo. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children from 2001 to 2002. He was put in prison in Bunia in April 2005 for sabotage of the Ituri peace process. He was arrested by Congolese authorities in October 2005, acquitted by the Court of Appeal in Kisangani, and subsequently transferred to the judicial authorities in Kinshasa on new charges of crimes against humanity, war crimes, murder, aggravated assault and battery. In August 2014, a DRC military court in Kisangani convicted him of war crimes and crimes against humanity, sentenced him to 9 years in prison, and ordered him to pay approximately \$ 85 000 to his victims. He served his sentence and resided in Uganda as of May 2016.

10. **Callixte MBARUSHIMANA**

Designation: FDLR Executive Secretary

Date of Birth: 24 July 1963.

Place of Birth: Ndusu/Ruhengeri, Northern Province, Rwanda.

Nationality: Rwandan.

Date of UN designation: 3 March 2009.

Other information: Arrested in Paris on 3 October 2010 under ICC warrant for war crimes and crimes against humanity committed by FDLR troops in the Kivus in 2009. Transferred to The Hague on 25 January 2011 and released by the ICC in late 2011. Elected FDLR Executive Secretary on 29 November 2014 for a 5-year term.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Callixte Mbarushimana was Executive Secretary of the FDLR and Vice-President of the FDLR military high command until his arrest. As a political/military leader of a foreign armed group operating in the Democratic Republic of the Congo, he impeded the disarmament and the voluntary repatriation and resettlement of combatants, per Security Council resolution 1857 (2008) OP 4 (b). He was arrested in Paris on 3 October 2010 under ICC warrant for war crimes and crimes against humanity committed by FDLR troops in the Kivus in 2009. He was transferred to The Hague on 25 January 2011, but released in late 2011. He was re-elected FDLR Executive Secretary on 29 November 2014 for a 5-year term.

12. **Sylvestre MUDACUMURA**

(*alias*: a) Mupenzi Bernard, b) General Major Mupenzi, c) General Mudacumura, d) Pharaoh, e) Radja

Designation: a) FDLR-FOCA Commander, b) FDLR-FOCA Lieutenant General

Date of birth: 1954

Place of birth: Cellule Ferege, Gatumba sector, Kibilira commune, Gisenyi prefecture, Rwanda

Address: North Kivu Province, Democratic Republic of the Congo (as of June 2016)

Nationality: Rwandan.

Date of UN designation: 1 November 2005.

Other information: The International Criminal Court issued an arrest warrant for Mudacumura on 12 July 2012 for nine counts of war crimes, including attacking civilians, murder, mutilation, cruel treatment, rape, torture, destruction of property, pillaging and outrages against personal dignity, allegedly committed between 2009 and 2010 in the DRC.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Sylvestre Mudacumura is the Commander of FOCA, the armed wing of the FDLR, exercising influence over policies, and maintaining command and control over the activities of FDLR forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in trafficking of arms, in violation of the arms embargo. Mudacumura (or staff) was in telephone communication with FDLR leader Murwanashyaka in Germany, including at the time of the Busurungi massacre in May 2009, and military commander Major Guillaume during Umoja Wetu and Kimia II operations in 2009. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for 27 cases of recruitment and use of children by troops under his command in North Kivu from 2002 to 2007. As of mid-2016, Mudacumura was still the overall commander of the FDLR's armed wing, held the rank of Lieutenant General, and was located in North Kivu Province in the Democratic Republic of the Congo.

14. **Leopold MUJYAMBERE**

(*alias*: a) Musenyeri b) Achille c) Frere Petrus Ibrahim

Designation: a) FDLR-FOCA Chief of Staff, b) FDLR-FOCA Interim Deputy Commander

Address: Kinshasa, Democratic Republic of the Congo (as of June 2016)

Date of Birth: a) 17 March 1962, b) Approximately 1966.

Place of Birth: Kigali, Rwanda.

Nationality: Rwandan.

Date of UN designation: 3 March 2009.

Other information: Became acting FDLR-FOCA Deputy Commander in 2014. Captured in Goma, DRC by Congolese security services in early May 2016 and transferred to Kinshasa.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Leopold Mujyambere was Commander of the Second Division of FOCA, the armed branch of the FDLR. As military leader of a foreign armed group operating in the Democratic Republic of the Congo, he impeded the disarmament and the voluntary repatriation and resettlement of combatants, in violation of Security Council resolution 1857 (2008) OP 4 (b). In evidence collated by the UNSC DRC Sanctions Committee Group of Experts, detailed in its report of 13 February 2008, girls recovered from FDLR-FOCA had previously been abducted and sexually abused. Since mid-2007, FDLR-FOCA, which previously recruited boys in their mid to late teens, has been forcefully recruiting youth from the age of 10 years. The youngest are then used as escorts, and older children are deployed as soldiers on the frontline, in violation of Security Council resolution 1857 (2008) OP4 (d) and (e).

In June 2011, he was the FOCA Commander of the South Kivu operational sector, then called "Amazon". He was later promoted to FOCA Chief of Staff, and then acting Deputy Commander in 2014. He was captured in Goma, DRC by Congolese security services in early May 2016 and transferred to Kinshasa.

15. **Jamil MUKULU**

(*alias*: a) Steven Alirabaki, b) David Kyagulanyi, c) Musezi Talenganimiro, d) Mzee Tutu, e) Abdullah Junjuaka, f) Alilabaki Kyagulanyi, g) Hussein Muhammad, h) Nicolas Luumu, i) Julius Elius Mashauri, j) David Amos Mazengo, k) Professor Musharaf, l) Talenganimiro

Designation: a) Head of the Allied Democratic Forces (ADF), b) Commander, Allied Democratic Forces.

Address: reportedly in prison in Uganda (as of September 2016)

Date of Birth: a) 1965, b) 1 January 1964.

Place of Birth: Ntoke Village, Ntenjeru Sub County, Kayunga District, Uganda.

Nationality: Ugandan.

Date of UN designation: 12 October 2011.

Other information: Arrested in April 2015 in Tanzania and extradited to Uganda in July 2015. As of September 2016, Mukulu is reportedly being held in a police detention cell awaiting his trial for war crimes and grave breaches of the Geneva Convention under Ugandan Law.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

According to public sources and official reports, including reports from UN sanctions committee group of experts on DRC, M. Jamil Mukulu is the military Head of ADF, foreign armed group operating in DRC, and obstructs the disarmament, repatriation and voluntary resettlement of ADF fighters as foreseen by para. 4. b) of Resolution 1857 (2008). The UN sanctions committee group of experts on DRC reported that Jamil Mukulu provided material and human support to ADF as an armed group operating on the DRC territory. According to various sources, including reports from UN sanctions committee group of experts on DRC, Jamil Mukulu has secured funding, exerted influence on ADF policies and assumed direct responsibilities in the command and control of ADF forces, notably in supervising established links with international terrorist networks.

16. **Ignace MURWANASHYAKA**

(*alias*: Dr Ignace

Title: Dr.

Designation: FDLR President

Address: Germany (in prison)

Date of Birth: 14 May 1963.

Place of Birth: a) Butera, Rwanda, b) Ngoma, Butare, Rwanda.

Nationality: Rwandan.

Date of UN designation: 1 November 2005.

Other information: Arrested by German authorities on 17 November 2009 and found guilty by a German court on 28 September 2015 of leadership of a foreign terrorist group and aiding in war crimes. Received a 13-year sentence and is in prison in Germany as of June 2016. Re-elected FDLR President on 29 November 2014 for a 5-year term.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Ignace Murwanashyaka is the President of the FDLR, exercising influence over policies of FDLR forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in trafficking of arms, in violation of the arms embargo. He was in telephone communication with FDLR military field commanders (including during the Busurungi massacre in May 2009); he gave military orders to the high command; he was involved in coordinating the transfer of arms and ammunition to FDLR units and relaying specific instructions for use; and he managed large sums of money raised through illicit sale of natural resources in areas of FDLR control. According to the Office of the SRSG on Children and Armed Conflict, he held command responsibility as President and military commander of FDLR for recruitment and use of children by the FDLR in Eastern Congo. He was arrested by German authorities on 17 November 2009 and found guilty by a German court on 28 September 2015 of leadership of a foreign terrorist group and aiding in war crimes. He received a 13-year sentence and was in prison in Germany as of June 2016. He was re-elected as FDLR President on 29 November 2014 for a 5-year term.

17. **Straton MUSONI**

(*alias*: IO Musoni

Designation: Former FDLR Vice President

Date of Birth: a) 6 April 1961, b) 4 June 1961.

Place of Birth: Mugambazi, Kigali, Rwanda.

Nationality: Rwandan.

Date of UN designation: 29 March 2007.

Other information: Arrested by German authorities on 17 November 2009, found guilty in a German court on 28 September 2015 of leadership of a foreign terrorist group, and received an 8-year sentence. Musoni was released from prison immediately after the trial, having served over 5 years of his sentence.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Straton Musoni was Vice President of the FDLR, a foreign armed group operating in the DRC. He impeded the disarmament and voluntary repatriation or resettlement of combatants belonging to those groups, in breach of resolution 1649 (2005). He was arrested by German authorities on 17 November 2009, found guilty in a German court on 28 September 2015 of leadership of a foreign terrorist group, and received an 8-year sentence. He was released from prison immediately after the trial, having served over 5 years of his sentence.

18. **Jules MUTEBUTSI**

(*alias*: a) Jules Mutebusi, b) Jules Mutebuzi, c) Colonel Mutebutsi

Date of Birth: 1964.

Place of Birth: Minembwe, South Kivu, Democratic Republic of the Congo.

Nationality: Congolese.

Date of UN designation: 1 November 2005.

Other information: Former FARDC Deputy Military Regional Commander of 10th Military Region in April 2004, dismissed for indiscipline. In December 2007, he was arrested by Rwandan authorities when he tried to cross the border into the DRC. Reported to have died in Kigali on 9 May 2014.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Jules Mutebutsi joined forces with other renegade elements of former RCD-G to take the town of Bukavu in May 2004 by force. He was implicated in the receipt of weapons outside of FARDC structures and the provision of supplies to armed groups and militia mentioned in paragraph 20 of Res. 1493 (2003), in violation of the arms embargo. He was the FARDC Deputy Military Regional Commander of the 10th Military Region until April 2004, when he was dismissed for indiscipline. In December 2007, he was arrested by Rwandan authorities when he tried to cross the border into the DRC. He was reported to have died in Kigali on 9 May 2014.

20. **Mathieu Chui NGUDJOLO**

(*alias*: Cui Ngudjolo

Nationality: Congolese.

Address: Democratic Republic of the Congo

Date of birth: 8 October 1970.

Place of birth: Bunia, Ituri Province, Democratic Republic of the Congo

Date of UN designation: 1 November 2005.

Other information: Arrested by MONUC in Bunia in October 2003. Surrendered by the Government of the DRC to the International Criminal Court on 7 February 2008. Acquitted of all charges by the ICC in December 2012, and the verdict was upheld by the Appeals Chamber on 27 February 2015. Ngudjolo filed a claim for asylum in the Netherlands, but was denied. He was deported to the DRC on 11 May 2015.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Mathieu Chui Ngudjolo was the Chief of Staff of the FRPI, exercising influence over policies and maintaining command and control the activities of FRPI forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), responsible for trafficking of arms, in violation of the arms embargo. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children under 15 years old in Ituri in 2006. He was arrested by MONUC in Bunia in October 2003. The Government of the DRC subsequently transferred him to the International Criminal Court on 7 February 2008. He was acquitted of all charges by the ICC in December 2012, and the verdict was upheld by the Appeals Chamber on 27 February 2015. Ngudjolo filed a claim for asylum in the Netherlands, but was denied. He was deported to the DRC on 11 May 2015.

21. Floribert Ngabu NJABU

(*alias*: a) Floribert Njabu Ngabu, b) Floribert Ndjabu, c) Floribert Ngabu Ndjabu

Nationality: Congolese, Democratic Republic of the Congo; passport No OB 0243318

Date of birth: 23 May 1971.

Date of UN designation: 1 November 2005.

Other information: Under house arrest in Kinshasa since March 2005 for FNI involvement in human rights abuses. Transferred to The Hague on 27 March 2011 to testify in the ICC Germain Katanga and Mathieu Ngudjolo trials. Applied for asylum in the Netherlands in May 2011. In October 2012, a Dutch court denied his asylum claim. In July 2014, he was deported from the Netherlands to DRC, where he was placed under arrest.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

President of FNI, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo. Under house arrest in Kinshasa since March 2005 for FNI involvement in human rights abuses. Transferred to The Hague on 27 March 2011 to testify in the ICC Germain Katanga and Mathieu Ngudjolo trials. Applied for asylum in the Netherlands in May 2011. In October 2012, a Dutch court denied his asylum claim; the case is currently on appeal.

23. Felicien NSANZUBUKIRE

(*alias*: Fred Irakeza

Designation: a) FDLR-FOCA Subsector Commander, b) FDLR-FOCA Colonel

Address: South Kivu Province, Democratic Republic of the Congo (As of June 2016).

