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<sup>(1)</sup> Text with EEA relevance.

EN

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## II

*(Non-legislative acts)*

## REGULATIONS

**COMMISSION REGULATION (EU) 2017/452****of 13 March 2017****establishing a temporary prohibition of fishing for anglerfish in VIIIc, IX and X; Union waters of  
CECAF 34.1.1 by vessels flying the flag of France**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Council Regulation (EU) 2017/127 <sup>(2)</sup> lays down quotas for 2017.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2017.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2017 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

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

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.<sup>(2)</sup> Council Regulation (EU) 2017/127 of 20 January 2017 fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 24, 28.1.2017, p. 1).

*Article 3***Entry into force**

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

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

Done at Brussels, 13 March 2017.

*For the Commission,  
On behalf of the President,  
João AGUIAR MACHADO  
Director-General*

*Directorate-General for Maritime Affairs and Fisheries*

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## ANNEX

No	03/TQ127
Member State	France
Stock	ANF/8C3411
Species	Anglerfish ( <i>Lophiidae</i> )
Zone	VIIIc, IX and X; Union waters of CECAF 34.1.1
Closing date	16.2.2017

**COMMISSION REGULATION (EU) 2017/453****of 13 March 2017****establishing a temporary prohibition of fishing for undulate ray in Union waters of VIId by vessels flying the flag of Belgium**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Council Regulation (EU) 2017/127 <sup>(2)</sup> lays down quotas for 2017.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2017.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2017 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

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

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

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

<sup>(2)</sup> Council Regulation (EU) 2017/127 of 20 January 2017 fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 24, 28.1.2017, p. 1).

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

Done at Brussels, 13 March 2017.

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

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ANNEX

No	02/TQ127
Member State	Belgium
Stock	RJU/07-D.
Species	Undulate ray ( <i>Raja undulata</i> )
Zone	Union waters of VIId
Closing date	27.1.2017

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/454**  
**of 15 March 2017**

**withdrawing the acceptance of the undertaking for four exporting producers under Implementing Decision 2013/707/EU confirming the acceptance of an undertaking offered in connection with the anti-dumping and anti-subsidy proceedings concerning imports of crystalline silicon photovoltaic modules and key components (i.e. cells) originating in or consigned from the People's Republic of China for the period of application of definitive measures**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union ('the Treaty'),

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 <sup>(1)</sup> ('the basic anti-dumping Regulation'), and in particular Article 8 thereof,

Having regard to Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union <sup>(2)</sup> ('the basic anti-subsidy Regulation'), and in particular Article 13 thereof,

Informing the Member States,

Whereas:

**A. UNDERTAKING AND OTHER EXISTING MEASURES**

- (1) By Regulation (EU) No 513/2013 <sup>(3)</sup>, the European Commission ('the Commission') imposed a provisional anti-dumping duty on imports into the European Union ('the Union') of crystalline silicon photovoltaic modules ('modules') and key components (i.e. cells and wafers) originating in or consigned from the People's Republic of China ('the PRC').
- (2) A group of exporting producers gave a mandate to the China Chamber of Commerce for Import and Export of Machinery and Electronic Products ('CCCME') to submit a price undertaking on their behalf to the Commission, which they did. It is clear from the terms of that price undertaking that it constitutes a bundle of individual price undertakings for each exporting producer, which is, for reasons of practicality of administration, coordinated by the CCCME.
- (3) By Decision 2013/423/EU <sup>(4)</sup>, the Commission accepted that price undertaking with regard to the provisional anti-dumping duty. By Regulation (EU) No 748/2013 <sup>(5)</sup>, the Commission amended Regulation (EU) No 513/2013 to introduce the technical changes necessary due to the acceptance of the undertaking with regard to the provisional anti-dumping duty.
- (4) By Implementing Regulation (EU) No 1238/2013 <sup>(6)</sup>, the Council imposed a definitive anti-dumping duty on imports into the Union of modules and cells originating in or consigned from the PRC ('the products concerned'). By Implementing Regulation (EU) No 1239/2013 <sup>(7)</sup>, the Council also imposed a definitive countervailing duty on imports into the Union of the products concerned.

<sup>(1)</sup> OJ L 176, 30.6.2016, p. 21.

<sup>(2)</sup> OJ L 176, 30.6.2016, p. 55.

<sup>(3)</sup> OJ L 152, 5.6.2013, p. 5.

<sup>(4)</sup> OJ L 209, 3.8.2013, p. 26.

<sup>(5)</sup> OJ L 209, 3.8.2013, p. 1.

<sup>(6)</sup> OJ L 325, 5.12.2013, p. 1.

<sup>(7)</sup> OJ L 325, 5.12.2013, p. 66.

