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* This designation is without prejudice to positions on status, and is in line with UNSCR 1244(1999) and the ICJ Opinion on the Kosovo declaration of independence.

[1] Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2017/330

of 27 February 2017

amending Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision (CFSP) 2016/849 of 27 May 2016 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP ([1]),

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

Whereas:

(1) Council Regulation (EC) No 329/2007 ([2]) gives effect to measures provided for in Decision (CFSP) 2016/849, which, inter alia, repealed and replaced Decision 2013/183/CFSP ([3]). On 30 November 2016, the United Nations Security Council adopted Resolution 2321 (2016) providing for new measures against the Democratic People's Republic of Korea. These include export bans for copper, nickel, silver, zinc, statues, helicopters, vessels, the tightening of the prohibitions in the transport sector and new restrictions in the banking sector.

(2) On 27 February 2017, the Council adopted Decision (CFSP) 2017/345 ([4]), giving effect to these measures.

(3) Regulation (EC) No 329/2007 should therefore be amended accordingly.

(4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 329/2007 is amended as follows:

(1) in Article 1, the following point is added:

'15. "diplomatic missions, consular posts and their members" has the same meaning as in the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations, and also includes missions of North Korea to international organisations hosted in the Member States and North Korean members of those missions.';

([1]) OJ L 141, 28.5.2016, p. 79.
([2]) Council Regulation (EC) No 329/2007 of 27 March 2007 concerning restrictive measures against the Democratic People's Republic of Korea (OJ L 88, 29.3.2007, p. 1).
([3]) Council Decision 2013/183/CFSP of 22 April 2013 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2010/800/CFSP (OJ L 111, 23.4.2013, p. 52).
([4]) Council Decision (CFSP) 2017/345 of 27 February 2017 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea (see page 59 of this Official Journal).

(2) Article 2 is amended as follows:

(a) paragraph 2 is replaced by the following:

'2. Annex I shall include all items, materials, equipment, goods and technology, including software, which are dual-use items or technology as defined in Council Regulation (EC) No 428/2009 (*).

Annex Ia shall include other items, materials, equipment, goods and technology which could contribute to North Korea's nuclear-related, other weapons of mass destruction-related or ballistic missile-related programmes.

Annex Ib shall include certain key components for the ballistic missile sector.

Annex Ie shall include the aviation fuel referred to in paragraph 1(b).

Annex Ig shall include weapons-of-mass-destruction-related items, materials, equipment, goods and technology identified and designated pursuant to paragraph 25 of UN Security Council Resolution 2270 (2016) and paragraphs 4 and 7 of UN Security Council Resolution 2321 (2016).

(*) Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (OJ L 134, 29.5.2009, p. 1).';

(b) paragraph 4 is replaced by the following:

'4. It shall be prohibited to:

(a) import, purchase or transfer, directly or indirectly, gold, titanium ore, vanadium ore and rare-earth minerals, as listed in Annex Ic, or coal, iron and iron ore, as listed in Annex Id, from North Korea, whether or not originating in North Korea;

(b) import, purchase or transfer, directly or indirectly, copper, nickel, silver and zinc, as listed in Annex Ih from North Korea, whether or not originating in North Korea;

(c) import, purchase or transfer, directly or indirectly, petroleum products, as listed in Annex If from North Korea, whether or not originating in North Korea;

(d) participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in points (a), (b) and (c) of this subparagraph.

Annex Ic shall include gold, titanium ore, vanadium ore and rare-earth minerals referred to in point (a) of the first subparagraph.

Annex Id shall include coal, iron and iron ore referred to in point (a) of the first subparagraph.

Annex If shall include the petroleum products referred to in point (c) of the first subparagraph.

Annex Ih shall include the copper, nickel, silver and zinc referred to in point (b) of the first subparagraph.';

(c) paragraph 5 is amended as follows:

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

'(b) transactions in iron and iron ore that are determined to be exclusively for livelihood purposes and unrelated to generating revenue for North Korea's nuclear or ballistic missile programmes or other activities prohibited by UN Security Council Resolution 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or 2321 (2016) or by this Regulation;';

(ii) the following point is added:

'(c) transactions in coal that are determined to be exclusively for livelihood purposes provided that the following conditions are met:

(i) the transactions are unrelated to generating revenue for North Korea's nuclear or ballistic missile programmes or other activities prohibited by UN Security Council Resolution 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or 2321 (2016);

(ii) the transactions do not involve individuals or entities that are associated with North Korea's nuclear or ballistic missile programmes or other activities prohibited by UN Security Council Resolution 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or 2321 (2016), including the persons, entities and bodies listed in Annex IV, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, directly or indirectly, or individuals or entities assisting in the evasion of sanctions; and

(iii) the Sanctions Committee has not notified the Member States that the aggregate annual limit has been reached.';

(3) the following Articles are inserted:

'*Article 4c*

1. It shall be prohibited to import, purchase or transfer from North Korea, directly or indirectly, statues as listed in Annex IIIa, whether or not originating in North Korea.

2. By way of derogation from the prohibition in paragraph 1, the relevant competent authority of a Member State, as identified on the websites listed in Annex II, may authorise import, purchase or transfer, provided that the Member State has obtained the advance approval of the Sanctions Committee on a case-by-case basis.

Annex IIIa shall include the statues referred to in paragraph 1.

Article 4d

1. It shall be prohibited to sell, supply, transfer or export, directly or indirectly, helicopters and vessels, as listed in Annex IIIb, to North Korea.

2. By way of derogation from the prohibition in paragraph 1, the relevant competent authority of a Member State, as identified on the websites listed in Annex II, may authorise such sale, supply, transfer or export, provided that the Member State has obtained the advance approval of the Sanctions Committee on a case-by-case basis.

3. Annex IIIb shall include the helicopters and vessels referred to in paragraph 1.

Article 4e

1. It shall be prohibited to:

(a) lease or otherwise make available real property, directly or indirectly, to persons, entities or bodies of the Government of North Korea, for any purpose other than diplomatic or consular activities, pursuant to the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations;

(b) lease real property, directly or indirectly, from persons, entities or bodies of the Government of North Korea; or

(c) engage in any activity linked to the use of real property, that persons, entities or bodies of the Government of North Korea own, lease or are otherwise entitled to use, except for the provision of goods and services which:

(i) are essential for the functioning of diplomatic missions or consular posts, pursuant to the 1961 and 1963 Vienna Conventions; and

(ii) cannot be used to generate income or profit directly or indirectly for the Government of North Korea.

2. For the purposes of this Article "real property" means land, buildings and parts thereof which are located outside the territory of North Korea.';

(4) in Article 5, paragraph 1 is replaced by the following:

'1. Cargo, including personal luggage and checked baggage, within or transiting through the Union, including airports, seaports and free zones, as referred to in Articles 243 to 249 of Regulation (EU) No 952/2013, shall be liable for inspection for the purposes of ensuring that it does not contain items prohibited by UN Security Council Resolution 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or 2321 (2016) or by this Regulation where:

(a) the cargo originates from North Korea;

(b) the cargo is destined for North Korea;

(c) the cargo has been brokered or facilitated by North Korea or its nationals or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them;

(d) the cargo has been brokered or facilitated by persons, entities or bodies listed in Annex IV; or

(e) the cargo is being transported on a North Korean flagged vessel or aircraft registered to North Korea, or on a stateless vessel or aircraft.';

(5) in Article 5a(1d), point (a) is replaced by the following:

'(a) close any bank account with a credit or financial institution referred to in Article 5c(2);';

(6) in Article 5a, paragraph 1e is deleted;

(7) in Article 5a, paragraph 1f is replaced by the following:

'1f. By way of derogation from points (a) and (c) of paragraph 1d, the relevant competent authority of the Member State, as identified on the websites listed in Annex II, may authorise certain representative offices, subsidiaries or bank accounts to remain operational, provided that the Sanctions Committee has determined on a case-by-case basis that such offices, subsidiaries or accounts are required for the delivery of humanitarian activities or the activities of diplomatic missions in North Korea or the activities of the UN or its specialised agencies or related organisations or any other purpose consistent with the objectives of UN Security Council Resolution 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or 2321 (2016).';

(8) the following Article is inserted:

'Article 5aa

1. It shall be prohibited for credit and financial institutions falling within the scope of Article 16 to open a bank account for North Korean diplomatic missions or consular posts, and their North Korean members.

2. Credit and financial institutions falling within the scope of Article 16 shall, at the latest on 11 April 2017, close any bank account held or controlled by a North Korean diplomatic mission or consular post, and their North Korean members.

3. By way of derogation from paragraph 1, the relevant competent authority of a Member State, as indicated on the websites listed in Annex II, may authorise, upon request of a North Korean diplomatic mission, consular post, or one of their members, the opening of one bank account per mission, post and member, provided that the mission or post is hosted in that Member State or the member of the mission or post is accredited to that Member State.

4. By way of derogation from paragraph 2, the relevant competent authority of a Member State, as indicated on the websites listed in Annex II, may authorise a bank account to remain open, upon request by a North Korean mission, post, or one of their members, provided that the Member State has determined that the mission or post is hosted in that Member State or the member of that mission or post is accredited to that Member State and they do not hold any other bank account within that Member State. In the event that the mission, post or the North Korean member hold more than one bank account within that Member State, the mission, post, or member may indicate which bank account shall be retained.

5. Subject to the applicable rules of the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations, the Member States shall inform the other Member States and the Commission of the names and identifying information of any North Korean members of the diplomatic mission and consular post accredited to that Member State, at the latest on 13 March 2017, and of subsequent updates within one week of any change to that list. The Member States shall inform the other Member States and the Commission of any authorisation granted pursuant to paragraphs 3 and 4. The relevant competent authority of a Member State, as indicated on the websites listed in Annex II, may inform credit and financial institutions in that Member State of the identity of any North Korean member of a diplomatic mission or consular post accredited to that or any other Member State.';

(9) in Article 6, the following paragraph is inserted:

'1a. All vessels listed in Annex IVa and the funds and economic resources held by them shall be frozen, if the Sanctions Committee decides so. Annex IVa shall include the vessels that have been designated by the Sanctions Committee pursuant to paragraph 12 of UN Security Council Resolution 2321 (2016).';

(10) Article 9b is replaced by the following:

'Article 9b

1. It shall be prohibited to provide financing or financial assistance for trade with North Korea, including the granting of export credits, guarantees or insurance, to natural or legal persons, entities or bodies involved in such trade.

2. By way of derogation from paragraph 1, the relevant competent authority of the Member State, as identified on the websites listed in Annex II, may authorise financial support for trade with North Korea, provided that the Member State has obtained the advance approval of the Sanctions Committee on a case-by-case basis.

3. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 2.';

(11) Article 11a is amended as follows:

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

'(f) that is listed under Annex IVa, if the Sanctions Committee so decides.';

(b) paragraphs 2 to 6 are replaced by the following:

'2. Paragraph 1 shall not apply:

(a) in the case of emergency;

(b) where the vessel is returning to its port of origin;

(c) in the case of a vessel coming into port for inspection where that concerns a vessel within the scope of points (a) to (e) of paragraph 1.

3. By way of derogation from the prohibition in paragraph 1, where that concerns a vessel within the scope of points (a) to (e) of paragraph 1, the relevant competent authority of the Member State, as indicated on the websites listed in Annex II, may authorise a vessel to come into port if:

(a) the Sanctions Committee has determined in advance that this is required for humanitarian purposes or any other purpose consistent with the objectives of UN Security Council Resolution 2270 (2016); or

(b) the Member State has determined in advance that this is required for humanitarian purposes or any other purpose consistent with the objectives of this Regulation.

4. By way of derogation from the prohibition in point (f) of paragraph 1, the relevant competent authority of the Member State, as indicated on the websites listed in Annex II, may authorise a vessel to come into port if the Sanctions Committee has so directed.

5. It shall be prohibited for any aircraft operated by North Korean carriers or originating from North Korea to take off from, land in or overfly the territory of the Union.

6. Paragraph 5 shall not apply:

(a) where the aircraft is landing for inspection;

(b) in the case of an emergency landing.

7. By way of derogation from paragraph 5, the relevant competent authority of the Member State, as indicated on the websites listed in Annex II, may authorise an aircraft to take off from, land in or overfly the territory of the Union if that competent authority has determined in advance that this is required for humanitarian purposes or any other purpose consistent with the objectives of this Regulation.';

(12) Article 11b is replaced by the following:

'Article 11b

1. It shall be prohibited to:

(a) lease or charter vessels or aircraft or provide crew services to North Korea, persons or entities listed in Annex IV, any other North Korean entities, any other persons or entities which have assisted in violating the provisions of UN Security Council Resolution 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or 2321 (2016), or any person or entity acting on behalf of, or at the direction of, any such person or entity, and entities owned or controlled by them;

(b) procure vessel or aircraft crew services from North Korea;

(c) own, lease, operate, insure or provide vessel classification services or associated services, to any vessel flagged to North Korea;

(d) register or maintain on the register, any vessel that is owned, controlled or operated by North Korea or North Korean nationals, or has been de-registered by another State pursuant to paragraph 24 of UN Security Council Resolution 2321 (2016);

(e) provide insurance or reinsurance services to vessels owned, controlled or operated by North Korea.

2. By way of derogation from the prohibition in paragraph 1(a), the relevant competent authority of a Member State, as identified on the websites listed in Annex II, may authorise the leasing, chartering or provision of crew services, provided that the Member State has obtained the advance approval of the Sanctions Committee on a case-by-case basis.

3. By way of derogation from the prohibitions in paragraph 1(b) and (c), the relevant competent authority of the Member State, as identified on the websites listed in Annex II, may authorise the owning, leasing, operating of, or providing vessel classification services or associated services to any North Korea flagged vessel, or the registration, or maintenance on the register, of any vessel that is owned, controlled or operated by North Korea or North Korean nationals, provided that the Member State has obtained the advance approval of the Sanctions Committee on a case-by-case basis.

4. By way of derogation from the prohibition in paragraph 1(e), the competent authority of a Member State, as identified on the websites listed in Annex II, may authorise the provision of insurance or reinsurance services, provided that the Sanctions Committee has determined in advance on a case-by-case basis that the vessel is engaged in activities exclusively for livelihood purposes which will not be used by North Korean individuals or entities to generate revenue or exclusively for humanitarian purposes.

5. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraphs 2, 3 and 4.';

(13) the following Article is inserted:

'Article 11c

By way of derogation from the prohibitions arising from UN Security Council Resolution 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2070 (2016) or 2321 (2016), the relevant competent authority of a Member State, as identified on the websites listed in Annex II, may authorise any activities if the Sanctions Committee has determined on a case-by-case basis that they are necessary to facilitate the work of international and non-governmental organisations carrying out assistance and relief activities in North Korea for the benefit of the civilian population in North Korea, pursuant to paragraph 46 of UN Security Council Resolution 2321 (2016).';

(14) in Article 13(1), points (c), (d) and (g) are replaced by the following:

'(c) amend Annexes III, IIIa and IIIb in order to refine or adapt the list of goods included therein, according to any definition or guidelines that may be promulgated by either the Sanctions Committee or the UN Security Council, and to add the reference numbers taken from the Combined Nomenclature as set out in Annex I to Regulation (EEC) No 2658/87, if necessary or appropriate;';

'(d) amend Annexes IV and IVa on the basis of determinations made by either the Sanctions Committee or the UN Security Council;';

'(g) amend Annexes Ig and Ih on the basis of determinations made by either the Sanctions Committee or the UN Security Council and add the reference numbers taken from the Combined Nomenclature as set out in Annex I to Regulation (EEC) No 2658/87.'.

Article 2

Annexes I, II, III and IV to this Regulation are added to Regulation (EC) No 329/2007 as Annexes Ih, IIIa, IIIb and IVa respectively.

Article 3

In Annex Ig, the following text:

'Weapons of mass destruction-related items, materials, equipment, goods and technology identified and designated as sensitive goods, pursuant to paragraph 25 of UN Security Council Resolution 2270.'

is replaced by:

'Weapons of mass destruction-related items, materials, equipment, goods and technology identified and designated pursuant to paragraph 25 of UN Security Council Resolution 2270 (2016) and paragraphs 4 and 7 of UN Security Council Resolution 2321 (2016).'.

Article 4

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

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

Done at Brussels, 27 February 2017.

For the Council
The President
K. MIZZI

ANNEX I

'ANNEX Ih

Copper, nickel, silver and zinc referred to in point (b) of Article 2(4)'

ANNEX II

'ANNEX IIIa

The statues referred to in Article 4c(1)'

ANNEX III

'ANNEX IIIb

The helicopters and vessels referred to in Article 4d(1)'

ANNEX IV

'ANNEX IVa

The vessels that have been designated by the Sanctions Committee pursuant to paragraph 12 of UNSCR 2321 (2016)'

COUNCIL REGULATION (EU) 2017/331

of 27 February 2017

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

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Whereas:

(1) Council Regulation (EC) No 765/2006 ([2]), provides for a ban on the export to any person, entity or body, of equipment which might be used for internal repression in Belarus, as well as the provision of related technical assistance, brokering services, financing or financial assistance.

(2) Regulation (EC) No 765/2006 gives effect to the measures provided for in Decision 2012/642/CFSP.

(3) Council Decision (CFSP) 2017/350 ([3]) amending Decision 2012/642/CFSP exempts biathlon equipment from the export ban.

(4) Nothing in this Regulation is to affect the licence requirements under Regulation (EU) No 258/2012 of the European Parliament and of the Council ([4]).

(5) Regulation (EC) No 765/2006 should therefore be amended accordingly.

(6) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

'4. Paragraph 1 shall not apply to the rifles and their ammunition and sights that are listed in Annex IV and which also comply with the specifications for biathlon equipment as defined in the event and competition rules of the International Biathlon Union (IBU) and are intended exclusively for use in biathlon events and training.';

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

'4. Paragraph 1 shall not apply to the rifles and their ammunition and sights that are listed in Annex IV and which also comply with the specifications for biathlon equipment as defined in the event and competition rules of the IBU and are intended exclusively for use in biathlon events and training.'.

([1]) OJ L 285, 17.10.2012, p. 1.
([2]) Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in respect of Belarus (OJ L 134, 20.5.2006, p. 1).
([3]) Council Decision (CSFP) 2017/350 of 27 February 2017 amending Decision 2012/642/CFSP concerning restrictive measures against Belarus (OJ L 50, 28.2.2017, p. 81).
([4]) Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition (OJ L 94, 30.3.2012, p. 1).

2. The text in the Annex to this Regulation is added to Regulation (EC) No 765/2006 as Annex IV.

Article 2

This Regulation shall enter into force on the date 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, 27 February 2017.

For the Council
The President
K. MIZZI

ANNEX

'ANNEX IV

Rifles, ammunition and sights referred to in Article 1a and 1b which also comply with the specifications for biathlon equipment as defined in the event and competition rules of the International Biathlon Union

Biathlon rifles:

ex 9303 30	Other sporting, hunting or target-shooting rifles

Ammunition for biathlon rifles:

ex 9306 21	Shotgun cartridges
ex 9306 29	Parts of shotgun cartridges
ex 9306 30 90	Cartridge and parts thereof, for weapons other than shotguns, military weapons, revolvers and pistols of heading 9302, sub-machine-guns of heading 9301

Sights for biathlon rifles:

ex 9305 20	Parts and accessories of shotguns or rifles of heading 9303'

COMMISSION IMPLEMENTING REGULATION (EU) 2017/332

of 14 February 2017

approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Pistacchio Verde di Bronte (PDO)]

THE EUROPEAN COMMISSION,

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

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

Whereas:

(1) By virtue of the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined Italy's application for the approval of amendments to the specification for the protected designation of origin 'Pistacchio Verde di Bronte', registered under Commission Regulation (EU) No 21/2010 ([2]).

(2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* ([3]) as required by Article 50(2)(a) of that Regulation.