Date of Birth: 1967.

Place of Birth: a) Murama, Kigali, Rwanda, b) Rubungo, Kigali, Rwanda, c) Kinyinya, Kigali, Rwanda.

Nationality: Rwandan.

Date of UN designation: 1 December 2010.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Felicien Nsanzubukire supervised and coordinated the trafficking of ammunition and weapons between at least November 2008 and April 2009 from the United Republic of Tanzania, via Lake Tanganyika, to FDLR units based in the Uvira and Fizi areas of South Kivu. As of January 2016, Nsanzubukire was an FDLR FOCA Subsector Commander in South Kivu province and held the rank of Colonel.

24. Pacifique NTAWUNGUKA

(*alias*: a) Pacifique Ntawungula, b) Colonel Omega, c) Nzeri, d) Israel)

Designation: a) FDLR-FOCA "SONOKI" Sector Commander, b) FDLR-FOCA Brigadier General,

Address: Rutshuru Territory, North Kivu, Democratic Republic of the Congo (As of June 2016).

Date of Birth: a) 1 January 1964, b) Approximately 1964.

Place of Birth: Gaseke, Gisenyi Province, Rwanda.

Nationality: Rwandan.

Date of UN designation: 3 March 2009.

Other information: Received military training in Egypt.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Pacifique Ntawunguka was the commander of the First Division of FOCA, the armed wing of the FDLR. As military leader of a foreign armed group operating in the Democratic Republic of the Congo, he impeded the disarmament and the voluntary repatriation and resettlement of combatants, in violation of Security Council resolution 1857 (2008) OP 4 (b). In evidence collated by the UNSC DRC Sanctions Committee Group of Experts, detailed in its report of 13 February 2008, girls recovered from FDLR-FOCA had previously been abducted and sexually abused. Since mid-2007, FDLR-FOCA, which previously recruited boys in their mid to late teens, has been forcefully recruiting youth from the age of 10 years. The youngest are then used as escorts, and older children are deployed as soldiers on the frontline, in violation of Security Council resolution 1857 (2008) OP4 (d) and (e). Received military training in Egypt.

As of mid-2016, Ntawunguka was the FDLR-FOCA "SONOKI" Sector Commander in North Kivu province.

26. Stanislas NZEYIMANA

(*alias*: a) Deogratias Bigaruka Izabayoy, b) Izabayoy Deo, c) Jules Mateso Mlamba, d) Bigaruka, e) Bigurura

Designation: Former FDLR-FOCA Deputy Commander.

Date of Birth: a) 1 January 1966 b) 28 August 1966 c) Approximately 1967.

Place of Birth: Mugusa, Butare, Rwanda.

Nationality: Rwandan.

Date of UN designation: 3 March 2009.

Other information: Disappeared while in Tanzania in early 2013. Whereabouts unknown as of June 2016.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Stanislas Nzeyimana was Deputy Commander of FOCA, the armed branch of the FDLR. As military leader of a foreign armed group operating in the Democratic Republic of the Congo, he impeded the disarmament and the voluntary repatriation and resettlement of combatants, in violation of Security Council resolution 1857 (2008) OP 4 (b). In evidence collated by the UNSC DRC Sanctions Committee Group of Experts, detailed in its report of 13 February 2008, girls recovered from FDLR-FOCA had previously been abducted and sexually abused. Since mid-2007, FDLR-FOCA, which previously recruited boys in their mid to late teens, has been forcefully recruiting youth from the age of 10 years. The youngest are then used as escorts, and older children are deployed as soldiers on the frontline, in violation of Security Council resolution 1857 (2008) OP4 (d) and (e).

Nzeyimana disappeared in Tanzania in early 2013, and his whereabouts were unknown as of June 2016.

28. Jean-Marie Lugerero RUNIGA

(*alias*: Jean-Marie Rugerero

Designation: M23, President.

Address: Rubavu/Mudende, Rwanda.

Date of Birth: a) Approximately 1960, b) 9 September 1966.

Place of Birth: Bukavu, Democratic Republic of the Congo.

Date of UN designation: 31 December 2012.

Other information: Entered the Republic of Rwanda on 16 March 2013. As of 2016, residing in Rwanda. Participated in the creation of a new Congolese political party in June 2016, the *Alliance pour le Salut du Peuple* (ASP).

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

A 9 July 2012 document signed by M23 leader Sultani Makenga named Runiga as the coordinator of the political wing of M23. According to the document, Runiga's appointment was prompted by the need to ensure the visibility of the M23 cause. Runiga was also named as the President of the M23 in postings on the group's website. His leadership role was corroborated by the November 2012 Group of Experts report, which refers to Runiga as the leader of the M23.

According to the 15 November 2012 Final Report of the Group of Experts, Runiga led a delegation that travelled to Kampala, Uganda on 29 July 2012 and finalised the M23 movement's 21-point agenda ahead of anticipated negotiations at the International Conference on the Great Lakes Region. According to a 23 November 2012 BBC article, M23 was formed when former members of the CNDP who had been integrated into the FARDC began to protest against bad conditions and pay, and lack of full implementation of the 23 March 2009 peace deal between the CNDP and the DRC that led to the CNDP's integration into the FARDC. M23 was engaged in active military operations in order to take control of territory in eastern DRC, according to the November 2012 IPIS report. M23 and FARDC fought over control of several towns and villages in eastern DRC on 24 and 25 July 2012; M23 attacked the FARDC in Rumangabo on 26 July 2012; M23 drove FARDC from Kibumba on 17 November 2012; and M23 took control of Goma on 20 November 2012. According to the November 2012 Group of Experts report, several ex-M23 combatants claim that M23 leaders summarily executed dozens of children who attempted to escape after being recruited as M23 child soldiers. According to an 11 September 2012 report by Human Rights Watch (HRW), a Rwandan man, 18, who escaped after being forcibly recruited in Rwanda told HRW that he witnessed the execution of a 16-year old boy from his M23 unit who had tried to flee in June. The boy was captured and beaten to death by M23 fighters in front of the other recruits. An M23 commander who ordered his killing then allegedly told the other recruits "[h]e wanted to abandon us," as an explanation for why the boy had been killed. The report also states that witnesses claimed that at least 33 new recruits and other M23 fighters were summarily executed when they attempted to flee. Some were tied up and shot in front of other recruits as an example of the punishment they could receive. One young recruit told HRW, "[w]hen we were with M23, they said [we had a choice] and could stay with them or we could die. Lots of people tried to escape. Some were found and then that was immediately their death".

Runiga entered the Republic of Rwanda on 16 March 2013, at Gasizi/Rubavu. As of mid-2016, Runiga resided in Rwanda. In June 2016, he participated in the creation of the new Congolese political party, the Alliance pour le Salut du Peuple (ASP).

30. **Bosco TAGANDA**

(*alias*: a) Bosco Ntaganda, b) Bosco Ntagenda, c) General Taganda, d) Lydia (When he was part of APR, e) Terminator, f) Tango Romeo (Call sign), g) Romeo (Call sign), h) Major

Address: The Hague, Netherlands (as of June 2016)

Date of Birth: Between 1973 and 1974.

Place of Birth: Bigogwe, Rwanda.

Nationality: Congolese.

Date of UN designation: 1 November 2005.

Other information: Born in Rwanda, he moved to Nyamitaba, Masisi territory, North Kivu, when he was a child. Nominated FARDC Brigadier-General by Presidential Decree on 11 December 2004, following Ituri peace agreements. Formerly Chief of Staff in CNDP and became CNDP military commander since the arrest of Laurent Nkunda in January 2009. Since January 2009, de facto Deputy Commander of consecutive anti-FDLR operations "Umoja Wetu", "Kimia II", and "Amani Leo" in North and South Kivu. Entered Rwanda in March 2013, and voluntarily surrender to ICC officials in Kigali on March 22. Transferred to the ICC in The Hague, Netherlands. On 9 June 2014, ICC confirmed 13 charges of war crimes and five charges of crimes against humanity against him; the trial started in September 2015.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Bosco Taganda was the UPC/L military commander, exercising influence over policies and maintaining command and control over the activities of UPC/L, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo. He was appointed General in the FARDC in December 2004, but refused to accept the promotion, therefore remaining outside of the FARDC. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children in Ituri in 2002 and 2003, and 155 cases of direct and/or command responsibility for recruitment and use of children in North Kivu from 2002 to 2009. As CNDP Chief of Staff, he had direct and command responsibility for the massacre at Kiwanja in November 2008.

Born in Rwanda, he moved to Nyamitaba in Masisi territory of North Kivu province when he was a child. In June 2011, he resided in Goma and owned large farms in Ngungu area of Masisi territory in North Kivu province. He was nominated FARDC Brigadier-General by Presidential Decree on 11 December 2004, following Ituri peace agreements. He was Chief of Staff in the CNDP and then became the CNDP military commander after the arrest of Laurent Nkunda in January 2009. Starting in January 2009, he was de facto Deputy Commander of consecutive anti-FDLR operations Umoja Wetu, Kimia II, and Amani Leo in North and South Kivu provinces. He entered Rwanda in March 2013, voluntarily surrendered to ICC officials in Kigali on March 22 and was subsequently transferred to the ICC in The Hague, Netherlands. On 9 June 2014, the ICC confirmed 13 charges of war crimes and five charges of crimes against humanity against him. The trial started in September 2015;

(b) list of entities referred to in Articles 2 and 2a.

1. ADF (Allied Democratic Forces)

(Alias: a) Forces Démocratiques Alliées-Armée Nationale de Libération de l'Ouganda; b) ADF/NALU c) NALU

Address: North Kivu Province, Democratic Republic of the Congo.

Date of UN designation: 30 June 2014.

Other Information: ADF founder and leader, Jamil Mukulu, was arrested in Dar es Salaam, Tanzania in April 2015. He was subsequently extradited to Kampala, Uganda in July 2015. As of June 2016, Mukulu is reportedly being held in a police detention cell awaiting his trial.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

The Allied Democratic Forces (ADF) was created in 1995 and is located in the mountainous DRC-Uganda border area. According to the United Nations Group of Experts on the Democratic Republic of the Congo's ("GoE") 2013 final report, citing Ugandan officials and UN sources, in 2013 the ADF had an estimated strength of 1 200 to 1 500 armed fighters located in north-east Beni Territory of North Kivu province, close to the border with Uganda. These same sources estimate ADF's total membership — including women and children — to be between 1 600 and 2 500. Due to offensive military operations by the Congolese Armed Forces (FARDC) and the UN Organization Stabilization Mission in the DRC (MONUSCO) conducted in 2013 and 2014, ADF dispersed its fighters to numerous smaller bases, and moved women and children to areas west of Beni, and along the Ituri-North Kivu border. The ADF's military commander is Hood Lukwago and its supreme leader is the sanctioned individual Jamil Mukulu.

The ADF has committed serious violations of international law and UNSCR 2078 (2012), including as detailed below.

The ADF has recruited and used child soldiers in violation of applicable international law (UNSCR paragraph 4 (d)).

The GoE's 2013 final report stated that the GoE interviewed three former ADF fighters who had escaped during 2013 and who described how ADF recruiters in Uganda lure people to the DRC with false promises of employment (for adults) and free education (for children) and then force them to join the ADF. Also according to the GoE's report, former ADF fighters told the GoE that the ADF's training groups typically include adult men and boys and two boys who escaped from the ADF in 2013 told the GoE that they had received military training from the ADF. The GoE report also includes an account of ADF's training by a "former ADF child soldier".

According to the GoE's 2012 final report, the ADF recruits include children, as exemplified by the case of an ADF recruiter who was captured by Ugandan authorities in Kasese with six young boys on his way to the DRC in July 2012.

A specific example of the ADF's recruitment and use of children is seen in a 6 January 2009 letter from the former Africa Director for Human Rights Watch, Georgette Gagnon, to Uganda's former Minister of Justice, Kiddhu Makubuyu, stating that a boy named Bushobozi Iumba was abducted at 9 years of age by the ADF in 2000. He was required to provide transport and other services to ADF fighters.

In addition, "The Africa Report" cited allegations that the ADF is allegedly recruiting children as young as 10 years of age as child soldiers and cited a Uganda People's Defence Force (UPDF) spokesperson as stating that the UPDF rescued 30 children from a training camp on Buvuma Island in Lake Victoria.

The ADF has also committed numerous violations of international human rights and international humanitarian law against women and children, including killing, maiming, and sexual violence (UNSCR paragraph 4 (e)).

According to the GoE 2013 final report, in 2013 the ADF attacked numerous villages, which prompted more than 66 000 people to flee into Uganda. These attacks depopulated a large area, which ADF has since controlled by abducting or killing people who return to their villages. Between July and September 2013, ADF decapitated at least five people in the Kamango area, shot several others, and kidnapped dozens more. These actions terrorised the local population and deterred people from returning home.