- (5) Following the notification of an amended version of the price undertaking by a group of exporting producers ('the exporting producers') together with the CCCME, the Commission confirmed by Implementing Decision 2013/707/EU <sup>(1)</sup> the acceptance of the price undertaking as amended ('the undertaking') for the period of application of definitive measures. The Annex to Implementing Decision 2013/707/EU lists the exporting producers for whom the undertaking was accepted, inter alia:
- (a) GCL System Integration Technology Co. Ltd, together with its related companies in the PRC, jointly covered by the TARIC additional code: B850 ('GCL Technology');
  - (b) Hareon Solar Technology Co. Ltd, together with its related companies in the PRC and in the Union, jointly covered by the TARIC additional code: B842 ('Hareon Solar');
  - (c) Jietion Solar (China) Co. Ltd, together with its related companies in the PRC and in the Union, jointly covered by the TARIC additional code: B830 ('Jietion Solar');
  - (d) Zhongli Talesun Solar Co. Ltd, together with its related company in the Union, jointly covered by the TARIC additional code: B922 ('Talesun Solar').
- (6) By Implementing Decision 2014/657/EU <sup>(2)</sup> the Commission accepted a proposal by the exporting producers together with the CCCME for clarifications concerning the implementation of the undertaking for the products concerned covered by the undertaking, that is modules and cells originating in or consigned from the PRC, currently falling within CN codes ex 8541 40 90 (TARIC codes 8541 40 90 21, 8541 40 90 29, 8541 40 90 31 and 8541 40 90 39) produced by the exporting producers ('product covered'). The anti-dumping and countervailing duties referred to in recital (4) above, together with the undertaking, are jointly referred to thereafter as 'measures'.
- (7) By Implementing Regulation (EU) 2015/866 <sup>(3)</sup> the Commission withdrew the acceptance of the undertaking for three exporting producers.
- (8) By Implementing Regulation (EU) 2015/1403 <sup>(4)</sup> the Commission withdrew the acceptance of the undertaking for another exporting producer.
- (9) By Implementing Regulation (EU) 2015/2018 <sup>(5)</sup> the Commission withdrew the acceptance of the undertaking for two exporting producers.
- (10) The Commission initiated an expiry review investigation of the anti-dumping measures by a Notice of Initiation published in the *Official Journal of the European Union* <sup>(6)</sup> on 5 December 2015.
- (11) The Commission initiated an expiry review investigation of the countervailing measures by a Notice of Initiation published in the *Official Journal of the European Union* <sup>(7)</sup> on 5 December 2015.
- (12) The Commission also initiated a partial interim review of the anti-dumping and countervailing measures by a Notice of Initiation published in the *Official Journal of the European Union* <sup>(8)</sup> on 5 December 2015.
- (13) By Implementing Regulation (EU) 2016/115 <sup>(9)</sup> the Commission withdrew the acceptance of the undertaking for another exporting producer.
- (14) By Implementing Regulation (EU) 2016/185 <sup>(10)</sup>, the Commission extended the definitive anti-dumping duty imposed by Council Regulation (EU) No 1238/2013 on imports of the products concerned originating in or consigned from the People's Republic of China to imports of the product concerned consigned from Malaysia and Taiwan, whether declared as originating in Malaysia and in Taiwan or not.

<sup>(1)</sup> OJ L 325, 5.12.2013, p. 214.

<sup>(2)</sup> OJ L 270, 11.9.2014, p. 6.

<sup>(3)</sup> OJ L 139, 5.6.2015, p. 30.

<sup>(4)</sup> OJ L 218, 19.8.2015, p. 1.

<sup>(5)</sup> OJ L 295, 12.11.2015, p. 23.

<sup>(6)</sup> OJ C 405, 5.12.2015, p. 8.

<sup>(7)</sup> OJ C 405, 5.12.2015, p. 20.

<sup>(8)</sup> OJ C 405, 5.12.2015, p. 33.

<sup>(9)</sup> OJ L 23, 29.1.2016, p. 47.

<sup>(10)</sup> OJ L 37, 12.2.2016, p. 76.



- (15) By Implementing Regulation (EU) 2016/184 <sup>(1)</sup>, the Commission extended the definitive countervailing duty imposed by Council Regulation (EU) No 1239/2013 on imports of the products concerned originating in or consigned from the People's Republic of China to imports of the product concerned consigned from Malaysia and Taiwan, whether declared as originating in Malaysia and in Taiwan or not.
- (16) By Implementing Regulation (EU) 2016/1045 <sup>(2)</sup> the Commission withdrew the acceptance of the undertaking for another exporting producer.
- (17) By Implementing Regulation (EU) 2016/1382 <sup>(3)</sup> the Commission withdrew the acceptance of the undertaking for another five exporting producers.
- (18) By Implementing Regulation (EU) 2016/1402 <sup>(4)</sup> the Commission withdrew the acceptance of the undertaking for another three exporting producers.
- (19) By Implementing Regulation (EU) 2016/1998 <sup>(5)</sup> the Commission withdrew the acceptance of the undertaking for another five exporting producers.
- (20) By Implementing Regulation (EU) 2016/2146 <sup>(6)</sup> the Commission withdrew the acceptance of the undertaking for another two exporting producers.