(3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Pistacchio Verde di Bronte' (PDO) are hereby approved.

Article 2

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

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

Done at Brussels, 14 February 2017.

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

([1]) OJ L 343, 14.12.2012, p. 1.
([2]) Commission Regulation (EU) No 21/2010 of 12 January 2010 entering a name in the register of protected designations of origin and protected geographical indications [Pistacchio Verde di Bronte (PDO)] (OJ L 8, 13.1.2010, p. 3).
([3]) OJ C 403, 1.11.2016, p. 14.

COMMISSION IMPLEMENTING REGULATION (EU) 2017/333

of 14 February 2017

approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Schwäbische Spätzle/ Schwäbische Knöpfle (PGI)]

THE EUROPEAN COMMISSION,

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

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

Whereas:

(1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined Germany's application for the approval of amendments to the specification for the protected geographical indication 'Schwäbische Spätzle'/'Schwäbische Knöpfle', registered under Commission Implementing Regulation (EU) No 186/2012 ([2]).

(2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* ([3]) as required by Article 50(2)(a) of that Regulation.

(3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Schwäbische Spätzle'/'Schwäbische Knöpfle' (PGI) are hereby approved.

Article 2

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

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

Done at Brussels, 14 February 2017.

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

([1]) OJ L 343, 14.12.2012, p. 1.
([2]) Commission Implementing Regulation (EU) No 186/2012 of 7 March 2012 entering a name in the register of protected designations of origin and protected geographical indications [Schwäbische Spätzle / Schwäbische Knöpfle (PGI)] (OJ L 69, 8.3.2012, p. 3).
([3]) OJ C 403, 1.11.2016, p. 20.

COMMISSION REGULATION (EU) 2017/334

of 27 February 2017

correcting the Bulgarian, Dutch, Estonian and German language versions of Regulation (EU) No 1321/2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

(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 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC ([1]), and in particular Article 5(5) thereof,

Whereas:

(1) An error appears in the Dutch language version of Commission Regulation (EU) No 1321/2014 ([2]) as amended by Regulation (EU) 2015/1088 ([3]), more precisely in point 145.A.55(c)(3) of Annex II (Part 145), as regards the number of years covered by retained maintenance records which shall be distributed. Therefore a correction of the Dutch language version is necessary. The other language versions are not affected.

(2) An error appears in the Bulgarian, Estonian and German language versions of Regulation (EU) No 1321/2014 as amended by Regulation (EU) 2015/1088, more precisely in point 145.A.70(a)(6) of Annex II (Part 145), as regards the omission of the term 'support staff'. Therefore a correction of the Bulgarian, Estonian and German language versions is necessary. The other language versions are not affected.

(3) Regulation (EU) No 1321/2014 should therefore be corrected accordingly.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65(1) of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

Article 1

(Concerns only the Bulgarian, Dutch, Estonian and German language versions.)

Article 2

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

([1]) OJ L 79, 19.3.2008, p. 1.
([2]) Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 362, 17.12.2014, p. 1).
([3]) Commission Regulation (EU) 2015/1088 of 3 July 2015 amending Regulation (EU) No 1321/2014 as regards alleviations for maintenance procedures for general aviation aircraft (OJ L 176, 7.7.2015, p. 4).

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

Done at Brussels, 27 February 2017.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION REGULATION (EU) 2017/335

of 27 February 2017

amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of steviol glycosides (E 960) as a sweetener in certain energy-reduced confectionery products

(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 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives ([1]), and in particular Article 10(3) thereof,

Whereas:

(1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in food and their conditions of use.

(2) That list may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008 of the European Parliament and of the Council ([2]) either on the initiative of the Commission or following an application.

(3) On 27 May 2015 an application was submitted for authorisation of the use of steviol glycosides (E 960) as a sweetener in certain energy-reduced confectionery products. The application was subsequently made available to the Member States pursuant to Article 4 of Regulation (EC) No 1331/2008.

(4) Steviol glycosides are non-caloric sweet-tasting constituents and may be used to replace caloric sugars in certain confectionery products, thus reducing their caloric content and offering consumers energy-reduced products, in accordance with Article 7 of Regulation (EC) No 1333/2008. The combined use of steviol glycosides and sugar provide sweetness to products and an improved taste profile compared to products which use only steviol glycosides for sweetening purposes as the sugar masks the aftertaste of steviol glycosides.

(5) Pursuant to Article 3(2) of Regulation (EC) No 1331/2008, the Commission is to seek the opinion of the European Food Safety Authority ('the Authority') in order to update the Union list of food additives set out in Annex II to Regulation (EC) No 1333/2008.

(6) In 2010 the Authority adopted a scientific opinion ([3]) on the safety of steviol glycosides for the proposed uses as a food additive (E 960) and established an acceptable daily intake (ADI) of 4 mg/kg body weight/day, expressed as steviol equivalents.

(7) In 2015 the Authority revised the exposure assessment of steviol glycosides and concluded that the exposure estimates are below the ADI for all age groups, except for toddlers at the upper range of the high level (95th percentile) estimates, in one country ([4]). Exposure calculations carried out by *Rijksinstituut voor Volksgezondheid en Milieu* in 2015 showed that the proposed extension of use, assuming a market share of 25 % for steviol glycosides containing products and assuming 100 % brand loyalty, did not affect the 95th percentile of exposure in young children aged two to six years in the Netherlands.

(8) In its opinion of 2015 the Authority indicated that it was not possible within the FoodEx classification system to reflect all the restrictions/exceptions applying to the use of steviol glycosides (E 960) in the foods under food

([1]) OJ L 354, 31.12.2008, p. 16.
([2]) Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings (OJ L 354, 31.12.2008, p. 1).
([3]) EFSA Journal 2010;8(4):1537.
([4]) *EFSA Journal* 2015;13(6):4146.

subcategory 05.2. Therefore, the highest maximum level of 2 000 mg/kg was assigned to the entire food category resulting in an overestimation of exposure. In addition, foods of category 05.2. 'Other confectionery including breath freshening microsweets' were not identified as one of the main food categories contributing to exposure to steviol glycosides (E 960).

(9) Considering that the exposure estimates are below the ADI for all age groups, the proposed uses and use levels of steviol glycosides (E 960) as a sweetener are not a safety concern.

(10) Therefore, it is appropriate to authorise the use of steviol glycosides (E 960) as a sweetener in certain energy-reduced confectionery products in food subcategory 05.2 'Other confectionery including breath freshening microsweets': hard confectionery (candies and lollies), soft confectionery (chewing candies, fruit gums and foam sugar products/marshmallows), liquorice, nougat and marzipan (at maximum level of 350 mg/kg); strongly flavoured freshening throat pastilles (at maximum level of 670 mg/kg) and breath-freshening micro-sweets (at maximum level of 2 000 mg/kg).

(11) Annex II to Regulation (EC) No 1333/2008 should be amended accordingly.

(12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 1333/2008 is amended in accordance with 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*.

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

Done at Brussels, 27 February 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Food subcategory 05.2 'Other confectionery including breath freshening microsweets' of Part E of Annex II to Regulation (EC) No 1333/2008 is amended as follows:

(a) the entry for E 960 Steviol glycosides referring to 'only confectionery with no added sugar' is replaced by the following:

	'E 960	Steviol glycosides	350	(60)	only confectionery with no added sugars only energy-reduced hard confectionery (candies and lollies) only energy-reduced soft confectionery (chewy candies, fruit gums and foam sugar products/marshmallows) only energy-reduced liquorice only energy-reduced nougat only energy-reduced marzipan'

(b) the entry for E 960 Steviol glycosides referring to 'only strongly flavoured freshening throat pastilles with no added sugar' is replaced by the following:

	'E 960	Steviol glycosides	670	(60)	only strongly flavoured freshening throat pastilles, energy-reduced or with no added sugars'

(c) the entry for E 960 Steviol glycosides referring to 'only breath-freshening micro-sweets, with no added sugar' is replaced by the following:

	'E 960	Steviol glycosides	2 000	(60)	only breath-freshening micro-sweets, energy-reduced or with no added sugars'

COMMISSION IMPLEMENTING REGULATION (EU) 2017/336

of 27 February 2017

imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain heavy plate of non-alloy or other alloy steel 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 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(4) thereof,

Whereas:

1. PROCEDURE

1.1. Provisional Measures

(1) On 7 October 2016 the European Commission ('the Commission') imposed a provisional anti-dumping duty on imports into the European Union ('the Union') of flat products of non-alloy or alloy steel (excluding stainless steel, silicon-electrical steel, tool steel and high-speed steel), hot-rolled, not clad, plated or coated, not in coils, of a thickness exceeding 10 mm and of a width of 600 mm or more or of a thickness of 4,75 mm or more but not exceeding 10 mm and of a width of 2 050 mm or more ('heavy plate') originating in the People's Republic of China ('the PRC') by Commission Implementing Regulation (EU) 2016/1777 [2] ('the provisional Regulation').

(2) The Commission initiated the investigation on 13 February 2016 by publishing a Notice of Initiation in the *Official Journal of the European Union* ('the Notice of Initiation') following a complaint lodged on 4 January 2016 by the European Steel Association ('Eurofer') on behalf of producers representing more than 25 % of the total Union production of heavy plate.

(3) As stated in recitals 28 and 29 of the provisional Regulation, the investigation of dumping and injury covered the period from 1 January 2015 to 31 December 2015 ('the investigation period' or 'IP') and the examination of trends relevant for the assessment of injury covered the period from 1 January 2012 to the end of the investigation period ('the period considered').

1.2. Registration

(4) The Commission made imports of heavy plate originating in the PRC subject to registration as of 11 August 2016 by Commission Implementing Regulation (EU) 2016/1357 [3] ('the registration Regulation'). The registration of imports ceased with the imposition of provisional measures on 8 October 2016.

(5) Interested parties had 20 days after the start of registration to submit comments. No comments were received.

1.3. Subsequent procedure

(6) Following the disclosure of the essential facts and considerations on the basis of which a provisional anti-dumping duty was imposed ('provisional disclosure'), Eurofer, an association of steel producers from the PRC ('CISA'), an exporting producer from the PRC, an importer of heavy plate in the Union referred to in recital 34 of the provisional Regulation ('one importer'), and an *ad-hoc* association of users in downstream industry (wind turbine towers) made written submissions making known their views on the provisional findings.

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[1] OJ L 176, 30.6.2016, p. 21.

[2] Commission Implementing Regulation (EU) 2016/1777 of 6 October 2016 imposing a provisional anti-dumping duty on imports of certain heavy plate of non-alloy or other alloy steel originating in the People's Republic of China (OJ L 272, 7.10.2016, p. 5).

[3] Commission Implementing Regulation (EU) 2016/1357 of 9 August 2016 making imports of certain heavy plate of non-alloy or other alloy steel originating in the People's Republic of China subject to registration (OJ L 215, 10.8.2016, p. 23).

(7) The parties who so requested were granted an opportunity to be heard. Hearings took place with one exporting producer from the PRC, CISA and one importer.

(8) The Commission considered the oral and written comments submitted by the interested parties and, where appropriate, addressed them below.

(9) The Commission continued seeking and verifying all information it deemed necessary for its definitive findings. In order to verify the questionnaire replies of unrelated importers, verification visits were carried out at the premises of the following parties:

— Network Steel S.L., Madrid, Spain,

— Primex Steel Trading GmbH, Düsseldorf, Germany,

— Salzgitter Mannesmann International GmbH, Düsseldorf, Germany.

(10) The Commission informed all parties of the essential facts and considerations on the basis of which it intended to impose a definitive anti-dumping duty on imports into the Union of heavy plate originating in the PRC and definitively collect the amounts secured by way of provisional duty ('final disclosure').

(11) All parties were granted a period within which they could make comments on the final disclosure. Eurofer, CISA and one importer made their comments in written submissions following final disclosure and at a hearing. The comments submitted by the interested parties were considered and taken into account where appropriate.

1.4. **Sampling**

(12) CISA submitted that a sample of Union producers representing 28,5 % of the total sales of the Union industry was too small and did not cover enough sales.

(13) As stated in recital 12 of the provisional Regulation the sample of Union producers was made on the basis of the biggest sales volume in the Union during the investigation period which could reasonably be investigated within the time available.

(14) Already for that reason, the argument has to be rejected. As indicated in recital 197 below, there is an almost complete matching of more than 90 % (by volume) and around 70 % (by Product Control Number ('PCN') used to differentiate product types for the investigation purposes) between the product types exported by the sampled exporting producers from the PRC and the product types sold by the sampled Union producers on the Union market.

(15) Following final disclosure CISA returned to this issue in their comments and at the hearing, stating that it is more than difficult to believe that there is an almost complete matching of PCNs if the majority of the PCNs are not sold by all three sampled Union producers. The Commission notes that the matching of PCNs was subsequently verified again, and the percentages given in recital 14 above were found to be correct.

(16) The Commission observes in this context that 'matching' means that for a product type exported by the sampled exporting producers from the PRC under a given PCN, there is at least one transaction for the product type under the same PCN for the sampled Union producers. A 90 % matching by volume means that 90 % of the import transactions of the sampled exporting producers from the PRC during the investigation period fall under a PCN for which there is at least one transaction for the sampled Union producers. A 70 % matching by PCN means that for 70 % of the product types that are imported under a given PCN, there is at least one matching transaction of the sampled Union producers.

(17) The Commission concludes therefore that the sample of Union producers is representative, even if the mere fact that it is based on the biggest volume that could reasonably be investigated was not sufficient.

(18) In the absence of further comments concerning the method of sampling, the provisional findings set out in recitals 11 to 24 of the provisional Regulation are confirmed.

1.5. **Individual examination**

(19) Recital 25 of the provisional Regulation noted that seven exporting producers in the PRC indicated that they wished to request individual examination under Article 17(3) of the basic Regulation.

(20) Whilst none of these exporting producers replied to the questionnaire and therefore no requests were considered to have been received, one of these seven exporting producers did return a Market Economy Treatment ('MET') claim form and following the publication of the provisional Regulation, requested that the Commission assess its MET claim.

(21) Given that the exporting producer did not return a questionnaire, the company's request for individual examination was rejected, because the exporting producer has not demonstrated that it meets the conditions for being granted individual examination. It was in that context informed that the submission of the MET claim form alone was not sufficient to support their request. The Commission did not assess their MET claim, in accordance with Article 2(7)(d) of the basic Regulation, as they had not been sampled, nor had they successfully claimed individual examination.

(22) In the absence of any further comments concerning individual examination, the provisional findings set out in recital 25 of the provisional Regulation are confirmed.

2. **PRODUCT CONCERNED AND LIKE PRODUCT**

2.1. **Claims regarding the product scope**

(23) Recitals 30 and 31 of the provisional Regulation set out the provisional definition of the product concerned.

(24) Recitals 34 and 41 of the provisional Regulation set out the claims of one importer and their assessment by the Commission regarding the product scope.

(25) Following the imposition of provisional measures one importer and CISA submitted further claims arguing along the same lines that certain product types, that is:

— structural steel of steel grade S500 and above,

— steels for case-hardening, quenching and tempering,

— pipeline steel,

— abrasion-resistant steel,

— other steel ([1]),

— all heavy plate with a thickness exceeding 150 mm,

referred to by them as 'special heavy plate' should be excluded from the product scope.

(26) The Commission notes that both 'special heavy plate' and other heavy plate can be made to measure, so this is not a relevant criterion to differentiate between them.

(27) A number of arguments supporting this claim for exclusion were brought forward, and they are individually analysed below.

([1]) Steel other than structural steel, shipbuilding steel, pressure vessel steel, steels for case-hardening, quenching and tempering, pipeline steel and abrasion-resistant steel.

(28) At the outset, the Commission recalls that according to the case-law, neither the basic Regulation nor the WTO Antidumping Agreement specifies the scope of the concept of 'product under consideration'. The Court therefore considers that the Commission enjoys broad discretion when defining the product under consideration. In particular, there is no requirement for homogeneity or similarity between the products at issue. Rather, the Union Courts considered it relevant whether all products at issue share the same basic physical and technical characteristics. The General Court has also considered that end use and interchangeability may constitute relevant criteria.

(29) The Commission will first set out the analysis of those criteria in the present case, and then explain how it decided to exercise its broad discretion on that basis.

2.1.1. *Difference in physical, chemical and technical properties*

(30) One importer claimed that 'special heavy plate' can be easily distinguished from the 'commodity heavy plate' by chemical properties such as the carbon content, physical properties such as the yield strength or the Brinell Hardness, technical properties such as the grade designations, or the thickness.

(31) CISA claimed that the most important criterion (by export volume) to differentiate 'special heavy plate' is the thickness of the plate, which covers more than half of the products to be excluded. CISA based this argument for exclusion from the product scope on the structure of the PCN used to group the different product types for the investigation purposes.

(32) The PCN structure is used to ensure that products with comparable costs and prices are compared — it does not say anything about the use of the product or the interchangeability of the product. In case of thickness, it also does not say anything about the physical, chemical or technical properties of the product. In particular, none of the interested parties could demonstrate that a heavy plate with a thickness of 155 mm would not have the same end use and not be interchangeable with a heavy plate of a thickness of 145 mm, all other parameters being equal.

(33) Furthermore, while there may be indeed these specific differences in the specific properties referred to in recital 30 above, this does not show that 'special heavy plate' does not share the same basic characteristics as 'commodity heavy plate'.

(34) Eurofer requested that the product definition remain unchanged and supported the arguments of the Commission set out in recitals 36 and 41 of the provisional Regulation.

(35) They further submitted that the dumped imports from the PRC include a wide range of steel grades and dimensions, and cover both alloy and non-alloy steel heavy plate. They finally noted that there is no 'specific requirement for homogeneity or similarity between the products' covered by the scope of the product concerned.

(36) Indeed, the Commission notes that it is common in anti-dumping investigations that the product scope covers hundreds or even thousands of product types which are not identical or homogeneous, but still share the same basic characteristics, as is the case in this investigation.

(37) Following final disclosure CISA, Eurofer and one importer returned to this issue in their comments and at the hearing:

(a) CISA did not raise any new substantial arguments.

(b) One importer claimed that 'special heavy plate' and 'commodity heavy plate' do not have the same basic physical, chemical and technical characteristics and that the fact that heavy plates can be made to measure cannot invalidate distinction by thickness between 'special heavy plate' and 'commodity heavy plate'.

In this context this importer referred to three previous anti-dumping cases where dimensions were used to define products under investigation, such as maximum cross-sectional dimension (steel ropes and cables originating in the PRC and Ukraine ([1])), certain thickness range combined with certain width (aluminium foil originating in Armenia, Brazil and the PRC ([2])) or reference to physical and chemical properties (corrosion resistant steels originating in the PRC ([3])).

On this basis this importer concluded that the Commission could refer to the thickness of 150 mm to distinguish between 'special heavy plate' and 'commodity heavy plate'.

(c) Eurofer claimed to the contrary that all heavy plate share similar physical, chemical and technical properties, all heavy plate is made from flat-rolled steel, is flat (i.e. not in coils) and has a similar range of dimensions meeting the definition of the product concerned.

In this context Eurofer referred to three previous anti-dumping cases in the steel industry where the product under investigation was defined as one class of product regardless of thickness or grade of steel (hot-rolled flat products originating in Bulgaria, India, South Africa, Taiwan and Yugoslavia ([4])), despite the existence of a wide product mix among all the product types (stainless steel wires originating in India ([5])), or despite the existence of differences in core loss or noise levels (grain-oriented flat rolled products of silicon-electrical steel originating in the PRC, Japan, South Korea, Russia and the USA ([6])).

Eurofer further referred to cases in other industries such as solar panels originating in the PRC and footwear originating in the PRC and Vietnam, where products with different properties were also found to fall within the definition of the product concerned.