The Global Horizontal Note, a monitoring and reporting mechanism of grave violations against children in situations of armed conflict, reported to the Security Council's Working Group on Children and Armed Conflict (CAAC) that during the October to December 2013 reporting period, ADF was responsible for 14 of the 18 child casualties documented, including in an incident on 11 December 2013, in Beni territory, North Kivu, when ADF attacked the village of Musuku, killing 23 people, including 11 children (three girls and eight boys), aged 2 months to 17 years. All victims had all been severely mutilated with machetes, including two children who survived the attack.

The March 2014 Report of the Secretary-General on Conflict Related Sexual Violence identifies the "Allied Democratic Forces — National Army for the Liberation of Uganda" on its list of "Parties credibly suspected of committing or being responsible for rape or other forms of sexual violence in situations of armed conflict".

The ADF has also participated in attacks against MONUSCO peacekeepers (UNSCR paragraph 4 (i)).

Finally, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) reported that ADF has conducted at least two attacks on MONUSCO peacekeepers. The first, on 14 July 2013, was an attack on a MONUSCO patrol on the road between Mbau and Kamango. This attack is detailed in the 2013 GoE final report. The second attack occurred on 3 March 2014. A MONUSCO vehicle was attacked with grenades 10 kilometres from the Mavivi airport in Beni, resulting in injuries to five peacekeepers.

ADF founder and leader, Jamil Mukulu (CDi.015), was arrested in Dar es Salaam, Tanzania in April 2015. He was subsequently extradited to Kampala, Uganda in July 2015. As of June 2016, he is being held in a police detention cell awaiting his trial.'

COMMISSION IMPLEMENTING REGULATION (EU) 2017/200
of 1 February 2017
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

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, 1 February 2017.

For the Commission,

On behalf of the President,

Stephen QUEST

Director-General

Directorate-General for Taxation and Customs Union

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>An electrical apparatus using Digital Audio Broadcasting (DAB) and Frequency Modulation (FM) technology for radio broadcast reception. Its overall dimensions are approximately 115 × 180 × 120 mm and it is capable of operating without an external source of power.</p> <p>The apparatus is equipped with a built-in loudspeaker, Bluetooth/Advanced Audio Distribution Profile (A2DP) (which allows the apparatus to make sound audible wirelessly from sound-reproducing devices (e.g. MP3 players) that are also equipped with Bluetooth/A2DP profile), a socket for connection to headphones, and a socket for connection to an external power adaptor.</p>	8527 19 00	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 3 to Section XVI, and by the wording of CN codes 8527 and 8527 19 00.</p> <p>Apart from the function of radio broadcast reception, the apparatus receives, converts and transmits data (via the A2DP profile), which is a function covered by heading 8517 (see Commission Implementing Regulation (EU) 2016/2224 ⁽¹⁾). Therefore, the apparatus cannot be considered to be combined with a sound-reproducing apparatus (function of heading 8519).</p> <p>The apparatus is therefore to be classified as a radio-broadcast receiver not combined with a sound-reproducing apparatus under CN code 8527 19 00.</p>

⁽¹⁾ Commission Implementing Regulation (EU) 2016/2224 of 5 December 2016 concerning the classification of certain goods in the Combined Nomenclature (OJ L 336, 10.12.2016, p. 22).

COMMISSION IMPLEMENTING REGULATION (EU) 2017/201**of 6 February 2017****amending Regulation (EU) No 37/2010 to classify the substance fluralaner as regards its maximum residue limit****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and the Council ⁽¹⁾, and in particular Article 14 in conjunction with Article 17 thereof,

Having regard to the opinion of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

- (1) Article 17 of Regulation (EC) No 470/2009 requires that the maximum residue limit (MRL) for pharmacologically active substances intended for use in the Union in veterinary medicinal products for food-producing animals or in biocidal products used in animal husbandry is established in a Regulation.
- (2) Table 1 of the Annex to Commission Regulation (EU) No 37/2010 ⁽²⁾ sets out the pharmacologically active substances and their classification regarding MRLs in foodstuffs of animal origin.
- (3) The substance fluralaner is not included in that table.
- (4) An application for the establishment of MRLs for fluralaner in chicken has been submitted to the European Medicines Agency (EMA).
- (5) The EMA, based on the opinion of the Committee for Medicinal Products for Veterinary Use, has recommended the establishment of an MRL for fluralaner in chicken tissues and eggs.
- (6) According to Article 5 of Regulation (EC) No 470/2009, the EMA is to consider using MRLs established for a pharmacologically active substance in a particular foodstuff for another foodstuff derived from the same species, or MRLs established for a pharmacologically active substance in one or more species for other species.
- (7) The EMA has considered that the extrapolation of the MRL for fluralaner from chicken tissues and eggs to the tissues and eggs of other poultry species is appropriate.
- (8) Regulation (EU) No 37/2010 should therefore be amended accordingly.
- (9) It is appropriate to grant the stakeholders concerned a reasonable period of time to take measures that may be required to comply with the new MRL.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

⁽¹⁾ OJ L 152, 16.6.2009, p. 11.

⁽²⁾ Commission Regulation (EU) No 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin (OJ L 15, 20.1.2010, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 37/2010 is amended as set out in the Annex to this Regulation.

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*.

It shall apply from 8 April 2017.

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

Done at Brussels, 6 February 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Table 1 of the Annex to Regulation (EU) No 37/2010, an entry for the following substance is inserted in alphabetical order:

Pharmacologically active Substance	Marker residue	Animal Species	MRL	Target Tissues	Other Provisions (according to Article 14(7) of Regulation (EC) No 470/2009)	Therapeutic Classification
'Fluralaner	Fluralaner	Poultry	65 µg/kg 650 µg/kg 650 µg/kg 420 µg/kg 1 300 µg/kg	Muscle Skin and fat in natural proportions Liver Kidney Eggs	NO ENTRY	Antiparasitic agents/Agents against ectoparasites'

COMMISSION IMPLEMENTING REGULATION (EU) 2017/202**of 6 February 2017****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, 6 February 2017.

*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	117,0
	TN	311,6
	TR	152,5
	ZZ	193,7
0707 00 05	MA	80,2
	TR	190,4
	ZZ	135,3
0709 91 00	EG	181,2
	ZZ	181,2
0709 93 10	MA	127,5
	TR	232,8
	ZZ	180,2
0805 10 22, 0805 10 24, 0805 10 28	EG	42,1
	IL	80,5
	MA	45,8
	TN	56,1
	TR	75,5
	ZZ	60,0
	EG	91,5
0805 21 10, 0805 21 90, 0805 29 00	IL	128,4
	JM	112,4
	MA	89,0
	TR	86,0
	ZZ	101,5
	IL	92,6
	MA	87,8
0805 50 10	ZZ	90,2
	EG	85,5
	TR	82,0
0808 10 80	ZZ	83,8
	CN	139,4
	US	205,0
0808 30 90	ZZ	172,2
	CN	112,5
	TR	154,0
	ZA	115,1
	ZZ	127,2

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

DECISIONS

COUNCIL IMPLEMENTING DECISION (CFSP) 2017/203

of 6 February 2017

implementing Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures against the Democratic Republic of the Congo and repealing Common Position 2008/369/CFSP ⁽¹⁾, and in particular Article 6 thereof,

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

Whereas:

- (1) On 20 December 2010, the Council adopted Decision 2010/788/CFSP.
- (2) On 13 and 19 October 2016, the United Nations Security Council Committee, established pursuant to United Nations Security Council Resolution 1533 (2004), updated the identifying information relating to 21 persons and one entity subject to restrictive measures.
- (3) Annex I to Decision 2010/788/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 2010/788/CFSP is hereby amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 6 February 2017.

For the Council

The President

F. MOGHERINI

⁽¹⁾ OJ L 336, 21.12.2010, p. 30.

ANNEX

The entries concerning the persons and entities listed below are replaced by the following entries:

'a) list of persons referred to in Article 3(1)

1. Eric BADEGE

Date of Birth: 1971.

Nationality: Congolese.

Date of UN designation: 31 December 2012.

Address: Rwanda (as of early 2016).

Other information: He fled to Rwanda in March 2013 and is still living there as of early 2016.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Eric Badege was a Lieutenant Colonel and focal point for M23 in Masisi and commanded certain operations that destabilised parts of Masisi territory in North Kivu province. As a military commander of M23, Badege was responsible for serious violations involving the targeting of children or women in situations of armed conflict. After May 2012, Raia Mutomboki, under the command of M23, killed hundreds of civilians in a series of coordinated attacks. In August 2012, Badege carried out joint attacks which involved the indiscriminate killing of civilians. These attacks were jointly orchestrated by Badege and Colonel Makoma Semivumbi Jacques. Former M23 combatants claimed that M23 leaders summarily executed dozens of children who attempted to escape after being recruited as M23 child soldiers.

According to an 11 September 2012 report by Human Rights Watch (HRW), a Rwandan man, 18, who escaped after being forcibly recruited in Rwanda told HRW that he witnessed the execution of a 16-year old boy from his M23 unit who had tried to flee in June. The boy was captured and beaten to death by M23 fighters in front of the other recruits. An M23 commander who ordered his killing then allegedly told the other recruits "[h]e wanted to abandon us," as an explanation for why the boy had been killed. The report also states that witnesses claimed that at least 33 new recruits and other M23 fighters were summarily executed when they attempted to flee. Some were tied up and shot in front of other recruits as an example of the punishment they could receive. One young recruit told HRW, "[w]hen we were with M23, they said [we had a choice] and could stay with them or we could die. Lots of people tried to escape. Some were found and then that was immediately their death".

Badege fled to Rwanda in March 2013 and was living there as of early 2016.

2. Frank Kakolele BWAMBALE

(*alias*: a) FRANK KAKORERE b) FRANK KAKORERE BWAMBALE c) AIGLE BLANC)

Designation: FARDC General.

Nationality: Congolese.

Date of UN designation: 1 November 2005.

Address: Kinshasa, Democratic Republic of the Congo (as of June 2016).

Other information: Left the CNDP in January 2008. As of June 2011, resides in Kinshasa. Since 2010, Kakolele has been involved in activities apparently on behalf of the DRC government's Programme de Stabilisation et Reconstruction des Zones Sortant des Conflits Armés (STAREC), including participation in a STAREC mission to Goma and Beni in March 2011. DRC authorities arrested him in December 2013 in Beni, North Kivu Province, for allegedly blocking the DDR process. He left the DRC and lived in Kenya for some time, before being called back by the DRC Government to assist them with the situation in the Territory of Beni. He was arrested in October 2015 in the area of Mambasa for allegedly supporting a Mai Mai group, but no charges were brought and as of June 2016, he lived in Kinshasa.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Frank Kakolele Bwambale was the RCD-ML leader, exercising influence over policies and maintaining command and control over the activities of RCD-ML forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), responsible for trafficking of arms, in violation of the arms embargo. He left the CNDP in January 2008. Starting in 2010, Kakolele was involved in activities apparently on behalf of the DRC government's Programme de Stabilisation et Reconstruction des Zones Sortant des Conflits Armés (STAREC), including participation in a STAREC mission to Goma and Beni in March 2011.

He left the DRC and lived in Kenya for some time before being called back by the DRC Government to assist with the situation in the Territory of Beni. He was arrested in October 2015 near Mambasa for allegedly supporting a Mai Mai group, but no charges were brought. As of June 2016, Kakolele lived in Kinshasa.

3. **Gaston IYAMUREMYE**

(*alias*: a) Byiringiro Victor Rumuli, b) Victor Rumuri, c) Michel Byiringiro, d) Rumuli)

Designation: a) FDLR Interim President, b) FDLR-FOCA 1st Vice-President; c) FDLR-FOCA Major General.

Address: North Kivu Province, Democratic Republic of the Congo (as of June 2016).

Date of Birth: 1948.

Place of Birth: a) Musanze District, Northern Province, Rwanda, b) Ruhengeri, Rwanda.

Nationality: Rwandan.

Date of UN designation: 1 December 2010.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Gaston Iyamuremye is the 1st Vice-President of the FDLR, as well as the interim President. He also has the rank of Major General in the FDLR's armed wing, called FOCA. As of June 2016, Iyamuremye is in North Kivu province of the Democratic Republic of the Congo.

4. **Innocent KAINA**

(*alias* a): Colonel Innocent KAINA, b): India Queen)

Designation: Former M23 Deputy Commander.

Address: Uganda (as of early 2016).

Date of birth: November 1973.

Place of Birth: Bunagana, Rutshuru territory, Democratic Republic of the Congo.

Date of UN designation: 30 November 2012.

Other information: Became M23 deputy commander after the flight of Bosco Taganda's faction to Rwanda in March 2013. Fled to Uganda in November 2013. In Uganda as of early 2016.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Innocent Kaina was Sector and then Deputy Commander in the Mouvement du 23 Mars (M23). He was responsible for and committed serious violations of international law and human rights. In July 2007, the Garrison Military Tribunal of Kinshasa found Kaina responsible for crimes against humanity committed in the District of Ituri between May 2003 and December 2005. He was released in 2009 as part of the peace agreement between the Congolese government and the CNDP. Within the FARDC in 2009, he was guilty of executions, abductions and maiming in Masisi territory. As a commander under the orders of General Taganda, he initiated the ex-CNDP mutiny in Rutshuru territory in April 2012. He ensured the security of the mutineers out of Masisi. Between May and August 2012, he oversaw the recruitment and training of over 150 children for the M23 rebellion, shooting the boys who had tried to escape. In July 2012, he travelled to Berunda and Degho for mobilisation and recruitment activities for the M23. Kaina fled to Uganda in November 2013 and was still there as of early 2016.