#### **B. TERMS OF THE UNDERTAKING**

- (21) As per the undertaking, any exporting producer may voluntarily withdraw its undertaking at any time during its application.

#### **C. VOLUNTARY WITHDRAWAL**

- (22) Jietion Solar, Hareon Solar and GCL Technology notified the Commission in October 2016 that they wished to withdraw from the undertaking.
- (23) Talesun Solar notified the Commission in January 2017 that it wished to withdraw from the undertaking.

#### **D. WITHDRAWAL OF THE ACCEPTANCE OF THE UNDERTAKING AND IMPOSITIONS OF DEFINITIVE DUTIES**

- (24) Therefore, in accordance with Article 8(9) of the basic anti-dumping Regulation, Article 13(9) of the basic anti-subsidy Regulation and also in accordance with the terms of the undertaking, the Commission concluded that the acceptance of the undertaking for Jietion Solar, Hareon Solar, GCL Technology and Talesun Solar shall be withdrawn.
- (25) Accordingly, pursuant to Article 8(9) of the basic anti-dumping Regulation and Article 13(9) of the basic anti-subsidy Regulation, the definitive anti-dumping duty imposed by Article 1 of Implementing Regulation (EU) No 1238/2013 and the definitive countervailing duty imposed by Article 1 of Implementing Regulation (EU) No 1239/2013 automatically apply to imports originating in or consigned from the PRC of the product concerned and produced by Jietion Solar, Talesun Solar, Hareon Solar and GCL Technology as of the day of entry into force of this Regulation.

<sup>(1)</sup> OJ L 37, 12.2.2016, p. 56.

<sup>(2)</sup> OJ L 170, 29.6.2016, p. 5.

<sup>(3)</sup> OJ L 222, 17.8.2016, p. 10.

<sup>(4)</sup> OJ L 228, 23.8.2016, p. 16.

<sup>(5)</sup> OJ L 308, 16.11.2016, p. 8.

<sup>(6)</sup> OJ L 333, 8.12.2016, p. 4.

- (26) The Commission also recalls that where the customs authorities of the Member States have indications that the price presented on an undertaking invoice does not correspond to the price actually paid, they should investigate whether the requirement to include any rebates in the undertaking invoices has been violated or the MIP has not been respected. Where customs authorities of the Member States conclude that there has been such a violation or whether the MIP has not been respected, they should collect the duties as a consequence thereof. In order to facilitate, on the basis of Article 4(3) of the Treaty, the work of the customs authorities of the Member States, the Commission should share in such situations the confidential text and other information of the undertaking for the sole purpose of national proceedings.
- (27) For information purposes the table in the Annex to this Regulation lists the exporting producers for whom the acceptance of the undertaking by Implementing Decision 2013/707/EU is not affected,

HAS ADOPTED THIS REGULATION:

#### Article 1

Acceptance of the undertaking in relation to the following companies is hereby withdrawn:

Name of the company	TARIC additional code
GCL System Integration Technology Co. Ltd, Konca Solar Cell Co. Ltd, Suzhou GCL Photovoltaic Technology Co. Ltd, Jiangsu GCL Silicon Material Technology Development Co. Ltd, Jiangsu Zhongneng Polysilicon Technology Development Co. Ltd, GCL-Poly (Suzhou) Energy Limited, GCL-Poly Solar Power System Integration (Taicang) Co. Ltd, GCL SOLAR POWER (SUZHOU) LIMITED, GCL Solar System (Shuzhou) Limited,	B850
Jiangyin Hareon Power Co. Ltd, Hareon Solar Technology Co. Ltd, Taicang Hareon Solar Co. Ltd, Hefei Hareon Solar Technology Co. Ltd, Jiangyin Xinhui Solar Energy Co. Ltd, Altusvia Energy (Taicang) Co. Ltd, together with their related company in the Union	B842
Jetion Solar (China) Co. Ltd, Junfeng Solar (Jiangsu) Co. Ltd, Jetion Solar (Jiangyin) Co. Ltd, together with their related company in the Union	B830
Zhongli Talesun Solar Co. Ltd, together with its related company in the Union	B922

#### Article 2

1. Where customs authorities have indications that the price presented on an undertaking invoice pursuant to Article 3(1)(b) of Implementing Regulation (EU) No 1238/2013 and Article 2(1)(b) of Implementing Regulation (EU) No 1239/2013 issued by one of the companies from which the undertaking was initially accepted by Implementing Decision 2013/707/EU does not correspond to the price paid and that therefore those companies may have violated the undertaking, the customs authorities may, if necessary for the purpose of conducting national proceedings, request the Commission to disclose to them a copy of the undertaking and other information in order to verify the applicable minimum import price ('MIP') on the day when the undertaking invoice was issued.