Finally Eurofer also pointed out that the Court of First Instance ([7]) stated that the Commission enjoys a 'wide discretion' in determining the like product.

(38) In respect to above comments the Commission notes that as is the case in most investigations, the definition of the product concerned covers a wide variety of product types which share the same or similar basic physical, technical and chemical characteristics. The fact that these characteristics can vary from product type to product type may indeed lead to cover a wide range of types.

(39) The Commission further notes that even though different types of heavy plate have different thickness, steel grades, etc., CISA and one importer failed to demonstrate and to submit any evidence or substantial argument that the thickness of 150 mm would be an appropriate distinction between 'special heavy plate' and 'commodity heavy plate' for reasons of physical, chemical and technical characteristics or end-use and interchangeability (see section 2.1.2 below).

(40) On the basis of the above, the Commission concludes that 'special heavy plate' and 'commodity heavy plate' have the same basic physical, chemical and technical characteristics.

([1]) Council Implementing Regulation (EU) No 102/2012 of 27 January 2012 imposing a definitive anti-dumping duty on imports of steel ropes and cables originating in the People's Republic of China and Ukraine as extended to imports of steel ropes and cables consigned from Morocco, Moldova and the Republic of Korea, whether declared as originating in these countries or not, following an expiry review pursuant to Article 11(2) of Regulation (EC) No 1225/2009 and terminating the expiry review proceeding concerning imports of steel ropes and cables originating in South Africa pursuant to Article 11(2) of Regulation (EC) No 1225/2009 (OJ L 36, 9.2.2012, p. 1).

([2]) Council Regulation (EC) No 925/2009 of 24 September 2009 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain aluminium foil originating in Armenia, Brazil and the People's Republic of China (OJ L 262, 6.10.2009, p. 1).

([3]) Notice of initiation [2016/C 459/11] (OJ C 459, 9.12.2016, p. 17).

([4]) Commission Decision No 283/2000/ECSC of 4 February 2000 imposing a definitive anti-dumping duty on imports of certain flat rolled products of iron or non-alloy steel, of a width of 600 mm or more, not clad, plated or coated, in coils, not further worked than hot-rolled, originating in Bulgaria, India, South Africa, Taiwan and the Federal Republic of Yugoslavia and accepting undertakings offered by certain exporting producers and terminating the proceeding concerning imports originating in Iran (OJ L 31, 5.2.2000, p. 15), recitals 9 to 12.

([5]) Council Implementing Regulation (EU) No 1106/2013 of 5 November 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain stainless steel wires originating in India (OJ L 298, 8.11.2013, p. 1), recital 16.

([6]) Commission Implementing Regulation (EU) 2015/1953 of 29 October 2015 imposing a definitive anti-dumping duty on imports of certain grain-oriented flat-rolled products of silicon-electrical steel originating in the People's Republic of China, Japan, the Republic of Korea, the Russian Federation and the United States of America (OJ L 284, 30.10.2015, p. 109).

([7]) Case T-2/95 *Industrie des Poudres Spériques*.

2.1.2. *Different end-use and interchangeability*

(41) CISA and one importer also alleged that imports of 'special heavy plate' have a completely different end use, and that they are not interchangeable with 'commodity heavy plate'. CISA submitted that imports of 'special heavy plate' are essentially for the Union's metal forming industry, which is dependent on such imports.

(42) At the same time one importer submitted that 'special heavy plate' are used by a wide range of industries, including mining and earth moving machines (yellow goods), crane and lifting equipment, bridge constructions, wind turbine towers, energy sector, etc.

(43) No users in the Union or the industries mentioned in recitals 41 and 42 above came forward to support the argument set out at recital 40 above. To the contrary, in particular concerning wind turbine towers, evidence provided by this importer and by other interested parties shows that producers of wind turbine towers do buy heavy plate, which does not fall under the definition of 'special heavy plate' as proposed by one importer or CISA but rather under their definition of 'commodity heavy plate'.

(44) The Commission notes that there is indeed a broad number of different end-uses of 'special heavy plate'. However, interested parties have not provided detailed evidence (for example invoices to users in these industries showing that these industries are actually using these products) that would have enabled the Commission to carry out an assessment whether those end-uses are different for 'special heavy plate' and 'commodity heavy plate', or whether, in reality, most or all end-users are able to substitute one for the other. Hence, no evidence was submitted showing that 'special heavy plate' is not interchangeable with other heavy plate.

(45) Following final disclosure CISA, one importer and Eurofer returned to this issue in their comments and at the hearing. CISA did not raise any new arguments. One importer submitted that the use of heavy plate depends on calculated structural values and mechanical impacts (related to physical and chemical properties) and on commercial aspects (related to prices and costs of production processes).

(46) In support of their arguments they referred to:

(a) the publication of German Association of Steel Producers indicating the correlations between the weight, thickness, strength and steel grade;

(b) the pricing policy of Union producers where heavy plate above 120 mm is subject to surcharges for thickness;

(c) the comparison between two technologies of production of heavy plate, that is from ingots (more expensive) and from continuous cast slabs (less expensive);

(d) the fact that in the PRC the maximum slab thickness is 400 mm, which means that for the production of heavy plate above 200 mm ingots are required as raw material (which implies a more expensive process);

(e) the existence of exports by some Union producers of heavy plate in special grades to the PRC.

(47) The Commission notes that both CISA and one importer failed to submit any evidence to confirm that the objective distinction between 'special heavy plate' and 'commodity heavy plate' is whether the plate has a thickness over, or under 150 mm.

(48) Moreover no evidence has been submitted that there is no overlapping and competition between adjoining segments of heavy plates, for example between those of thickness of 155 mm and 145 mm. To the contrary, several of the invoices submitted by one importer showed that 'commodity heavy plate' and 'special heavy plate' were sold on the same invoice to the same customer.

(49) Following the final disclosure one importer submitted further that the Commission could create new separate TARIC code to make a distinction between 'commodity heavy plate' and 'special heavy plate' by referring to the physical and chemical properties as well as to thickness. This party suggested further a formal requirement of an inspection report of an independent survey company in order to certify the above distinction upon customs clearance.

(50) Since the parameter of thickness of 150 mm as the cut-off point between 'special heavy plate' and 'commodity heavy plate' is not properly justified, the argument concerning the definition of customs codes and formal inspection, as suggested by the importer, does not need to be addressed. The Commission agrees, however, that as a matter of principle, it is possible to exclude certain products from the product scope from a technical point of view. The decisive question is, however, whether based on legal, economic and political considerations, such exclusion is justified (see on that point in the following section).

(51) One importer submitted further in their comments to final disclosure a number of anonymised invoices describing them as their sales of 'special heavy plate' to users in mining and earth moving machines (yellow goods), crane and lifting equipment, bridge constructions, wind turbine towers, energy sector, etc. This importer also offered to agree with the Commission arrangements for verifying this data.

(52) The Commission considers that such verification is not necessary in the present case. Given the very late offer, it would also have been practically very difficult, if not impossible to implement.

(53) However, as indicated in recital 47 above, several of the invoices submitted by this importer showed that 'commodity heavy plate' and 'special heavy plate' was sold on the same invoice to the same customer. This clearly shows that the same customers can and do use both types of heavy plate.

(54) One importer referred also in their comments to final disclosure to publication of Stahl-Informations-Zentrum illustrating different uses of heavy plate. The Commission takes due note of this report and is aware of different uses of heavy plate. However as mentioned in recital 44 above no evidence was submitted showing that 'special heavy plate' is not interchangeable with other heavy plate.

(55) Finally one importer referred in their comments to final disclosure to anti-dumping measures on heavy plate in Australia and the USA, where certain product type exclusions were introduced based on grades and thicknesses.

(56) The Commission notes however that those exclusions occurred at the stage of initiation of those proceedings, and no reasoning is given as to why that exclusion was decided. In any event, decisions by other WTO members do not prejudge the situation in the Union.

(57) Eurofer submitted in their comments to final disclosure that the grades designated by one importer and CISA as 'special heavy plate' is based merely upon their own arbitrary classification. To illustrate this Eurofer referred to two examples that confirm the Commission's finding in recital 47 above:

(a) structural steel grade S500 is classified by those parties as 'special heavy plate' while shipbuilding steel grade AQ51 is classified by those parties as 'commodity heavy plate' even though the two steel grades have similar yield and tensile strengths;

(b) alloy pressure vessel steel is classified by those parties as 'commodity heavy plate' while various other alloy steel grades are classified by those parties as 'special heavy plate'.

(58) On this basis the Commission rejects the argument that 'special heavy plate' has a different end-use and is not interchangeable with the other products subject to the investigation.

2.1.3. *Appreciation of the opportunity of excluding certain products from the product scope*

(59) The Commission notes that the fact that within the product scope of heavy plate various distinctions can be made between types, grades, qualities, etc. of heavy plate and that there might be differences in production methods and costs, does not preclude that they can be regarded as a single product, as long as they have the same basic physical, technical and/or chemical characteristics. In this respect the Commission refers to the case-law quoted in recital 28 above.

(60) The Commission also recognizes that it could, if it considered such course of action appropriate, exclude certain products from the scope of the investigation, as investigating authorities in other WTO Member States have done.

(61) However, the Commission considers that on the basis of an assessment of all facts established during the investigation, such exclusion is not warranted.

(62) CISA submitted a calculation showing that excluding 'special heavy plate' would account for 9,2 % of the total imports from the PRC. On this basis they alleged that excluding 'special heavy plate' from the product scope 'will have very limited impact on the overall determination of the investigation' and that it 'would not jeopardize the general effect of anti-dumping measures on imports of dumped heavy plate', since 'commodity heavy plate' would remain subject to the measures.

(63) An analysis of the export sales of the sampled exporting producers from the PRC on the basis of the PCN shows that 'special heavy plate' does undercut the sales prices of the Union industry and thereby contribute to the injury suffered by the Union industry.

(64) Since it cannot be established that 'special heavy plate' has a different end-use than 'commodity heavy plate' and is not interchangeable with it, the currently limited quantities of these sales cannot be used as an indication that their exclusion would not jeopardize the effectiveness of the measures. Indeed, if 'special heavy plate' were excluded from the product scope, users currently buying 'commodity heavy plate' could switch to 'special heavy plate', thereby avoiding the duties and jeopardizing the effectiveness of the measures.

(65) Furthermore, contrary to the situation in other WTO Member States, all types of heavy plate are produced in significant quantities by the Union producers, and all those products suffer from injurious dumping.

(66) On this basis, the Commission rejects the argument that the exclusion of 'special heavy plate' would not jeopardize the effectiveness of the anti-dumping measures.

2.1.4. *Conclusion*

(67) On the basis of the above, the Commission concludes that none of the arguments raised by CISA and one importer shows that 'special heavy plate' should be excluded from the product scope of the investigation.

(68) In the absence of further comments as regards the product scope the Commission confirms the definition of the product concerned as set out in recitals 30 and 31 of the provisional Regulation.

3. **DUMPING**

3.1. **Normal value**

3.1.1. *MET*

(69) As set out in recital 43 of the provisional Regulation, none of the sampled exporting producers claimed MET and no requests for individual examination including claims for MET were accepted.

3.1.2. *Analogue country*

(70) In the provisional Regulation, the Commission selected Australia as the analogue country in accordance with Article 2(7) of the basic Regulation.

(71) After publication of the provisional Regulation, CISA noted that in a submission made at the start of the investigation they had commented on the potential use of the United States of America, expressing great concern at this choice as it would result in the Commission using data from companies related to the Union industry. CISA noted that the Commission should use data from other countries and only use the USA as a last resort in the absence of cooperation from other countries.

(72) Following the publication of the provisional Regulation, Eurofer, one exporting producer in the PRC and CISA made comments on the choice of Australia and requested that the Commission use the United States of America instead.

(73) Eurofer and the exporting producer from the PRC suggested that the Commission use data from the United States of America as there were more competing domestic producers, and therefore there would be data for more product types than what was available from the sole Australian producer.

(74) Given that only one US producer cooperated with the investigation, data from other producers would not have been available if the USA had been chosen as analogue country.

(75) CISA requested that the Commission calculate dumping margins using the data from the sole cooperating US producer, and if the result was 'completely different' from that found at provisional stage using Australia, that the Commission should find that Australia is not a 'valid analogue country' and use the USA instead.

(76) This request was rejected. As set out in recitals 44 to 52 of the provisional Regulation Australia has been chosen as analogue country, and their new arguments did not show that Australia is not appropriate.

(77) Following final disclosure CISA submitted further comments regarding the suitability of Australia as analogue country.

(78) Firstly, they noted that the dumping margins calculated for the exporting producers from the PRC were higher than the injury margins, and therefore the Australian normal value was higher than the non-injurious price of the Union industry, if taken as an average. On this basis CISA concluded that Australia 'cannot possibly be considered a valid analogue country'.

(79) This argument is rejected. The level of the normal value, based on the prices or costs in the market economy country concerned, is information verified after the choice of analogue country is made. The normal value is the domestic price of the like product on the domestic market of a market economy country and not a reason to discard Australia as an analogue country.

(80) Secondly, CISA made reference to a recent case against the PRC (HFP rebar) ([1]) where they claimed that the Commission had removed certain product types from the normal value in the analogue country after 'interested parties challenged the very high domestic prices and costs of production'.

(81) The example quoted by CISA has no relevance to the current investigation. In the HFP rebar case the Commission identified certain product types made to an analogue country's standards and not in competition with product types exported from the PRC. These particular product types were not taken into account when comparing the normal value to the export price of the exporting producers from the PRC.

(82) As CISA has made no claim that the producer in Australia manufactures product types that do not compete with the product types exported from the PRC to the Union, the example has no relevance.

(83) In the absence of any further comments regarding analogue country, the Commission's provisional conclusion to use Australia as analogue country, as set out in recital 52 of the provisional Regulation is therefore confirmed.

3.1.3. *Normal value*

(84) Eurofer commented on the Commission's provisional methodology set out in recital 68 of the provisional Regulation regarding product types not sold by the analogue producer. They requested that the Commission should 'include an adjustment to account for the higher costs' of products not sold on the domestic market of the analogue country.

(85) The Commission rejects this request as the only data available regarding the cost or price of heavy plate in Australia is the verified data of the analogue country producer. Where the producer did not manufacture a particular product type exported by an exporting producer from the PRC, no data is therefore available to make such an adjustment.

(86) In the absence of any further comments regarding normal value, the conclusions set out in recitals 53 to 68 of the provisional Regulation are confirmed.

([1]) Commission Implementing Regulation (EU) 2016/1246 of 28 July 2016 imposing a definitive anti-dumping duty on imports of high fatigue performance steel concrete reinforcement bars originating in the People's Republic of China (OJ L 204, 29.7.2016, p. 70).

3.2. **Export price**

(87) In the absence of comments regarding export price, the conclusions set out in recitals 69 and 70 of the provisional Regulation are confirmed.

3.3. **Comparison**

(88) In the absence of comments regarding comparison, the conclusions set out in recitals 71 to 73 of the provisional Regulation are confirmed.

3.4. **Dumping margins**

(89) In the absence of comments regarding the dumping margins, the provisional dumping margins set out in Table 2 of the provisional Regulation are confirmed.

4. **INJURY**

4.1. **Definition of the Union industry and Union production**

(90) In the absence of any comments with respect to the definition of the Union industry and Union production the conclusions set out in recitals 82 to 85 of the provisional Regulation are confirmed.

4.2. **Union consumption**

(91) In the absence of comments with respect to Union consumption the conclusions set out in recitals 86 to 89 of the provisional Regulation are confirmed.

4.3. **Volume and market shares of the imports**

(92) In the absence of comments with respect to the volume and market share of imports from the PRC, the conclusions set out in recitals 90 to 94 of the provisional Regulation are confirmed.

4.4. **Prices of the imports from the PRC and price undercutting**

(93) Eurofer submitted that 'the Commission should be careful not to underestimate the margin of undercutting by making unrealistically high adjustments for post-importation costs.'

(94) The Commission notes however that the amounts for post-importation costs were confirmed during the on-spot verifications and therefore cannot be considered unrealistically high.

(95) Eurofer further claimed that 'the Union industry prices should also not be reduced for related-party commissions paid within a corporate group.'

(96) The Commission notes that a deduction for commissions is warranted when the company intervening in a transaction performs the functions of an agent, irrespective of whether the company is related or not. Moreover neither Eurofer nor any individual Union producer provided any argument that this is not the case. The Commission therefore maintains the position that the deduction is warranted.

(97) Eurofer submitted also that 'Chinese exporting producers often add certain amounts of boron or chromium to normal structural steels in order to qualify for Chinese tax rebates but then sell the steel as normal non-alloy structural steel in the Union market (e.g. grades S235, S275 and S355)'. They requested that the Commission ensures that 'these products are properly matched with Union industry sales of grades S235, S275 and S355 in its undercutting analysis'.

(98) The undercutting analysis compares import prices from the PRC with Union prices on the basis of the PCN which is common to all parts of the investigation. The steel grade forms part of the PCN and was verified during the verification visits at the sampled exporting producers from the PRC and Union producers. Therefore the same steel grades were matched for the undercutting analysis.

(99) In the absence of any further comments with respect to the price of the imports from the PRC and price undercutting the conclusions set out in recitals 95 to 99 of the provisional Regulation are confirmed.

4.5. **Economic situation of the Union industry**

4.5.1. *General remarks*

(100) In recital 104 of the provisional Regulation the Commission notes that one of the sampled Union producers suspended the production of heavy plate in December 2015.

(101) One exporting producer from the PRC claimed that the Commission should exclude this sampled Union producer from the injury analysis because 'the potential for distortion remains, such that either a revised analysis without the defunct company's information should be conducted, or data from another EU producer should be collected'.

(102) This suspension of production has no impact on any injury indicator as it took place at the last days of the investigation period and therefore both sets of data that is macroeconomic data relating to all Union producers and the microeconomic indicators relating to the sampled Union producers were found to be representative of the economic situation of the Union industry.

(103) In the absence of any comments with respect to the general remarks on the economic situation of the Union industry the conclusions set out in recitals 100 to 104 of the provisional Regulation are confirmed.

4.5.2. *Macroeconomic indicators*

4.5.2.1. Production, production capacity and capacity utilisation

(104) In the absence of any comments with respect to production, production capacity and capacity utilisation of the Union industry the conclusions set out in recitals 105 to (110) of the provisional Regulation are confirmed.

4.5.2.2. Sales volume and market share

(105) CISA submitted that it disagrees with the methodology of a '"beginning-point" (2012) to "end-point" (2015, i.e. IP)' comparison of the sales volume injury indicator and the resulting conclusion that the Union industry's sales volume has decreased by 7 %. In CISA's view more recent data are more relevant to the determination on injury. CISA further claims that the Commission should have 'added more weight on the recent trend of sales volume of the Union industry, which does not show any decrease throughout the recent 3 years', i.e. between 2013 and 2015.

(106) The Commission rejects this argument for the following reasons:

(107) Firstly, the Commission recalls recital 3 above providing that the examination of trends relevant for the assessment of injury covered the period considered.

(108) The Commission examined all injury indicators by presenting their trends over the whole period considered as well as year to year analysis, where relevant.

(109) Secondly, recital 112 of the provisional Regulation states that 'after a 7 % decrease between 2012 and 2013 and an even further decrease in 2014 by 2 percentage points the sales volume increased slightly by 2 percentage points in the IP'. It is therefore clear that the Commission did not carry out a simple '"beginning-point" (2012) to "end-point" (2015, i.e. IP)' comparison as alleged, but a comprehensive comparison of all years in the period considered.

(110) Thirdly, the stable sales volume between 2013 and 2015 has to be seen in the context of a strongly increasing consumption of 11 percentage points, as stated in Table 3 of the provisional Regulation. Therefore, the stable sales volume did not prevent a significant loss of market share of 9,3 percentage points at the same time, as stated in Table 7 of the provisional Regulation. It is therefore considered that the stable sales volume between 2013 and 2015 is a sign of injury, since the sales volume needs to be analysed in the context of a growing consumption and a decreasing market share.