6. **Germain KATANGA**

Nationality: Congolese.

Date of birth: 28 April 1978.

Place of birth: Mambasa, Ituri Province, Democratic Republic of the Congo.

Address: Democratic Republic of the Congo (in prison).

Date of UN designation: 1 November 2005.

Other information: Appointed General in the FARDC in December 2004. Handed over by the Government of the DRC to the International Criminal Court on 18 October 2007. Initially convicted on 23 May 2014 by the ICC to 12 years in prison for war crimes and crimes against humanity, the ICC Appeals Chamber reduced his sentence and determined that Katanga's sentence should be completed on 18 January 2016. Although he was detained in the Netherlands for the duration of his trial, Katanga was transferred to a DRC prison in December 2015 and charged for other crimes previously committed in Ituri.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Germain Katanga was the Commander of the FRPI. He was involved in weapons transfers, in violation of the arms embargo. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children in Ituri from 2002 to 2003. He was appointed General in the FARDC in December 2004. He was handed over by the Government of the DRC to the International Criminal Court on 18 October 2007. Initially convicted on 23 May 2014 by the ICC to 12 years in prison for war crimes and crimes against humanity, ICC Appeals Chamber reduced his sentence and determined that his sentence should be completed on 18 January 2016. Although he was detained in the Netherlands for the duration of his trial, Katanga was transferred to a DRC prison in December 2015 and charged for crimes previously committed in Ituri.

7. **Thomas LUBANGA**

Place of Birth: Ituri, Democratic Republic of the Congo.

Nationality: Congolese.

Address: Democratic Republic of the Congo (in prison).

Date of UN designation: 1 November 2005.

Other information: Arrested in Kinshasa in March 2005 for UPC/L involvement in human rights abuses violations. Transferred to the ICC on 17 March 2006. Convicted by the ICC in March 2012 and sentenced to 14 years in prison. On 1 December 2014, ICC appeals judges upheld Lubanga's conviction and sentence. Transferred to a prison facility in the DRC on 19 December 2015 to serve out his sentence of imprisonment.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Thomas Lubanga was the President of the UPC/L, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children in Ituri from 2002 to 2003. He was arrested in Kinshasa in March 2005 for UPC/L involvement in human rights abuses violations and transferred to the ICC by the DRC authorities on 17 March 2006. He was convicted by the ICC in March 2012 and sentenced to 14 years in prison. On 1 December 2014, ICC appeals judges upheld the conviction and sentence. He was transferred to a prison facility in the DRC on 19 December 2015 to serve out his sentence of imprisonment.

9. **Khawa Panga MANDRO**

(*alias*: a) Kawa Panga, b) Kawa Panga Mandro, c) Kawa Mandro, d) Yves Andoul Karim, e) Mandro Panga Kahwa, f) Yves Khawa Panga Mandro, g) Chief Kahwa, h) Kawa)

Date of Birth: 20 August 1973.

Place of Birth: Bunia, Democratic Republic of the Congo.

Address: Uganda (as of May 2016).

Nationality: Congolese.

Date of UN designation: 1 November 2005.

Other information: Placed in prison in Bunia in April 2005 for sabotage of the Ituri peace process. Arrested by Congolese authorities in October 2005, acquitted by the Court of Appeal in Kisangani, subsequently transferred to the judicial authorities in Kinshasa on new charges of crimes against humanity, war crimes, murder, aggravated assault and battery. In August 2014, a DRC military court in Kisangani convicted him of war crimes and crimes against humanity, sentenced him to 9 years in prison, and ordered him to pay approximately \$ 85 000 to his victims. He served his sentence and resides in Uganda as of May 2016.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Khawa Panga Mandro was the President of PUSIC, one of the armed groups and militia referred to in paragraph 20 of Res. 1493 (2003) involved in arms trafficking, in violation of the arms embargo. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children from 2001 to 2002. He was put in prison in Bunia in April 2005 for sabotage of the Ituri peace process. He was arrested by Congolese authorities in October 2005, acquitted by the Court of Appeal in Kisangani, and subsequently transferred to the judicial authorities in Kinshasa on new charges of crimes against humanity, war crimes, murder, aggravated assault and battery. In August 2014, a DRC military court in Kisangani convicted him of war crimes and crimes against humanity, sentenced him to 9 years in prison, and ordered him to pay approximately \$ 85 000 to his victims. He served his sentence and resided in Uganda as of May 2016.

10. **Callixte MBARUSHIMANA**

Designation: FDLR Executive Secretary.

Date of Birth: 24 July 1963.

Place of Birth: Ndusu/Ruhengeri, Northern Province, Rwanda.

Nationality: Rwandan.

Date of UN designation: 3 March 2009.

Other information: Arrested in Paris on 3 October 2010 under ICC warrant for war crimes and crimes against humanity committed by FDLR troops in the Kivus in 2009. Transferred to The Hague on 25 January 2011 and released by the ICC in late 2011. Elected FDLR Executive Secretary on 29 November 2014 for a 5-year term.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Callixte Mbarushimana was Executive Secretary of the FDLR and Vice-President of the FDLR military high command until his arrest. As a political/military leader of a foreign armed group operating in the Democratic Republic of the Congo, he impeded the disarmament and the voluntary repatriation and resettlement of combatants, per Security Council resolution 1857 (2008) OP 4 (b). He was arrested in Paris on 3 October 2010 under ICC warrant for war crimes and crimes against humanity committed by FDLR troops in the Kivus in 2009. He was transferred to The Hague on 25 January 2011, but released in late 2011. He was re-elected FDLR Executive Secretary on 29 November 2014 for a 5-year term.

12. **Sylvestre MUDACUMURA**

(*alias*: a) Mupenzi Bernard, b) General Major Mupenzi, c) General Mudacumura, d) Pharaoh, e) Radja)

Designation: a) FDLR-FOCA Commander, b) FDLR-FOCA Lieutenant General.

Date of birth: 1954.

Place of birth: Cellule Ferege, Gatumba sector, Kibilira commune, Gisenyi prefecture, Rwanda.

Address: North Kivu Province, Democratic Republic of the Congo (as of June 2016).

Nationality: Rwandan.

Date of UN designation: 1 November 2005.

Other information: the International Criminal Court issued an arrest warrant for Mudacumura on 12 July 2012 for nine counts of war crimes, including attacking civilians, murder, mutilation, cruel treatment, rape, torture, destruction of property, pillaging and outrages against personal dignity, allegedly committed between 2009 and 2010 in the DRC.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Sylvestre Mudacumura is the Commander of FOCA, the armed wing of the FDLR, exercising influence over policies, and maintaining command and control over the activities of FDLR forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in trafficking of arms, in violation of the arms embargo. Mudacumura (or staff) was in telephone communication with FDLR leader Murwanashyaka in Germany, including at the time of the Busurungi massacre in May 2009, and military commander Major Guillaume during Umoja Wetu and Kimia II operations in 2009. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for 27 cases of recruitment and use of children by troops under his command in North Kivu from 2002 to 2007. As of mid-2016, Mudacumura was still the overall commander of the FDLR's armed wing, held the rank of Lieutenant General, and was located in North Kivu Province in the Democratic Republic of the Congo.

14. **Leopold MUJYAMBERE**

(*alias*: a) Musenyeri b) Achille c) Frere Petrus Ibrahim)

Designation: a) FDLR-FOCA Chief of Staff, b) FDLR-FOCA Interim Deputy Commander.

Address: Kinshasa, Democratic Republic of the Congo (as of June 2016).

Date of Birth: a) 17 March 1962, b) Approximately 1966.

Place of Birth: Kigali, Rwanda.

Nationality: Rwandan.

Date of UN designation: 3 March 2009.

Other information: Became acting FDLR-FOCA Deputy Commander in 2014. Captured in Goma, DRC by Congolese security services in early May 2016 and transferred to Kinshasa.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Leopold Mujyambere was Commander of the Second Division of FOCA, the armed branch of the FDLR. As military leader of a foreign armed group operating in the Democratic Republic of the Congo, he impeded the disarmament and the voluntary repatriation and resettlement of combatants, in violation of Security Council resolution 1857 (2008) OP 4 (b). In evidence collated by the UNSC DRC Sanctions Committee Group of Experts, detailed in its report of 13 February 2008, girls recovered from FDLR-FOCA had previously been abducted and sexually abused. Since mid-2007, FDLR-FOCA, which previously recruited boys in their mid to late teens, has been forcefully recruiting youth from the age of 10 years. The youngest are then used as escorts, and older children are deployed as soldiers on the frontline, in violation of Security Council resolution 1857 (2008) OP4 (d) and (e).

In June 2011, he was the FOCA Commander of the South Kivu operational sector, then called "Amazon". He was later promoted to FOCA Chief of Staff, and then acting Deputy Commander in 2014. He was captured in Goma, DRC by Congolese security services in early May 2016 and transferred to Kinshasa.

15. **Jamil MUKULU**

(*alias*: a) Steven Alirabaki, b) David Kyagulanyi, c) Musezi Talenganimiro, d) Mzee Tutu, e) Abdullah Junjuaka, f) Alilabaki Kyagulanyi, g) Hussein Muhammad, h) Nicolas Luumu, i) Julius Elius Mashauri, j) David Amos Mazengo, k) Professor Musharaf, l) Talenganimiro)

Designation: a) Head of the Allied Democratic Forces (ADF), b) Commander, Allied Democratic Forces.

Address: reportedly in prison in Uganda (as of September 2016).

Date of Birth: a) 1965, b) 1 January 1964.

Place of Birth: Ntoke Village, Ntenjeru Sub County, Kayunga District, Uganda.

Nationality: Ugandan.

Date of UN designation: 12 October 2011.

Other information: Arrested in April 2015 in Tanzania and extradited to Uganda in July 2015. As of September 2016, Mukulu is reportedly being held in a police detention cell awaiting his trial for war crimes and grave breaches of the Geneva Convention under Ugandan Law.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

According to public sources and official reports, including reports from UN sanctions committee group of experts on DRC, Mr Jamil Mukulu is the military Head of ADF, foreign armed group operating in DRC, and obstructs the disarmament, repatriation and voluntary resettlement of ADF fighters as foreseen by para. 4. b) of Resolution 1857 (2008). The UN sanctions committee group of experts on DRC reported that Jamil Mukulu provided material and human support to ADF as an armed group operating on the DRC territory. According to various sources, including reports from UN sanctions committee group of experts on DRC, Jamil Mukulu has secured funding, exerted influence on ADF policies and assumed direct responsibilities in the command and control of ADF forces, notably in supervising established links with international terrorist networks.

16. **Ignace MURWANASHYAKA**

(*alias*: Dr Ignace)

Title: Dr.

Designation: FDLR President.

Address: Germany (in prison).

Date of Birth: 14 May 1963.

Place of Birth: a) Butera, Rwanda, b) Ngoma, Butare, Rwanda.

Nationality: Rwandan.

Date of UN designation: 1 November 2005.

Other information: Arrested by German authorities on 17 November 2009 and found guilty by a German court on 28 September 2015 of leadership of a foreign terrorist group and aiding in war crimes. Received a 13-year sentence and is in prison in Germany as of June 2016. Re-elected FDLR President on 29 November 2014 for a 5-year term.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Ignace Murwanashyaka is the President of the FDLR, exercising influence over policies of FDLR forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in trafficking of arms, in violation of the arms embargo. He was in telephone communication with FDLR military field commanders (including during the Busurungi massacre in May 2009); he gave military orders to the high command; he was involved in coordinating the transfer of arms and ammunition to FDLR units and relaying specific instructions for use; and he managed large sums of money raised through illicit sale of natural resources in areas of FDLR control. According to the Office of the SRSG on Children and Armed Conflict, he held command responsibility as President and military commander of FDLR for recruitment and use of children by the FDLR in Eastern Congo. He was arrested by German authorities on 17 November 2009 and found guilty by a German court on 28 September 2015 of leadership of a foreign terrorist group and aiding in war crimes. He received a 13-year sentence and was in prison in Germany as of June 2016. He was re-elected as FDLR President on 29 November 2014 for a 5-year term.

17. **Straton MUSONI**

(*alias*: IO Musoni)

Designation: Former FDLR Vice-President.

Date of Birth: a) 6 April 1961, b) 4 June 1961.

Place of Birth: Mugambazi, Kigali, Rwanda.

Nationality: Rwandan.

Date of UN designation: 29 March 2007.