2. Where that verification reveals that the price paid is lower than the MIP, the duties due as a consequence under Article 8(9) of Regulation (EU) 2016/1036 and Article 13(9) of Regulation (EU) 2016/1037 shall be collected.

Where that verification reveals that discounts and rebates have not been included in the commercial invoice, the duties due as a consequence under Article 3(2)(a) of Implementing Regulation (EU) No 1238/2013 and Article 2(2)(a) of Implementing Regulation (EU) No 1239/2013 shall be collected.

3. The information in accordance with paragraph 1 may only be used for the purpose of enforcement of duties due under Article 3(2)(a) of Implementing Regulation (EU) No 1238/2013 and Article 2(2)(a) of Implementing Regulation (EU) No 1239/2013. In this context, customs authorities of the Member States may provide the debtor of those duties with this information for the sole purpose of safeguarding their rights of defence. Such information may under no circumstances be disclosed to third parties.

#### *Article 3*

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, 15 March 2017.

*For the Commission*

*The President*

Jean-Claude JUNCKER

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## ANNEX

List of companies:

Name of the company	TARIC additional code
Jiangsu Aide Solar Energy Technology Co. Ltd	B798
Alternative Energy (AE) Solar Co. Ltd	B799
Anhui Chaoqun Power Co. Ltd	B800
Anji DaSol Solar Energy Science & Technology Co. Ltd	B802
Anhui Schutten Solar Energy Co. Ltd Quanjiao Jingkun Trade Co. Ltd	B801
Anhui Titan PV Co. Ltd	B803
Xi'an SunOasis (Prime) Company Limited TBEA SOLAR CO. LTD XINJIANG SANG'O SOLAR EQUIPMENT	B804
Changzhou NESL Solartech Co. Ltd	B806
Changzhou Shangyou Lianyi Electronic Co. Ltd	B807
CHINALAND SOLAR ENERGY CO. LTD	B808
ChangZhou EGing Photovoltaic Technology Co. Ltd	B811
CIXI CITY RIXING ELECTRONICS CO. LTD ANHUI RINENG ZHONGTIAN SEMICONDUCTOR DEVELOPMENT CO. LTD HUOSHAN KEBO ENERGY & TECHNOLOGY CO. LTD	B812
CSG PVtech Co. Ltd	B814
China Sunergy (Nanjing) Co. Ltd CEEG Nanjing Renewable Energy Co. Ltd CEEG (Shanghai) Solar Science Technology Co. Ltd China Sunergy (Yangzhou) Co. Ltd China Sunergy (Shanghai) Co. Ltd	B809
Dongfang Electric (Yixing) MAGI Solar Power Technology Co. Ltd	B816
EOPLLY New Energy Technology Co. Ltd SHANGHAI EBEST SOLAR ENERGY TECHNOLOGY CO. LTD JIANGSU EOPLLY IMPORT & EXPORT CO. LTD	B817
Zhejiang Era Solar Co. Ltd	B818
GD Solar Co. Ltd	B820
Greenway Solar-Tech (Shanghai) Co. Ltd Greenway Solar-Tech (Huaian) Co. Ltd	B821

Name of the company	TARIC additional code
Guodian Jintech Solar Energy Co. Ltd	B822
Hangzhou Bluesun New Material Co. Ltd	B824
Hanwha SolarOne (Qidong) Co. Ltd	B826
Hengdian Group DMEGC Magnetics Co. Ltd	B827
HENGJI PV-TECH ENERGY CO. LTD	B828
Himin Clean Energy Holdings Co. Ltd	B829
Jiangsu Green Power PV Co. Ltd	B831
Jiangsu Hosun Solar Power Co. Ltd	B832
Jiangsu Jiasheng Photovoltaic Technology Co. Ltd	B833
Jiangsu Runda PV Co. Ltd	B834
Jiangsu Sainty Photovoltaic Systems Co. Ltd Jiangsu Sainty Machinery Imp. And Exp. Corp. Ltd	B835
Jiangsu Shunfeng Photovoltaic Technology Co. Ltd Changzhou Shunfeng Photovoltaic Materials Co. Ltd Jiangsu Shunfeng Photovoltaic Electronic Power Co. Ltd	B837
Jiangsu Sinski PV Co. Ltd	B838
Jiangsu Sunlink PV Technology Co. Ltd	B839
Jiangsu Zhongchao Solar Technology Co. Ltd	B840
Jiangxi Risun Solar Energy Co. Ltd	B841
Jiangxi LDK Solar Hi-Tech Co. Ltd LDK Solar Hi-Tech (Nanchang) Co. Ltd LDK Solar Hi-Tech (Suzhou) Co. Ltd	B793
Jiangyin Shine Science and Technology Co. Ltd	B843
Jinzhou Yangguang Energy Co. Ltd Jinzhou Huachang Photovoltaic Technology Co. Ltd Jinzhou Jinmao Photovoltaic Technology Co. Ltd Jinzhou Rixin Silicon Materials Co. Ltd Jinzhou Youhua Silicon Materials Co. Ltd	B795
Juli New Energy Co. Ltd	B846
Jumao Photonic (Xiamen) Co. Ltd	B847
King-PV Technology Co. Ltd	B848