(111) In the absence of any further comments with respect to the sales volume and market share of the Union industry, the conclusions set out in recitals 111 to 114 of the provisional Regulation are confirmed.

4.5.2.3. Employment and productivity

(112) In the absence of any comments with respect to employment and productivity of the Union industry, the conclusions set out in recitals 115 to 117 of the provisional Regulation are confirmed.

4.5.2.4. Labour costs

(113) In the absence of any comments with respect to labour costs of the Union industry, the conclusions set out in recitals 118 and 119 of the provisional Regulation are confirmed.

4.5.2.5. Growth

(114) In the absence of any comments with respect to growth, the conclusions set out in recitals 120 and 121 of the provisional Regulation are confirmed.

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

(115) In the absence of any comments with respect to magnitude of the dumping margin and recovery from past dumping, the conclusions set out in recitals 122 and 124 of the provisional Regulation are confirmed.

4.5.3. *Microeconomic indicators*

4.5.3.1. Prices and factors affecting prices

(116) In the absence of any comments with respect to prices and factors affecting the prices of the sampled Union producers, the conclusions set out in recitals 125 to 127 of the provisional Regulation are confirmed.

4.5.3.2. Inventories

(117) In the absence of any comments with respect to inventories of the sampled Union producers, the conclusions set out in recitals 128 to 130 of the provisional Regulation are confirmed.

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

(118) CISA submitted that during the period considered, regardless of the volume of imports from the PRC, unit costs of production of the sampled Union producers have always been higher than their sales prices.

(119) Table 10 of the provisional Regulation presents the trends of both the unit sales prices and the unit cost of production of the sampled Union producers over the period considered. As provided in recital 126 of the provisional Regulation 'sales prices have been decreasing faster and on average have constantly been lower than the unit cost of production'.

(120) CISA further submitted that they fail to understand why when in 2012 the unit cost of production was higher than the average unit sales price, the sampled Union producers were profitable.

(121) The average cost of production in Table 10 of the provisional Regulation is indeed higher than the average sales price for 2012. This would normally indicate a loss for this year. However, the profit set out in Table 12 of the provisional Regulation for 2012 is due to an income of one of the sampled Union producers which is related to the production of heavy plate, but not reflected in the cost accounting system of the company and therefore not in Table 10 of the provisional Regulation.

(122) Following final disclosure CISA enquired why an income of one of the sampled Union producers which is related to the production of heavy plate was not reflected in the internal cost accounting system (product costing system) of the company.

(123) As this sampled Union producer submitted and the Commission verified, this is because this profit amount entirely consists of year-end adjustment according to International Accounting Standards ('IAS') concerning the ordinary business activity of the company. As such it is not contained in cost records of the products produced during the year, but is contained in several of the line items in the profit and loss statement (as defined in IAS 1). If one would not take account of this profit, the Union industry would be loss making also in 2012 (loss of less than 1 %).

(124) Moreover, the average cost of production in Table 10 of the provisional Regulation is for the total production volume of the sampled Union producers, while the average sales price is only for the sales of the sampled Union producers to the first unrelated customer in the Union. These two averages are not directly comparable for the following reasons:

(a) Firstly the production volume significantly exceeds the sales volume to the first unrelated customer in the Union, mainly due to exports. In this respect, one also needs to take into account the captive use by sampled Union producers; however as referred to in recital 89 of the provisional Regulation, captive use is insignificant.

(b) Secondly the product under investigation is composed of a large number of product types sold at different prices, and the product mix is different on the Union market and on export markets.

(125) Following final disclosure CISA enquired if the sales volume and market share in Table 7 of the provisional Regulation refer to sales to unrelated customers, or to both related and unrelated customers. The Commission recalls recital 102 of the provisional Regulation providing that macroeconomic indicators such as production or sales volume are assessed at the level of the whole Union industry. As such the data in Table 7 refer to sales to the first unrelated customer, as reported by Eurofer. To include sales to related parties would entail the risk of double-counting.

(126) CISA further alleged in their comments to final disclosure that the difference between the production volume of the Union industry and the sales volume to the first unrelated customer in the Union is due to significant sales to related customers. On this basis CISA further inferred that the Commission failed to collect and present information on the sales volume to the related customers and thus disclosed only part of the picture on the Union market.

(127) Above allegations are based on a wrong assumption. The Commission recalls that the difference between the production volume and the sales volume to unrelated customers in the Union comes not only from the sales to related customers but also from the sales to customers outside the Union. Also, for the non-sampled Union producers there may be a difference caused by the sales to the first unrelated customers which may not have been reported by Eurofer, as verified by the Commission, due to the reporting method described in recital 125 above to avoid the risk of double-counting. Table 7 of the provisional Regulation refers to sales volume and market share on the Union market only.

(128) CISA further referred to two cases where the Commission made a separate analysis into related and unrelated customers, namely the investigation concerning high-performance rebar originating in the PRC ([1]) and the investigation concerning cold-rolled flat steel products originating in the PRC and Russia ([2]).

([1]) Commission Implementing Regulation (EU) 2016/113 of 28 January 2016 imposing a provisional anti-dumping duty on imports of high fatigue performance steel concrete reinforcement bars originating in the People's Republic of China (OJ L 23, 29.1.2016, p. 16).
([2]) Commission Implementing Regulation (EU) 2016/181 of 10 February 2016 imposing a provisional anti-dumping duty on imports of certain cold-rolled flat steel products originating in the People's Republic of China and the Russian Federation (OJ L 37, 12.2.2016, p. 1).

(129) The Commission recalls that in these cases the analysis concerned the captive use (in case of cold-rolled flat steel products) or sales to related users (in case of high-performance rebars), not the sales to the related customers such as related sales companies. As referred to in recital 89 of the provisional Regulation the captive use by Union producers is insignificant.

(130) The Commission finally recalls that as far as prices and profitability on the Union market are concerned, these are only relevant if prices are sold between unrelated parties.

(131) In the absence of further comments with respect to profitability, cash flow, investments, return on investments and ability to raise capital by the sampled Union producers, the conclusions set out in recitals 131 to 138 of the provisional Regulation are confirmed.

4.5.4. *Conclusion on injury*

(132) In the absence of any further comments, the conclusions on injury set out in recitals 139 to 147 of the provisional Regulation are confirmed.

5. **CAUSATION**

5.1. **Effects of the dumped imports**

(133) Eurofer submitted that dumped imports from the PRC represent the 'single most important factor impacting the Union industry during the period considered'. They further noted that the 'volume of imports from the PRC doubled between 2013 and 2014 and then doubled again between 2014 and 2015' and that in 2015, the volume of imports from the PRC 'exceeded the volume of imports from all other third countries combined'.

(134) Eurofer observed also similar trends for market shares of dumped imports from the PRC noting that they 'went from 4,1 % in 2013 to 14,4 % in 2015 while at the same time, the market share of imports from all other third countries declined from 13,2 % in 2013 to 12,2 % in 2015'.

(135) Eurofer finally concluded that 'almost the entire gain in the market share of dumped Chinese imports came at the expense of the Union industry's market share'. They added that the price of dumped Chinese imports fell by almost 30 % during the period considered, and these imports were found to undercut the Union industry prices on average by 29 %.

(136) This confirms the findings of recital 151 of the provisional Regulation that the almost continuous increase in imports from the PRC at highly undercutting prices has had a clear negative impact on the performance of the Union industry after 2013.

(137) In the absence of any further comments on the effects of dumped imports, the conclusions on effects of dumped imports set out in recitals 150 to 157 of the provisional Regulation are confirmed.

5.2. **Effects of other factors**

5.2.1. *Fierce competition caused by demand problems on the Union market*

(138) In the absence of any comments on the effects of fierce competition caused by demand problems on the Union market, the conclusions set out in recitals 158 to 163 of the provisional Regulation are confirmed.

5.2.2. *Low capacity utilisation of Union producers*

(139) In the absence of any comments on the effects of low capacity utilisation of Union producers, the conclusions set out in recitals 164 to 166 of the provisional Regulation are confirmed.

5.2.3. *Imports from other third countries*

(140) CISA submitted that 'the Commission analysed separately the imports from Russia and Ukraine and therefore found no indication that imports from these two countries were causing injury to the Union Industry'.

(141) CISA further submitted that the Commission should have conducted 'a cumulative assessment on imports from Ukraine and Russia' and even further that 'a cumulative assessment on imports from all three countries (China, Russia and Ukraine)' arguing that 'during the IP the volume of imports from Ukraine or Russia is not negligible if compared to the Union market' and that 'the average prices of imports from both countries were even lower than the ones of China'.

(142) On the basis of above CISA submitted the conclusion that 'if imports from China were found to undercut the Union industry prices, those from Ukraine and Russia therefore have undercut the EU industry to an even larger extent. If the Commission were to follow the same methodology as it applied to China, i.e. a "beginning-point" to "end-point" comparison, the Commission would have found that the sales volume and market share of imports from these two countries have increased by 41 % and 2,2 percentage points respectively'.

(143) The Commission refers to Article 3(4) of the basic Regulation providing that only imports subject to anti-dumping investigations can be cumulatively assessed. Imports from Ukraine and Russia are not subject to anti-dumping investigations and can therefore not be cumulated with imports from the PRC.

(144) The average prices from Ukraine, Russia and the PRC are also not necessarily directly comparable, since the average price is affected by the product mix. More relevant are price trends over the period considered. Table 13 of the provisional Regulation clearly shows that average import prices from Ukraine and Russia decreased at a much slower rate than the import prices from the PRC over the period considered.

(145) The market share of imports from other third countries remained relatively stable over the period considered while that of imports from the PRC more than tripled. In the context of Union consumption increasing by 5 % and the market share of the Union industry decreasing by 10 percentage points over the period considered this means that the imports from the PRC gained market share only from the Union industry.

(146) Finally, while the volume of imports from the PRC increased by almost 1 million tonnes over the period considered, the import volume from Ukraine increased by around 160 000 tonnes, that from Russia by around 75 000 tonnes.

(147) On the basis of the above and given the much smaller import volumes from Ukraine and Russia as compared to those from the PRC there is no indication that imports from these two countries could break the causal link between the dumped imports for the PRC and the injury to the Union industry.

(148) In the absence of any other comments on the effects of imports from other third countries, the conclusions set out in recitals 167 to 178 of the provisional Regulation are confirmed.

5.2.4. *Export sales performance of the Union industry*

(149) In the absence of any comments on the effects of the export sales performance of the Union industry, the conclusions set out in recitals 179 to 183 of the provisional Regulation are confirmed.

5.2.5. *Competition between vertically integrated Union producers and re-rollers in the Union*

(150) In the absence of any comments on the effects of competition between vertically integrated Union producers and re-rollers in the Union, the conclusions set out in recitals 184 to 189 of the provisional Regulation are confirmed.

5.2.6. *Lack of profit of Union producers irrespective of the volume of dumped imports from the PRC*

(151) CISA further submitted that between 2013 and the investigation period the sampled Union producers remained largely unprofitable and that they incurred the biggest loss in 2013, which is exactly the year when imports of heavy plate from the PRC reached the lowest level.

(152) This argument is addressed in recital 134 of the provisional Regulation, where it is explained that 'while the heavy loss of 12,2 % in 2013 is influenced by the particularly low demand in that year, the considerable price and volume pressure exerted on the Union industry by the increasing imports from the PRC over 2014 and the investigation period prevented the Union industry from benefiting from the dynamic growth of the Union consumption by 11 percentage points.' As indicated in recital 93 of the provisional Regulation, this growth was almost exclusively absorbed by the dumped imports from the PRC.

(153) The Commission therefore concludes that the high loss in 2013 was not due to the low quantity of imports from the PRC, but due to the particularly low demand on the Union market. The losses incurred by the Union industry in 2014 and 2015 are however caused by the continuously increasing volume of dumped imports from the PRC.

(154) In addition, the Commission notes that the Union industry was profitable in the years 2011 and 2012. In 2011, the Union industry showed a profit margin of 7,9 %, at a time when imports from the PRC were not yet made at significant quantities, as indicated in recital 221 of the provisional Regulation. In 2012, the profit margin was already significantly lower at only 1,6 %, due to the significant presence of dumped imports from the PRC. It is noted that no interested party commented on the profitability of the Union industry in 2011 and 2012.

5.2.7. *Effect of 'other important factors'*

(155) CISA submits that there are 'other important factors' than dumped imports from the PRC 'that are causing the alleged injury of the Union industry' and that 'this may break the causal link between the alleged dumped imports' from the PRC and the injury. CISA requested the Commission to revise its causation analysis and take all other factors into account.

(156) In this respect, it is noted that the six other factors listed above were addressed either in the provisional Regulation or in this Regulation. It is therefore clear that the Commission has thoroughly analysed all factors identified by interested parties. CISA did not even identify which 'other important factors', in addition to the six factors already analysed in detail, should be examined. CISA merely mentioned that they are 'obvious' without providing any further information. The Commission therefore rejects this submission.

5.3. **Conclusion on causation**

(157) On the basis of the above and in the absence of any other comments, the conclusions set out in recitals 190 to 194 of the provisional Regulation are confirmed.

6. **UNION INTEREST**

(158) CISA submitted that over the period considered the Union producers held over 70 % of the Union market. They alleged that they dominate the Union market while the only serious sources of competition are imports from the PRC.

(159) The Commission notes that CISA fails to recognise the fact that Union producers compete with each other and with imports from the PRC and other third countries holding a market share of 12,2 %, as indicated in Table 13 of the provisional Regulation Furthermore, there is no indication that there is a lack of competition between Union producers.

(160) Following provisional measures also one importer submitted that the imposition of anti-dumping measures will artificially reduce the competition on the Union market and will lead to an oligopolistic market in the segment of 'special heavy plate' as this segment is already dominated by just one player.

(161) The Commission notes however that this party failed to submit any evidence to support this allegation. To the contrary, the information submitted by Eurofer in their comments to the final disclosure list numerous Union producers offering different types of 'special heavy plate'.

(162) The Commission recognises that the imposition of duties may reduce the number of competitors in certain segments of 'special heavy plate' on the Union market. However, an anti-dumping investigation does not define product and geographical markets, and does not assess market power and its likely evolution. Therefore, no findings could and had to be made in this investigation as to whether there is a risk of creating or reinforcing a dominant position in one of the markets in the sense of competition law.

(163) The Commission is required, in its Union interest analysis, to take into consideration other Union policies, such as competition policy. However, it is only where there is concrete evidence of a dominant position and possible abuse thereof that those considerations require further investigation. That threshold has not been met by the submissions of the interested parties.

(164) In any event, the Commission recalls that the anti-dumping duties are imposed to eliminate the effect of injurious dumping that was found for all segments of heavy plate, and that dominance on a market does not imply that it is abused. Should interested parties observe any future behaviour that may violate competition rules, they can use their right to complain to the competent competition authority.

(165) Following provisional measures one importer submitted that the imposition of anti-dumping measures should not lead to increased prices on the Union market.

(166) The Commission recalls that the purpose of anti-dumping measures is to eliminate the trade distorting effects of injurious dumping. The effects of those measures on prices depend on pricing decisions of various market operators, and as such are impossible to predict. Increased prices may occur where market forces consider that on an undistorted market such higher prices should prevail.

(167) CISA submitted also that Union users need competitive and steady sources of supply and that the imposition of anti-dumping measures 'is likely to result in a major loss and/or shift of jobs away from the European Union in the downstream industry'.

(168) There were however 30 producers in the Union during the investigation period and imports from a number of countries, including Russia and Ukraine, ensuring steady supply of heavy plate to users in the Union. Also, no users in the downstream industries provided evidence that they would not be able to source heavy plate due to the imposition of anti-dumping measures. As regards the risk of a major loss and/or shift of jobs away from the Union, only one downstream industry made a similar claim, namely the producer of wind turbine towers. This claim is addressed below.

(169) The *ad-hoc* association of users in a downstream industry (wind turbine towers) submitted that the imposition of measures on heavy plate will result in the risk of relocation of the wind turbine towers production to the PRC and problems of security of supplies of complete or semi-complete manufactured wind turbine towers in the future. This argument was also raised by one importer in their comments to the final disclosure as regards wind turbine towers as well as other parts of wind energy systems.

(170) The Commission rejects these submissions as these interested parties failed to substantiate their claim with any evidence or analysis, for example by these wind turbine tower producers making themselves known within the timelines defined in the Notice of Initiation and completing a questionnaire reply, specifying the types of heavy plate used by this industry to build wind turbine towers, and providing an analysis whether these types of heavy plate are interchangeable with the types of heavy plate used in other industries.

(171) The Commission notes that information on file shows that wind turbine tower producers could not benefit from excluding 'special heavy plate' from the product scope, as described in recital 42 above. Therefore, only an exclusion of heavy plate for wind turbine towers for reasons of Union interest could address their concern. However, at this stage, the producers of wind turbine towers have not provided any concrete and detailed analysis, including an explanation of the imposition of duties on their cost of production and their ability to pass those costs on to their customers that could justify such exclusion.

(172) The Commission notes further that wind turbine tower producers can request, if duly substantiated, an interim review on Union interest on the measures on heavy plate. Moreover the investigation revealed no indications that the Union industry would jeopardise the operations of the users. Such behaviour is not to be expected under the normal play of market forces.

(173) One importer submitted that the exclusion of 'special heavy plate' from the product scope is in the interest of the Union as allegedly 'several key industries' such as 'machine building and energy sector' in the Union are reliant on the import of 'special heavy plate' from the PRC. However, none of the users in these industries came forward confirming this claim.

(174) This importer further claimed that the 'special heavy plate' in thickness of above 150 mm is produced only by three Union producers. For high yield strength plate, quenched and tempered plate and abrasion resistant heavy plate the production is allegedly controlled by only four Union producers. On this basis they allege that the Union downstream industry 'already today suffers from a shortage in supply and from dramatically increased sales prices' and that this can be outbalanced only by imports of 'special heavy plate' from the PRC.

(175) CISA submitted further that users of 'special heavy plate' in the metal forming industry — due to the very limited number of European producers of 'special heavy plate' — could equally suffer from a shortage of supply. However, none of the users in this downstream industry raised the issue of a shortage in supply.

(176) The Commission rejects the submissions referred to in recitals 173 to 175 above as the interested parties failed to substantiate their claims with any evidence or analysis. To the contrary, the investigation established a significant drop of heavy plate prices in the Union during the period considered. Also, the investigation has shown that the Union industry has a significant spare capacity due to a continuously decreasing capacity utilisation. Also, according to CISA the volume of 'special heavy plate' exported by the PRC is minor.

(177) Following final disclosure, one importer returned to this issue in their comments to the final disclosure. However, no new essential arguments were raised.

(178) In the absence of any factual evidence on an alleged shortage of supply due to the imposition of anti-dumping measures, the Commission cannot conclude that the imposition of such measures will lead to a shortage of supply of 'special heavy plate'.

6.1. **Conclusion on the Union interest**

(179) In summary, none of the arguments put forward by interested parties demonstrate that there are compelling reasons against the imposition of measures on imports of the product concerned from the PRC.

(180) Any negative effects on the unrelated users are mitigated by the availability of alternative sources of supply. The positive effects of the anti-dumping measures on the Union market, in particular on the Union industry, outweigh the potential negative effect on the other interest groups.

(181) In the absence of any other comments concerning the Union interest, the conclusions reached in recitals 195 to 215 of the provisional Regulation are confirmed.

7. **RETROACTIVE IMPOSITION OF ANTI-DUMPING DUTIES**

(182) As mentioned in recital 4 above, following the request of Eurofer, the Commission made imports of heavy plate originating in the PRC subject to registration. Imports that have been made between 11 August 2016 and the imposition of provisional measures, namely 7 October 2016, were registered.