Other information: Arrested by German authorities on 17 November 2009, found guilty in a German court on 28 September 2015 of leadership of a foreign terrorist group, and received an 8-year sentence. Musoni was released from prison immediately after the trial, having served over 5 years of his sentence.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Straton Musoni was Vice-President of the FDLR, a foreign armed group operating in the DRC. He impeded the disarmament and voluntary repatriation or resettlement of combatants belonging to those groups, in breach of resolution 1649 (2005). He was arrested by German authorities on 17 November 2009, found guilty in a German court on 28 September 2015 of leadership of a foreign terrorist group, and received an 8-year sentence. He was released from prison immediately after the trial, having served over 5 years of his sentence.

18. Jules MUTEBUTSI

(*alias*: a) Jules Mutebusi, b) Jules Mutebuzi, c) Colonel Mutebutsi)

Date of Birth: 1964.

Place of Birth: Minembwe, South Kivu, Democratic Republic of the Congo.

Nationality: Congolese.

Date of UN designation: 1 November 2005.

Other information: Former FARDC Deputy Military Regional Commander of 10th Military Region in April 2004, dismissed for indiscipline. In December 2007, he was arrested by Rwandan authorities when he tried to cross the border into the DRC. Reported to have died in Kigali on 9 May 2014.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Jules Mutebutsi joined forces with other renegade elements of former RCD-G to take the town of Bukavu in May 2004 by force. He was implicated in the receipt of weapons outside of FARDC structures and the provision of supplies to armed groups and militia mentioned in paragraph 20 of Res. 1493 (2003), in violation of the arms embargo. He was the FARDC Deputy Military Regional Commander of the 10th Military Region until April 2004, when he was dismissed for indiscipline. In December 2007, he was arrested by Rwandan authorities when he tried to cross the border into the DRC. He was reported to have died in Kigali on 9 May 2014.

20. Mathieu Chui NGUDJOLO

(*alias*: Cui Ngudjolo)

Nationality: Congolese.

Address: Democratic Republic of the Congo.

Date of birth: 8 October 1970.

Place of birth: Bunia, Ituri Province, Democratic Republic of the Congo.

Date of UN designation: 1 November 2005.

Other information: Arrested by MONUC in Bunia in October 2003. Surrendered by the Government of the DRC to the International Criminal Court on 7 February 2008. Acquitted of all charges by the ICC in December 2012, and the verdict was upheld by the Appeals Chamber on 27 February 2015. Ngudjolo filed a claim for asylum in the Netherlands, but was denied. He was deported to the DRC on 11 May 2015.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Mathieu Chui Ngudjolo was the Chief of Staff of the FRPI, exercising influence over policies and maintaining command and control the activities of FRPI forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), responsible for trafficking of arms, in violation of the arms embargo. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children under 15 years old in Ituri in 2006. He was arrested by MONUC in Bunia in October 2003. The Government of the DRC subsequently transferred him to the International Criminal Court on 7 February 2008. He was acquitted of all charges by the ICC in December 2012, and the verdict was upheld by the Appeals Chamber on 27 February 2015. Ngudjolo filed a claim for asylum in the Netherlands, but was denied. He was deported to the DRC on 11 May 2015.

21. Floribert Ngabu NJABU

(*alias*: a) Floribert Njabu Ngabu, b) Floribert Ndjabu, c) Floribert Ngabu Ndjabu)

Nationality: Congolese, Democratic Republic of the Congo; passport No OB 0243318.

Date of birth: 23 May 1971.

Date of UN designation: 1 November 2005.

Other information: Under house arrest in Kinshasa since March 2005 for FNI involvement in human rights abuses. Transferred to The Hague on 27 March 2011 to testify in the ICC Germain Katanga and Mathieu Ngudjolo trials. Applied for asylum in the Netherlands in May 2011. In October 2012, a Dutch court denied his asylum claim. In July 2014, he was deported from the Netherlands to DRC, where he was placed under arrest.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

President of FNI, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo. Under house arrest in Kinshasa since March 2005 for FNI involvement in human rights abuses. Transferred to The Hague on 27 March 2011 to testify in the ICC Germain Katanga and Mathieu Ngudjolo trials. Applied for asylum in the Netherlands in May 2011. In October 2012, a Dutch court denied his asylum claim; the case is currently on appeal.

23. Felicien NSANZUBUKIRE

(*alias*: Fred Irakeza)

Designation: a) FDLR-FOCA Subsector Commander, b) FDLR-FOCA Colonel.

Address: South Kivu Province, Democratic Republic of the Congo (as of June 2016).

Date of Birth: 1967.

Place of Birth: a) Murama, Kigali, Rwanda, b) Rubungo, Kigali, Rwanda, c) Kinyinya, Kigali, Rwanda.

Nationality: Rwandan.

Date of UN designation: 1 December 2010.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Felicien Nsanzubukire supervised and coordinated the trafficking of ammunition and weapons between at least November 2008 and April 2009 from the United Republic of Tanzania, via Lake Tanganyika, to FDLR units based in the Uvira and Fizi areas of South Kivu. As of January 2016, Nsanzubukire was an FDLR FOCA Subsector Commander in South Kivu province and held the rank of Colonel.

24. Pacifique NTAWUNGUKA

(*alias*: a) Pacifique Ntawungula, b) Colonel Omega, c) Nzeri, d) Israel)

Designation: a) FDLR-FOCA "SONOKI" Sector Commander, b) FDLR-FOCA Brigadier General.

Address: Rutshuru Territory, North Kivu, Democratic Republic of the Congo (as of June 2016).

Date of Birth: a) 1 January 1964, b) Approximately 1964.

Place of Birth: Gaseke, Gisenyi Province, Rwanda.

Nationality: Rwandan.

Date of UN designation: 3 March 2009.

Other information: Received military training in Egypt.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Pacifique Ntawunguka was the commander of the First Division of FOCA, the armed wing of the FDLR. As military leader of a foreign armed group operating in the Democratic Republic of the Congo, he impeded the disarmament and the voluntary repatriation and resettlement of combatants, in violation of Security Council resolution 1857 (2008) OP 4 (b). In evidence collated by the UNSC DRC Sanctions Committee Group of Experts, detailed in its report of 13 February 2008, girls recovered from FDLR-FOCA had previously been abducted and sexually abused. Since mid-2007, FDLR-FOCA, which previously recruited boys in their mid to late teens, has been forcefully recruiting youth from the age of 10 years. The youngest are then used as escorts, and older children are deployed as soldiers on the frontline, in violation of Security Council resolution 1857 (2008) OP4 (d) and (e). Received military training in Egypt.

As of mid-2016, Ntawunguka was the FDLR-FOCA "SONOKI" Sector Commander in North Kivu province.

26. Stanislas NZEYIMANA

(*alias*: a) Deogratias Bigaruka Izabayoy, b) Izabayoy Deo, c) Jules Mateso Mlamba, d) Bigaruka, e) Bigurura)

Designation: Former FDLR-FOCA Deputy Commander.

Date of Birth: a) 1 January 1966 b) 28 August 1966 c) Approximately 1967.

Place of Birth: Mugusa, Butare, Rwanda.

Nationality: Rwandan.

Date of UN designation: 3 March 2009.

Other information: Disappeared while in Tanzania in early 2013. Whereabouts unknown as of June 2016.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Stanislas Nzeyimana was Deputy Commander of FOCA, the armed branch of the FDLR. As military leader of a foreign armed group operating in the Democratic Republic of the Congo, he impeded the disarmament and the voluntary repatriation and resettlement of combatants, in violation of Security Council resolution 1857 (2008) OP 4 (b). In evidence collated by the UNSC DRC Sanctions Committee Group of Experts, detailed in its report of 13 February 2008, girls recovered from FDLR-FOCA had previously been abducted and sexually abused. Since mid-2007, FDLR-FOCA, which previously recruited boys in their mid to late teens, has been forcefully recruiting youth from the age of 10 years. The youngest are then used as escorts, and older children are deployed as soldiers on the frontline, in violation of Security Council resolution 1857 (2008) OP4 (d) and (e).

Nzeyimana disappeared in Tanzania in early 2013, and his whereabouts were unknown as of June 2016.

28. Jean-Marie Lugerero RUNIGA

(*alias*: Jean-Marie Rugerero)

Designation: M23, President.

Address: Rubavu/Mudende, Rwanda.

Date of Birth: a) Approximately 1960, b) 9 September 1966.

Place of Birth: Bukavu, Democratic Republic of the Congo.

Date of UN designation: 31 December 2012.

Other information: Entered the Republic of Rwanda on 16 March 2013. As of 2016, residing in Rwanda. Participated in the creation of a new Congolese political party in June 2016, the *Alliance pour le Salut du Peuple* (ASP).

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

A 9 July 2012 document signed by M23 leader Sultani Makenga named Runiga as the coordinator of the political wing of M23. According to the document, Runiga's appointment was prompted by the need to ensure the visibility of the M23 cause. Runiga was also named as the President of the M23 in postings on the group's website. His leadership role was corroborated by the November 2012 Group of Experts report, which refers to Runiga as the leader of the M23.

According to the 15 November 2012 Final Report of the Group of Experts, Runiga led a delegation that travelled to Kampala, Uganda on 29 July 2012 and finalised the M23 movement's 21-point agenda ahead of anticipated negotiations at the International Conference on the Great Lakes Region. According to a 23 November 2012 BBC article, M23 was formed when former members of the CNDP who had been integrated into the FARDC began to protest against bad conditions and pay, and lack of full implementation of the 23 March 2009 peace deal between the CNDP and the DRC that led to the CNDP's integration into the FARDC. M23 was engaged in active military operations in order to take control of territory in eastern DRC, according to the November 2012 IPIS report. M23 and FARDC fought over control of several towns and villages in eastern DRC on 24 and 25 July 2012; M23 attacked the FARDC in Rumangabo on 26 July 2012; M23 drove FARDC from Kibumba on 17 November 2012; and M23 took control of Goma on 20 November 2012. According to the November 2012 Group of Experts report, several ex-M23 combatants claim that M23 leaders summarily executed dozens of children who attempted to escape after being recruited as M23 child soldiers. According to a 11 September 2012 report by Human Rights Watch (HRW), a Rwandan man, 18, who escaped after being forcibly recruited in Rwanda told HRW that he witnessed the execution of a 16-year old boy from his M23 unit who had tried to flee in June. The boy was captured and beaten to death by M23 fighters in front of the other recruits. An M23 commander who ordered his killing then allegedly told the other recruits "[h]e wanted to abandon us," as an explanation for why the boy had been killed. The report also states that witnesses claimed that at least 33 new recruits and other M23 fighters were summarily executed when they attempted to flee. Some were tied up and shot in front of other recruits as an example of the punishment they could receive. One young recruits told HRW, "[w]hen we were with M23, they said [we had a choice] and could stay with them or we could die. Lots of people tried to escape. Some were found and then that was immediately their death".

Runiga entered the Republic of Rwanda on 16 March 2013, at Gasizi/Rubavu. As of mid-2016, Runiga resided in Rwanda. In June 2016, he participated in the creation of the new Congolese political party, the Alliance pour le Salut du Peuple (ASP).

30. **Bosco TAGANDA**

(*alias*: a) Bosco Ntaganda, b) Bosco Ntagenda, c) General Taganda, d) Lydia (When he was part of APR, e) Terminator, f) Tango Romeo (Call sign), g) Romeo (Call sign), h) Major)

Address: The Hague, Netherlands (as of June 2016).

Date of Birth: Between 1973 and 1974.

Place of Birth: Bigogwe, Rwanda.

Nationality: Congolese.

Date of UN designation: 1 November 2005.

Other information: Born in Rwanda, he moved to Nyamitaba, Masisi territory, North Kivu, when he was a child. Nominated FARDC Brigadier-General by Presidential Decree on 11 December 2004, following Ituri peace agreements. Formerly Chief of Staff in CNDP and became CNDP military commander since the arrest of Laurent Nkunda in January 2009. Since January 2009, de facto Deputy Commander of consecutive anti-FDLR operations "Umoja Wetu", "Kimia II", and "Amani Leo" in North and South Kivu. Entered Rwanda in March 2013, and voluntarily surrender to ICC officials in Kigali on 22 March. Transferred to the ICC in The Hague, Netherlands. On 9 June 2014, ICC confirmed 13 charges of war crimes and 5 charges of crimes against humanity against him; the trial started in September 2015.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Bosco Taganda was the UPC/L military commander, exercising influence over policies and maintaining command and control over the activities of UPC/L, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo. He was appointed General in the FARDC in December 2004, but refused to accept the promotion, therefore remaining outside of the FARDC. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children in Ituri in 2002 and 2003, and 155 cases of direct and/or command responsibility for recruitment and use of children in North Kivu from 2002 to 2009. As CNDP Chief of Staff, he had direct and command responsibility for the massacre at Kiwanja in November 2008.