Name of the company	TARIC additional code
Kinve Solar Power Co. Ltd (Maanshan)	B849
Lightway Green New Energy Co. Ltd Lightway Green New Energy(Zhuozhou) Co. Ltd	B851
Nanjing Daqo New Energy Co. Ltd	B853
NICE SUN PV CO. LTD LEVO SOLAR TECHNOLOGY CO. LTD	B854
Ningbo Jinshi Solar Electrical Science & Technology Co. Ltd	B857
Ningbo Komaes Solar Technology Co. Ltd	B858
Ningbo South New Energy Technology Co. Ltd	B861
Ningbo Sunbe Electric Ind Co. Ltd	B862
Ningbo Ulica Solar Science & Technology Co. Ltd	B863
Perfectenergy (Shanghai) Co. Ltd	B864
Perlight Solar Co. Ltd	B865
SHANGHAI ALEX SOLAR ENERGY SCIENCE & TECHNOLOGY CO. LTD SHANGHAI ALEX NEW ENERGY CO. LTD	B870
Shanghai BYD Co. Ltd BYD(Shangluo)Industrial Co. Ltd	B871
Shanghai Chaori Solar Energy Science & Technology Co. Ltd	B872
Propsolar (Zhejiang) New Energy Technology Co. Ltd Shanghai Propsolar New Energy Co. Ltd	B873
SHANGHAI SHANGHONG ENERGY TECHNOLOGY CO. LTD	B874
SHANGHAI SOLAR ENERGY S&T CO. LTD Shanghai Shenzhou New Energy Development Co. Ltd Lianyungang Shenzhou New Energy Co. Ltd	B875
Shanghai ST Solar Co. Ltd Jiangsu ST Solar Co. Ltd	B876
Shenzhen Sacred Industry Co. Ltd	B878
Shenzhen Topray Solar Co. Ltd Shanxi Topray Solar Co. Ltd Leshan Topray Cell Co. Ltd	B880
Sopray Energy Co. Ltd Shanghai Sopray New Energy Co. Ltd	B881

Name of the company	TARIC additional code
SUN EARTH SOLAR POWER CO. LTD NINGBO SUN EARTH SOLAR POWER CO. LTD Ningbo Sun Earth Solar Energy Co. Ltd	B882
SUZHOU SHENGLONG PV-TECH CO. LTD	B883
TDG Holding Co. Ltd	B884
Tianwei New Energy Holdings Co. Ltd Tianwei New Energy (Chengdu) PV Module Co. Ltd Tianwei New Energy (Yangzhou) Co. Ltd	B885
Wenzhou Jingri Electrical and Mechanical Co. Ltd	B886
Shanghai Topsolar Green Energy Co. Ltd	B877
Shenzhen Sungold Solar Co. Ltd	B879
Wuhu Zhongfu PV Co. Ltd	B889
Wuxi Saijing Solar Co. Ltd	B890
Wuxi Shangpin Solar Energy Science and Technology Co. Ltd	B891
Wuxi Solar Innova PV Co. Ltd	B892
Wuxi Taichang Electronic Co. Ltd China Machinery Engineering Wuxi Co. Ltd Wuxi Taichen Machinery & Equipment Co. Ltd	B893
Xi'an Huanghe Photovoltaic Technology Co. Ltd State-run Huanghe Machine-Building Factory Import and Export Corporation Shanghai Huanghe Fengjia Photovoltaic Technology Co. Ltd	B896
Yingli Energy (China) Co. Ltd Baoding Tianwei Yingli New Energy Resources Co. Ltd Hainan Yingli New Energy Resources Co. Ltd Hengshui Yingli New Energy Resources Co. Ltd Tianjin Yingli New Energy Resources Co. Ltd Lixian Yingli New Energy Resources Co. Ltd Baoding Jiasheng Photovoltaic Technology Co. Ltd Beijing Tianneng Yingli New Energy Resources Co. Ltd Yingli Energy (Beijing) Co. Ltd	B797
Yuhuan BLD Solar Technology Co. Ltd Zhejiang BLD Solar Technology Co. Ltd	B899
Yuhuan Sinosola Science & Technology Co. Ltd	B900
Zhangjiagang City SEG PV Co. Ltd	B902
Zhejiang Fengsheng Electrical Co. Ltd	B903