(183) Under Article 10(4)(d) of the basic Regulation, duties may be levied retroactively if there is 'in addition to the level of imports which caused injury during the investigation period, a further substantial rise in imports which, in the light of its timing and volume and other circumstances, is likely to seriously undermine the remedial effect of the definitive anti-dumping duty to be applied'.

7.1. **Comments on the possible retroactive imposition of anti-dumping duties**

(184) CISA submitted that any possible retroactive measures would have a negative impact on importers as they would 'unnecessarily face additional costs' since they pay anti-dumping duties. According to CISA the importers 'have no intention of stockpiling the product concerned' from the PRC and that the imports which have been registered were the remaining part of old contracts which were concluded before the initiation of the proceeding. CISA argued finally that 'an unexpected duty is going to create losses' on the side of the importers and users in the Union.

(185) CISA finally argued that 'registering imports and threatening to impose measures retroactively is nothing else than creating yet another trade defence hurdle so that EU importers stop importing from China even before it has been proven that such imports are injuring the EU industry'.

7.2. **Import statistics**

(186) Eurostat import statistics presented in Table 1 below indicate that imports of heavy plate from the PRC decreased significantly after the investigation period.

Table 1

Development of average monthly volume of imports

	IP Monthly Average	Monthly average March-September 2016	Monthly average March-October 2016
Import volume from the PRC (tonnes)	113 262	84 669	76 562
Trend versus IP (%)	N/A	– 25,2	– 32,4

Source: Eurostat.

7.3. **Conclusion on retroactivity**

(187) The Commission concludes that as there was no further substantial rise in imports the legal condition for retroactive collection of duties under Article 10(4)(d) of the basic Regulation is not met. Therefore duties should not be levied retroactively on the registered imports.

8. **DEFINITIVE ANTI-DUMPING MEASURES**

8.1. **Injury elimination level**

(188) As shown in recital 222 of the provisional Regulation, the Commission determined the injury elimination level on the basis of a comparison of the weighted average import price during the investigation period of the sampled exporting producers in the PRC, duly adjusted for post-importation costs and customs duties, with the weighted average non-injurious price of the like product sold by the sampled Union producers on the Union market during the investigation period.

(189) CISA submitted a number of comments about the methodology to calculate the non-injurious price of the like product sold by the sampled Union producers on the Union market during the investigation period in the present case.

(190) Firstly CISA requested why the Commission used the methodology of adding to the Union industry's sales prices the loss incurred during the investigation period and then adding the target profit margin of 7,9 % instead of adding the target profit to the cost of production.

(191) The choice between the two methodologies used by the Commission to determine the injury elimination level is made on a case by case basis. In the absence of comparable sales by the Union industry, the non-injurious price is often established by adding the target profit to the total cost. In the present case however the comparable sales were available.

(192) This is because the like product sold by the Union industry consisted of hundreds of product types and the sampled Union producers had an extensive network of related companies, including steel service centres, which incur costs, and which are not recorded in the books of the sampled Union producers in a manner that could easily be allocated to the different PCN numbers. For these reasons it was impossible to collect the cost information for each PCN not only from the production companies, but also from all the related sales companies (in particular steel service centres) in the Union to arrive at a total cost per PCN.

(193) Hence, instead, the Commission established the total cost of every PCN by adding to the weighted average sales price the weighted average loss incurred by the sampled Union producers. Then, the target profit margin of 7,9 %, on which no comments were received after provisional measures, was added to the total cost so established.

(194) Finally CISA further submitted that the methodology used was 'wrong' and that the two methodologies 'lead to completely different results'. They provided an example using a hypothetical cost of production and a hypothetical sales price, which allegedly shows that calculating the target price on the basis of the sales price is wrong.

(195) The Commission notes that since most information used in the example is hypothetical and does not refer to actual data, the result of such example cannot demonstrate that the methodology used in this particular case is wrong. Therefore the Commission cannot consider this argument as evidence. If the same level of detailed information was available, both methodologies would lead to similar results.

(196) CISA finally submitted that 'if the majority of the PCNs exported by the Chinese exporting producers are sold by less than three sampled Union producers, one should question the representativeness of the sales data received from the sampled Union producers and therefore conclude that calculating an undercutting margin on the basis thereof is rather debatable. Not to mention the fact that injury can hardly be proven if the Union industry does not even produce/sell the types exported by the Chinese exporting producers.'

(197) The Commission notes that though three Union producers were sampled the fact 'that the majority of the PCNs exported by the Chinese exporting producers are sold by less than three sampled Union producers' does not mean that the Union industry or even the sampled Union producers do not sell them at all. This only means that not all three sampled Union producers sell all PCNs exported by the sampled exporting producers from the PRC.

(198) The Commission notes also that not all sampled exporting producers from the PRC exported to the Union the same PCNs. Indeed, the vast majority of PCNs exported by the sampled exporting producers to the Union (accounting for more than 90 % of these exports by volume) is produced by one or more sampled Union producers.

(199) Following final disclosure CISA returned to this issue in their comments and at the hearing.

(200) CISA inferred that the Union industry may not have reported correct figures and had benefitted from favourable treatment in breach of the rights of other parties to an objective, impartial and non-discriminatory investigation. This alleged favourable treatment to the Union industry would also be illustrated by the Commission's leniency towards them when failing to provide certain important information (CISA referred to level of information on the cost of production).

(201) As concerns the allegation of favourable treatment, the claim is rejected. The issue at stake concerns the wording in recitals 191 to 193 above. In these recitals the Commission stated the reason for the choice between the two methodologies used by the Commission to determine the injury elimination level.

(202) In the absence of any other comments on the injury elimination level, the conclusions set out in recitals 217 to 223 of the provisional Regulation are confirmed.

8.2. **Undertaking offer**

(203) Following final disclosure one exporting producer from the PRC submitted a price undertaking offer to the Commission. This offer set minimum import prices ('MIPs') for the types of heavy plate sold to the Union by the exporting producer from the PRC, and also offered a method of indexation of these MIPs based on the prices of the main raw materials.

(204) The Commission rejected the price undertaking offer because of the high risk of price cross-compensation since the difference in the MIPs between different not easily distinguishable types was too wide and the indexation method was too complex. In addition, the structure of the export sales channels of the exporting producer and the parallel export sales of other products could not allow a proper monitoring and, thus, the possibility of cross-compensation via other products sold by related companies of the exporting producer was too high.

(205) The exporting producer was informed of the reasons for rejection of their undertaking offer and was given the possibility to comment.

8.3. **Definitive measures**

(206) In view of the conclusions reached with regard to dumping, injury, causation and Union interest, and in accordance with Article 9(4) of the basic Regulation, definitive anti-dumping measures should be imposed on the imports of the product concerned at the level of the injury elimination level, in accordance with the lesser duty rule.

(207) On the basis of the above, the rates at which the definitive anti-dumping duty will be imposed are set as in Table 2 below:

Table 2

Dumping margin, Injury elimination level and duty rate

Company	Dumping margin (%)	Injury elimination level (%)	Duty (%)
Nanjing Iron and Steel Co., Ltd	120,1	73,1	73,1
Minmetals Yingkou Medium Plate Co., Ltd	126,0	65,1	65,1
Wuyang Iron and Steel Co., Ltd and Wuyang New Heavy & Wide Steel Plate Co., Ltd	127,6	73,7	73,7
Other cooperating companies	125,5	70,6	70,6
All other companies	127,6	73,7	73,7

Source: Investigation.

(208) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of the present investigation. Therefore, they reflect the situation found during that investigation with respect to these companies. These duty rates (as opposed to the country-wide duty applicable to 'all other companies') are thus exclusively applicable to imports of the product concerned originating in the PRC and produced by the companies and thus by the specific legal entities mentioned. Imported product concerned produced by any other company not specifically mentioned in the operative part of this Regulation with its name and address, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.

(209) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission ([1]) with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with, for example, that name change or that change in the production and sales entities. If appropriate, the Regulation will accordingly be amended by updating the list of companies benefiting from individual duty rates.

(210) In order to ensure a proper enforcement of the anti-dumping duty, the 'all other companies' duty rate should not only apply to the non-cooperating exporting producers but also to those producers which did not have any exports to the Union during the investigation period.

8.4. **Definitive collection of the provisional duties**

(211) In view of the dumping margins found and given the level of the injury caused to the Union industry, the amounts secured by way of the provisional anti-dumping duty, imposed by the provisional Regulation, should be definitively collected.

(212) The measures provided for in this regulation are in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is imposed on imports of flat products of non-alloy or alloy steel (excluding stainless steel, silicon-electrical steel, tool steel and high-speed steel), hot-rolled, not clad, plated or coated, not in coils, of a thickness exceeding 10 mm and of a width of 600 mm or more or of a thickness of 4,75 mm or more but not exceeding 10 mm and of a width of 2 050 mm or more currently falling within CN codes ex 7208 51 20, ex 7208 51 91, ex 7208 51 98, ex 7208 52 91, ex 7208 90 20, ex 7208 90 80, 7225 40 40, ex 7225 40 60 and ex 7225 99 00 (TARIC codes: 7208 51 20 10, 7208 51 91 10, 7208 51 98 10, 7208 52 91 10, 7208 90 20 10, 7208 90 80 20, 7225 40 60 10, 7225 99 00 35, 7225 99 00 40) and originating in the People's Republic of China.

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

Company	Duty (%)	TARIC additional code
Nanjing Iron and Steel Co., Ltd	73,1	C143
Minmetals Yingkou Medium Plate Co., Ltd	65,1	C144
Wuyang Iron and Steel Co., Ltd and Wuyang New Heavy & Wide Steel Plate Co., Ltd	73,7	C145
Other cooperating companies listed in Annex	70,6	
All other companies	73,7	C999

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

Article 2

The amounts secured by way of the provisional anti-dumping duty under Implementing Regulation (EU) 2016/1777 shall be definitively collected.

([1]) European Commission, Directorate-General for Trade, Directorate H, 1049 Brussels, Belgium.

Article 3

Where any new exporting producer in the People's Republic of China provides sufficient evidence to the Commission that:

— it did not export to the Union the product described in Article 1(1) during the investigation period (1 January 2015 to 31 December 2015),

— it is not related to any of the exporters or producers in the People's Republic of China which are subject to the measures imposed by this Regulation,

— it has actually exported to the Union the product concerned after the investigation period on which the measures are based, or it has entered into an irrevocable contractual obligation to export a significant quantity to the Union,

Article 1(2) shall be amended, after giving all interested parties the possibility to comment, by adding the new exporting producer to the cooperating companies not included in the sample and thus subject to the weighted average duty rate.

Article 4

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

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

Done at Brussels, 27 February 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

Chinese cooperating exporting producers not sampled:

Name	City	TARIC additional code
Angang Steel Company Limited	Anshan, Liaoning	C150
Inner Mongolia Baotou Steel Union Co., Ltd	Baotou, Inner Mongolia	C151
Zhangjiagang Shajing Heavy Plate Co., Ltd	Zhangjiagang, Jiangsu	C146
Jiangsu Tiangong Tools Company Limited	Danyang, Jiangsu	C155
Jiangyin Xingcheng Special Steel Works Co., Ltd	Jiangyin, Jiangsu	C147
Laiwu Steel Yinshan Section Co., Ltd	Laiwu, Shandong	C154
Nanyang Hanye Special Steel Co., Ltd	Xixia, Henan	C152
Qinhuangdao Shouqin Metal Materials Co., Ltd	Qinhuangdao, Hebei	C153
Shandong Iron & Steel Co., Ltd, Jinan Company	Jinan, Shandong	C149
Wuhan Iron and Steel Co., Ltd	Wuhan, Hubei	C156
Xinyu Iron & Steel Co., Ltd	Xinyu, Jiangxi	C148

COMMISSION IMPLEMENTING REGULATION (EU) 2017/337

of 27 February 2017

amending Regulation (EC) No 1375/2007 on imports of residues from the manufacture of starch from maize from the United States of America

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ([1]), and in particular Article 178 thereof,

Whereas:

(1) Commission Regulation (EC) No 1375/2007 ([2]) lays down provisions to ensure that residues from the manufacture of starch from maize imported from the United States of America conform to the agreed tariff definition. Annex I to that Regulation contains a model of a certificate of conformity issued by the United States wet milling industry.

(2) The company acknowledging receipt of the producers' certificates and issuing a certificate of conformity has changed. Therefore, the name of the company on the certificate of conformity needs to be amended accordingly.

(3) To allow for using of certificates issued before the date of entry into force of this Regulation, a respective provision should be laid down.

(4) Regulation (EC) No 1375/2007 should therefore be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I to Regulation (EC) No 1375/2007, the model of 'Certificate of Conformity' is replaced by the model set out in the Annex to this Regulation.

Article 2

Certificates issued in accordance with Regulation (EC) No 1375/2007 before the date of entry into force of this Regulation shall continue to be valid.

Article 3

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

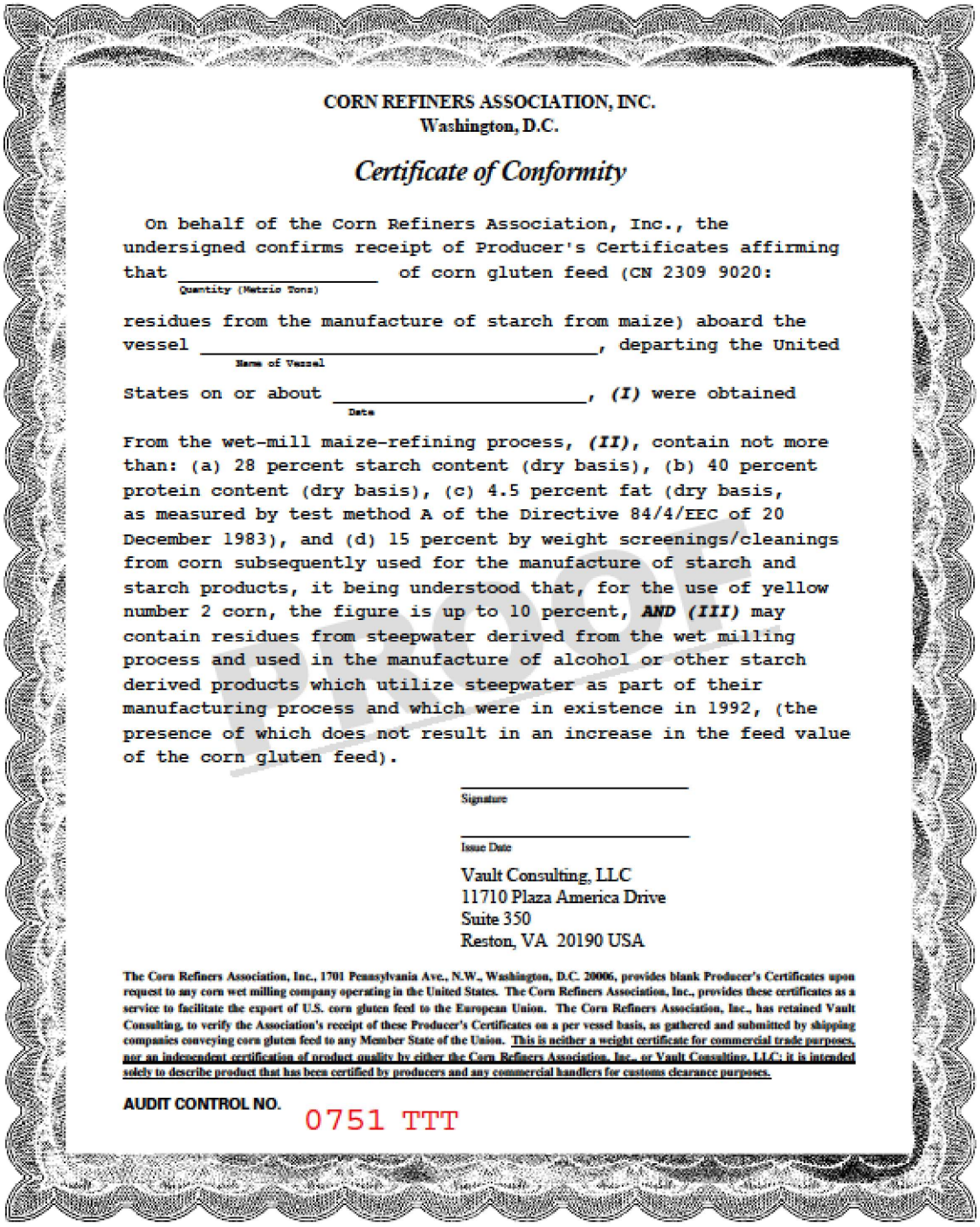
([1]) OJ L 347, 20.12.2013, p. 671.
([2]) Commission Regulation (EC) No 1375/2007 of 23 November 2007 on imports of residues from the manufacture of starch from maize from the United States of America (OJ L 307, 24.11.2007, p. 5).

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

Done at Brussels, 27 February 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX



CORN REFINERS ASSOCIATION, INC.
Washington, D.C.

Certificate of Conformity

On behalf of the Corn Refiners Association, Inc., the undersigned confirms receipt of Producer's Certificates affirming that _____ of corn gluten feed (CN 2309 9020:
Quantity (Metric Tons)

residues from the manufacture of starch from maize) aboard the vessel _____, departing the United
Name of Vessel

States on or about _____, ***(I)*** were obtained
Date

From the wet-mill maize-refining process, ***(II)***, contain not more than: (a) 28 percent starch content (dry basis), (b) 40 percent protein content (dry basis), (c) 4.5 percent fat (dry basis, as measured by test method A of the Directive 84/4/EEC of 20 December 1983), and (d) 15 percent by weight screenings/cleanings from corn subsequently used for the manufacture of starch and starch products, it being understood that, for the use of yellow number 2 corn, the figure is up to 10 percent, ***AND (III)*** may contain residues from steepwater derived from the wet milling process and used in the manufacture of alcohol or other starch derived products which utilize steepwater as part of their manufacturing process and which were in existence in 1992, (the presence of which does not result in an increase in the feed value of the corn gluten feed).

_____
Signature

_____
Issue Date

Vault Consulting, LLC
11710 Plaza America Drive
Suite 350
Reston, VA 20190 USA

The Corn Refiners Association, Inc., 1701 Pennsylvania Ave., N.W., Washington, D.C. 20006, provides blank Producer's Certificates upon request to any corn wet milling company operating in the United States. The Corn Refiners Association, Inc., provides these certificates as a service to facilitate the export of U.S. corn gluten feed to the European Union. The Corn Refiners Association, Inc., has retained Vault Consulting, to verify the Association's receipt of these Producer's Certificates on a per vessel basis, as gathered and submitted by shipping companies conveying corn gluten feed to any Member State of the Union. This is neither a weight certificate for commercial trade purposes, nor an independent certification of product quality by either the Corn Refiners Association, Inc., or Vault Consulting, LLC; it is intended solely to describe product that has been certified by producers and any commercial handlers for customs clearance purposes.

AUDIT CONTROL NO. 0751 TTT

WHITE Original to accompany product **YELLOW** Retain this copy for company records **PINK** Return this copy to: Vault Consulting, LLC 11710 Plaza America Drive, Suite 350, Reston, VA 20190-4745

COMMISSION IMPLEMENTING REGULATION (EU) 2017/338

of 27 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, 27 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	EG	232,7
	MA	95,7
	TR	98,6
	ZZ	142,3
0707 00 05	MA	64,9
	TR	199,6
	ZZ	132,3
0709 91 00	EG	113,1
	ZZ	113,1
0709 93 10	MA	55,2
	TR	163,9
	ZZ	109,6
0805 10 22, 0805 10 24, 0805 10 28	EG	46,9
	IL	78,9
	MA	47,0
	TN	49,5
	TR	75,0
	ZZ	59,5
0805 21 10, 0805 21 90, 0805 29 00	EG	100,8
	IL	125,6
	MA	103,8
	TR	88,3
	ZZ	104,6
0805 22 00	IL	117,0
	MA	97,2
	ZZ	107,1
0805 50 10	EG	82,4
	TR	74,4
	ZZ	78,4
0808 30 90	CL	125,5
	CN	85,6
	ZA	109,7
	ZZ	106,9

(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

DECISION (EU) 2017/339 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 14 December 2016

on the mobilisation of the Contingency Margin in 2016

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ([1]), and in particular the second subparagraph of point (14) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) Article 13 of Council Regulation (EU, Euratom) No 1311/2013 ([2]) has established a Contingency Margin of up to 0,03 % of the Gross National Income of the Union.