Born in Rwanda, he moved to Nyamitaba in Masisi territory of North Kivu province when he was a child. In June 2011, he resided in Goma and owned large farms in Ngungu area of Masisi territory in North Kivu province. He was nominated FARDC Brigadier-General by Presidential Decree on 11 December 2004, following Ituri peace agreements. He was Chief of Staff in the CNDP and then became the CNDP military commander after the arrest of Laurent Nkunda in January 2009. Starting in January 2009, he was de facto Deputy Commander of consecutive anti-FDLR operations Umoja Wetu, Kimia II, and Amani Leo in North and South Kivu provinces. He entered Rwanda in March 2013, voluntarily surrendered to ICC officials in Kigali on 22 March and was subsequently transferred to the ICC in The Hague, Netherlands. On 9 June 2014, the ICC confirmed 13 charges of war crimes and 5 charges of crimes against humanity against him. The trial started in September 2015.

b) List of entities referred to in Article 3(1)

1. ADF (Allied Democratic Forces)

(*alias*: a) Forces Démocratiques Alliées-Armée Nationale de Libération de l'Ouganda; b) ADF/NALU c) NALU)

Address: North Kivu Province, Democratic Republic of the Congo.

Date of UN designation: 30 June 2014.

Other Information: ADF founder and leader, Jamil Mukulu, was arrested in Dar es Salaam, Tanzania in April 2015. He was subsequently extradited to Kampala, Uganda in July 2015. As of June 2016, Mukulu is reportedly being held in a police detention cell awaiting his trial.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

The Allied Democratic Forces (ADF) was created in 1995 and is located in the mountainous DRC-Uganda border area. According to the United Nations Group of Experts on the Democratic Republic of the Congo's ("GoE") 2013 final report, citing Ugandan officials and UN sources, in 2013 the ADF had an estimated strength of 1 200 to 1 500 armed fighters located in north-east Beni Territory of North Kivu province, close to the border with Uganda. These same sources estimate ADF's total membership — including women and children — to be between 1 600 and 2 500. Due to offensive military operations by the Congolese Armed Forces (FARDC) and the UN Organization Stabilization Mission in the DRC (MONUSCO) conducted in 2013 and 2014, ADF dispersed its fighters to numerous smaller bases, and moved women and children to areas west of Beni, and along the Ituri-North Kivu border. The ADF's military commander is Hood Lukwago and its supreme leader is the sanctioned individual Jamil Mukulu.

The ADF has committed serious violations of international law and UNSCR 2078 (2012), including as detailed below.

The ADF has recruited and used child soldiers in violation of applicable international law (UNSCR paragraph 4 (d)).

The GoE's 2013 final report stated that the GoE interviewed three former ADF fighters who had escaped during 2013 and who described how ADF recruiters in Uganda lure people to the DRC with false promises of employment (for adults) and free education (for children) and then force them to join the ADF. Also according to the GoE's report, former ADF fighters told the GoE that the ADF's training groups typically include adult men and boys and two boys who escaped from the ADF in 2013 told the GoE that they had received military training from the ADF. The GoE report also includes an account of ADF's training by a "former ADF child soldier".

According to the GoE's 2012 final report, the ADF recruits include children, as exemplified by the case of an ADF recruiter who was captured by Ugandan authorities in Kasese with six young boys on his way to the DRC in July 2012.

A specific example of the ADF's recruitment and use of children is seen in a 6 January 2009 letter from the former Africa Director for Human Rights Watch, Georgette Gagnon, to Uganda's former Minister of Justice, Kiddhu Makubuyu, stating that a boy named Bushobozi Iumba was abducted at 9 years of age by the ADF in 2000. He was required to provide transport and other services to ADF fighters.

In addition, "The Africa Report" cited allegations that the ADF is allegedly recruiting children as young as 10 years of age as child soldiers and cited a Uganda People's Defence Force (UPDF) spokesperson as stating that the UPDF rescued 30 children from a training camp on Buvuma Island in Lake Victoria.

The ADF has also committed numerous violations of international human rights and international humanitarian law against women and children, including killing, maiming, and sexual violence (UNSCR paragraph 4 (e)).

According to the GoE 2013 final report, in 2013 the ADF attacked numerous villages, which prompted more than 66 000 people to flee into Uganda. These attacks depopulated a large area, which ADF has since controlled by abducting or killing people who return to their villages. Between July and September 2013, ADF decapitated at least five people in the Kamango area, shot several others, and kidnapped dozens more. These actions terrorised the local population and deterred people from returning home.

The Global Horizontal Note, a monitoring and reporting mechanism of grave violations against children in situations of armed conflict, reported to the Security Council's Working Group on Children and Armed Conflict (CAAC) that during the October to December 2013 reporting period, ADF was responsible for 14 of the 18 child casualties documented, including in an incident on 11 December 2013, in Beni territory, North Kivu, when ADF attacked the village of Musuku, killing 23 people, including 11 children (3 girls and 8 boys), aged 2 months to 17 years. All victims had all been severely mutilated with machetes, including 2 children who survived the attack.

The March 2014 Report of the Secretary-General on Conflict Related Sexual Violence identifies the "Allied Democratic Forces — National Army for the Liberation of Uganda" on its list of "Parties credibly suspected of committing or being responsible for rape or other forms of sexual violence in situations of armed conflict".

The ADF has also participated in attacks against MONUSCO peacekeepers (UNSCR paragraph 4 (i)).

Finally, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) reported that ADF has conducted at least two attacks on MONUSCO peacekeepers. The first, on 14 July 2013, was an attack on a MONUSCO patrol on the road between Mbau and Kamango. This attack is detailed in the 2013 GoE final report. The second attack occurred on 3 March 2014. A MONUSCO vehicle was attacked with grenades 10 kilometres from the Mavivi airport in Beni, resulting in injuries to five peacekeepers.

ADF founder and leader, Jamil Mukulu (CDi.015), was arrested in Dar es Salaam, Tanzania in April 2015. He was subsequently extradited to Kampala, Uganda in July 2015. As of June 2016, he is being held in a police detention cell awaiting his trial.'

COMMISSION IMPLEMENTING DECISION (EU) 2017/204**of 3 February 2017****authorising Member States to provide for a temporary derogation from certain provisions of Council Directive 2000/29/EC in respect of ash wood originating or processed in the United States of America, and repealing Implementing Decision (EU) 2015/2416 recognising certain areas of the United States of America as being free from *Agrilus planipennis* Fairmaire***(notified under document C(2017) 420)*

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 first indent of Article 15(1) and points 2.3, 2.4 and 2.5 of Section I of Part A of Annex IV thereto,

Whereas:

- (1) Article 5(1) of Directive 2000/29/EC, in conjunction with point 2.3 of Section I of Part A of Annex IV to that Directive, provides for special requirements concerning the introduction into the Union of ash (*Fraxinus* L.) wood, as well as certain other wood species, originating in the United States of America.
- (2) The United States of America have requested the recognition of a combination of procedures that together ensure the same level of phytosanitary protection as that required pursuant to point 2.3 of Section I of Part A of Annex IV to Directive 2000/29/EC.
- (3) It appears from the official information submitted by the United States of America that, through an integrated systems approach applied during wood processing, the risk of infestation from the harmful organism *Agrilus planipennis* Fairmaire is eliminated.
- (4) That approach should be complemented by certain requirements for facilities, pre-export inspections and labelling to ensure the elimination of such risk.
- (5) Those procedures should therefore be recognized as an alternative option to point 2.3 of Section I of Part A of Annex IV to Directive 2000/29/EC for imports from the United States of America, and a derogation from Article 5(1) of Directive 2000/29/EC, in conjunction with point 2.3, of Section I of Part A of Annex IV to that Directive should be provided for.
- (6) In order to ensure effective controls, as well as an overview of imports of ash wood and of non-compliances related to those imports, requirements should be set out concerning phytosanitary certificates, reporting of importation and notification of non-compliances.
- (7) It is appropriate to limit the duration of the derogation to 30 June 2018 in order to ensure a timely review of the appropriateness of the measures of this Decision.
- (8) Commission Implementing Decision (EU) 2015/2416 ⁽²⁾ recognised certain areas of the United States of America as being free from *Agrilus planipennis* Fairmaire for the purposes of the introduction into the Union of wood of *Fraxinus* L., and certain other wood species.
- (9) Implementing Decision (EU) 2015/2416 should be repealed since, based on information received from the United States competent authorities, the areas recognised as being free from *Agrilus planipennis* Fairmaire have proven not to be stable following the adoption of that Decision.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.⁽²⁾ Commission Implementing Decision (EU) 2015/2416 of 17 December 2015 recognising certain areas of the United States of America as being free from *Agrilus planipennis* Fairmaire (OJ L 333, 19.12.2015, p. 128).

- (10) 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

Authorisation to provide for derogation

By way of derogation from Article 5(1) of Directive 2000/29/EC in conjunction with point 2.3 of Section I of Part A of Annex IV to that Directive, Member States may authorise the introduction into their territory of wood of *Fraxinus* L. originating or processed in the United States of America (hereinafter: 'specified wood') which, prior to its movement out of the United States of America, satisfies the conditions set out in the Annex to this Decision.

Article 2

Phytosanitary certificate

1. The specified wood shall be accompanied by a phytosanitary certificate issued in the United States of America, in accordance with Article 13a(3) and (4) of Directive 2000/29/EC, certifying freedom from harmful organisms after inspection.
2. The phytosanitary certificate shall include under the heading 'Additional declaration' the following elements:
 - (a) the statement 'In accordance with European Union requirements laid down in Commission Implementing Decision (EU) 2017/204';
 - (b) the bundle number(s);
 - (c) the name of the approved facility(ies) in the United States of America.

Article 3

Reporting of importation

The Member State of importation shall provide the Commission and the other Member States, by 31 December of each year, with information on the amounts of consignments of specified wood imported pursuant to this Decision during that year.

Article 4

Notification of non-compliance

Member States shall notify the Commission and the other Member States of each consignment not complying with this Decision. That notification shall take place no later than two working days after the date of the interception of such a consignment.

Article 5

Repeal of Implementing Decision (EU) 2015/2416

Implementing Decision (EU) 2015/2416 is repealed.

*Article 6***Date of expiry**

This Decision shall expire on 30 June 2018.

*Article 7***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 3 February 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

1. Processing requirements

The processing of the specified wood must fulfil all of the following requirements:

(a) Debarking

The specified wood is debarked, with the exception of any number of visually separate and clearly distinct small pieces of bark which comply with one of the following requirements:

- (a) they are less than 3 cm in width (regardless of length); or
- (b) if they are greater than 3 cm in width, the total surface area of each individual piece of bark is less than 50 cm².

(b) Sawing

The specified sawn wood is produced from debarked round wood.

(c) Heat treatment

The specified wood is heated through its profile to at least 71 °C for 1 200 minutes in a heat chamber approved by the Animal and Plant Health Inspection Service (APHIS), or an agency approved by APHIS.

(d) Drying

The specified wood is dried following industrial drying schedules of at least two-week duration, recognised by APHIS.

The final moisture content of the wood shall not exceed 10 % expressed as a percentage of dry matter.

2. Requirements for facilities

The specified wood must be produced, handled or stored in a facility which fulfils all the following requirements:

- (a) it is officially approved by APHIS pursuant to its certification programme concerning the harmful organism *Agrilus planipennis* Fairmaire;
- (b) it is registered in a database published on the APHIS website;
- (c) it is audited by APHIS, or an agency approved by APHIS, at least once per month and it has been concluded that it complies with the requirements of this Annex;
- (d) it uses equipment for the treatment of the specified wood which has been calibrated consistently with the equipment's manual of operation;
- (e) it keeps records of its procedures for verification by APHIS or an agency approved by APHIS, including the duration of treatment, temperatures during treatment and the final moisture content for each specific bundle to be exported.

3. Labelling

Each bundle of the specified wood must visibly display both a bundle number and a label with the words 'HT-KD' or 'Heat Treated-Kiln Dried'. That label must be issued by, or under the supervision of, a designated officer of the approved facility after verifying that the processing requirements set out in point 1 and the requirements for facilities set out in point 2 have been complied with.

4. **Pre-export inspections**

The specified wood must be inspected by APHIS, or an agency officially approved by APHIS, to verify that it has undergone, before export to the Union, all phytosanitary procedures and measures allowing to conclude that it is free from the harmful organism *Agrilus planipennis* Fairmaire.

COMMISSION IMPLEMENTING DECISION (EU) 2017/205**of 3 February 2017****amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States***(notified under document C(2017) 503)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽³⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Commission Implementing Decision 2014/709/EU ⁽⁴⁾ lays down animal health control measures in relation to African swine fever in certain Member States. The Annex to that Implementing Decision demarcates and lists certain areas of those Member States in Parts I, II, III and IV thereof differentiated by the level of risk based on the epidemiological situation. That list includes, amongst others, certain areas of Latvia.
- (2) In January 2017, one outbreak of African swine fever in domestic pigs occurred in the novads of Krimuldas in Latvia in an area currently listed in Part II of the Annex to Implementing Decision 2014/709/EU. The occurrence of this outbreak constitutes an increase in the level of risk that needs to be taken into account. Accordingly, the relevant areas of Latvia should now be listed in Part III, instead of Part II, of that Annex.
- (3) The evolution of the current epidemiological situation of African swine fever in the affected domestic and feral pig populations in the Union should be taken into account in the assessment of the animal health risk posed by that situation as regards that disease in Latvia. In order to focus the animal health control measures provided for in Implementing Decision 2014/709/EU and to prevent the further spread of African swine fever, while preventing any unnecessary disturbance to trade within the Union and avoiding unjustified barriers to trade by third countries, the Union list of areas subject to the animal health control measures set out in the Annex to that Implementing Decision should be amended to take into account the changes in the current epidemiological situation as regards that disease in Latvia.
- (4) The Annex to Implementing Decision 2014/709/EU should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 18, 23.1.2003, p. 11.