Name of the company	TARIC additional code
Zhejiang Global Photovoltaic Technology Co. Ltd	B904
Zhejiang Heda Solar Technology Co. Ltd	B905
Zhejiang Jiutai New Energy Co. Ltd	B906
Zhejiang Topoint Photovoltaic Co. Ltd	
Zhejiang Kingdom Solar Energy Technic Co. Ltd	B907
Zhejiang Koly Energy Co. Ltd	B908
Zhejiang Mega Solar Energy Co. Ltd	B910
Zhejiang Fortune Photovoltaic Co. Ltd	
Zhejiang Shuqimeng Photovoltaic Technology Co. Ltd	B911
Zhejiang Shinew Photoelectronic Technology Co. Ltd	B912
Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company	B914
Zhejiang Yauchong Light Energy Science & Technology Co. Ltd	
Zhejiang Sunrupu New Energy Co. Ltd	B915
Zhejiang Tianming Solar Technology Co. Ltd	B916
Zhejiang Trunsun Solar Co. Ltd	B917
Zhejiang Beyondsun PV Co. Ltd	
Zhejiang Wanxiang Solar Co. Ltd	B918
WANXIANG IMPORT & EXPORT CO LTD	
ZHEJIANG YUANZHONG SOLAR CO. LTD	B920



## COMMISSION IMPLEMENTING REGULATION (EU) 2017/455

of 15 March 2017

**concerning the authorisation of a preparation of *Lactobacillus fermentum* (NCIMB 41636), *Lactobacillus plantarum* (NCIMB 41638) and *Lactobacillus rhamnosus* (NCIMB 41640) as a feed additive for dogs**

(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition <sup>(1)</sup>, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003 an application was submitted for the authorisation of the preparation of *Lactobacillus fermentum* (NCIMB 41636), *Lactobacillus plantarum* (NCIMB 41638) and *Lactobacillus rhamnosus* (NCIMB 41640). That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns the authorisation of the preparation of *Lactobacillus fermentum* (NCIMB 41636), *Lactobacillus plantarum* (NCIMB 41638) and *Lactobacillus rhamnosus* (NCIMB 41640) as a feed additive for dogs to be classified in the additive category 'technological additives'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 1 December 2015 <sup>(2)</sup> that the preparation of *Lactobacillus fermentum* (NCIMB 41636), *Lactobacillus plantarum* (NCIMB 41638) and *Lactobacillus rhamnosus* (NCIMB 41640) does not have an adverse effect on animal health, human health or the environment. The Authority has also concluded that the addition of the additive to pasteurised milk or to an oat-based product results in an acidification contributing to the preservation of the resulting food intended for dogs. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of the preparation of *Lactobacillus fermentum* (NCIMB 41636), *Lactobacillus plantarum* (NCIMB 41638) and *Lactobacillus rhamnosus* (NCIMB 41640) shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of this preparation should be authorised as specified in the Annex to this Regulation.
- (6) 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

The preparation specified in the Annex, belonging to the additive category 'technological additives' and to the functional group 'preservatives', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

<sup>(1)</sup> OJ L 268, 18.10.2003, p. 29.

<sup>(2)</sup> EFSA Journal 2016;14(1):4340.

*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, 15 March 2017.

*For the Commission*

*The President*

Jean-Claude JUNKER

  

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## ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU of additive/kg of feed material			
Category of technological additives. Functional group: preservatives									
1a001	—	<i>Lactobacillus fermentum</i> (NCIMB 41636), <i>Lactobacillus plantarum</i> (NCIMB 41638) and <i>Lactobacillus rhamnosus</i> (NCIMB 41640)	<p><i>Additive composition</i></p> <p>Preparation of <i>Lactobacillus fermentum</i> (NCIMB 41636), <i>Lactobacillus plantarum</i> (NCIMB 41638) and <i>Lactobacillus rhamnosus</i> (NCIMB 41640) containing a minimum of total <i>Lactobacilli</i> of <math>1,0 \times 10^8</math> CFU/g additive (having a minimum of each <i>Lactobacillus</i> of <math>1,0 \times 10^7</math> CFU/g additive)</p> <p><i>Characterisation of the active substance</i></p> <p>Viable cells of <i>Lactobacillus fermentum</i> (NCIMB 41636), <i>Lactobacillus plantarum</i> (NCIMB 41638) and <i>Lactobacillus rhamnosus</i> (NCIMB 41640)</p> <p><i>Analytical method</i> <sup>(1)</sup></p> <p>Enumeration in the feed additive: spread plate method on MRS agar (EN 15787)</p> <p>Identification: Pulsed Field Gel Electrophoresis (PFGE).</p>	Dogs	—	—	—	<p>1. In the directions for use of the additive and premixture, indicate the storage conditions.</p> <p>2. This additive shall be used only in oat derived products and pasteurised milk.</p> <p>3. Recommended use levels of additive:</p> <p>— <math>6 \times 10^8</math> CFU/kg of oat derived products (90 % moisture content);</p> <p>— <math>2,7 \times 10^{10}</math> CFU/kg of pasteurised milk.</p> <p>4. For users of the additive and premixtures, feed business operators shall establish operational procedures and appropriate organisational measures to address the potential risks by inhalation, dermal contact or eyes contact. Where risks cannot be reduced to an acceptable level by these procedures and measures, the additive and premixtures shall be used with appropriate personal protective equipment, including skin protection.</p>	5 April 2027

<sup>(1)</sup> Details of the analytical methods are available at the following address of the Reference Laboratory: [http://irmm.jrc.ec.europa.eu/EURLs/EURL\\_feed\\_additives/Pages/index.aspx](http://irmm.jrc.ec.europa.eu/EURLs/EURL_feed_additives/Pages/index.aspx)

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/456****of 15 March 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 <sup>(1)</sup>,

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 15 March 2017.