(2) In accordance with Article 6 of that Regulation, the Commission has calculated the absolute amount of the Contingency Margin for 2016 ([3]).

(3) After having examined all other financial possibilities to react to unforeseen circumstances within the 2016 commitment ceiling for heading 3 (*Security and citizenship*) of the multiannual financial framework, and after having mobilised the Flexibility Instrument for the full amount of EUR 1 530 million available in 2016, it appears necessary to mobilise the Contingency Margin to address the needs stemming from the migration, refugee and security crisis, by increasing the commitment appropriations in the general budget of the European Union for the financial year 2016, above the commitment ceiling of heading 3.

(4) Having regard to this very particular situation, the last-resort condition in Article 13(1) of Regulation (EU, Euratom) No 1311/2013 is fulfilled,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the Union for the financial year 2016, the Contingency Margin shall be mobilised to provide the amount of EUR 240,1 million in commitment appropriations over and above the commitment ceiling of heading 3 of the multiannual financial framework.

Article 2

The amount of EUR 240,1 million in commitment appropriations referred to in Article 1 shall be fully offset against the margin under the commitment ceiling of heading 5 (*Administration*) of the multiannual financial framework for the financial year 2016.

([1]) OJ C 373, 20.12.2013, p. 1.
([2]) Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).
([3]) Communication from the Commission to the Council and the European Parliament of 22 May 2015 on the technical adjustment of the financial framework for 2016 in line with movements in GNI (COM(2015) 320).

Article 3

This decision shall be published in the *Official Journal of the European Union*.

Done at Strasbourg, 14 December 2016.

For the European Parliament	*For the Council*
The President	*The President*
M. SCHULZ	I. KORČOK

DECISION (EU) 2017/340 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 14 December 2016

on the mobilisation of the European Union Solidarity Fund to provide assistance to Germany

THE EUROPEAN PARLIAMENT AND 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 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund ([1]), and in particular Article 4(3) thereof,

Having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ([2]), and in particular point 11 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The European Union Solidarity Fund ('the Fund') aims to enable the Union to respond in a rapid, efficient and flexible manner to emergency situations in order to show solidarity with the population of regions struck by natural disasters.

(2) The Fund is not to exceed a maximum annual amount of EUR 500 000 000 (2011 prices), as laid down in Article 10 of Council Regulation (EU, Euratom) No 1311/2013 ([3]).

(3) On 19 August 2016, Germany submitted an application to mobilise the Fund, following a series of extremely intense, short-lived cases of floods that affected the region of Niederbayern in May and June 2016.

(4) The application by Germany meets the conditions for providing a financial contribution from the Fund, as laid down in Article 4 of Regulation (EC) No 2012/2002.

(5) The Fund should therefore be mobilised in order to provide a financial contribution to Germany.

(6) In order to minimise the time taken to mobilise the Fund, this Decision should apply from the date of its adoption,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the Union for the financial year 2016, the European Union Solidarity Fund shall be mobilised to provide the amount of EUR 31 475 125 to Germany, in commitment and payment appropriations.

([1]) OJ L 311, 14.11.2002, p. 3.
([2]) OJ C 373, 20.12.2013, p. 1.
([3]) Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

Article 2

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

It shall apply from 14 December 2016.

Done at Strasbourg, 14 December 2016.

For the European Parliament	*For the Council*
The President	*The President*
M. SCHULZ	I. KORČOK

DECISION (EU) 2017/341 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 14 December 2016

on the mobilisation of the European Globalisation Adjustment Fund following an application from Spain — EGF/2016/004 ES/Comunidad Valenciana automotive

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) No 1309/2013 of the European Parliament and of the Council of 17 December 2013 on the European Globalisation Adjustment Fund (2014-2020) and repealing Regulation (EC) No 1927/2006 ([1]), and in particular Article 15(4) thereof,

Having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ([2]), and in particular point 13 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The European Globalisation Adjustment Fund (EGF) aims to provide support for workers made redundant and self-employed persons whose activity has ceased as a result of major structural changes in world trade patterns due to globalisation, as a result of a continuation of the global financial and economic crisis, or as a result of a new global financial and economic crisis, and to assist them with their reintegration into the labour market.

(2) The EGF is not to exceed a maximum annual amount of EUR 150 million (2011 prices), as laid down in Article 12 of Council Regulation (EU, Euratom) No 1311/2013 ([3]).

(3) On 21 June 2016, Spain submitted an application to mobilise the EGF, in respect of redundancies in 29 enterprises in the automotive sector in Spain. It was supplemented by additional information provided in accordance with Article 8(3) of Regulation (EU) No 1309/2013. That application complies with the requirements for determining a financial contribution from the EGF as laid down in Article 13 of Regulation (EU) No 1309/2013.

(4) In accordance with Article 4(2) of Regulation (EU) No 1309/2013, the application from Spain is considered admissible since the redundancies have a serious impact on employment and the local, regional or national economy.

(5) The EGF should, therefore, be mobilised in order to provide a financial contribution of EUR 856 800 in respect of the application submitted by Spain.

(6) In order to minimise the time taken to mobilise the EGF, this decision should apply from the date of its adoption,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the Union for the financial year 2016, the European Globalisation Adjustment Fund shall be mobilised to provide the amount of EUR 856 800 in commitment and payment appropriations.

([1]) OJ L 347, 20.12.2013, p. 855.
([2]) OJ C 373, 20.12.2013, p. 1.
([3]) Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

Article 2

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

It shall apply from 14 December 2016.

Done at Strasbourg, 14 December 2016.

For the European Parliament	*For the Council*
The President	*The President*
M. SCHULZ	I. KORČOK

DECISION (EU) 2017/342 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 14 December 2016

on the mobilisation of the Flexibility Instrument to finance immediate budgetary measures to address the on-going migration, refugee and security crisis

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ([1]), and in particular point (12) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Flexibility Instrument is intended to allow the financing of clearly identified expenditure which could not be financed within the limits of the ceilings available for one or more other headings.

(2) The ceiling on the annual amount available for the Flexibility Instrument is EUR 471 million (2011 prices), as laid down in Article 11 of Council Regulation (EU, Euratom) No 1311/2013 ([2]).

(3) Due to the urgent needs, it is necessary to mobilise significant additional amounts to finance measures to alleviate the ongoing migration, refugee and security crisis.

(4) After having examined all possibilities for re-allocating appropriations under the expenditure ceiling for heading 3 (*Security and citizenship*), it appears necessary to mobilise the Flexibility Instrument to supplement the financing available in the general budget of the Union for the financial year 2017, beyond the ceilings of heading 3 by the amount of EUR 530,0 million to finance measures in the field of migration, refugees and security.

(5) On the basis of the expected payment profile, the payment appropriations corresponding to the mobilisation of the Flexibility Instrument should be distributed over several financial years and are estimated at EUR 238,3 million in 2017, EUR 91,0 million in 2018, EUR 141,9 million in 2019 and EUR 58,8 million in 2020.

(6) In order to minimise the time taken to mobilise the Flexibility Instrument, this Decision should apply from the beginning of the financial year 2017,

HAVE ADOPTED THIS DECISION:

Article 1

1. For the general budget of the Union for the financial year 2017, the Flexibility Instrument shall be mobilised to provide the amount of EUR 530,0 million in commitment appropriations in heading 3 (*Security and citizenship*).

That amount shall be used to finance measures for managing the ongoing migration, refugee and security crisis.

2. On the basis of the expected payment profile, the payment appropriations corresponding to the mobilisation of the Flexibility Instrument will be as follows:

(a) EUR 238,3 million in 2017;

(b) EUR 91,0 million in 2018;

([1]) OJ C 373, 20.12.2013, p. 1.
([2]) Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

(c) EUR 141,9 million in 2019;

(d) EUR 58,8 million in 2020.

The specific amounts for each financial year shall be authorised in accordance with the annual budgetary procedure.

Article 2

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

It shall apply from 1 January 2017.

Done at Strasbourg, 14 December 2016.

For the European Parliament	*For the Council*
The President	*The President*
M. SCHULZ	I. KORČOK

DECISION (EU) 2017/343 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 14 December 2016

on the mobilisation of the European Union Solidarity Fund to provide for the payment of advances in the general budget of the Union for 2017

THE EUROPEAN PARLIAMENT AND 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 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund ([1]), and in particular Article 4a(4) thereof,

Having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ([2]), and in particular point 11 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The European Union Solidarity Fund (the 'Fund') aims to enable the Union to respond in a rapid, efficient and flexible manner to emergency situations in order to show solidarity with the population of regions struck by natural disasters.

(2) The Fund is not to exceed a maximum amount of EUR 500 000 000 (2011 prices), as laid down in Article 10 of Council Regulation (EU, Euratom) No 1311/2013 ([3]).

(3) Article 4a(4) of Regulation (EC) No 2012/2002 provides that, where necessary in order to ensure the timely availability of budgetary resources, the Fund may be mobilised in an amount of up to EUR 50 000 000 for the payment of advances, entering the corresponding appropriations into the general budget of the Union.

(4) To ensure the timely availability of sufficient budgetary resources in the general budget of the Union for 2017, the Fund should be mobilised in the amount of EUR 50 000 000 for the payment of advances.

(5) In order to minimise the time taken to mobilise the Fund, this Decision should apply from 1 January 2017,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the Union for the financial year 2017, the European Union Solidarity Fund shall be mobilised to provide the amount of EUR 50 000 000 in commitment and payment appropriations for the payment of advances.

([1]) OJ L 311, 14.11.2002, p. 3.
([2]) OJ C 373, 20.12.2013, p. 1.
([3]) Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

Article 2

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

It shall apply from 1 January 2017.

Done at Strasbourg, 14 December 2016.

For the European Parliament	*For the Council*
The President	*The President*
M. SCHULZ	I. KORČOK

DECISION (EU) 2017/344 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 14 December 2016

on the mobilisation of the Contingency Margin in 2017

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ([1]), and in particular the second paragraph of point 14 thereof,

Having regard to the proposal from the European Commission,

Whereas,

(1) Article 13 of Council Regulation (EU, Euratom) No 1311/2013 ([2]) has established a Contingency Margin of up to 0,03 % of the Gross National Income of the Union.

(2) In accordance with Article 6 of that Regulation, the Commission has calculated the absolute amount of the Contingency Margin for 2017 ([3]).

(3) After having examined all other financial possibilities to react to unforeseen circumstances within the 2017 commitment ceilings for headings 3 (*Security and citizenship*) and 4 (*Global Europe*) of the multiannual financial framework, and having regard to the mobilisation of the Flexibility Instrument for the full amount of EUR 530 million available in 2017, it appears necessary to mobilise the Contingency Margin to address the needs stemming from the migration, refugee and security crisis, by increasing the commitment appropriations in the general budget of the Union for the financial year 2017, over and above the ceilings of headings 3 and 4 of the multiannual financial framework.

(4) Having regard to this very particular situation, the last-resort condition in Article 13(1) of Regulation (EU, Euratom) No 1311/2013 is fulfilled.

(5) In order to minimise the time taken to mobilise the Contingency Margin, this Decision should apply from the beginning of the financial year 2017,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the Union for the financial year 2017, the Contingency Margin shall be mobilised to provide the amount of EUR 1 176 030 960 in commitment appropriations over and above the commitment ceiling of heading 3 (*Security and citizenship*) and of EUR 730 120 000 in commitment appropriations over and above the commitment ceiling of heading 4 (*Global Europe*) of the multiannual financial framework.

([1]) OJ C 373, 20.12.2013, p. 1.
([2]) Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).
([3]) Communication from the Commission to the Council and the European Parliament of 30 June 2016 on the technical adjustment of the financial framework for 2017 in line with movements in GNI (COM(2016) 311).

Article 2

The total amount of EUR 1 906 150 960 in commitment appropriations resulting from Article 1 shall be offset against the margins under the commitment ceilings for the years 2017 to 2019 of the following headings of the multiannual financial framework:

(a) 2017:

(i) heading 2 (*Sustainable Growth — Natural Resources*): EUR 575 000 000;

(ii) heading 5 (*Administration*): EUR 507 268 804;

(b) 2018: heading 5 (*Administration*): EUR 570 000 000;

(c) 2019: heading 5 (*Administration*): EUR 253 882 156.

Article 3

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

It shall apply from 1 January 2017.

Done at Strasbourg, 14 December 2016.

For the European Parliament	*For the Council*
The President	*The President*
M. SCHULZ	I. KORČOK

COUNCIL DECISION (CFSP) 2017/345

of 27 February 2017

amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

(1) On 27 May 2016, the Council adopted Decision (CFSP) 2016/849 ([1]) concerning restrictive measures against the Democratic People's Republic of Korea (the 'DPRK') which, inter alia, implemented United Nations Security Council Resolution ('UNSCR') 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016).

(2) On 30 November 2016, the UN Security Council adopted UNSCR 2321 (2016), expressing its gravest concern at the nuclear test conducted by the DPRK on 9 September 2016 in violation of the relevant UN Security Council resolutions, further condemning the DPRK's ongoing nuclear and ballistic-missile activities in serious violation of the relevant UN Security Council resolutions, and determining that there continues to exist a clear threat to international peace and security in the region and beyond.

(3) In UNSCR 2321 (2016), the UN Security Council expresses its concern that the personal luggage and checked baggage of individuals entering or departing from the DPRK may be used to transport items the supply, sale or transfer of which is prohibited by UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or 2321 (2016), and clarifies that such luggage and baggage constitute 'cargo' for the purposes of implementing paragraph 18 of UNSCR 2270 (2016), thereby referring to the obligation to inspect the cargo.

(4) In UNSCR 2321 (2016), the UN Security Council calls upon Member States to reduce the number of staff at DPRK diplomatic missions and consular posts.

(5) In UNSCR 2321 (2016), the UN Security Council expresses its concern that prohibited items may be transported to and from the DPRK by rail and by road and underscores that the obligation in paragraph 18 of UNSCR 2270 (2016) to inspect cargo within or transiting through Member States' territories includes cargo being transported by rail and by road.

(6) UNSCR 2321 (2016) notes that for the purpose of its implementation and that of UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), the term 'transit' includes, but is not limited to, the travel of individuals through a State's international airport terminals en route to a destination in another State, regardless of whether such individuals pass through customs or passport control at that airport.

(7) UNSCR 2321 (2016) introduces a maximum aggregate of coal that may be imported from the DPRK, and establishes a mechanism for monitoring and verifying this. As part of this mechanism, Member States that import coal from the DPRK are called upon to periodically review the UN website to ensure that the total aggregate for imports of coal has not been reached.

(8) UNSCR 2321 (2016) recalls that DPRK diplomatic agents are prohibited from practising any professional or commercial activity for personal profit in the receiving State.

(9) In UNSCR 2321 (2016), the UN Security Council expresses concern that DPRK nationals are sent to work in other States for the purpose of earning hard currency that the DPRK uses for its nuclear and ballistic-missile programmes, and calls upon States to exercise vigilance over this practice.

([1]) Council Decision (CFSP) 2016/849 of 27 May 2016 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP (OJ L 141, 28.5.2016, p. 79).

(10) In UNSCR 2321 (2016), the UN Security Council reiterates its concern that bulk cash may be used to evade measures imposed by the Security Council, and calls upon Member States to be alert to that risk.

(11) UNSCR 2321 (2016) expresses the UN Security Council's commitment to a peaceful, diplomatic and political solution to the situation and reaffirms its support to the Six Party Talks and calls for their resumption.

(12) UNSCR 2321 (2016) affirms that the DPRK's actions are to be kept under continuous review and that the UN Security Council is prepared to strengthen, modify, suspend or lift the measures as necessary in light of the DPRK's compliance, and that it is determined to take further significant measures in the event of a further DPRK nuclear test or launch.

(13) Further action by the Union is needed in order to implement certain measures provided for in this Decision.

(14) Member States should share relevant information with the other Member States to support the effective EU-wide implementation of the provisions of this Decision.

(15) Decision (CFSP) 2016/849 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision (CFSP) 2016/849 is amended as follows:

(1) in Article 1(1), the following points are added:

'(h) certain other items, materials, equipment, goods and technology listed pursuant to paragraph 4 of UNSCR 2321 (2016);

(i) any other item listed in the conventional arms dual-use list adopted by the Sanctions Committee pursuant to paragraph 7 of UNSCR 2321 (2016).';

(2) Article 4(1) is replaced by the following:

'1. The procurement from the DPRK by nationals of Member States, or using the flag vessels or aircraft of Member States, of gold, titanium ore, vanadium ore, rare-earth minerals, copper, nickel, silver and zinc, shall be prohibited, whether or not originating in the territory of the DPRK.';

(3) the following Article is inserted:

'Article 6a

1. The procurement of statues from the DPRK by nationals of Member States, or using the flag vessels or aircraft of Member States, shall be prohibited, whether or not originating in the territory of the DPRK.

2. Paragraph 1 shall not apply where the Sanctions Committee has granted approval in advance on a case-by-case basis.

3. The Union shall take the necessary measures in order to determine the relevant items to be covered by this Article.';

(4) the following Article is inserted:

'Article 6b

1. The direct or indirect supply, sale or transfer to the DPRK by nationals of Member States, or using the flag vessels or aircraft of Member States, of helicopters and vessels shall be prohibited, whether or not originating in the territories of the Member States.

2. Paragraph 1 shall not apply where the Sanctions Committee has granted approval in advance on a case-by-case basis.

3. The Union shall take the necessary measures in order to determine the relevant items to be covered by this Article.';

(5) Article 7 is replaced by the following:

'Article 7

1. The procurement from the DPRK by nationals of Member States, or using the flag vessels or aircraft of Member States, of coal, iron, and iron ore, shall be prohibited, whether or not originating in the territory of the DPRK. The Union shall take the necessary measures in order to determine the relevant items to be covered by this paragraph.

2. Paragraph 1 shall not apply with respect to coal that, as confirmed by the procuring Member State on the basis of credible information, originated from outside the DPRK and was transported through the DPRK solely for export from the port of Rajin (Rason), provided that that Member State notifies the Sanctions Committee in advance and such transactions are unrelated to generating revenue for the DPRK's nuclear or ballistic-missile programmes or other activities prohibited by UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) and 2321 (2016) or by this Decision.

3. Paragraph 1 shall not apply with respect to total exports to all UN Member States of coal originating in the DPRK that in aggregate do not exceed 53 495 894 US dollars or 1 000 866 metric tons, whichever is lower, between the date of adoption of UNSCR 2321 (2016) and 31 December 2016, and to total exports to all UN Member States of coal originating in the DPRK that in aggregate do not exceed 400 870 018 US dollars or 7 500 000 metric tons per year, whichever is lower, beginning on 1 January 2017, provided that the procurements:

(a) involve no individuals or entities that are associated with the DPRK's nuclear or ballistic-missile programmes or other activities prohibited by UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) and 2321 (2016), including designated individuals or entities, individuals or entities acting on their behalf or at their direction, entities owned or controlled by them, directly or indirectly, or individuals or entities assisting in the evasion of sanctions; and

(b) are exclusively for livelihood purposes of DPRK nationals and are unrelated to generating revenue for the DPRK's nuclear or ballistic-missile programmes or other activities prohibited by UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) and 2321 (2016).