⁽⁴⁾ Commission Implementing Decision 2014/709/EU of 9 October 2014 concerning animal health control measures relating to African swine fever in certain Member States and repealing Implementing Decision 2014/178/EU (OJ L 295, 11.10.2014, p. 63).

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision 2014/709/EU is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 3 February 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

The Annex to Implementing Decision 2014/709/EU is replaced by the following:

'ANNEX

PART I

1. Estonia

The following areas in Estonia:

- the maakond of Hiiumaa.

2. Latvia

The following areas in Latvia:

- in the novads of Bauskas, the pagasti of Īslīces, Gailīšu, Brunavas and Ceraukstes,
- in the novads of Dobeles, the pagasti of Bikstu, Zebrenes, Annenieku, Naudītes, Penkules, Auru and Krimūnu, Dobeles, Berzes, the part of the pagasts of Jaunbērzes located to the West of road P98, and the pilsēta of Dobeļe,
- in the novads of Jelgavas, the pagasti of Glūdas, Svētes, Platones, Vircavas, Jaunsvirlaukas, Zaļenieku, Vilces, Lielplatones, Elejas and Sesavas,
- in the novads of Kandavas, the pagasti of Vānes and Matkules,
- in the novads of Talsu, the pagasti of Ģibuļu, Lībagu, Abavas, the pilsētas of Sabile, Talsi and Stende,
- in the novads of Ventspils, the pagasti of Vārves, Užavas, Jūrkalnes, Piltenes, Zīru, Ugāles, Usmas and Zlēku, the pilsēta of Piltene,
- the novads of Brocēnu,
- the novads of Jaunpils,
- the novads of Rundāles,
- the novads of Stopiņu,
- the novads of Tērvetes,
- the pilsēta of Bauska,
- the republikas pilsēta of Jelgava,
- the republikas pilsēta of Ventspils.

3. Lithuania

The following areas in Lithuania:

- in the rajono savivaldybė of Jurbarkas, the seniūnijos of Raudonės, Veliuonos, Seredžiaus and Juodaičių,
- in the rajono savivaldybė of Pakruojis, the seniūnijos of Klovainių, Rozalimo and Pakruojo,
- in the rajono savivaldybė of Panevėžys, the part of the Krekenavos seniūnija located to the west of the river Nevėžis,
- in the rajono savivaldybė of Raseiniai, the seniūnijos of Ariogalos, Ariogalos miestas, Betygalos, Pagojukų and Šiluvos,

- in the rajono savivaldybė of Šakiai, the seniūnijos of Plokščių, Kriūkų, Lekėčių, Lukšių, Griškabūdžio, Barzdų, Žvirgždaičių, Sintautų, Kudirkos Naumiesčio, Slavikų, Šakių,
- the rajono savivaldybė of Pasvalys,
- the rajono savivaldybė of Vilkaviškis,
- the rajono savivaldybė of Radviliškis,
- the savivaldybė of Kalvarija,
- the savivaldybė of Kazlų Rūda,
- the savivaldybė of Marijampolė.

4. Poland

The following areas in Poland:

In the województwo warmińsko-mazurskie:

- the gminy of Kalinowo and Prostki in the powiat ełcki,
- the gmina of Biała Piska in powiat piski.

In the województwo podlaskie:

- the gminy Juchnowiec Kościelny, Suraż, Turośń Kościelna, Łapy and Poświętne in the powiat białostocki,
- the gminy of Brańsk with the city of Brańsk, Boćki, Rudka, Wyszki, the part of the gmina of Bielsk Podlaski located to the West of the line created by road number 19 (going northwards from the city of Bielsk Podlaski) and prolonged by the eastern border of the city of Bielsk Podlaski and road number 66 (going southwards from the city of Bielsk Podlaski), the city of Bielsk Podlaski, the part of the gmina of Orla located to the West of road number 66, in the powiat bielski,
- the gminy of Drohiczyn, Dziadkowice, Grodzisk and Perlejewo in the powiat siemiatycki,
- the gminy of Grabowo and Stawiski in the powiat kolneński,
- the gminy of Kołaki Kościelne, Szumowo, Zambrów with the city Zambrów in powiat zambrowski,
- the gminy of Rutka-Tartak, Szypliszki, Suwałki, Raczki in the powiat suwalski,
- the gminy Sokoły, Kulesze Kościelne, Nowe Piekuty, Szepietowo, Klukowo, Ciechanowiec, Wysokie Mazowieckie with the city of Wysokie Mazowieckie, Czyżew in powiat wysokomazowiecki,
- the powiat augustowski,
- the powiat łomżyński,
- the powiat M. Białystok,
- the powiat M. Łomża,
- the powiat M. Suwałki,
- the powiat sejneński.

In the województwo mazowieckie:

- the gminy of Ceranów, Jabłonna Lacka, Sterdyń and Repki in the powiat sokołowski,
- the gminy of Korczew, Przesmyki, Paprotnia, Suchożebry, Mordy, Siedlce and Zbuczyn in the powiat siedlecki,
- the powiat M. Siedlce,

- the gminy of Rzekuń, Troszyn, Czerwin and Goworowo in the powiat ostrołęcki,
- the gminy of Olszanka, Łosice and Platerów in the powiat łosicki,
- the powiat ostrowski.

In the województwo lubelskie:

- the gmina of Hanna in the powiat włodawski,
- the gminy of Kąkolewnica Wschodnia and Komarówka Podlaska in the powiat radzyński,
- the gminy of Międzyrzec Podlaski with the city of Międzyrzec Podlaski, Drelów, Rossosz, Sławatycze, Wisznica, Sosnówka, Łomazy and Tuczna in the powiat bialski.

PART II

1. Estonia

The following areas in Estonia:

- the linn of Elva,
- the linn of Võhma,
- the linn of Kuressaare,
- the linn of Rakvere,
- the linn of Tartu,
- the linn of Viljandi,
- the maakond of Harjumaa (excluding the part of the vald of Kuusalu located to the South of road 1 (E20), the vald of Aegviidu and the vald of Anija),
- the maakond of IDA-Virumaa,
- the maakond of Läänemaa,
- the maakond of Pärnumaa,
- the maakond of Põlvamaa,
- the maakond of Võrumaa,
- the maakond of Valgamaa,
- the maakond of Raplamaa,
- the vald of Suure-Jaani,
- the part of the vald of Tamsalu located to the North-East of the Tallinn-Tartu railway,
- the vald of Tartu,
- the vald of Abja,
- the vald of Alatskivi,
- the vald of Haaslava,
- the vald of Haljala,
- the vald of Tarvastu,
- the vald of Nõo,

- the vald of Ülenurme,
- the vald of Tähtvere,
- the vald of Rõngu,
- the vald of Rannu,
- the vald of Konguta,
- the vald of Puhja,
- the vald of Halliste,
- the vald of Kambja,
- the vald of Karksi,
- the vald of Kihelkonna,
- the vald of Kõpu,
- the vald of Lääne-Saare,
- the vald of Laekvere,
- the vald of Leisi,
- the vald of Luunja,
- the vald of Mäksa,
- the vald of Meeksi,
- the vald of Muhu,
- the vald of Mustjala,
- the vald of Orissaare,
- the vald of Peipsiääre,
- the vald of Piirissaare,
- the vald of Põide,
- the vald of Rägavere,
- the vald of Rakvere,
- the vald of Ruhnu,
- the vald of Salme,
- the vald of Sõmeru,
- the vald of Torgu,
- the vald of Vara,
- the vald of Vihula,
- the vald of Viljandi,
- the vald of Vinni,
- the vald of Viru-Nigula,
- the vald of Võnnu.

2. Latvia

The following areas in Latvia:

- in the novads of Apes, the pagasti of Trapenes, Gaujienas and Apes and the pilsēta of Ape,
- in the novads of Balvu, the pagasti of Vīksnas, Bērzkalnes, Vectilžas, Lazdulejas, Briežuciema, Tilžas, Bērzpils and Krišjāņu,
- in the novads of Bauskas, the pagasti of Mežotnes, Codes, Dāviņu and Vecsaules,
- in the novads of Daugavpils the pagasti of Vaboles, Liksnas, Sventes, Medumu, Demenas, Kalkūnes, Laucesas, Tabores, Maļinovas, Ambeļu, Biķernieku, Naujenes, Vecsalienas, Salienas and Skrudalienas,
- in the novads of Dobeles, the part of the pagasts of Jaunbērzes located to the East of road P98,
- in the novads of Gulbenes the pagasts of Līgo,
- in the novads of Jelgavas the pagasti of Kalnciema, Līvbērzes and Valgundes,
- in the novads of Kandavas, the pagasti of Cēres, Kandavas, Zemītes and Zantes, the pilsēta of Kandava,
- in the novads of Krimuldas, the part of pagasts of Krimuldas located to the North — East of roads V89 and V81 and the part of pagasts of Lēdurgas located to the North — East of roads V81 and V128,
- in the novads of Limbažu, the pagasti of Skultes, Limbažu, Umurgas, Katvaru, Pāles, Viļķenes and the pilsēta of Limbaži,
- in the novads of Preiļu the pagasts of Saunas,
- in the novads of Raunas, the pagasts of Raunas,
- in the novads of Riebiņu, the pagasti of Sīlukalna, Stabulnieku, Galēnu and Silajāņu,
- in the novads of Rugāju the pagasts of Lazdukalna,
- in the novads of Siguldas, the pagasts of Mores and the part of the pagasts of Allažu located to the South of the road P3,
- in the novads of Smiltenes, the pagasti of Brantu, Blomes, Smiltenes, Bilskas and Grundzāles, the pilsēta of Smiltene,
- in the novads of Talsu, the pagasti of Ķūļciema, Balgales, Vandzenes, Laucienes, Virbu, Strazdes, Lubes, Īves, Valdgales, Laidzes and Ārlavas, the pilsēta of Valdemārpils,
- in the novads of Ventspils, the pagasti of Ances, Tārgales, Popes and Puzes,
- the novads of Ādažu,
- the novads of Aglonas,
- the novads of Aizkraukles,
- the novads of Aknīstes,
- the novads of Alojās,
- the novads of Alūksnes,
- the novads of Amatas,
- the novads of Babītes,
- the novads of Baldones,
- the novads of Baltinavas,
- the novads of Beverīnas,

- the novads of Burtnieku,
- the novads of Carnikavas,
- the novads of Cēsu,
- the novads of Cesvaines,
- the novads of Ciblas,
- the novads of Dagdas,
- the novads of Dundagas,
- the novads of Engures,
- the novads of Ērgļu,
- the novads of Garkalnes,
- the novads of Iecavas,
- the novads of Ikšķiles,
- the novads of Ilūkstes,
- the novads of Jaunjelgavas,
- the novads of Jēkabpils,
- the novads of Kārsavas,
- the novads of Ķeguma,
- the novads of Ķekavas,
- the novads of Kocēnu,
- the novads of Kokneses,
- the novads of Krāslavas,
- the novads of Krustpils,
- the novads of Lielvārdes,
- the novads of Līgatnes,
- the novads of Līvānu,
- the novads of Lubānas,
- the novads of Ludzas,
- the novads of Madonas,
- the novads of Mālpils,
- the novads of Mārupes,
- the novads of Mazsalacas,
- the novads of Mērsraga,
- the novads of Naukšēnu,
- the novads of Neretas,
- the novads of Ogres,

- the novads of Olaines,
- the novads of Ozolnieki,
- the novads of Pārgaujas,
- the novads of Pļaviņu,
- the novads of Priekule,
- the novads of Rēzeknes,
- the novads of Rojas,
- the novads of Ropažu,
- the novads of Rūjienas,
- the novads of Salacgrīvas,
- the novads of Salas,
- the novads of Salaspils,
- the novads of Saulkrastu,
- the novads of Skrīveru,
- the novads of Strenču,
- the novads of Tukuma,
- the novads of Valkas,
- the novads of Varakļānu,
- the novads of Vecpiebalgas,
- the novads of Vecumnieku,
- the novads of Viesītes,
- the novads of Viļakas,
- the novads of Viļānu,
- the novads of Zilupes,
- the republikas pilsēta of Daugavpils,
- the republikas pilsēta of Jēkabpils,
- the republikas pilsēta of Jūrmala,
- the republikas pilsēta of Rēzekne,
- the republikas pilsēta of Valmiera.