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

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

<sup>(2)</sup> OJ L 157, 15.6.2011, p. 1.

## ANNEX

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

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	EG	184,2
	MA	96,4
	SN	196,7
	TN	182,1
	TR	84,7
	ZZ	148,8
0707 00 05	TR	181,1
	ZZ	181,1
0709 93 10	MA	45,7
	TR	149,7
	ZZ	97,7
0805 10 22, 0805 10 24, 0805 10 28	EG	44,2
	IL	80,2
	MA	51,7
	TN	49,0
	TR	72,8
	ZZ	59,6
	EG	68,9
0805 50 10	TR	70,0
	ZZ	69,5
0808 10 80	CL	122,2
	CN	154,7
	US	105,5
	ZZ	127,5
0808 30 90	AR	126,5
	CL	126,5
	CN	84,3
	TR	148,9
	ZA	118,6
	ZZ	121,0

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

## III

(Other acts)

## EUROPEAN ECONOMIC AREA

## EFTA SURVEILLANCE AUTHORITY DECISION

No 36/17/COL

of 10 February 2017

**regarding the lack of effective compliance with the Act referred to at point 66n of Annex XIII to the Agreement on the European Economic Area (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, as amended) and its implementing rules in respect of certificates issued by the Hellenic Aviation Training Academy (HATA), and Part-66 licenses issued on the basis thereof [2017/457]**

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Act referred to at 66n of Annex XIII to the Agreement on the European Economic Area ('the EEA Agreement')

*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* <sup>(1)</sup>, as amended ('the Act'),

as adapted to the EEA Agreement by Protocol 1 thereto, and in particular to Article 11(2) of the Act,

Having regard to Article 5 of the Decision of the Standing Committee No 3/2012/SC of 26 October 2012 laying down procedures for committees assisting the EFTA Surveillance Authority in carrying out its functions under Article 3 of Protocol 1 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and of a Court of Justice,

After consulting the EFTA Transport Committee,

Whereas:

- (1) In February 2014, the European Aviation Safety Agency ('the Agency') carried out an Airworthiness Standardisation inspection (AIR.EL.02.2014) to the Hellenic Civil Aviation Authority (HCAA). During this inspection, a non-conformity was identified raising safety concerns if not timely corrected (class D-finding), in accordance with Commission Implementing Regulation (EU) No 628/2013 <sup>(2)</sup>.
- (2) The non-conformity concerned alleged examination fraud at the Part-147 maintenance training organisation, Hellenic Aviation Training Academy (HATA), with approval number EL.147.0007. Safety concerns were raised due to the possibility that aircraft maintenance certifying staff have gained a Part-66 license based on Certificates

<sup>(1)</sup> OJ L 79, 19.3.2008, p. 1.

<sup>(2)</sup> The act mentioned at point 66qa of Annex XIII to the EEA Agreement (Commission Implementing Regulation (EU) No 628/2013 of 28 June 2013 on working methods of the European Aviation Safety Agency for conducting standardisation inspections and for monitoring the application of the rules of Regulation (EC) No 216/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No 736/2006 (OJ L 179, 29.6.2013, p. 46)).

of Recognition issued by HATA under Annex III (Part-66) to Commission Regulation (EU) No 1321/2014 <sup>(1)</sup>, on the basis of alleged fraudulent activities, and are exercising privileges and releasing aircraft following maintenance without having the necessary aircraft basic knowledge.

- (3) On 26 February 2014, the HCAA revoked the approval of HATA and informed all Member States' Competent Authorities of the possibility of fraudulent Certificates of Recognition issued by HATA.
- (4) On 3 July 2014, the Agency and HCAA agreed a corrective action plan, including amongst others, investigations into Certificates of Recognition that have been used to issue Part-66 licences by Member States' Competent Authorities and Certificates of Recognition that have not yet been used to gain Part-66 licenses.
- (5) On 9 December 2014, the Agency issued a Safety Information Bulletin (SIB No: 2014-32) informing about the potential safety concern associated with the alleged examination fraud at HATA and recommending concrete measures to the Member States' Competent Authorities in order to address this situation.
- (6) In April 2016, the Agency carried out another Standardisation inspection of the HCAA. During this inspection, the Agency reviewed the agreed corrective action plan and concluded that HCAA had not been able to adequately implement the agreed actions before the agreed due dates. Consequently, in May 2016, the Agency issued a Supplementary Report to the HCAA, in accordance with Article 22(3) of Implementing Regulation (EU) No 628/2013.
- (7) Since HCAA had not conducted sufficient investigations of HATA to detect the alleged fraud committed by this organisation and had not fully investigated Part-66 licences which have been issued on the basis of Certificates of Recognition issued by HATA, the potential safety concern remains. There are concerns with regard to the Certificates of Recognition issued by HATA for basic knowledge exams on the technical modules (modules 7, 11, 12, 13, 14, 15, 16, 17).
- (8) In light of all the above, the Agency recommended that Article 11(1) of Regulation (EC) No 216/2008 shall cease to apply to the Certificates of Recognition for basic knowledge examination on technical modules issued by HATA and to the Part-66 licences issued by the Member States' Competent Authorities on the basis of these Certificates of Recognition. In addition, those Competent Authorities shall be required to take appropriate corrective action and safeguard measures in order to address the safety risks.
- (9) On 19 December 2016, the European Commission decided that Certificates of Recognition for basic knowledge examination on technical modules issued by the Hellenic Aviation Training Academy (HATA) pursuant to 147.A.145(a)(4) and Appendix III to Annex IV (Part-147) to Regulation (EU) No 1321/2014, which are submitted by an applicant as supporting documentation for the issue of a Part 66 licence by the Competent Authorities pursuant to 66.B.100 of Annex III (Part-66) to this Regulation do not effectively comply with Regulation (EC) No 216/2008 <sup>(2)</sup>.
- (10) As a consequence of this, the European Commission also decided that Part-66 aircraft maintenance licenses issued by the Competent Authorities of the EU Member States pursuant to Annex III (Part-66) to Regulation (EU) No 1321/2014 on the basis of Certificates of Recognition for basic knowledge examination on technical modules issued by HATA pursuant to 147.A.145(a)(4) and Appendix III to Annex IV (Part-147) to that Regulation do not effectively comply with Regulation (EC) No 216/2008.
- (11) It is therefore necessary that the EFTA Surveillance Authority adopts a corresponding decision as regards Part-66 aircraft maintenance licenses issued by the Competent Authorities of the EFTA States and that the EFTA States take corrective action ensuring the required level of safety under the circumstances.
- (12) In accordance with Article 11 of Regulation (EC) No 216/2008, a decision by the EFTA Surveillance Authority regarding the recognition of the concerned certificates and on the corrective action and safeguard measures to be taken by the Competent Authorities needs to be notified to all EFTA States,

<sup>(1)</sup> The act mentioned at point 66q of Annex XIII to the EEA Agreement (*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)).

<sup>(2)</sup> See, Commission Decision (EU) 2016/2357 of 19 December 2016 regarding the lack of effective compliance with Regulation (EC) No 216/2008 of the European Parliament and of the Council and its implementing rules in respect of certificates issued by the Hellenic Aviation Training Academy (HATA), and Part-66 licenses issued on the basis thereof (OJ L 348, 21.12.2016, p. 72).

HAS ADOPTED THIS DECISION:

*Article 1*

**Scope**

The following does not effectively comply with Regulation (EC) No 216/2008 and its implementing rules:

Part-66 aircraft maintenance licenses issued by the Competent Authorities pursuant to Annex III (Part-66) to Commission Regulation (EU) No 1321/2014 on the basis of Certificates of Recognition for basic knowledge examination on technical modules issued by the Hellenic Aviation Training Academy pursuant to 147.A.145(a)(4) and Appendix III to Annex IV (Part-147) to that Regulation.

*Article 2*

**Corrective Actions**

1. The Competent Authorities of the EFTA States that have issued Part-66 licenses on the basis of Certificates of Recognition for basic knowledge examination on technical modules issued by HATA shall carry out within 3 months from the date of notification of this decision a reassessment of each Part-66 license concerned, taking into account, without prejudice to the present Decision, the recommendations laid down in Safety Information Bulletin EASA SIB No: 2014-32 issued by the Agency on 9 December 2014, at its latest revision.
2. After the completion of this re-assessment, the Competent Authorities of the EFTA States shall:
  - (a) where justified in view of Article 1, limit, suspend or revoke the Part-66 licence in accordance with 66.B.500 of Annex III (Part-66), as appropriate; and
  - (b) in any event, provide the EFTA Surveillance Authority and the Agency with the results of the reassessment.

*Article 3*

**Entry into force**

This Decision is addressed to the EFTA States and shall enter into force on the day of its publication.

Done at Brussels, 10 February 2017.

*For the EFTA Surveillance Authority*

Helga JÓNSDÓTTIR  
*College Member*

Carsten ZATSCHLER  
*Director*

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