4. A Member State that procures coal directly from the DPRK shall notify the Sanctions Committee of the aggregate amount of the volume of such procurement for each month no later than 30 days after the conclusion of that month on the form set out in Annex V to UNSCR 2321 (2016). The Member State shall also communicate the information notified in this regard to the Sanctions Committee to the other Member States and to the Commission.

5. Paragraph 1 shall not apply to transactions in iron and iron ore that are determined to be exclusively for livelihood purposes and unrelated to generating revenue for the DPRK's nuclear or ballistic-missile programmes or other activities prohibited by UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or 2321 (2016).';

(6) Article 10 is replaced by the following:

'Article 10

1. The provision of public or private financial support for trade with the DPRK, including the granting of export credits, guarantees or insurance, to DPRK nationals or entities involved in such trade shall be prohibited.

2. Paragraph 1 shall not apply if the Sanctions Committee has granted approval in advance on a case-by-case basis for the provision of financial support.';

(7) Article 14 is replaced by the following:

'Article 14

1. The opening of branches, subsidiaries or representative offices of DPRK banks, including the Central Bank of the DPRK, its branches and subsidiaries, and of other financial entities referred to in Article 13, point 2, in the territories of Member States shall be prohibited.

2. Existing branches, subsidiaries and representative offices of the entities referred to in paragraph 1 in the territories of the Member States shall be closed within 90 days of the adoption of UNSCR 2270 (2016).

3. Unless approved in advance by the Sanctions Committee, it shall be prohibited for DPRK banks, including the Central Bank of the DPRK, its branches and subsidiaries, and for other financial entities referred to in Article 13, point 2, to:

(a) establish new joint ventures with banks under the jurisdiction of Member States;

(b) take an ownership interest in banks under the jurisdiction of Member States; or

(c) establish or maintain correspondent banking relationships with banks under the jurisdiction of Member States.

4. Existing joint ventures, ownership interests and correspondent banking relationships with DPRK banks shall be terminated within 90 days of the adoption of UNSCR 2270 (2016).

5. Financial institutions within the territories of Member States or under their jurisdiction shall be prohibited from opening representative offices, subsidiaries, branches or banking accounts in the DPRK.

6. Existing representative offices, subsidiaries or banking accounts in the DPRK shall be closed within 90 days of the adoption of UNSCR 2321 (2016).

7. Paragraph 6 shall not apply if the Sanctions Committee determines on a case-by-case basis that such offices, subsidiaries or accounts are required for the delivery of humanitarian assistance, the activities of diplomatic missions in the DPRK pursuant to the Vienna Conventions on Diplomatic and Consular Relations, the activities of the UN or its specialised agencies or related organisations, or any other purposes in accordance with UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or 2321 (2016).';

(8) Article 16(6) is replaced by the following:

'(6) Member States shall take the necessary measures to seize and dispose of, such as through destruction, rendering inoperable or unusable, storage, or transferring to a State other than the originating or destination States for disposal, items the supply, sale, transfer, or export of which is prohibited by UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or 2321 (2016), that are identified in inspections, in accordance with their obligations under applicable UN Security Council resolutions, including UNSCR 1540 (2004).';

(9) the following Article is inserted:

'Article 18a

1. A Member State that is a flag State of a vessel designated by the Sanctions Committee shall, if the Committee has so specified, de-flag the vessel.

2. A Member State that is the flag State of a vessel designated by the Sanctions Committee shall, if the Committee has so specified, direct the vessel to a port identified by the Committee, in coordination with the port State.

3. Member States shall, if the designation by the Sanctions Committee has so specified, prohibit entry into their ports of a vessel, except in case of an emergency or if the vessel is returning to the port of origin.

4. Member States shall, if the designation by the Sanctions Committee has so specified, make a vessel subject to an asset freeze.

5. Annex IV shall contain the vessels referred to in paragraphs 1 to 4 of this Article designated by the Sanctions Committee in accordance with paragraph 12 of UNSCR 2321 (2016).';

(10) Article 20 is amended as follows:

(a) paragraph 2 is replaced by the following:

'2. Paragraph 1 shall not apply where the Sanctions Committee grants approval in advance on a case-by-case basis.';

(b) paragraph 3 is deleted;

(11) the following Article is inserted:

'Article 20a

The procurement of vessel or aircraft services from the DPRK shall be prohibited.';

(12) Article 21 is replaced by the following:

'Article 21

Member States shall de-register any vessel that is owned, controlled, or operated by the DPRK, and shall not register any such vessel that has been de-registered by another State pursuant to paragraph 24 of UNSCR 2321 (2016).';

(13) Article 22 is replaced by the following:

'Article 22

1. It shall be prohibited to register vessels in the DPRK, to obtain authorisation for a vessel to use the DPRK flag, to own, lease, operate, or provide any vessel classification, certification or associated service, or to insure any vessel flagged by the DPRK.

2. Paragraph 1 shall not apply where the Sanctions Committee has granted approval in advance on a case-by-case basis.

3. The provision by nationals of Member States or from the territories of Member States of insurance or reinsurance services to vessels owned, controlled, or operated, including through illicit means, by the DPRK, shall be prohibited.

4. Paragraph 3 shall not apply where the Sanctions Committee determines on a case-by-case basis that the vessel is engaged in activities exclusively for livelihood purposes which will not be used by DPRK individuals or entities to generate revenue or exclusively for humanitarian purposes.';

(14) in Article 23, the following paragraph is added:

'12. Member States shall take the necessary measures to restrict the entry into or transit through their territories of members of the Government of the DPRK, officials of that Government, and members of the DPRK armed forces, if such members or officials are associated with the DPRK's nuclear or ballistic-missile programmes or other activities prohibited by UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) and 2321 (2016).';

(15) the following Article is inserted:

'Article 24a

1. Where a Member State determines that an individual is working on behalf of or at the direction of a DPRK bank or financial institution, the Member State shall expel the individual from its territory for the purpose of repatriation to the individual's State of nationality, consistent with applicable law.

2. Paragraph 1 shall not apply where the presence of the individual is required for the fulfilment of a judicial process or exclusively for medical, safety or other humanitarian purposes, or when the Sanctions Committee has determined on a case-by-case basis that the expulsion of the individual would be contrary to the objectives of UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) and 2321 (2016).';

(16) Article 30 is replaced by the following:

'Article 30

1. Member States shall take the necessary measures to exercise vigilance and prevent specialised teaching or training of DPRK nationals, within their territories or by their nationals, in disciplines which would contribute to the DPRK's proliferation-sensitive nuclear activities and the development of nuclear-weapon delivery systems, including teaching or training in advanced physics, advanced computer simulation and related computer sciences, geospatial navigation, nuclear engineering, aerospace engineering, aeronautical engineering and related disciplines, advanced materials science, advanced chemical engineering, advanced mechanical engineering, advanced electrical engineering and advanced industrial engineering.

2. Member States shall suspend scientific and technical cooperation involving persons or groups officially sponsored by or representing the DPRK except for medical exchanges unless:

(a) in the case of scientific or technical cooperation in the fields of nuclear science and technology, aerospace and aeronautical engineering and technology, or advanced manufacturing production techniques and methods, the Sanctions Committee has determined on a case-by-case basis that a particular activity will not contribute to the DPRK's proliferation sensitive nuclear activities or ballistic-missile-related programmes; or

(b) in the case of all other scientific or technical cooperation, the Member State engaging in scientific or technical cooperation determines that the particular activity will not contribute to the DPRK's proliferation sensitive nuclear activities or ballistic-missile-related programmes and notifies the Sanctions Committee in advance of such determination.';

(17) the following Article is inserted:

'Article 31a

It shall be prohibited for a DPRK diplomatic mission or consular post, and their DPRK members, to own or control banking accounts in the Union, except for one account in the Member State or Member States in which the mission or post is hosted or to which their members are accredited.';

(18) the following Article is inserted:

'Article 31b

1. It shall be prohibited for real property to be leased or otherwise be made available to the DPRK, or for it to be used by or for the benefit of the DPRK, for any purpose other than diplomatic or consular activities.

2. It shall also be prohibited to lease from the DPRK real property which is situated outside the territory of the DPRK.';

(19) Article 33(1) is replaced by the following:

'1. The Council shall implement modifications to Annexes I and IV on the basis of determinations made by the Security Council or by the Sanctions Committee.';

(20) the following Article is inserted:

'Article 36a

By way of derogation from the measures imposed by UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or 2321 (2016), provided that the Sanctions Committee has determined that an exemption is necessary to facilitate the work of international and non-governmental organisations carrying out assistance and relief activities in the DPRK for the benefit of the civilian population in the DPRK, the competent authority of a Member State shall grant the necessary authorisation.';

(21) Annex IV as set out in the Annex to this Decision is added.

Article 2

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

Done at Brussels, 27 February 2017.

For the Council
The President
K. MIZZI

ANNEX

'ANNEX IV

List of vessels referred to in Article 18a'

COUNCIL DECISION (CFSP) 2017/346

of 27 February 2017

extending the mandate of the European Union Special Representative for Human Rights

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 33 and Article 31(2) thereof,

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

Whereas:

(1) On 25 July 2012, the Council adopted Decision 2012/440/CFSP [1] appointing Mr Stavros LAMBRINIDIS as the European Union Special Representative (EUSR) for Human Rights. The EUSR's mandate is to expire on 28 February 2017.

(2) On 20 July 2015, the Council adopted the EU Action Plan on Human Rights and Democracy for the period 2015-2019.

(3) The EUSR's mandate should be extended for a further period of 24 months,

HAS ADOPTED THIS DECISION:

Article 1

European Union Special Representative

The mandate of Mr Stavros LAMBRINIDIS as the EUSR for Human Rights is extended until 28 February 2019. The Council may decide that the EUSR's mandate be terminated earlier, based on an assessment by the Political and Security Committee (PSC) and a proposal from the High Representative of the Union for Foreign Affairs and Security Policy (HR).

Article 2

Policy objectives

The EUSR's mandate shall be based on the policy objectives of the Union regarding human rights as set out in the Treaty on European Union, the Charter of Fundamental Rights of the European Union as well as the EU Strategic Framework on Human Rights and Democracy and the EU Action Plan on Human Rights and Democracy:

(a) enhancing the Union's effectiveness, presence and visibility in protecting and promoting human rights in the world, in particular by deepening Union cooperation and political dialogue with third countries, relevant partners, business, civil society and international and regional organisations, and through action in relevant international fora;

(b) enhancing the Union's contribution to strengthening democracy and institution building, the rule of law, good governance, respect for human rights and fundamental freedoms worldwide;

(c) improving the coherence of Union action on human rights and the integration of human rights in all areas of the Union's external action.

[1] Council Decision 2012/440/CFSP of 25 July 2012 appointing the European Union Special Representative for Human Rights (OJ L 200, 27.7.2012, p. 21).

Article 3

Mandate

In order to achieve the policy objectives, the EUSR's mandate shall be to:

(a) contribute to the implementation of the Union's human rights policy, in particular the EU Strategic Framework on Human Rights and Democracy and the EU Action Plan on Human Rights and Democracy, including by formulating recommendations in this regard;

(b) contribute to the implementation of Union Guidelines, toolkits and action plans on human rights and international humanitarian law;

(c) enhance dialogue with governments in third countries and international and regional organisations on human rights as well as with civil society organisations and other relevant actors in order to ensure the effectiveness and the visibility of the Union's human rights policy;

(d) contribute to better coherence and consistency of the Union's policies and actions in the area of protection and promotion of human rights, in particular by providing input to the formulation of relevant policies of the Union.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate, acting under the authority of the HR.

2. The PSC shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.

3. The EUSR shall work in close coordination with the European External Action Service (EEAS) and its relevant departments in order to ensure coherence and consistency in their respective work in the area of human rights.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the EUSR's mandate for the period from 1 March 2017 to 28 February 2018 shall be EUR 860 000.

2. The financial reference amount for the subsequent period for the EUSR shall be decided by the Council.

3. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.

4. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

1. Within the limits of the EUSR's mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting a team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of the team.

2. Member States, the institutions of the Union and the EEAS may propose the secondment of staff to work with the EUSR. The salary of such seconded personnel shall be covered by the sending Member State, the sending institution of the Union or the EEAS, respectively. Experts seconded by Member States to the institutions of the Union or the EEAS may also be posted to work with the EUSR. International contracted staff shall have the nationality of a Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State, the sending institution of the Union or the EEAS, respectively, and shall carry out their duties and act in the interest of the EUSR's mandate.

4. The EUSR's staff shall be co-located within the relevant EEAS departments or Union delegations in order to ensure coherence and consistency of their respective activities.

Article 7

Security of EU classified information

The EUSR and the members of the EUSR's team shall respect the security principles and minimum standards established by Council Decision 2013/488/EU ([1]).

Article 8

Access to information and logistical support

1. Member States, the Commission, the EEAS and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

2. The Union delegations and the diplomatic representations of Member States, as appropriate, shall provide logistical support to the EUSR.

Article 9

Security

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in accordance with the EUSR's mandate and on the basis of the security situation in the area of responsibility, for the security of all personnel under the EUSR's direct authority, in particular by:

(a) establishing a specific security plan based on guidance from the EEAS, including specific physical, organisational and procedural security measures governing the management of the secure movement of personnel to, and within, the area of responsibility as well as the management of security incidents and including a contingency plan and evacuation plan;

(b) ensuring that all personnel deployed outside the Union are covered by high-risk insurance, as required by the conditions in the area of responsibility;

(c) ensuring that all members of the EUSR's team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the area of responsibility, based on the risk ratings assigned to that area by the EEAS;

(d) ensuring that all agreed recommendations made following regular security assessments are implemented, and providing the Council, the HR and the Commission with written reports on their implementation and on other security issues within the framework of the progress reports and the report on the implementation of the mandate.

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

Article 10

Reporting

The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report to Council working parties, in particular the Working Party on Human Rights, as necessary. Regular reports shall be circulated through the COREU network. The EUSR may provide the Foreign Affairs Council with reports. In accordance with Article 36 of the Treaty, the EUSR may be involved in briefing the European Parliament.

Article 11

Coordination

1. The EUSR shall contribute to the unity, consistency and effectiveness of the Union's action and shall help ensure that all Union instruments and Member States' actions are engaged consistently, to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of the Member States and the Commission, as well as other European Union Special Representatives, as appropriate. The EUSR shall provide regular briefings to Member States' missions and the Union delegations.

2. In the field, close liaison shall be maintained with the relevant Heads of Member States' Missions, the Heads of the Union delegations, as well as with Heads or Commanders of Common Security and Defence Policy missions and operations and other European Union Special Representatives as appropriate. They shall make every effort to assist the EUSR in the implementation of the mandate.

3. The EUSR shall also liaise and seek complementarity and synergies with other international and regional actors at Headquarters level and in the field. The EUSR shall seek regular contacts with civil society organisations both at Headquarters and in the field.

Article 12

Review

The implementation of this Decision and its consistency with other contributions from the Union shall be kept under regular review. The EUSR shall present the Council, the HR and the Commission with regular progress reports and a comprehensive mandate implementation report by 30 November 2018.

Article 13

Entry into force

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

Done at Brussels, 27 February 2017.

For the Council
The President
K. MIZZI

COUNCIL DECISION (CFSP) 2017/347

of 27 February 2017

extending the mandate of the European Union Special Representative in Bosnia and Herzegovina

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 33 and Article 31(2) thereof,

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

Whereas:

(1) On 19 January 2015, the Council adopted Decision (CFSP) 2015/77 ([1]), appointing Mr Lars-Gunnar WIGEMARK as the European Union Special Representative (EUSR) in Bosnia and Herzegovina (BiH). The EUSR's mandate is to expire on 28 February 2017.

(2) The EUSR's mandate should be extended for a further period of 16 months.

(3) The EUSR will implement the mandate in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

European Union Special Representative

The mandate of Mr Lars-Gunnar WIGEMARK as the EUSR in Bosnia and Herzegovina (BiH) is extended until 30 June 2018. The Council may decide that the mandate of the EUSR be terminated earlier, based on an assessment by the Political and Security Committee (PSC) and a proposal from the High Representative of the Union for Foreign Affairs and Security Policy (HR).

Article 2

Policy objectives

1. The mandate of the EUSR shall be based on the following policy objectives of the Union in BiH:

(a) continuing progress in the Stabilisation and Association Process;

(b) a stable, viable, peaceful, multi-ethnic and united BiH that cooperates peacefully with its neighbours; and

(c) ensuring that BiH is irreversibly on track towards membership of the Union.

2. The Union will also continue to support the implementation of the General Framework Agreement for Peace (GFAP) in BiH.

Article 3

Mandate

In order to achieve the policy objectives, the EUSR's mandate shall be to:

(a) offer the Union's advice and facilitate the political process, in particular with the promotion of dialogue between the different levels of government;

(b) ensure consistency and coherence of Union action;

([1]) Council Decision (CFSP) 2015/77 of 19 January 2015 appointing the European Union Special Representative in Bosnia and Herzegovina (OJ L 13, 20.1.2015, p. 7).

(c) facilitate progress on political, economic and European priorities, in particular by encouraging the implementation of the coordination mechanism on EU matters and the continued implementation of the Reform Agenda;

(d) monitor and advise the executive and legislative authorities at all levels of government in BiH, and liaise with the authorities and political parties in BiH;

(e) ensure the implementation of the Union's efforts in the entire range of activities in the fields of the rule of law and security-sector reform, promote overall Union coordination of, and give local political direction to, Union efforts in tackling organised crime and corruption, as well as in terrorism, and, in that context, provide the HR and the Commission with assessments and advice as necessary;

(f) provide support for a reinforced and more effective interface between criminal justice and the police in BiH, as well as for initiatives which aim to strengthen the efficiency and impartiality of the judicial institutions, in particular the Structured Dialogue on Justice;

(g) without prejudice to the military chain of command, offer the EU Force Commander political guidance on military issues with a local political dimension, in particular concerning sensitive operations, and on relations with local authorities and the local media and contribute to the consultations on the Strategic Review of EUFOR/ALTHEA; consult with the EU Force Commander before taking political action that may have an impact on the security situation and coordinate regarding coherent messages to local authorities and other international organisations;

(h) coordinate and implement the Union's communication efforts on EU issues towards the public in BiH;

(i) promote the process of EU integration through targeted public diplomacy and EU outreach activities designed to ensure a broader understanding and support among the BiH public on EU-related matters, including by means of engagement of local civil society actors;

(j) contribute to the development and consolidation of respect for human rights and fundamental freedoms in BiH, in accordance with the EU human rights policy and EU guidelines on human rights;

(k) engage with relevant BiH authorities with regard to their full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY);

(l) in line with the EU integration process, advise, assist, facilitate and monitor political dialogue on the necessary constitutional and relevant legislative changes;

(m) maintain close contacts and close consultations with the High Representative in BiH and other relevant international organisations working in the country; in that context, inform the Council about discussions on the ground regarding the international presence in the country, including the Office of the High Representative;

(n) provide advice to the HR, as necessary, concerning natural or legal persons on whom restrictive measures could be imposed in view of the situation in BiH;

(o) without prejudice to the applicable chains of command, help to ensure that all Union instruments in the field are applied coherently to attain the Union's policy objectives.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate, acting under the authority of the HR.

2. The PSC shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.

3. The EUSR shall work in close coordination with the European External Action Service (EEAS) and its relevant departments.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the EUSR's mandate for the period from 1 March 2017 to 30 June 2018 shall be EUR 7 690 000.

2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union. The participation of natural and legal persons in the award of procurement contracts by the EUSR shall be open without limitations. Furthermore, no rule of origin for the goods purchased by the EUSR shall apply.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

1. A dedicated staff shall be assigned to assist the EUSR in implementing the mandate and in contributing to the coherence, visibility and effectiveness of Union action in BiH overall. Within the limits of the EUSR's mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting a team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of the team.

2. Member States, institutions of the Union and the EEAS may propose the secondment of staff to work with the EUSR. The salary of such seconded personnel shall be covered by the sending Member State, the sending institution of the Union or the EEAS, respectively. Experts seconded by Member States to the institutions of the Union or to the EEAS may also be posted to work with the EUSR. International contracted staff shall have the nationality of a Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State, the sending institution of the Union or the EEAS, respectively, and shall carry out their duties and act in the interest of the EUSR's mandate.

Article 7

Privileges and immunities of the EUSR and of the EUSR's staff

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the EUSR's mission and the members of the EUSR's staff shall be agreed with the host parties, as appropriate. Member States and the EEAS shall grant all necessary support to such effect.

Article 8

Security of EU classified information

The EUSR and the members of the EUSR's team shall respect the security principles and minimum standards established by Council Decision 2013/488/EU ([1]).

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

2. The Union delegation and/or Member States, as appropriate, shall provide logistical support in the region.

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

Article 10

Security

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with the EUSR's mandate and on the basis of the security situation in the area of responsibility, for the security of all personnel under the EUSR's direct authority, in particular by:

(a) establishing a specific security plan based on guidance from the EEAS, including specific physical, organisational and procedural security measures governing the management of the secure movement of personnel to, and within, the area of responsibility as well as the management of security incidents and including a contingency plan and evacuation plan;

(b) ensuring that all personnel deployed outside the Union are covered by high-risk insurance, as required by the conditions in the area of responsibility;

(c) ensuring that all members of the EUSR's team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the area of responsibility, based on the risk ratings assigned to that area by the EEAS;

(d) ensuring that all agreed recommendations made following regular security assessments are implemented, and providing the Council, the HR and the Commission with written reports on their implementation and on other security issues within the framework of the progress report and the report on the implementation of the mandate.

Article 11

Reporting

The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report to Council working parties as necessary. Regular reports shall be circulated through the COREU network. The EUSR may provide the Foreign Affairs Council with reports. In accordance with Article 36 of the Treaty, the EUSR may be involved in briefing the European Parliament.

Article 12

Coordination

1. The EUSR shall contribute to the unity, consistency and effectiveness of the Union's action and shall help ensure that all Union instruments and Member States' actions are engaged consistently, to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of the Commission, as well as those of other EUSRs active in the region, as appropriate. The EUSR shall provide regular briefings to Member States' missions and Union delegations.

2. In the field, close liaison shall be maintained with the Heads of Member States' Missions and Heads of Union delegations in the region. They shall make every effort to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with international and regional actors in the field, and in particular maintain close coordination with the High Representative in BiH.

3. In support of Union crisis-management operations, the EUSR, together with other Union actors present in the field, shall improve the dissemination and sharing of information by those Union actors with a view to achieving a high degree of common situation awareness and assessment.

Article 13

Assistance in relation to claims

The EUSR and the EUSR's staff shall assist in providing elements to respond to any claims and obligations arising from the mandates of the previous EUSRs in BiH, and shall provide administrative assistance and access to relevant files for such purposes.

Article 14

Review

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the Council, the HR and the Commission with a progress report by 30 September 2017 and a comprehensive mandate implementation report by 31 March 2018.

Article 15

Entry into force

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

Done at Brussels, 27 February 2017.

For the Council
The President
K. MIZZI

COUNCIL DECISION (CFSP) 2017/348

of 27 February 2017

extending the mandate of the European Union Special Representative in Kosovo *

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 33 and Article 31(2) thereof,

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

Whereas:

(1) On 4 August 2016, the Council adopted Decision (CFSP) 2016/1338 amending Decision (CFSP) 2015/2052 extending the mandate of the European Union Special Representative in Kosovo ([1]) and appointing Ms Nataliya APOSTOLOVA as the European Union Special Representative (EUSR) in Kosovo. The EUSR's mandate is to expire on 28 February 2017.

(2) The EUSR's mandate should be extended for a further period of 16 months.

(3) The EUSR will implement the mandate in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

European Union Special Representative

The mandate of Ms Nataliya APOSTOLOVA as the EUSR is extended until 30 June 2018. The Council may decide that the mandate of the EUSR be terminated earlier, based on an assessment by the Political and Security Committee (PSC) and a proposal from the High Representative of the Union for Foreign Affairs and Security Policy (HR).

Article 2

Policy objectives

The mandate of the EUSR shall be based on the policy objectives of the Union in Kosovo. These include playing a leading role in promoting a stable, viable, peaceful, democratic and multi-ethnic Kosovo; strengthening stability in the region and contributing to regional cooperation and good neighbourly relations in the Western Balkans; promoting a Kosovo that is committed to the rule of law and to the protection of minorities and of cultural and religious heritage; supporting Kosovo's European perspective and rapprochement with the Union in line with the perspective of the region and in accordance with the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part ([2]) (hereinafter 'the Stabilisation and Association Agreement') and Council Decision (EU) 2015/1988 ([3]), and in line with the relevant Council Conclusions.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244(1999) and the ICJ Opinion on the Kosovo declaration of independence.

([1]) OJ L 212, 5.8.2016, p. 109.

([2]) OJ L 71, 16.3.2016, p. 3.

([3]) Council Decision (EU) 2015/1988 of 22 October 2015 on the signing, on behalf of the Union, of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part (OJ L 290, 6.11.2015, p. 4).

Article 3

Mandate

In order to achieve the policy objectives, the EUSR's mandate shall be to:

(a) offer the Union's advice and support in the political process;

(b) promote overall Union political coordination in Kosovo;

(c) strengthen the presence of the Union throughout Kosovo and ensure its coherence and effectiveness;

(d) provide local political guidance to the Head of the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO), including on the political aspects of issues relating to executive responsibilities;

(e) ensure consistency and coherence of Union action in Kosovo, including in guiding locally the EULEX transition for eventual transfer of activities to EUSR/EU Office and/or the local authorities, as appropriate;

(f) support Kosovo's European perspective and rapprochement with the Union, in line with the perspective of the region and in accordance with the Stabilisation and Association Agreement and Decision (EU) 2015/1988, and in line with the relevant Council Conclusions, through targeted public communication and Union outreach activities designed to ensure a broader understanding and support from the Kosovo public on issues related to the Union, including the work of EULEX;

(g) monitor, assist and facilitate, by all the means and instruments at the disposal of the EUSR and with the support of the EU office in Kosovo, progress on political, economic and European priorities, in line with respective institutional competencies and responsibilities, and support the implementation of the Stabilisation and Association Agreement, including through the European Reform Agenda;

(h) contribute to the development and consolidation of respect for human rights and fundamental freedoms in Kosovo, including with regard to women and children, and the protection of minorities, in accordance with the Union's human rights policy and Union Guidelines on Human Rights;

(i) assist in the implementation of the Belgrade-Pristina dialogue facilitated by the Union;

(j) support the mandate of the Specialist Chambers and the Specialist Prosecutor Office, as appropriate, including through communication and outreach.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate, acting under the authority of the HR.

2. The PSC shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.

3. The EUSR shall work in close coordination with the European External Action Service (EEAS) and its relevant departments.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the EUSR's mandate for the period from 1 March 2017 to 30 June 2018 shall be EUR 3 615 000.

2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union. Participation of natural and legal persons in the award of procurement contracts by the EUSR shall be open without limitations. Furthermore, no rule of origin for the goods purchased by the EUSR shall apply.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

1. A dedicated staff shall be assigned to assist the EUSR to implement the EUSR's mandate and to contribute to the coherence, visibility and effectiveness of Union action in Kosovo overall. Within the limits of the EUSR's mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting a team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of the team.

2. Member States, institutions of the Union and the EEAS may propose the secondment of staff to work with the EUSR. The salary of such seconded personnel shall be covered by the sending Member State, the sending institution of the Union or the EEAS, respectively. Experts seconded by Member States to the institutions of the Union or the EEAS may also be posted to work with the EUSR. International contracted staff shall have the nationality of a Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State, the sending institution of the Union or the EEAS, respectively, and shall carry out their duties and act in the interests of the EUSR's mandate.

Article 7

Privileges and immunities of the EUSR and the EUSR's staff

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the EUSR's mission and the members of the EUSR's staff shall be agreed with the host parties, as appropriate. Member States and the EEAS shall grant all necessary support to such effect.

Article 8

Security of EU classified information

1. The EUSR and the members of the EUSR's team shall respect the security principles and minimum standards established by Council Decision 2013/488/EU ([1]).

2. The HR shall be authorised to release to NATO/KFOR EU classified information and documents up to the level 'CONFIDENTIEL UE/EU CONFIDENTIAL' generated for the purposes of the action, in accordance with the security rules for protecting EU classified information.

3. The HR shall be authorised to release to the United Nations (UN) and the Organisation for Security and Cooperation in Europe (OSCE), in accordance with the operational needs of the EUSR, EU classified information and documents up to the level 'RESTREINT UE/EU RESTRICTED' which are generated for the purposes of the action, in accordance with the security rules for protecting EU classified information. Local arrangements shall be drawn up for this purpose.

4. The HR shall be authorised to release to third parties associated with this Decision EU non-classified documents related to the deliberations of the Council with regard to the action covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure.

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

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

2. The Union delegation and/or the Member States, as appropriate, shall provide logistical support in the region.

Article 10

Security

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in accordance with the EUSR's mandate and on the basis of the security situation in the area of responsibility, for the security of all personnel under the EUSR's direct authority, in particular by:

(a) establishing a specific security plan based on guidance from the EEAS, including specific physical, organisational and procedural security measures governing the management of the secure movement of personnel to, and within, the area of responsibility, as well as the management of security incidents and including a contingency plan and evacuation plan;

(b) ensuring that all personnel deployed outside the Union are covered by high-risk insurance as required by the conditions in the area of responsibility;

(c) ensuring that all members of the EUSR's team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the area of responsibility, based on the risk ratings assigned to that area by the EEAS;

(d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the Council, the HR and the Commission with written reports on their implementation and on other security issues within the framework of the progress report and the report on the implementation of the mandate.

Article 11

Reporting

The EUSR shall regularly provide the HR with oral and written reports. The EUSR shall report regularly to the PSC. The EUSR shall also report to Council working parties as necessary. Regular reports shall be circulated through the COREU network. The EUSR may provide the Foreign Affairs Council with reports. In accordance with Article 36 of the Treaty, the EUSR may be involved in briefing the European Parliament.

Article 12

Coordination

1. The EUSR shall contribute to the unity, consistency and effectiveness of the Union's action and shall help ensure that all Union instruments and Member States' actions are engaged consistently, to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of the Commission, as well as those of other EUSRs active in the region, as appropriate. The EUSR shall provide regular briefings to Member States' missions and the Union delegations.

2. In the field, close liaison shall be maintained with the relevant Heads of Member States' Missions and the Heads of the Union delegations in the region. They shall make every effort to assist the EUSR in the implementation of the mandate. The EUSR shall provide local political guidance to the Head of the EULEX KOSOVO, including on the political aspects of issues relating to executive responsibilities. The EUSR and the Civilian Operations Commander shall consult each other as required.

3. The EUSR shall also liaise with relevant local bodies and other international and regional actors in the field.

4. The EUSR, with other Union actors present in the field, shall ensure the dissemination and sharing of information among Union actors in theatre with a view to achieving a high degree of common situation awareness and assessment.

Article 13

Assistance in relation to claims

The EUSR and the EUSR's staff shall assist in providing elements to respond to any claims and obligations arising from the mandates of the previous EUSRs in Kosovo, and shall provide administrative assistance and access to relevant files for such purposes.

Article 14

Review

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the Council, the HR and the Commission with a progress report by 30 September 2017 and a comprehensive mandate implementation report by 31 March 2018.

Article 15

Entry into force

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

Done at Brussels, 27 February 2017.

For the Council
The President
K. MIZZI

COUNCIL DECISION (CFSP) 2017/349

of 27 February 2017

amending Decision 2012/389/CFSP on the European Union Capacity Building Mission in Somalia (EUCAP Somalia)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28, Article 42(4) and Article 43(2) thereof,

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

Whereas:

(1) On 16 July 2012, the Council adopted Decision 2012/389/CFSP [1] on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR).

(2) On 12 December 2016, the Council adopted Decision (CFSP) 2016/2240 [2], amending Decision 2012/389/CFSP. The name of the mission was changed to EUCAP Somalia and its mandate extended until 31 December 2018.

(3) Decision 2012/389/CFSP should be amended to provide for a financial reference amount for the period from 1 March 2017 to 28 February 2018,

HAS ADOPTED THIS DECISION:

Article 1

In Article 13(1) of Decision 2012/389/CFSP, the following subparagraph is added:

'The financial reference amount intended to cover the expenditure related to EUCAP Somalia for the period from 1 March 2017 to 28 February 2018 shall be EUR 22 950 000.'.

Article 2

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

Done at Brussels, 27 February 2017.

For the Council
The President
K. MIZZI

[1] OJ L 187, 17.7.2012, p. 40.
[2] OJ L 337, 13.12.2016, p. 18.

COUNCIL DECISION (CFSP) 2017/350

of 27 February 2017

amending Decision 2012/642/CFSP concerning restrictive measures against Belarus

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

(1) On 15 October 2012, the Council adopted Decision 2012/642/CFSP ([1]).

(2) On the basis of a review of Decision 2012/642/CFSP, the restrictive measures against Belarus should be extended until 28 February 2018.

(3) Furthermore, the Council agreed that the export of biathlon equipment to Belarus may be authorised by Member States in accordance with the applicable licensing provisions.

(4) Decision 2012/642/CFSP should therefore be amended accordingly.

(5) In order to ensure that the measures provided for in this Decision are effective, this Decision should enter into force immediately,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2012/642/CFSP is amended as follows:

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

'3. Article 1 shall not apply to biathlon equipment that complies with the specifications defined in the event and competition rules of the International Biathlon Union (IBU).';

(2) Article 8 is replaced by the following:

'*Article 8*

1. This Decision shall apply until 28 February 2018.

2. This Decision shall be kept under constant review and shall be renewed or amended, as appropriate, if the Council deems that its objectives have not been met.'.

Article 2

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

Done at Brussels, 27 February 2017.

For the Council
The President
K. MIZZI

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

COMMISSION IMPLEMENTING DECISION (EU) 2017/351

of 24 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) 1261)

(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 and Lithuania.

(2) In February 2017, two outbreaks of African swine fever in domestic pigs occurred in the novads of Salaspils in Latvia and in the rajono savivaldybė of Biržai in Lithuania in areas which are currently listed in Part II of the Annex to Implementing Decision 2014/709/EU. The occurrence of these outbreaks constitutes an increase in the level of risk that needs to be taken into account. Accordingly, the relevant areas of Latvia and Lithuania listed in Parts I and II should now be listed in Part III of that Annex.

(3) In January 2017, few cases of African swine fever in wild boar occurred in the novads of Talsu and Tukuma in Latvia in two areas currently listed in Part II of the Annex to Implementing Decision 2014/709/EU but in close proximity to the areas listed in Part I of that Implementing Decision. The occurrence of these cases 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 II, instead of Part I, of that Annex and new areas should be included in Part I of the Annex thereto.

(4) 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 and Lithuania. 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 and Lithuania.

([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).

(5) The Annex to Implementing Decision 2014/709/EU should therefore be amended accordingly.

(6) 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

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, 24 February 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

'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 Dobele,

— 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 Kuldīgas, the pagasti of Rendas and Kabiles,

— in the novads of Saldus, the pagasti of Jaunlutriņu, Lutriņu and Šķēdes,

— in the novads of Talsu, the pagasts of Ģibuļu,

— 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 Rundāles,

— the novads of Tērvetes,

— the part of the novads of Stopiņu located to the West of roads V36, P4 and P5, streets Acones, Dauguļupes and river Dauguļupīte,

— the pilsēta of Bauska,

— the pilsēta of Talsi,

— 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 Panevežys, the part of the Krekenavos seniūnija located to the west of the river Nevėžis,

— in the rajono savivaldybė of Pasvalys, the seniūnijos of Joniškelio apylinkių, Joniškelio miesto, Namišių, Pasvalio apylinkių, Pasvalio miesto, Pumpėnų, Pušaloto, Saločių and Vaškų,

— 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 Radviliškis,

— the rajono savivaldybė of Vilkaviškis,

— 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 Pöide,

— 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 pagsti 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, Līksnas, 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 Ikšķiles, the part of pagasts of Tīnūžu located to the south-east of road P10, the pilsēta of Ikšķile, 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 Sīļukalna, Stabulnieku, Galēnu and Silajāņu,

— in the novads of Rugāju, the pagsts 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, Ārlavas, Lībagu and Abavas, the pilsētas of Sabile, Stende and 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 Alojas,

— 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 Iecavas,

— the novads of Ilūkstes,

— the novads of Jaunjelgavas,

— the novads of Jaunpils,

— 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 Priekuļu,

— the novads of Rēzeknes,

— the novads of Rojas,

— the novads of Rūjienas,

— the novads of Salacgrīvas,

— the novads of Salas,

— 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 part of the novads of Garkalnes located to the north-west of road A2,the part of the novads of Ropažu located to the east of road P10,

— 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 Alytus, the seniūnijos of Pivašiūnų, Punios, Daugų, Alovės, Nemunaičio, Raitininkų, Miroslavo, Krokialaukio, Simno, Alytaus,

— in the rajono savivaldybė of Anykščiai, the seniūnijos of Kavarsko, Kurklių and the part of Anykščių, located south-west to the road No121 and No 119,

— in the rajono savivaldybė of Biržai, the seniūnijos of Biržų miesto, Nemunėlio Radviliškio, Pabiržės, Pačeriaukštės and Parovėjos,

— in the rajono savivaldybė of Jonava, the seniūnijos of Šilų, Bukonių and, in the Žeimių seniūnija, the villages of Biliuškiai, 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 Kupiškis, the seniūnijos of Noriūnų, Skapiškio, Subačiaus and Šimonių,

— in the rajono savivaldybė of Panevėžys, the seniūnijos of 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, Dieveniškių,

— in the rajono savivaldybė of Utena, the seniūnijos of Sudeikių, Utenos, Utenos miesto, Kuktiškių, Daugailių, Tauragnų, Saldutiškio,

— 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, Buivydžių, Bezdonių, Lavoriškių, Mickūnų, Šatrininkų, Kalvelių, Nemėžių, Rudaminos, Rūkainių, Medininkų, Marijampolio, Pagirių and Juodšilių,

— the miesto savivaldybė of Alytus,

— the miesto savivaldybė of Kaunas,

— the miesto savivaldybė of Panevėžys,

— the miesto savivaldybė of Prienai,

— the miesto savivaldybė of Vilnius,

— the rajono savivaldybė of Ignalina,

— the rajono savivaldybė of Lazdijai,

— 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 Druskininkai,

— 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 Pihtla,

— 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 Ikšķiles, the part of the pagasts of Tīnūžu located to the north-west of road P10, 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 Salaspils,the novads of Sējas,

— the novads of Vārkavas,

— the part of the novads of Garkalnes located to the south-east of road A2, the part of the novads of Ropažu located to the west of road P10, the part of the novads of Stopiņu located to the east of roads V36, P4 and P5, streets Acones, Dauguļupes and river Dauguļupīte.

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 Biržai, the seniūnijos of Vabalninko, Papilio and Širvenos,

— 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 Kupiškis, the seniūnijos of Alizavos and Kupiškio,

— in the rajono savivaldybė of Pasvalys, the seniūnijos of Daujėnų and Krinčino,

— in the rajono savivaldybė of Prienai, the seniūnijos of Jiezno and Stakliškių,

— in the rajono savivaldybė of Panevėžys, the seniūnijos of Miežiškių,Raguvos and Karsakiškio,

— 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.'

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