3. Lithuania

The following areas in Lithuania:

- in the rajono savivaldybė of Anykščiai, the seniūnijos of Kavarskas, Kurkliai and the part of Anykščiai located south west to the road No 121 and No 119,
- in the rajono savivaldybė of Jonava, the seniūnijos of Šilų, Bukonių and, in the Žeimių seniūnija, the villages of Biliušiai, Drobiškiai, Normainiai II, Normainėliai, Juškonys, Pauliukai, Mitėniškiai, Zofijauka, Naujokai,

- in the rajono savivaldybė of Kaunas, the seniūnijos of Akademijos, Alšėnų, Babtų, Batniavos, Čekiškės, Domeikavos, Ežerėlio, Garliavos, Garliavos apylinkių, Kačerginės, Kulautuvos, Linksmakalnio, Raudondvario, Ringaudų, Rokų, Samylų, Taurakiemio, Užliedžių, Vilkijos, Vilkijos apylinkių and Zapyškio,
- in the rajono savivaldybė of Kėdainiai, the seniūnijos of Josvainių and Pernaravos,
- in the rajono savivaldybė of Panevėžys the seniūnijos of Karsakiškio, Naujamiesčio, Pajstrio, Panevėžio, Ramygalos, Smilgių, Upytės, Vadoklių, Velžio and the part of Krekenavos seniūnija located to the east of the river Nevėžis,
- in the rajono savivaldybė of Prienai the seniūnijos of Veiverių, Šilavoto, Naujosios Ūtos, Balbieriškio, Ašmintos, Išlaužo, Pakuonių,
- in the rajono savivaldybė of Šalčininkai, the seniūnijos of Jašiūnų, Turgelių, Akmenynės, Šalčininkų, Gerviškių, Butrimonių, Eišiškių, Poškonių, Dieveniškų,
- in the rajono savivaldybė of Varėna, the seniūnijos of Kaniavos, Marcinkonių, Merkinės,
- in the rajono savivaldybė of Vilnius the parts of the seniūnija of Sudervė and Dūkštai located to the North-East from the road No 171, the seniūnijos of Maišiagala, Zujūnų, Avižienių, Riešės, Paberžės, Nemenčinės, Nemenčinės miesto, Sužionių, Buivydyžių, Bezdonių, Lavoriškių, Mickūnų, Šatrininkų, Kalvelių, Nemėžių, Rudaminos, Rūkainių, Medininkų, Marijampolio, Pagirių and Juodšilių,
- the miesto savivaldybė of Alytus,
- in the rajono savivaldybė of Utena the seniūnijos of Sudeikių, Utenos, Utenos miesto, Kuktiškių, Daugailių, Tauragnų, Saldutiškio,
- in the rajono savivaldybė of Alytus the seniūnijos of Pivašiūnų, Punios, Daugų, Alovės, Nemunaičio, Raitininkų, Miroslavo, Krokialaukio, Simno, Alytaus,
- the miesto savivaldybė of Kaunas,
- the miesto savivaldybė of Panevėžys,
- the miesto savivaldybė of Prienai,
- the miesto savivaldybė of Vilnius,
- the rajono savivaldybė of Biržai,
- the savivaldybė of Druskininkai,
- the rajono savivaldybė of Ignalina,
- the rajono savivaldybė of Lazdijai,
- the rajono savivaldybė of Kupiškis,
- the rajono savivaldybė of Molėtai,
- the rajono savivaldybė of Rokiškis,
- the rajono savivaldybė of Širvintos,
- the rajono savivaldybė of Švenčionys,
- the rajono savivaldybė of Ukmergė,
- the rajono savivaldybė of Zarasai,
- the savivaldybė of Birštonas,
- the savivaldybė of Visaginas.

4. Poland

The following areas in Poland:

In the województwo podlaskie:

- the gmina of Dubicze Cerkiewne, the parts of the gminy of Kleszczele and Czeremcha located to the East of road number 66, in the powiat hajnowski,
- the gmina of Rutki in the powiat zambrowski,
- the gmina Kobylin-Borzymy in the powiat wysokomazowiecki,
- the gminy of Czarna Białostocka, Dobrzyniewo Duże, Gródek, Michałowo, Supraśl, Tykocin, Wasilków, Zabłudów, Zawady and Choroszcz in the powiat białostocki,
- the part of the gmina of Bielsk Podlaski located to the East of the line created by road number 19 (going northwards from the city of Bielsk Podlaski) and prolonged by the eastern border of the city of Bielsk Podlaski and road number 66 (going southwards from the city of Bielsk Podlaski), the part of the gmina of Orla located to the East of road number 66, in the powiat bielski,
- the powiat sokólski.

In the województwo lubelskie:

- the gminy of Piszczac and Kodeń in the powiat bialski.

PART III

1. Estonia

The following areas in Estonia:

- the maakond of Jõgevamaa,
- the maakond of Järvamaa,
- the part of the vald of Kuusalu located to the South of road 1 (E20),
- the part of the vald of Tamsalu located to the South-West of the Tallinn-Tartu railway,
- the vald of Aegviidu,
- the vald of Anija,
- the vald of Kadrina,
- the vald of Kolga-Jaani,
- the vald of Kõo,
- the vald of Laeva,
- the vald of Laimjala,
- the vald of Pihitla,
- the vald of Rakke,
- the vald of Tapa,
- the vald of Väike-Maarja,
- the vald of Valjala.

2. Latvia

The following areas in Latvia:

- in the novads of Apes, the pagasts of Virešu,
- in the novads of Balvu, the pagasti of Kubuļu, Balvu and the pilsēta of Balvi,
- in the novads of Daugavpils the pagasti of Nīcgales, Kalupes, Dubnas and Višķu,
- in the novads of Gulbenes, the pagasti of Beļavas, Galgauskas, Jaungulbenes, Daukstu, Stradu, Litenes, Stāmerienas, Tirzas, Druvienas, Rankas, Lizuma and Lejasciema and the pilsēta of Gulbene,
- in the novads of Krimuldas the part of pagasts of Krimuldas located to the South-West of roads V89 and V81 and the part of pagasts of Lēdurgas located to the South-West of roads V81 and V128,
- in the novads of Limbažu the pagasts of Vidrižu,
- in the novads of Preiļu the pagasti of Preiļu, Aizkalnes and Pelēču, the pilsēta of Preiļi,
- in the novads of Raunas, the pagasts of Drustu,
- in the novads of Riebiņu the pagasti of Riebiņu and Rušonas,
- in the novads of Rugāju the pagasts of Rugāju,
- in the novads of Siguldas the pagasts of Siguldas and the part of pagasts of Allažu located to the North of road P3 and the pilsēta of Sigulda,
- in the novads of Smiltenes, the pagasti of Launkalnes, Variņu and Palsmanes,
- the novads of Inčukalna,
- the novads of Jaunpiebalgas,
- the novads of Sējas,
- the novads of Vārkavas.

3. Lithuania

The following areas in Lithuania:

- in the rajono savivaldybė of Anykščiai, the seniūnijos of Debeikių, Skiemonių, Viešintų, Andrioniškio, Svėdasų, Troškūnų, Traupio and the part of the seniūnija of Anykščių located north east to the road No 121 and No 119,
- in the rajono savivaldybė of Alytus, the seniūnija of Butrimonių,
- in the rajono savivaldybė of Jonava the seniūnijos of Upninkų, Ruklos, Dumsių, Užusalių, Kulvos and, in the seniūnija of Žeimiai, the villages Akliai, Akmeniai, Barsukinė, Blauzdžiai, Gireliai, Jagėlava, Juljanava, Kuigaliai, Liepkalniai, Martyniškiai, Milašiškiai, Mimaliai, Naujasodis, Normainiai I, Paduobiai, Palankesiai, Pamelnytėlė, Pėdžiai, Skrynės, Svalkeniai, Terespolis, Varpėnai, Žeimių gst., Žieveliškiai and Žeimių miestelis,
- the rajono savivaldybė of Kaišiadorys,
- in the rajono savivaldybė of Kaunas, the seniūnijos of Vandžiogalos, Lapių, Karmėlavos and Neveronių,
- in the rajono savivaldybė of Kėdainiai, the seniūnija of Pelėdnagių, Krakių, Dotnuvos, Gudžiūnų, Surviliškio, Vilainių, Truskavos, Šėtos, Kėdainių miesto,
- in the rajono savivaldybė of Prienai, the seniūnijos of Jiezno and Stakliškių,
- in the rajono savivaldybė of Panevėžys, the seniūnijos of Miežiškių and Raguvos,
- in the rajono savivaldybė of Šalčininkai, the seniūnijos of Baltosios Vokės, Pabarės, Dainavos and Kalesninkų,
- in the rajono savivaldybė of Varėna, the seniūnijos of Valkininkų, Jakėnų, Matuizų, Varėnos and Vydenių,

- in the rajono savivaldybė of Vilnius the parts of the seniūnija of Sudervė and Dūkštai located to the South-West from the road No 171,
- in the rajono savivaldybė of Utena, the seniūnijos of Užpalių, Vyžuonų and Leliūnų,
- the savivaldybė of Elektrėnai,
- the miesto savivaldybė of Jonava,
- the miesto savivaldybė of Kaišiadorys,
- the rajono savivaldybė of Trakai.

4. Poland

The following areas in Poland:

In the województwo podlaskie:

- the powiat grajewski,
- the powiat moniecki,
- the gminy of Czyże, Białowieża, Hajnówka with the city of Hajnówka, Narew, Narewka and the parts of the gminy of Czeremcha and Kleszczele located to the West of road number 66 in the powiat hajnowski,
- the gminy of Mielnik, Milejczyce, Nurzec-Stacja, Siemiatycze with the city of Siemiatycze in the powiat siemiatycki.

In the województwo mazowieckie:

- the gminy of Sarnaki, Stara Kornica and Huszlew in powiat łosicki.

In the województwo lubelskie:

- the gminy of Konstantynów, Janów Podlaski, Leśna Podlaska, Rokitno, Biała Podlaska, Zalesie and Terespol with the city of Terespol in the powiat bialski,
- the powiat M. Biała Podlaska.

PART IV

Italy

The following areas in Italy:

- all areas of Sardinia.'
-

COMMISSION DECISION (EU) 2017/206**of 6 February 2017****terminating an expiry review of the anti-dumping measures applicable to imports of certain polyethylene terephthalate originating in the People's Republic of China**

THE EUROPEAN COMMISSION,

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

Having regard to the Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ ('the basic Regulation'), and in particular Article 9 thereof,

Whereas:

A. PROCEDURE

- (1) On 29 June 2015, the European Commission received a request for review pursuant to Article 11(2) of the basic Regulation of the anti-dumping measures applicable to imports of certain polyethylene terephthalate ('PET') originating in the People's Republic of China ('PRC').
- (2) The request was lodged by the Committee of Polyethylene Terephthalate (PET) Manufacturers in Europe ('C.P.M.E') ('the applicant') on behalf of producers representing more than 25 % of the total Union production of PET.
- (3) The measures currently in force are a definitive anti-dumping duty imposed by Council Implementing Regulation (EU) No 1030/2010 ⁽²⁾. The request was based on the grounds that the expiry of these measures would be likely to result in recurrence of dumping and recurrence of injury to the Union industry.
- (4) On 13 November 2015, the Commission announced by a notice published in the *Official Journal of the European Union* ⁽³⁾, the initiation of an expiry review of the anti-dumping measures applicable to imports of PET originating in the PRC.
- (5) The Commission officially advised the exporters/producers in the PRC, importers, users and any associations known to be concerned, the authorities of the PRC and all known Union producers of the initiation of the review proceeding. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notice of initiation.
- (6) All interested parties who so requested and showed that there were particular reasons why they should be heard were granted a hearing.

B. WITHDRAWAL OF THE EXPIRY REVIEW REQUEST AND TERMINATION OF THE PROCEEDING

- (7) By a letter of 17 November 2016 to the Commission, the applicant formally withdrew its request for the expiry review.
- (8) In accordance with Article 9(1) of the basic Regulation, the proceeding may be terminated where the request is withdrawn, unless such termination would not be in the Union interest.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Council Implementing Regulation (EU) No 1030/2010 of 17 November 2010 imposing a definitive anti-dumping duty on imports of certain polyethylene terephthalate originating in the People's Republic of China following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 (OJ L 300, 17.11.2010, p. 1).

⁽³⁾ OJ C 376, 13.11.2015, p. 13.

- (9) The investigation has not brought to light any considerations showing that such termination would be against the Union interest. Therefore the Commission considered that the present review proceeding should be terminated. Interested parties were informed accordingly and were given an opportunity to comment. However, the Commission received no comments which would support the conclusion that such a termination would not be in the Union interest.
- (10) The Commission, therefore, concludes that the expiry review of the anti-dumping measures applicable to imports of PET originating in the PRC should be terminated.
- (11) The termination of the procedure provided for in this decision is in accordance with the opinion of the Committee established by Article 15(1) Regulation (EU) 2016/1036.

HAS ADOPTED THIS DECISION:

Article 1

The expiry review of the anti-dumping measures applicable to imports of certain polyethylene terephthalate originating in the People's Republic of China, currently falling within CN code 3907 61 00 00, is hereby terminated.

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, 6 February 2017.

For the Commission
The President
Jean-Claude JUNCKER

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN